4-8-2013

State v. Carmouche Appellant's Reply Brief Dckt. 38554

IN THE SUPREME COURT OF THE STATE OF IDAHO

COPY

STATE OF IDAHO, Plaintiff-Appellant-Cross Respondent, vs. DARREN DUSTIN CARMOUCHE, Defendant-Respondent-Cross Appellant.	)	No. 38554 Canyon Co. Case No. CR-2010-16895

REPLY BRIEF OF APPELLANT
RESPONSE ON CROSS-APPEAL

APPEAL FROM THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

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REPLY ARGUMENT ON APPEAL

The District Court Erred By Reversing Its Finding That Carmouche Is A Persistent Violator

A. Introduction

On appeal the state contends that the district court erred by reversing its finding that Carmouche is subject to the persistent violator sentencing enhancement. (Appellant's brief.) Specifically, because hearsay evidence admitted without objection is competent evidence, the district court erred by reconsidering and reversing its finding that Carmouche is a persistent violator on the basis that unobjected-to hearsay was admitted at the trial of that enhancement. (Appellant's brief, pp. 5-7.) Alternatively, the state contends that the proper remedy for any conclusion that evidence has been erroneously admitted at a trial would have been to grant a new trial on the enhancement (Appellant's brief, pp. 7-8) and that the district court erred in finding the evidence submitted inadequate even without the hearsay (Appellant's brief, pp. 9-10).

In response Carmouche claims three bars apply to prevent review of the state's issue: double jeopardy (Respondent's brief, pp. 18-27), inadequate record (Respondent's brief, pp. 28-29), and invited error (Respondent's brief, pp. 29-30). On the merits of the state's issue he claims that a district court may make post-trial evidentiary rulings *sua sponte* and without notice to the parties when it is the trier of fact, and therefore the district court properly excluded the

unobjected-to hearsay after trial and without notice to the parties.[1] (Respondent's brief, pp. 30-32.) Finally, Carmouche asserts any error was harmless. (Respondent's brief, pp. 32-33.) Carmouche's arguments fail. On the merits of the claim, Carmouche advocates for a legal standard that does not exist. His procedural bars fail because Carmouche is not at risk of being subjected to jeopardy again; the record of the district court's error is plain; and Carmouche's claim of invited error, made in reliance on statements the *district court* made *after* its ruling, is facially without merit.

B. Carmouche's Invocation Of A Harmless Error Standard Does Not Indicate That A Trial Court May Make Post-Trial, Post-Conviction Evidentiary Rulings

Carmouche argues that the rule that hearsay admitted without objection is competent evidence, cited by the state (Appellant's brief, pp. 6-7), applies only to jury trials, and that the presumption that a trial court did not consider incompetent evidence allows, or even requires, a trial court to effectively make post-hearing evidentiary rulings. (Respondent's brief, pp. 30-32.) Review of the authority cited, however, shows that the presumption relied upon by Carmouche is merely an incarnation of the harmless error rule. It in no way supports Carmouche's argument or the trial court's actions.

[1] Carmouche does not challenge the state's argument that the evidence was adequate to support a finding that Carmouche was a persistent violator even disregarding the evidence of his social security number. (See Respondent's brief.) Such omission is in lieu of concession in light of recent Idaho Supreme Court authority holding that name and birth date can be sufficient evidence to support a finding that a defendant is a persistent violator. State v. Parton, ___ Idaho ___, ___ P.3d ___, 2013 WL 427438 (2013).

The case Carmouche primarily relies upon is State v. Powell, 120 Idaho 707, 819 P.2d 561 (1991). (Respondent's brief, p. 31.) In that case Powell objected to the admission into his court trial of testimony from two witnesses and of notes taken by a third witness. Powell, 120 Idaho at 709-10, 819 P.2d at 563-64. The district court overruled the objections, allowing the witnesses to testify (without limit) and admitting the notes (with the caveat that the court "would only take into account what was legally admissible"). Id. at 710, 819 P.2d at 564. In addressing Powell's appellate challenge to these evidentiary rulings, the Idaho Supreme Court stated that although admission of evidence in a court trial is more "liberal" than in a jury trial, "this difference should not result in an evidentiary free-for-all." Id. (internal quotations omitted). The Idaho Supreme Court noted the presumption, applied in civil cases, "that the trial court did not consider incompetent or inadmissible evidence in making its findings," such that "*this Court* will not reverse a trial court in a non-jury case *on the basis of an erroneous admission of evidence* unless it appears that the opposing party was misled or surprised in a substantial part of its case, or that the trial court materially relied on the erroneously admitted evidence." Id. (internal quotations omitted, emphasis added). The Court extended this rule to criminal cases, such that "in non-jury proceedings a new trial ordinarily will not be granted *for error in the admission of evidence*, if there remains substantial admissible evidence to otherwise support the trial court's findings." Id. (internal quotations omitted, emphasis added).

As with Powell, review of the other cases relied on by Carmouche show that the legal standard he advocates applies at the appellate level where a district court has overruled an objection and admitted evidence, such that a new trial is not granted unless the record shows that the trial court actually relied on the inadmissible evidence. Shrum v. Wakimoto, 70 Idaho 252, 215 P.2d 991 (1950) (presumption that evidence was considered in making a decision does not apply in court trials, but rather there is presumption that court ignored "incompetent testimony"); Goody v. Maryland Casualty Co., 53 Idaho 523, 25 P.2d 1045, 1047 (1933) (error in admitting evidence is "not ground for reversal" in face of presumption that judge disregarded improperly admitted evidence); Brinton v. Johnson, 41 Idaho 583, 240 P. 859, 862 (1925) (if "incompetent evidence was conditionally received" by the trial court, the appellate court presumes the evidence was not considered "unless the contrary is made to appear"). (Appellant's brief, p. 31.) This Court applied the same presumption in Stephens v. City of Notus, 101 Idaho 101, 103-04, 609 P.2d 168, 170-71 (1980), where it found appellate claims of "several erroneous rulings in the admission of evidence " did not "merit discussion" because "any error was harmless" based on the presumption that "the trial court sitting without a jury ... did not consider [incompetent evidence] in reaching its findings unless the contrary is shown."

Review of the cases shows that the presumption that a trial court did not consider incompetent or erroneously admitted evidence is a harmless error test applicable on appeal where the objection was preserved. It is not a rule that trial courts may accept evidence without objection at trial and then, without notice to

the parties, exclude the previously admitted evidence. In none of the cases cited by Carmouche is that what happened. A rule allowing a district court to review admissibility of admitted evidence post-trial and without notice, and then exclude the evidence without giving the party presenting the evidence the opportunity to present admissible evidence on that issue, would have pernicious results. For example, if the evidence excluded post-trial in this case had been evidence of Carmouche's alibi, rather than being evidence of Carmouche's social security number, this Court would not pause in reversing the district court. Carmouche's argument, that the harmless error presumption that a trial court did not consider incompetent evidence allows a trial court to make post-trial evidentiary rulings without notice to the parties or the chance to present admissible evidence, is without legal merit.

Finally, even if the presumption that the district court did not rely on incompetent evidence applied in this case, the law is that hearsay admitted without objection is competent evidence. Phillips v. Erhart, 151 Idaho 100, 105, 254 P.3d 1, 6 (2011) ("hearsay evidence admitted without objection is as strong as any other legally competent evidence" (internal quotes omitted)). Carmouche has cited to no relevant law indicating that the district court did not err when it—post-trial, post-ruling, and without notice to the parties—excluded hearsay evidence admitted at the trial without objection and reversed its prior finding that Carmouche is a persistent violator.

C. The State's Appeal Is Not Barred By The Prohibition Against Double Jeopardy

Carmouche asserts the state may not proceed on appeal because double jeopardy would bar any relief. (Respondent's brief, pp. 18-27.) This argument fails because no further fact finding is necessary in this case should the state prevail, and therefore there is no need to retry Carmouche and no second jeopardy will occur.

It is undisputed that protections against double jeopardy prevent the state from retrying a defendant after an acquittal, regardless of any error that might underlie such acquittal. Evans v. Michigan, ___ U.S. ___, 133 S.Ct. 1069, 1075-76 (2013) ("an acquittal due to insufficient evidence precludes retrial, whether the court's evaluation of the evidence was correct or not, and regardless of whether the court's decision flowed from an incorrect antecedent ruling of law"); Sanabria v. United States, 437 U.S. 54, 64 (1978) ("when a defendant has been acquitted at trial he may not be retried on the same offense, even if the legal rulings underlying the acquittal were erroneous"). Retrial, for purposes of double jeopardy, means "'postacquittal factfinding proceedings going to guilt or innocence.'" Smith v. Massachusetts, 543 U.S. 462, 467 (2005) (quoting Smalis v. Pennsylvania, 476 U.S. 140, 145 (1986)).

The state is not seeking postacquittal factfinding going to guilt or innocence. (Appellant's brief, p. 10 (requesting Court to "reverse the district

court's judgment of acquittal, reinstate the verdict[2] finding Carmouche is a persistent violator, and remand for a new sentencing").) Because the state is not requesting that Carmouche again be placed in jeopardy, there is no double jeopardy bar in this case.

D. The Record On Appeal Is Adequate

The appellant has the burden of providing an adequate record to substantiate his or her claims of error before the appellate court. State v. Beason, 119 Idaho 103, 105, 803 P.2d 1009, 1011 (Ct. App. 1991). "In the absence of an adequate record on appeal, we will not presume error." State v. Longoria, 133 Idaho 819, 823, 992 P.2d 1219, 1223 (Ct. App. 1999). "Missing portions of the record must be presumed to support the action of the trial court." Id. at 823, 992 P.2d at 1223.

Carmouche argues that a transcript of a hearing on a motion to reconsider the order the state challenges on appeal is necessary for an adequate appellate record. (Respondent's brief, pp. 28-29.) Because nothing occurring at the

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[2] Carmouche argues that the district court's oral findings were not a "verdict." (Respondent's brief, pp. 23-24.) This argument is only relevant to the state's alternative argument that the district court erred when it concluded the admission of hearsay evidence was not merely trial error meriting a new trial. Regardless of whether the district court's factual findings are characterized as a "verdict" or not, they are a finding that the state met its burden of proof. (11/12/10 Tr., p. 58, L. 12 – p. 60, L. 19.) The court's oral determination of guilt at the trial, at a minimum, supports a verdict, so no further factfinding is required. Therefore Carmouche will not, by definition, be placed in jeopardy a second time by entry of an order (a "verdict") based on the trial court's original, nonerroneous, oral determination that the state had proved Carmouches' guilt.

subsequent hearing could have played any role in the issuance of the prior, challenged order, this argument is frivolous.

E. The District Court's Error Was Not Invited

The doctrine of invited error estops a party from complaining that a ruling of the trial court that the party invited, consented to, or acquiesced in was error. State v. Carlson, 134 Idaho 389, 402, 3 P.3d 67, 80 (Ct. App. 2000). The invited error doctrine prevents a party who "caused or played an important role in prompting a trial court" to take a particular action from "later challenging that decision on appeal." State v. Blake, 133 Idaho 237, 240, 985 P.2d 117, 120 (1999). Carmouche argues that statements in the minutes of the hearing on the state's motion for reconsideration estop the state, under the doctrine of invited error, from claiming error in the very order it was challenging on reconsideration. (Respondent's brief, pp. 29-30.) Because comments made subsequent to entry of the order cannot have "caused or played an important role in prompting [the] trial court" to enter the order, this argument is also frivolous.[3]

[3] Carmouche's argument is also a gross misrepresentation of the record. The portion of the minutes Carmouche cites in support of his claim the prosecutor conceded issues makes it clear it was the *district court* that was speaking, not the prosecutor, but such language was omitted by Carmouche with an ellipse. (*Compare* R., pp. 177-78 (paragraph starts, "*The Court addressed the parties ...*" (emphasis added)) *with* Respondent's brief, p. 29 (paragraph quoted starts "...").) In context it is clear the district court was merely reciting the issues raised and not raised in the Motion to Reconsider. (R., pp. 177-78.) The Motion to Reconsider states, "The state will not argue at this time whether or not the Court should have reversed itself. *The state does not waive its right to contest that ruling at some later date.*" (R., p. 170.) This caveat on the state's limitation of issues on reconsideration is not mentioned in Carmouche's brief. (See Respondent's brief.)

F. The Error Was Not Harmless

An error of the sort committed by the district court in this case may be found harmless. State v. Harrington, 133 Idaho 563, 990 P.2d 144 (1999) (error in effectively dismissing persistent violator charge harmless). Error will be deemed harmless only if "the appellate court determines beyond a reasonable doubt that the same result would have been reached, regardless of the error." Id. at 566, 990 P.2d at 147.

Carmouche argues "the record in this case fails to disclose any reason to believe that his sentences would be different in any respect had he been convicted of the persistent violator sentencing enhancements ...." (Respondent's brief, pp. 32-33.) Carmouches' review of the record has apparently been less than thorough. The record reveals that the district court initially pronounced a sentence of 15 years with four years determinate on Count IV, domestic battery, but then reduced the sentence to ten years with four fixed when Carmouches' trial counsel pointed out that the maximum sentence was ten years. (R., pp. 272-73; 06/20/11 Tr., p. 55, Ls. 3-6; p.57, Ls. 11-15.) The fact the district court imposed a sentence on one of the counts that would have been legal with the enhancement but had to be reduced without the enhancement because it exceeded the maximum affirmatively disproves Carmouche's claim of harmless error.

In Harrington the Idaho Court of Appeals held the error related to the enhancement was harmless because the district court effectively said that the enhancement would not have changed the length of the sentence. Harrington,

133 Idaho at 567, 990 P.2d at 148. No such statement appears in our record. To the contrary, the record establishes that at least one of the sentences was in fact reduced because of the lack of the enhancement. The record does not affirmatively establish that the sentences on the other three counts would have been identical had the enhancement applied. Carmouche has failed to show, beyond a reasonable doubt, that the same sentences would have been imposed but for the district court's error in reversing its finding of guilt on the persistent violator enhancement.

ISSUE ON CROSS-APPEAL

Carmouche states the issue on cross-appeal as:

> 3. Did the prosecutor commit misconduct, rising to the level of a fundamental error, when the prosecutor argued evidence of Mr. Carmouche's refusal to permit police to enter his home as supporting an inference of guilt of the charged offenses?

(Appellant's brief, p. 17.)

The state rephrases the issue on cross-appeal as:

Has Carmouche failed to show prosecutorial misconduct, much less fundamental error, in the prosecutor's argument that evidence, admitted at trial, of Carmouche's efforts to prevent the police from conducting a welfare check on his injured victim showed his version of events was unbelievable?

ARGUMENT ON CROSS-APPEAL

Carmouche Has Failed To Show That The Prosecution's Reference In Closing Argument To Evidence Admitted At Trial Without Objection Constituted Fundamental Error

A. Introduction

At trial the state presented, without objection, evidence that police responded to Number 9, North Sugar, Apartment 102, to make a "welfare check" in response to a call to a suicide hotline made by "Darren." (Trial Tr., p. 31, L. 21 – p. 34, L. 15; p. 134, L. 10 – p. 135, L. 9; p. 178, Ls. 5-25.) There officers made contact with Carmouche, who told them that everything was fine and that they should leave. (Trial Tr., p. 34, L. 16 – p. 35, L. 25; p. 179. Ls. 1-9.) Officers insisted that Carmouche exit the apartment so they could check his welfare. (Trial Tr., p. 35, L. 25 – p. 36, L. 2.) When Carmouche refused to come out officers threatened to break the door to enter and assure everyone's safety. (Trial Tr., p. 36, Ls. 3-13; p. 135, L. 10 – p. 136, L. 3.)

Carmouche then exited and talked with officers. (Trial Tr., p. 36, L. 14 – p. 37, L. 24.) When he exited Carmouche immediately closed the door behind him. (Trial Tr., p. 37, L. 25 – p. 38, L. 3.) Carmouche stated his girlfriend, Kirsteen, was in the apartment, but when officers asked to enter to check on her welfare Carmouche stated he "knew his rights" and police "could not enter the residence." (Trial Tr., p. 38, Ls. 4-19.) Carmouche gave officers permission to yell through the closed door for Kirsteen to come out, but officers got no response to the yelling. (Trial Tr., p. 38, L. 20 – p. 39, L. 8.)

Officers continued to express a desire to check on Kirsteen's welfare, and Carmouche relented to an officer opening the door, sticking his head in the apartment, and yelling for Kirsteen. (Trial Tr., p. 39, Ls. 9-18.) The officer did so, but again got no response. (Trial Tr., p. 39, L. 19 – p. 40, L. 3.) The officer leaned further in, and saw what appeared to be a woman laying on the couch. (Trial Tr., p. 40, Ls. 4-21.) He also saw a broken vase, clothing thrown throughout the living room and other items scattered about. (Trial Tr., p. 41, Ls. 19-24.) He continued yelling for Kirsteen to come out but got no response. (Trial Tr., p. 40, L. 22 – p. 41, L. 2.)

Eventually Kirsteen responded and came to the door. (Trial Tr., p. 41, Ls. 9-12.) She had obvious injuries.[4] (Trial Tr., p. 41, Ls. 13-18; p. 137, L. 9 – p. 139, L. 23.) Officers interviewed Kirsteen, after which she was taken to the hospital. (Trial Tr., p. 42, L. 16 – p. 43, L. 5.)

Carmouche testified he got home and found that Kirsteen had been beaten up. (Trial Tr., p. 327, Ls. 8-20; p. 329, L. 5 – p. 330, L. 24.) He offered to take her to the hospital, but she declined, and he wanted to call the police, but "we were all high." (Trial Tr., p. 330, L. 25 – p. 331, L. 7.) She then started arguing with him because he had "taken the drugs," and the argument escalated, but he did nothing more physical than push her to the ground. (Trial Tr., p. 331, Ls. 8-20.) Carmouche "really needed somebody to talk to" and called the suicide

[4] Those injuries included bruising on the head and ears, a partially fractured tooth, abrasions to the neck, bruising on the back, bruising on the left thigh, bruising on the lower extremities, and a fractured rib. (Trial Tr., p. 168, L. 6 – p. 170, L. 3; State's Exhibits 13, 15-18, 20, 29, 30-35.)

hotline number. (Trial Tr., p. 332, L. 2 – p. 333, L. 7.) Kirsteen responded to his call by trying to cut her wrists with a kitchen knife so she could die with him. (Trial Tr., p. 333, Ls. 8-25.) Carmouche then tried to convince Kirsteen to go to the hospital until the police arrived. (Trial Tr., p. 334, L. 3 – p. 335, L. 8.)

In closing arguments the prosecutor pointed out, without objection, that Carmouche's actions in taking steps to prevent the police from learning about Kirsteen's injuries were at odds with his testimony that he simply found her badly beaten that morning and wanted her to get help. (Trial Tr., p. 378, Ls. 2-12.) Carmouche claims, for the first time on appeal, that such argument was fundamental error. He has failed to show error, much less fundamental error.

B. Standard Of Review

"[T]he standard of review governing claims of prosecutorial misconduct depends on whether the defendant objected to the misconduct at trial." State v. Severson, 147 Idaho 694, 715, 215 P.3d 414, 435 (2009). In the absence of an objection "the appellate court's authority to remedy that error is strictly circumscribed to cases where the error results in the defendant being deprived of his or her Fourteenth Amendment due process right to a fair trial in a fair tribunal." State v. Perry, 150 Idaho 209, 224, 245 P.3d 961, 976 (2010). Review without objection will not lie unless (1) the defendant demonstrates that "one or more of the defendant's unwaived constitutional rights were violated;" (2) the constitutional error is "clear or obvious" on the record, "without the need for any additional information" including information "as to whether the failure to object was a tactical decision;" and (3) the "defendant must demonstrate that the error

affected the defendant's substantial rights," generally by showing a reasonable probability that the error "affected the outcome of the trial court proceedings." Id. at 225, 245 P.3d at 977.

C. Carmouche Has Failed To Establish Error, Much Less Fundamental Error

1. Carmouche Has Failed To Show That The Prosecutor Commented On Any Valid Invocation Of Rights

"[I]t is not enough that the prosecutors' remarks were undesirable or even universally condemned. The relevant question is whether the prosecutors' comments so infected the trial with unfairness as to make the resulting conviction a denial of due process." Darden v. Wainwright, 477 U.S. 168, 181 (1986) (internal quotations and citations omitted); see also Smith v. Phillips, 455 U.S. 209, 219 (1982) ("[T]he touchstone of due process analysis in cases of alleged prosecutorial misconduct is the fairness of the trial, not the culpability of the prosecutor."); State v. Reynolds, 120 Idaho 445, 451, 816 P.2d 1002, 1008 (Ct. App. 1991) (the function of appellate review is "not to discipline the prosecutor for misconduct, but to ensure that any such misconduct did not interfere with the defendant's right to a fair trial"). It is prosecutorial misconduct, and even potentially fundamental error, to argue that the invocation of Fourth Amendment rights is evidence of guilt. State v. Betancourt, 151 Idaho 635, 262 P.3d 278 (2011). This did not happen in this case for two reasons. First, Carmouche has failed to establish he had a Fourth Amendment right to invoke under the circumstances. The officer testified that there was an exigency that required him to check the welfare of those in the apartment, to the point he was willing to

"break the door down" to conduct that welfare check. (Trial Tr., p. 34, L. 16 – p. 40, L. 18.) Carmouche has failed to establish that he had a right to prevent officers from conducting the welfare check by denying permission to enter. See State v. Cutler, 143 Idaho 297, 141 P.3d 1166 (Ct. App. 2006) ("Among the core community caretaking activities are the responsibilities of police to search for missing persons, mediate disputes, aid the ill or injured, and provide emergency services."). Because Carmouche was not invoking an existing Fourth Amendment right, it was not misconduct to mention evidence of Carmouche's attempt to prevent officers from discovering Kirsteen's injuries.

Second, although invocation of rights cannot be used for the purpose of showing guilt, it is proper to use such evidence to rebut or impeach a defendant's claimed version of events. See Doyle v. Ohio, 426 U.S. 610, 619 n.11 (1976); State v. Molen, 148 Idaho 950, 960, 231 P.3d 1047, 1057 (Ct. App. 2010). The argument by the prosecutor was that Carmouche's efforts to prevent police from contacting Kirsteen were inconsistent with his claims that he in fact wanted the police involved after she had been beaten by someone else. (Trial Tr., p. 378, Ls. 2-12; see p. 327, Ls. 8-20; p. 330, Ls. 7-18; p. 331, Ls. 2-4, 23-25; p. 333, Ls. 14-19; p. 334, L. 17 – p. 335, L. 5; p. 335, Ls. 9-13.)

2. The Claimed Error Is Not Clear On The Record

Carmouche made no motion to suppress evidence based on any claim that he validly invoked his Fourth Amendment rights. (See generally R.) Whether officers were properly acting under a Fourth Amendment exception when they ordered Carmouche from his apartment and partially entered the

apartment to conduct a welfare check without his consent was therefore not litigated. In addition, it appears the police had evidence suggesting the need to enter the apartment under exigent circumstances or for community caretaking that was not presented at the trial. (E.g. Trial Tr., p. 334, Ls. 3-10 (Carmouche testified that he accidentally left the phone connected to the suicide hotline so those at the other end heard some of the events in the apartment).) Having apparently declined to bring a motion to suppress, which indicates that defense counsel elected to make no objection claiming a violation of Fourth Amendment rights because he knew that such a motion was fruitless or would have potentially put additional matters before the court or jury, Carmouche cannot show on appeal that the record is adequate to demonstrate he validly invoked a Fourth Amendment right.

3. Carmouche Has Shown No Prejudice

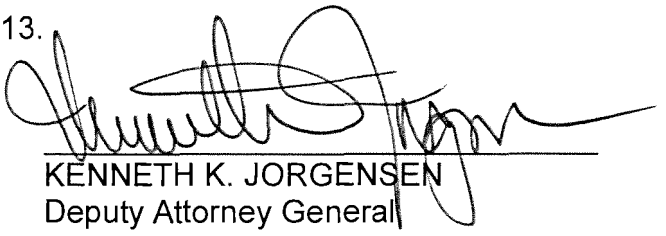
Finally, because the prosecutor's argument can be construed as a proper rebuttal to Carmouche's claim he wished Kirsteen to get medical help and wanted police involvement, Carmouche has failed to show that the jury would necessarily have considered this argument as inviting an improper inference of guilt. Even if such an interpretation were reasonable, the evidence of Carmouche's guilt is so overwhelming that the jury would not have reached a different result anyway.

For these reasons, Carmouche has failed to show any element of his claim of fundamental error.

CONCLUSION

The state requests this court to reject the claim raised on cross-appeal and affirm the jury's verdict, but remand for a new sentencing based on the error asserted on appeal.

DATED this 8th day of April, 2013.



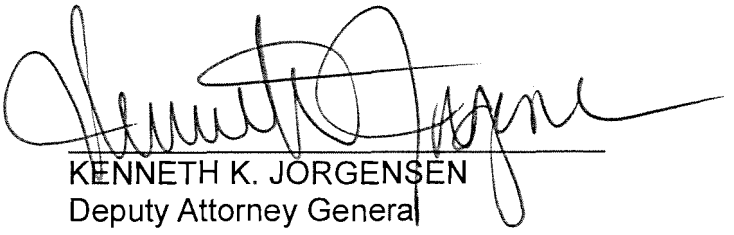
KENNETH K. JORGENSEN
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 8th day of April 2013, served a true and correct copy of the attached REPLY BRIEF OF APPELLANT/RESPONSE ON CROSS-APPEAL by causing a copy addressed to:

SARAH E. TOMPKINS
DEPUTY STATE APPELLATE PUBLIC DEFENDER

to be placed in The State Appellate Public Defender's basket located in the Idaho Supreme Court Clerk's office.



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