UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Senior Airman SENATOR G. NEGRON
United States Air Force

ACM 37754 (f rev)

26 September 2013

Sentence adjudged 20 May 2010 by GCM convened at Joint Base Andrews Naval Air Facility Washington, Maryland. Military Judge: Katherine Oler.

Approved sentence: Dishonorable discharge, confinement for 1 year, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for the Appellant: Lieutenant Colonel Gail E. Crawford and Major Nathan A. White.

Appellate Counsel for the United States: Colonel Don M. Christensen; Lieutenant Colonel Linell A. Letendre; Major Lauren N. DiDomenico; Major Scott C. Jansen; Major Charles G. Warren; and Gerald R. Bruce, Esquire.

Before

HARNEY, MARKSTEINER, and WEBER
Appellate Military Judges

PER CURIAM:

The appellant was tried before a panel of officer and enlisted members sitting as a general court-martial between 18 and 20 May 2010. Contrary to the appellant's pleas, the panel convicted him of one specification of attempted distribution of Lysergic Acid Diethylamide (LSD) on divers occasions; one specification of fraudulent enlistment; and one specification of wrongful use of marijuana, all in violation of Articles 80, 83, and 112a, UCMJ, 10 U.S.C. §§ 880, 883, 912a. The panel sentenced the appellant to a dishonorable discharge, confinement for 1 year, total forfeitures, and reduction to E-1. The convening authority approved the sentence as adjudged.

Before this Court, the appellant raised the following issues: (1) the evidence is legally and factually insufficient to support his conviction for attempted distribution of LSD; (2) the military judge erroneously denied the court-martial panel access to blood and urine test results; (3) his sentence is inappropriately severe; (4) the Addendum to the Staff Judge Advocate's Recommendation (SJAR) erroneously asserts the appellant did not raise legal errors; (5) the convening authority failed to consider the military judge's clemency recommendation; and (6) post-trial processing delay during the clemency process.

We previously affirmed the findings and sentence. *United States v. Negron*, ACM 37754 (A.F. Ct. Crim. App. 21 March 2013) (unpub. op.). On 4 September 2013, the Court of Appeals for the Armed Forces granted the appellant's petition for review on the issue of whether one of the judges who participated in the original decision was unconstitutionally appointed. In the same order, the Court vacated our decision and remanded the case for further review by a properly appointed Court of Criminal Appeals in light of *Ryder v. United States*, 515 U.S. 177 (1995) and *United States v. Carpenter*, 37 M.J. 291 (C.M.A. 1993), *vacated*, 515 U.S. 1138 (1995). *United States v. Negron*, __ M.J. ___ (C.A.A.F. 2013) (order granting review).

Our decision today reaffirms our earlier decision.

Background

Staff Sergeant (SSgt) EF worked as a confidential source for the Air Force Office of Special Investigations (AFOSI). On 2 September 2008, while at the appellant's apartment, SSgt EF opened a book on a desk out of curiosity. A small clear sandwich bag containing two sheets of lined graph paper fell out of the book. The appellant told SSgt EF it was "acid." The AFOSI directed SSgt EF to go back to the appellant to see if he could get some LSD. On 9 September 2008, SSgt EF went to the appellant's apartment to get the LSD for a fictitious person named "Raven." The appellant went to his desk, opened the same book SSgt EF had seen before, and cut three squares from the paper inside the clear sandwich bag. The appellant put the three tabs inside another sandwich bag, sealed it with a lighter, and gave it to SSgt EF. The appellant explained the effects of the tabs to SSgt EF and asked him for feedback from "Raven" on "how he likes it." In March 2009, the AFOSI asked SSgt EF to see if he could get more LSD from the appellant. On 10 March 2009, SSgt EF went to the appellant's apartment. As before, the appellant opened the book, took out the sandwich bag, cut four squares, and then placed them in another sandwich bag, which he sealed. He gave the sandwich bag to SSgt EF, who then paid the appellant.

The AFOSI agents interviewed the appellant on 19 May 2009. The appellant initially stated he thought the substance was Salvia, a legal drug, and not LSD. The

appellant consented to a search of his residence, and also consented to provide samples of his blood and urine for testing.[1] During the search of the appellant's residence, AFOSI agents found three pipes with suspected marijuana residue. Upon further questioning, the appellant stated the pipes were gifts from friends, and that he had used marijuana on one occasion three weeks prior to the interview. The appellant told AFOSI that he had been "feeling under the weather." He stated his uncle came to visit, bringing with him some marijuana, which they smoked.

The military judge conducted hearings on several pretrial motions between 24 and 26 March 2010. At the conclusion of the hearings, the judge issued rulings that excluded evidence from trial. Of note, the military judge excluded all evidence of drug testing reports related to the tabs of paper that allegedly contained LSD, and the pipes that allegedly contained marijuana. Although the Drug Enforcement Agency (DEA) certified that two of the three tabs contained LSD, and the pipes tested positive for marijuana, the DEA failed to provide relevant discovery despite the military judge's order to do so. Because the DEA did not comply with the order, the military judge excluded evidence of DEA drug test results from trial.

Legal and Factual Sufficiency

The appellant argues that the evidence is legally and factually insufficient to prove that he attempted to distribute LSD, citing the absence of any chemical testing to prove that the tabs of paper contained LSD. The Government counters that the actual chemical compound is immaterial and that the appellant is guilty of attempting to distribute LSD so long as he believed that the substance he was distributing was contraband. After reviewing the facts and law in this case, we agree with the Government.

Under Article 66(c), UCMJ, 10 U.S.C. § 866(c), we review issues of legal and factual sufficiency de novo. *United States v. Washington*, 57 M.J. 394, 399 (C.A.A.F. 2002). "The test for legal sufficiency of the evidence is 'whether, considering the evidence in the light most favorable to the prosecution, a reasonable fact finder could have found all the essential elements beyond a reasonable doubt.'" *United States v. Humpherys*, 57 M.J. 83, 94 (C.A.A.F. 2002) (quoting *United States v. Turner*, 25 M.J. 324 (C.M.A. 1987) (citing *Jackson v. Virginia*, 443 U.S. 307, 319 (1979))). In resolving legal sufficiency questions, we are "bound to draw every reasonable inference from the evidence in favor of the prosecution." *United States v. McGinty*, 38 M.J. 131, 132 (C.M.A. 1993) (quoting *United States v. Blocker*, 32 M.J. 281, 284 (C.M.A. 1991)); *see also United States v. Young*, 64 M.J. 404, 407 (C.A.A.F. 2007). Our assessment of legal sufficiency is limited to the evidence produced at trial. *United States v. Dykes*, 38 M.J. 270, 272 (C.M.A. 1993).

[1] As will be discussed later in this opinion, the results of the blood and urine tests were not admitted, and are not part of the record of trial. This Court does not know if the results were positive or negative.

The test for factual sufficiency is "whether, after weighing the evidence in the record of trial and making allowances for not having personally observed the witnesses, [we] are [ourselves] convinced of the accused's guilt beyond a reasonable doubt." *Turner*, 25 M.J. at 325. Review of the evidence is limited to the entire record, which includes only the evidence admitted at trial and exposed to the crucible of cross-examination. Article 66(c), UCMJ; *United States v. Bethea*, 46 C.M.R. 223, 224-25 (C.M.A. 1973).

In this case, the appellant was charged with attempting to distribute LSD in violation of Article 80, UCMJ. The elements are as follows: (1) the accused did a certain act; (2) the act was done with the specific intent to commit a certain offense under the UCMJ; (3) the act amounted to more than mere preparation; and (4) the act apparently tended to effect the commission of the intended offense. *Manual for Courts-Martial, United States* (*MCM*), Part IV, ¶ 4.b.(1)-(4) (2012 ed.). Article 80, UCMJ, authorizes a conviction under a charge and specification alleging an attempt, even if the offense is consummated. *MCM*, Part IV, ¶ 4.a.(c). Factual impossibility is not a defense to attempt. *MCM*, Part IV, ¶ 4.c.(3) (a person who purposely engages in conduct which would constitute the offense if the attendant circumstances were as the person believed them to be is guilty of an attempt). *See United States v. Thomas*, 32 C.M.R. 278, 290-91 (C.M.A. 1962); *United States v. Dominguez*, 22 C.M.R. 275, 277 (C.M.A. 1957) (upheld accused's conviction for attempted use of narcotic drug even though the true nature of the white powdery substance was unclear).

The military judge excluded the test reports and results confirming the presence of LSD in the tabs of paper. Even without this evidence, the record demonstrates that the appellant believed that he was distributing LSD to SSgt EF. The appellant told SSgt EF the type of "acid" he could get, explained its side effects, and upon giving the LSD to SSgt EF described how it would "blow his mind." On one occasion, he accepted money from SSgt EF for the LSD. We have considered the evidence in the light most favorable to the prosecution. We have also made allowances for not having personally observed the witnesses. Having paid particular attention to the matters raised by appellant, we find the evidence legally and factually sufficient to support his conviction. We are convinced beyond a reasonable doubt that the appellant is guilty of the charge and specification of which he was convicted.

Blood and Urine Test Results

At trial, Special Agent JC testified for the prosecution about the facts and circumstances surrounding the AFOSI interview of the appellant and consensual search. On direct examination, Agent JC stated, "[E]ventually we concluded the interview and asked [the appellant] if we could conduct a search of his home as well as take samples of his blood and urine for the purpose of drug testing." On cross-examination, trial defense

counsel raised the point again, when he asked Agent JC, "[a]nd then afterwards he consented to blood and urine, isn't that correct?" Agent JC answered "Correct." One of the court members, Major M, submitted a question asking Agent JC if he was "aware of the results of the blood/urine test of [appellant] and what were those results?" Although trial defense counsel did not object to the question, trial counsel did:[2]

> [I]n order to actually bring those results in, just like you would have to bring in any other scientific evidence, the results of, you have to bring in the scientists who did the tests or someone who works at the lab. He's [Agent JC] an individual who saw a printout of something that was provided for him so there's no way he can provide the proper foundation to get in that evidence.

Trial defense counsel disagreed, arguing that the blood and urine test results were "not being used as evidence against an accused to where the confrontation clause is going to be invoked on it." The military judge then asked the defense counsel, "[b]ut you would agree that if the proponent of the evidence even minus the confrontation clause issue, just simply on a foundational point, if the proponent of the evidence were the government it would not be admissible to get the results of a UA through an agent." Trial defense counsel conceded the point, after which the military judge sustained the Government's objection and disallowed the member's question.

On appeal, the appellant argues that the military judge abused her discretion based upon an erroneous view of the law. The appellant asserts that the proponent of the evidence does not matter, and foundation would have been satisfied if Agent JC had personal knowledge of the test results. The Government counters that the results were inadmissible because (1) they were not offered in the proper form as a business record under Mil. R. Evid. 803(6); and (2) were irrelevant under Mil. R. Evid. 402. We review a military judge's decision to admit or exclude evidence for an abuse of discretion. *United States v. White*, 69 M.J. 236, 239 (C.A.A.F. 2010); *United States v. Alameda*, 57 M.J. 190, 198 (C.A.A.F. 2002); *United States v. Sullivan*, 42 M.J. 360, 363 (C.A.A.F. 1995). An abuse of discretion occurs when the findings of fact are clearly erroneous or the conclusions of law are based on an erroneous view of the law. *United States v. Hollis*, 57 M.J. 74, 79 (C.A.A.F. 2002). The abuse of discretion standard is a "strict one, calling for more than a mere difference of opinion. The challenged action must be arbitrary, fanciful, clearly unreasonable, or clearly erroneous." *White*, 69 M.J. at 239 (internal quotation marks and citations omitted).

Mil. R. Evid. 803(6) allows for the admission of business records (to include forensic laboratory reports) that would otherwise be inadmissible hearsay as long as the

[2] The military judge speculated that the test results were negative: "Defense doesn't have an objection to those two questions, trial counsel does. I anticipate that the results were negative and that's why I'm getting the answer I'm getting."

holder of the record is a business and the record is "made at or near the time by, or from information transmitted by, a person with knowledge," is kept "in the course of a regularly conducted business," and it "was the regular practice of that business" to make such records. "Business" includes the armed forces, and admission may be shown by the testimony of the custodian "or other qualified witness." Mil. R. Evid. 803(6). *See United States v. Harris*, 55 M.J. 433 (C.A.A.F. 2001) (a foundational witness need only be familiar with the process of making or transmitting a writing in order to be "qualified" under Mil. R. Evid. 803(6)).

We find the military judge did not abuse her discretion in this case when she disallowed the member's question addressed to Agent JC about the results of the blood and urine tests. If, as the Government asserts, the appellant was the proponent of the test results, we conclude that Agent JC is not a qualified witness. In our view, he lacked the qualifications as a business records custodian competent to provide the evidentiary foundation of a "regularly conducted business activity" necessary for the admission of the test results. Moreover, if the Government were the proponent of the test results, it would have to satisfy the confrontation requirements of *Crawford v. Washington*, 541 U.S. 36 (2004), and *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009). Under either scenario, certain foundational hurdles would have to be cleared beyond the testimony of Agent JC.

Additionally, our superior court has upheld the exclusion of negative test results on the grounds of relevance. Although we do not know if the test results in this case were positive or negative, we find dispositive the analysis in *United States v. Johnston*, 41 M.J. 13 (C.M.A. 1994). In that case, the defense counsel offered a negative urinalysis report showing the presence of marijuana below the cutoff level. The appellant had submitted the urine sample three days after his last charged use of marijuana. Upon motion of the Government, the trial judge excluded the tests results in their entirety. The judge granted the motion on the grounds that "the very marginal relevance of this particular test is more than substantially outweighed by a very substantial risk of misleading and confusing the members of this particular court-martial or any court-martial, for that matter." *Id*. at 15. On appeal, the Court held that the military judge did not abuse his discretion. In reaching this decision, the Court focused on the concerns of the military judge over the "relevance, reliability, and danger of confusion" stemming from the evidence. *Id*.

We find the same concerns valid in the case before us. Admitting the appellant's blood and urine tests without any scientific or other reliable explanation would arguably have rendered the test results irrelevant. As a result, any probative value stemming from those test results would arguably have been substantially outweighed by the vague and unexplained nature of the evidence. There was no evidence proffered via scientific testimony to explain the test results. In the absence of such evidence, we find it likely

that the evidence would have confused the members. Under these circumstances, we find that the military judge did not abuse her discretion.

Sentence Severity

The appellant argues that his sentence to a dishonorable discharge and confinement for one year are inappropriately severe. He asserts that his offenses were minor and his character was good, and asks this Court to reassess his sentence in light of our previous decisions in *United States v. Lazard*, ACM 36340 (A.F. Ct. Crim. App. 18 October 2006) (unpub. op.) and *United States v. Tallman*, ACM 36050 (A.F. Ct. Crim. App. 28 February 2006) (unpub. op.).

This Court reviews sentence appropriateness de novo. *United States v. Baier*, 60 M.J. 382, 383-84 (C.A.A.F. 2005). We "may affirm only such findings of guilty and the sentence or such part or amount of the sentence, as [we find] correct in law and fact and determine[], on the basis of the entire record, should be approved." Article 66(c), UCMJ. We assess sentence appropriateness by considering the particular appellant, the nature and seriousness of the offense, the appellant's record of service, and all matters contained in the record of trial. *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982); *United States v. Bare*, 63 M.J. 707, 714 (A.F. Ct. Crim. App. 2006), *aff'd*, 65 M.J. 35 (C.A.A.F. 2007). We have a great deal of discretion in determining whether a particular sentence is appropriate but are not authorized to engage in exercises of clemency. *United States v. Healy*, 26 M.J. 394, 395-96 (C.M.A. 1988).

Additionally, "[t]he Courts of Criminal Appeals are required to engage in sentence comparison only 'in those rare instances in which sentence appropriateness can be fairly determined only by reference to disparate sentences adjudged in closely related cases.'" *United States v. Sothen*, 54 M.J. 294, 296 (C.A.A.F. 2001) (quoting *United States v. Ballard*, 20 M.J. 282, 283 (C.M.A. 1985)). Sentence comparison is generally inappropriate unless this Court finds that any cited cases are "closely related" to the appellant's case and the sentences are "highly disparate." Closely related cases include those which pertain to "coactors involved in a common crime, servicemembers involved in a common or parallel scheme, or some other direct nexus between the servicemembers whose sentences are sought to be compared." *United States v. Lacy*, 50 M.J. 286, 288 (C.A.A.F. 1999) An appellant bears the burden of showing that any cited cases are "closely related" to his or her case and that the sentences are "highly disparate." *Id.* If the appellant meets that burden, then the government must show that there is a "rational basis for the disparity." *Id.*

The appellant argues that his sentence is too severe when compared to our previous decisions in *Lazard* and *Tallman*. He points out that in *Lazard*, this Court reassessed a sentence from a dishonorable discharge to a bad-conduct discharge for an appellant convicted of possessing child pornography. *See Lazard*, unpub. op. at 4. The

appellant points out that in *Tallman*, this Court affirmed only a bad-conduct discharge and two years of confinement for an appellant convicted of use and distribution of cocaine and whose sentence included a dishonorable discharge and three years of confinement. *Tallman*, unpub. op. at 2. The appellant claims that his conduct was less egregious than that of either appellant in *Lazard* and *Tallman*. We decline the appellant's invitation to engage in sentence comparison. The appellant has not shown how he and the appellants in *Lazard* or *Tallman* were co-actors involved in a common crime or parallel scheme, or have any other direct nexus to each other. Accordingly, under the facts of this case, sentence comparison is not warranted.

We next consider whether the appellant's sentence was appropriate when judged by "individualized consideration" to this particular appellant, the nature and seriousness of the offenses, the appellant's record of service, and all other matters contained in the record of trial. In our view, the appellant's actions are a clear departure from the expected standards of conduct in the military and his sentence was appropriate. The appellant was convicted of fraudulent enlistment by concealing his pre-service drug use. He was also convicted of attempted distribution of LSD and wrongful use of marijuana. The members had the opportunity to listen to the witnesses and assess their credibility. The appellant sought clemency from the convening authority. After carefully examining the submissions of counsel, the appellant's military record, and taking into account all the facts and circumstances surrounding the offenses for which he was found guilty, we do not find the appellant's sentence inappropriately severe. We find that the approved sentence was clearly within the discretion of the convening authority and was appropriate in this case.

Addendum to Staff Judge Advocate's Recommendation

The appellant next argues that the Addendum to the SJAR erroneously stated that the appellant did not raise legal errors in his clemency submission. This Court reviews post-trial processing de novo. *United States v. Sheffield*, 60 M.J. 591, 593 (A.F. Ct. Crim. App. 2004) (citing *United States v. Kho*, 54 M.J. 63 (C.A.A.F. 2000)).

After service of a properly prepared SJAR to the convening authority, trial defense counsel submitted a response which alleged that the sentence was inappropriately severe and that the government counsel "referred to instances" that the military judge ordered not to be discussed in front of members. The SJA prepared an Addendum to the SJAR, which stated that the matters submitted by the defense had been "carefully considered" and that the SJA's earlier recommendation to deny clemency "remained unchanged." We find that the SJAR and Addendum comply with the requirements of Rule for Courts-Martial (R.C.M.) 1106(d)(4). Even assuming error, we find no prejudice. *See United States v. Welker*, 44 M.J. 85 (C.A.A.F. 1996) (failure to respond to an allegation of legal error causes no prejudice where the appellate court concludes no error occurred at trial).

Defense Clemency Submission

Following trial, the appellant submitted clemency matters, which included as an attachment a letter from the military judge. The appellant asserts that the letter was not in the record of trial and argues that the convening authority did not consider all the matters he intended to present before taking action. During the appellate process, this Court granted the Government's motion to attach a copy of the letter to the Record of Trial for our review. The appellant argues that this Court should either remand the case for a new action or provide relief by reassessing the sentence under *United States v. Gaddy*, 54 M.J. 769, 773 (A.F. Ct. Crim. App. 2001).

When a record leaves a question as to whether post-trial matters were considered before the convening authority's action, we will examine the record in an effort to resolve that doubt. *United States v. Crawford*, 34 M.J. 758, 761 (A.F.C.M.R. 1992). Appellate courts will not speculate as to whether a convening authority considered matters before taking action. *United States v. Craig*, 28 M.J. 321, 325 (C.M.A. 1989).

We have considered the record and appellate filings. In our review of the appellant's clemency submissions in the *original* record of trial, we found the military judge's letter to the convening authority. Although it is out of order from the listed attachments, it is nevertheless part of the Addendum and accompanying attachments provided to the convening authority. We also note that the convening authority signed an endorsement to the Addendum stating that he had considered "the attached matters" before taking action. This letter was part of the "attached matters." Therefore, we find that the convening authority considered everything actually submitted by the appellant, to include the clemency letter from the military judge. *See Craig*, 28 M.J. at 325 (citing Article 60(c)(2), UCMJ, 10 U.S.C. § 860(c)(2); R.C.M. 1107(b)(3)(A)(iii)). We can rely on the "presumption of regularity" with regard to a convening authority's exercise of his responsibilities on clemency. *United States v. Foy*, 30 M.J. 664, 666 (A.F.C.M.R. 1999). We hold that the appellant is not entitled to new post-trial processing or sentence reassessment by this Court.

Post-Trial Delay

The appellant argues that he was deprived of his right to a speedy post-trial review because 146 days elapsed between the date of sentencing and the date the convening authority took action. Although not raised by the appellant, we will also review de novo whether the appellant was deprived of a speedy post trial review because more than 18 months have elapsed since this case was docketed before this Court.

We review an appellant's due process rights to a speedy post-trial review de novo. *United States v. Moreno*, 63 M.J. 129, 135 (C.A.A.F. 2006). In *Moreno*, our superior court established guidelines that trigger a presumption of unreasonable delay in certain

circumstances: (1) when the action of the convening authority is not taken within 120 days of the completion of trial; (2) when the record of trial is not docketed by the service Court of Criminal Appeals within 30 days of action; and (3) when appellate review is not completed with a decision rendered within 18 months of docketing the case before the Court of Criminal Appeals. *Id*. at 142. Furthermore, Article 66(c), UCMJ, empowers the service courts to grant sentence relief for excessive post-trial delay without the showing of actual prejudice required by Article 59(a), UCMJ, 10 U.S.C. §859(a). *United States v. Tardif*, 57 M.J. 219, 224 (C.A.A.F. 2002). The appellant asks that we provide him meaningful relief under *Tardif*.

In this case, the total period of time from trial to action was greater than 120 days, and the total period from the date this case was docketed with the Court and completion of review exceeds 18 months. Because these delays are facially unreasonable, we examine the four factors set forth in *Barker v. Wingo*, 407 U.S. 514, 530 (1972): "(1) the length of the delay; (2) the reasons for the delay; (3) the appellant's assertion of the right to timely review and appeal; and (4) prejudice." *Moreno*, 63 M.J. at 135-36. When we assume error but are able to directly conclude it was harmless beyond a reasonable doubt, we do not need to engage in a separate analysis of each factor. *See United States v. Allison*, 63 M.J. 365, 370 (C.A.A.F. 2006). This approach is appropriate in the appellant's case.

We also find insufficient reason to grant the appellant relief under *Tardif*. The record shows that the Government surpassed the 120-day threshold between sentencing and action by 26 days. The record also shows that the appellant took 34 days – from 26 August 2010 to 30 September 2010 – to submit his clemency request to the convening authority. Additionally, the appellant's case has been pending before this Court longer than the facially unreasonable 18-month period established in *Moreno*. The record shows that the case was docketed with this Court on 25 October 2010. The appellant filed his assignments of error on 19 December 2011. The Government answered on 20 March 2012, with the appellant's reply filed on 26 March 2012. However, we find no evidence of bad faith or gross indifference to the post-trial processing of the appellant's case sufficient to prompt sentence relief or to exercise our power under Article 66(c), UCMJ, to provide a windfall remedy to the appellant by disapproving an otherwise legal sentence. Having considered the totality of the circumstances and the entire record, we conclude that any denial of the appellant's right to speedy post-trial review was harmless beyond a reasonable doubt, and that relief is not otherwise warranted. *See United States v. Harvey*, 64 M.J. 13, 24-25 (C.A.A.F. 2006); *Tardif*, 57 M.J. at 224.

Conclusion

The approved findings and sentence are correct in law and fact, and no error prejudicial to the substantial rights of the appellant occurred. Articles 59(a) and 66(c), UCMJ, 10 U.S.C. §§ 859(a), 866(c); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the approved findings and sentence are

AFFIRMED.

FOR THE COURT

STEVEN LUCAS
Clerk of the Court