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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	NO. 45915
Plaintiff-Respondent,)	
)	Kootenai County Case No.
v.)	CR-2016-11389
)	
LUKE AARON CARPENTER,)	
)	RESPONDENT'S BRIEF
Defendant-Appellant.)	
_____)	

Issue

Has Carpenter failed to establish that the district court abused its discretion, either by imposing a unified sentence of four years, with two years fixed, upon his guilty plea to grand theft; by relinquishing jurisdiction; or by denying his Rule 35 motion for a reduction of sentence?

Carpenter Has Failed To Establish That The District Court Abused Its Sentencing Discretion

Carpenter pled guilty to grand theft of a financial transaction card and the district court imposed a unified sentence of four years, with two years fixed, and retained jurisdiction. (R., pp.69-70.) Following the period of retained jurisdiction, the district court relinquished

jurisdiction. (R., pp.77-78.) Carpenter filed a notice of appeal timely from the district court's order relinquishing jurisdiction. (R., pp.83-88.) He also filed a timely Rule 35 motion for a reduction of sentence, which the district court denied. (R., pp.79-80, 110-11.)

Carpenter asserts his sentence is excessive in light of his status as a first-time felon, acceptance of responsibility and purported remorse, self-reported mental health issues, and his plan – if placed on probation – to obtain employment, reside at a motel, and “teach young people Bible study.” (Appellant's brief, pp.4-7.) The record supports the sentence imposed.

“An appellate review of a sentence is based on an abuse of discretion standard. Where a sentence is not illegal, the appellant has the burden to show that it is unreasonable and, thus, a clear abuse of discretion.” State v. Bonilla, 161 Idaho 902, 905, 392 P.3d 1243, 1246 (Ct. App. 2017). “To show an abuse of discretion, the defendant must show that in light of the governing criteria, the sentence was excessive, considering any view of the facts.” State v. McIntosh, 160 Idaho 1, 8, 368 P.3d 621, 628 (2016). A sentence is reasonable if it appears necessary to accomplish the primary objective of protecting society and to achieve any or all of the related goals of deterrence, rehabilitation, or retribution. State v. Reed, 163 Idaho 681, 417 P.3d 1007, 1013 (Ct. App. 2018). The district court has the discretion to weigh those objectives and give them differing weights when deciding upon the sentence. McIntosh, 160 Idaho at 9, 368 P.3d at 629. “In deference to the trial judge, this Court will not substitute its view of a reasonable sentence where reasonable minds might differ.” Id. at 8, 368 P.3d at 628 (quoting State v. Stevens, 146 Idaho 139, 148-49, 191 P.3d 217, 226-27 (2008)). Furthermore, “[a] sentence fixed within the limits prescribed by the statute will ordinarily not be considered an abuse of discretion by the trial court.” Id. (quoting State v. Nice, 103 Idaho 89, 90, 645 P.2d 323, 324 (1982)).

The maximum prison sentence for grand theft of a financial transaction card is 14 years. I.C. § 18-2407(1)(b)(3). The district court imposed a unified sentence of four years, with two years fixed, which falls well within the statutory guidelines. (R., pp.69-70.) Furthermore, Carpenter's sentence is appropriate in light of his ongoing disregard for the law, court orders, and the terms of supervision in the community.

Carpenter began violating the law at a young age – he reported that he began using marijuana when he was eight years old and methamphetamine at age 10, and that he used both substances “five or more times a day and was also an intravenous drug user.” (PSI, p.13.¹) He stated that he “got into lots of trouble” as a youth, and he was eventually placed in a residential facility that houses juveniles with “behavior issues,” where he “grew up in [his] middle teens.” (PSI, pp.9-10, 26.) He advised that “they let [him] out” in June 2013, after he “turned 18,” and that he has been homeless “ever since,” claiming that he “travels by jumping on railroad cars” and that he has lived in Kentucky, Texas, Indiana, Arkansas, Washington, Oregon, and Idaho. (PSI, pp.5, 9-10, 26.)

Carpenter “moved to Idaho” “with his Aunt” in 2013 or 2014. (PSI, pp.8, 10-11, 52; R., p.35.) In November 2014, he was convicted of possession of a controlled substance and possession of drug paraphernalia and was placed on probation. (PSI, p.8.) Carpenter stated that he “was homeless for about 3 ½ weeks,” and he was working at Miller's Food City when he committed the instant offense in May 2016, during which he rummaged through a coworker's belongings in the employee break room and stole a debit card out of the coworker's wallet. (PSI, p.7; R., p.20.) Although Carpenter claimed that he felt “really bad” for committing the instant

¹ PSI page numbers correspond with the page numbers of the electronic file “Appeal Volume 2 Confidential Documents 9-6-2018 17.50.50 12759819 27630868-CCE8-4B0B-B770-8FBAFFEEE7D0.pdf.”

offense, his remorse did not preclude him from continuing to violate the law – he committed the new crime of failure to purchase/invalid driver’s license less than one week later. (PSI, p.8.) He subsequently failed to appear for his arraignment in this case and a warrant was issued for his arrest. (R., p.3.)

Carpenter was arrested on the warrant in July 2016 and was later released on his own recognizance – with the conditions that he submit proof of “work search” and check in with the Public Defender’s Office three times per week – at which time the court “gave him a long lecture about being a man of his word and showing up [for] the court hearings.” (R., pp.3, 35, 38, 51.) Carpenter nevertheless failed to comply with the conditions of his release and again failed to appear for court hearings in August and September 2016, and the court eventually issued a second warrant for his arrest. (R., pp.51-52; 5/11/17 Tr., p.8, Ls.3-11.)

Carpenter was arrested on the second warrant on October 31, 2016, and thereafter remained in custody until his guilty plea hearing in January 2017, at which time the court again granted him release on his own recognizance with the condition that he report to the probation office. (R., pp.7, 59-60, 63.) The court specifically cautioned Carpenter, “If you don’t show up this goes very badly against you.” (R., p.60.) Despite this warning, Carpenter failed to appear for both his presentence interview and his sentencing hearing, and the court issued a third warrant for his arrest. (R., pp.64-65.) As a result of his multiple failures to appear, Carpenter was not sentenced in this case until May 11, 2017 – a full year after he committed the instant offense. (PSI, p.7; R., pp.67-68.)

At sentencing, the state argued:

Judge, when we look for someone as a good candidate for probation, we’re looking for someone who adheres to court orders, who perhaps has some support in the community, something set up to be successful, and that’s not what we see here. My understanding is he has perhaps a job in place; however, he’s

had a couple jobs in place, Judge, that lasted, I believe based on [his counsel's] corrections, a few weeks, maybe.

And so at this point, I believe he's not a good candidate for probation at all, Judge, and a rider would provide him with the skills to be successful, to make some decision-making to -- some better decisions and have the appropriate tools to do well on probation.

(5/11/17 Tr., p.8, L.14 – p.9, L.1.) The district court likewise concluded that Carpenter was not an appropriate candidate for probation, stating:

There was at least -- well, there was at least three warrants went out in this case. The Court can't abide by just you just ignoring the law. And I do understand that you have issues and that life has been hard for you. But when the Court gives you a specific instruction not to do something and to show up when you're supposed to and gives you the chance to be out and you don't do it, there's got to be consequences.

(5/11/17 Tr., p.13, Ls.15-22; p.14, Ls.12-13.)

The district court considered all of the relevant information and imposed a reasonable sentence. Carpenter's sentence is appropriate in light of his continuing disregard for the law and his refusal to abide by court orders or the terms of his pretrial release. Given any reasonable view of the facts, Carpenter has failed to establish that the district court abused its discretion by imposing a unified sentence of four years, with two years fixed, and retaining jurisdiction.

Carpenter next asserts that the district court abused its discretion by relinquishing jurisdiction because his counsel requested a second rider, Carpenter apologized for "taking up so much of [the district court's] time," and because – although his performance in his assigned programming was "negative" and he declined to attend the "psycho-social groups" while on his rider – he "maintained mental health medication compliance." (Appellant's brief, pp.7-9.) The decision to place a defendant on probation or whether, instead, to relinquish jurisdiction over the defendant is a matter within the sound discretion of the district court and will not be overturned on appeal absent an abuse of that discretion. State v. Hansen, 154 Idaho 882, 889, 303 P.3d 241,

248 (Ct. App. 2013) (citations omitted). A court’s decision to relinquish jurisdiction will not be deemed an abuse of discretion if the trial court has sufficient information to determine that a suspended sentence and probation would be inappropriate under I.C. § 19-2521. State v. Brunet, 155 Idaho 724, 729, 316 P.3d 640, 645 (2013); Hansen, 154 Idaho at 889, 303 P.3d at 248 (citing State v. Statton, 136 Idaho 135, 137, 30 P.3d 290, 292 (2001)).

On appeal, Carpenter argues that the district court abused its discretion by relinquishing jurisdiction in part because, at the jurisdictional review hearing, his trial counsel requested a second rider. (Appellant’s brief, p.8.) The district court addressed this request, noting that it “only ha[d] four months left” out of the 365 days that it was authorized – pursuant to Idaho Code Section 19-2601(4) – to retain jurisdiction, and concluding, “That’s not enough to do another satisfactory rider.” (1/12/18 Tr., p.21, Ls.14-18.) Furthermore, I.C. § 19-2601(4) prohibits successive periods of retained jurisdiction without an intervening period of probation. State v. Flores, 162 Idaho 298, 302, 396 P.3d 1180, 1184 (2017) (“[A] district court may order additional periods of retained jurisdiction only ‘after a defendant has been placed on probation[.]’” (quoting I.C. § 19-2601(4)).

Carpenter also argues, on appeal, the district court should not have relinquished jurisdiction because he was diagnosed with schizophrenia upon arriving at ISCI – based on symptoms of “audible hallucinations, paranoia, mood swings, depression, and anxiety” (PSI, p.45) – and he thereafter “maintained mental health medication compliance” while on his rider (Appellant’s brief, pp.8-9). However, the mental health examination report that was completed before sentencing diagnosed Carpenter only with “Stimulant Use Disorder - Amphetamine Type, Mild - Sustained Remission,” with a provisional diagnosis of “Unspecified Personality Disorder” (PSI, p.30), and the psychological evaluation that was completed after Carpenter finished his

rider diagnosed Carpenter only with “Malingering,” with a rule-out diagnosis of Antisocial Personality Disorder (PSI, p.57). The psychological evaluator reported that Carpenter’s response pattern on psychological testing was “invalid” and that Carpenter “was considered to be volitionally exaggerating his presentation of mental health symptoms, for secondary gain.” (PSI, pp.56-57.) The evaluator concluded that Carpenter did not appear to be motivated for treatment and that:

Carpenter’s apparent maladaptive personality disorder includes traits characterized by deceitfulness and disregard for social norms. Given the pervasive nature of this disorder, it may be considered that he will retain an elevated risk for misrepresentation and noncompliance, which elevates his risk of recidivism in violating legal standards.

(PSI, p.58.) Carpenter’s malingering, continued elevated risk to reoffend, and lack of amenability to treatment does not suggest that he is a suitable candidate for probation.

Furthermore, Carpenter performed abysmally on his rider, incurring corrective actions and/or incident reports for “talking disrespectfully toward staff,” “refusing orders,” and several incidents wherein he “was not within policy of the institution and interfered with count.” (PSI, pp.42, 47-48.) More than two months after he arrived at the rider facility, Carpenter “request[ed] to relinquish” because he “isn’t interested in programming,” “it would be easier to do his full time,” and he “doesn’t want to do probation.” (PSI, pp.41, 47-48.) Although he later changed his mind and completed his assigned programming, he performed poorly and his case manager reported:

From the beginning, the facilitator commented, “Mr. Carpenter was resistant to treatment at the beginning of class, stating he did not have a behavioral problem because he was not the one who started conflicts with others, they started conflicts with him. He was unwilling to recognize that his reactions to situations led him to being in trouble in most conflict situations.” Mr. Carpenter’s behavior was also an issue in class and shows reflection of his acceptance to treatment[:] “Mr. Carpenter was very disruptive to the class. He constantly initiated cross-talk and would interrupt role plays with peers and the facilitator by making derogatory

remarks to the role players. He would often discuss topics that were not appropriate to the class material and would become agitated when redirected by the facilitator. On more than one occasion he has told the facilitator in front of his peers that he ‘hates’ the class and it is a ‘stupid class’ and that he will ‘never use this stuff in real life.’” Part of the programming curriculum is to practice the skills with peers. The facilitator commented, “He did not put much effort into the class and skill role plays. He made up stories about having a girlfriend and a child, neither of which are true, and based every role play and homework assignment off of them. When his peers would do role plays, he would interrupt them and attempt to speak for them in their role plays. He would not set up role plays to have a prosocial outcome and encouraged his peers to engage in criminal behaviors during role plays.” The facilitator took note when he said, “I can avoid trouble by absconding.” The facilitator noted in her summary that, Mr. Carpenter made it clear he did not care about the risk of coming back to prison, he does what he wants.

(PSI, p.43.) Rider staff recommended that the district court relinquish jurisdiction, stating, “We believe at this time that Mr. Carpenter is not amenable to treatment and is still a safety risk to the community. While Mr. Carpenter completed Thinking for a Change there is not sufficient progress and learning to be successful in the community and on supervision at this time.” (PSI, p.44.)

At the jurisdictional review hearing, the district court stated, “Mr. Carpenter, you didn’t make much of an effort at your retained jurisdiction. You discounted everything they were trying to do for you in that retained jurisdiction.” (1/12/18 Tr., p.21, Ls.10-13.) The district court reasonably determined that Carpenter was not a viable candidate for probation, particularly in light of his demonstrated disregard for the law, court orders, the terms of pretrial release, and institutional rules, and his failure to make sufficient rehabilitative progress while on his rider and the continued risk he presents to the community. Carpenter has failed to establish that the district court abused its discretion by relinquishing jurisdiction.

Finally, Carpenter asserts that the district court abused its discretion by denying his Rule 35 motion for a reduction of sentence because he claimed that “his statement that he could avoid

trouble by absconding” was an example of negative thinking and because he “informed the district court that, if he could not get back to Kentucky after leaving prison, he was set up to live in a halfway house in Meridian.” (Appellant’s brief, pp.9-10.) If a sentence is within applicable statutory limits, a motion for reduction of sentence under Rule 35 is a plea for leniency, and this court reviews the denial of the motion for an abuse of discretion. State v. Huffman, 144 Idaho, 201, 203, 159 P.3d 838, 840 (2007). To prevail on appeal, Carpenter must “show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the Rule 35 motion.” Id. Carpenter has failed to satisfy his burden.

Carpenter did not provide any “new” information in support of his Rule 35 motion. Information with respect to Carpenter having a housing plan was before the district court at the time of sentencing. (5/11/17 Tr., p.9, Ls.11-14.) Information with respect to Carpenter’s statement, while on his rider, that he could “avoid trouble by absconding” was contained in the APSI, and Carpenter was provided the opportunity – both by rider staff and by the district court before it relinquished jurisdiction – to provide any explanatory comments and/or information; however, he chose not to do so. (PSI, pp.43-44; 1/12/18 Tr., p.20, L.22 – p.21, L.1.) Rule 35 functions to allow a defendant to request leniency in light of “new or additional” information that was not available at the time of the prior sentencing decision, not to allow a defendant to withhold information that was previously available so that he can later present it as “new” for the purpose of a Rule 35 motion. Because Carpenter presented no new evidence in support of his Rule 35 motion, he failed to demonstrate in the motion that his sentence was excessive. Having failed to make such a showing, he has failed to establish any basis for reversal of the district court’s order denying his Rule 35 motion.

Even if the information Carpenter provided was considered “new,” he has still failed to establish an abuse of discretion. At the hearing on Carpenter’s Rule 35 motion, the district court articulated the correct legal standards applicable to its decision and also set forth its reasons for declining to reduce Carpenter’s sentence. (6/4/18 Tr., p.11, L.10 – p.14, L.12 (Appendix A).) The state submits that Carpenter has failed to establish that the district court abused its discretion by denying his Rule 35 motion, for reasons more fully set forth in the attached excerpt of the Rule hearing transcript, which the state adopts as its argument on appeal. (Appendix A.)

Conclusion

The state respectfully requests this Court to affirm Carpenter’s conviction and sentence and the district court’s orders relinquishing jurisdiction and denying Carpenter’s Rule 35 motion.

DATED this 28th day of February, 2019.

/s/ Lori A. Fleming
LORI A. FLEMING
Deputy Attorney General

VICTORIA RUTLEDGE
Paralegal

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 28th day of February, 2019, served a true and correct copy of the attached RESPONDENT'S BRIEF to the attorney listed below by means of iCourt File and Serve:

BEN P. MCGREEVY
DEPUTY STATE APPELLATE PUBLIC DEFENDER
documents@sapd.state.id.us.

/s/ Lori A. Fleming
LORI A. FLEMING
Deputy Attorney General

APPENDIX A

<p style="text-align: right;">9</p> <p>1 that response. Where was it that you have the halfway 2 house set up?</p> <p>3 THE WITNESS: Over in Meridian, close to 4 Boise.</p> <p>5 THE COURT: Oh, okay.</p> <p>6 THE WITNESS: It's a Henderson Property 7 Management.</p> <p>8 THE COURT: I didn't know if you were talking 9 about Meridian, Kentucky.</p> <p>10 THE WITNESS: No.</p> <p>11 THE COURT: Okay. Thanks. Thank you.</p> <p>12 THE WITNESS: Yes.</p> <p>13 THE COURT: All right. And, Ms. McClinton, 14 any questions?</p> <p>15 MS. McCLINTON: No questions, Judge. Thank 16 you.</p> <p>17 THE COURT: All right. You can step down, 18 sir.</p> <p>19 THE WITNESS: Yes, your Honor.</p> <p>20 THE COURT: Any other evidence to offer?</p> <p>21 MR. LOGSDON: No, your Honor. Thank you.</p> <p>22 THE COURT: All right. And any evidence that 23 the State wishes to offer?</p> <p>24 MS. McCLINTON: No, thank you, Judge.</p> <p>25 THE COURT: The State's position?</p>	<p style="text-align: right;">11</p> <p>1 gentleman spend another two years in the area, possibly 2 on parole or in our prison over a credit card that he 3 threw away.</p> <p>4 So I think the request isn't too outside of 5 reality. He spent two years, and I think it's a pretty 6 hefty amount of time to be in custody. And I guess he's 7 asking that the Court would either remove the tail 8 completely or take a year off it. So that's what we're 9 asking the Court to do. Thank you.</p> <p>10 THE COURT: All right. Thank you, 11 Mr. Logsdon. Well, Mr. Carpenter, the motion you've 12 made before the Court is a motion under Rule 35 of the 13 Idaho Criminal Rules and that rule does allow someone to 14 make a plea for leniency.</p> <p>15 There's been no argument that your sentence 16 that was imposed was an unlawful or an illegal sentence, 17 but it does allow you to file a plea for leniency which 18 basically seeks to have a reduction of your sentence 19 based upon the sentence being imposed as unduly harsh, 20 or under the circumstances of the evidence offered here 21 before the Court today, that it would be based on that 22 new evidence unduly harsh sentence that was imposed.</p> <p>23 I looked your file over. I saw that you came 24 in front of the Court on a relatively small or limited 25 criminal history. I recognize that. I also recognize</p>
<p style="text-align: right;">10</p> <p>1 MS. McCLINTON: Judge, State is opposed to the 2 Rule 35. Looking back at the APSI, indicated that the 3 defendant was extremely resistant to treatment. He was 4 consistently blaming others for his faults. He often 5 stated to treatment providers that they were the ones 6 who started the conflicts and not him. He indicated, it 7 looks like throughout the APSI, that he really didn't 8 care if he went back to prison. He really just chose to 9 do what he wanted when he was down in the period of 10 retained jurisdiction.</p> <p>11 Judge, it sounds like he may have housing 12 lined up today; however, I haven't heard anything about 13 him having employment lined up or any treatment planned, 14 should the Court grant his request here today.</p> <p>15 So, Judge, based upon his performance during 16 the period of retained jurisdiction, we are asking for 17 the Court to consider denying the requested relief in 18 this case. Thank you.</p> <p>19 THE COURT: All right. Thank you. And, 20 Mr. Logsdon, anything further?</p> <p>21 MR. LOGSDON: Your Honor, I believe the 22 underlying sentence here was a two plus two for four. I 23 am covering this case, so obviously it's hard to know 24 all the ins and outs. I guess I do wonder what the 25 citizens of Idaho, what interest we have in having this</p>	<p style="text-align: right;">12</p> <p>1 that the crime involved here involved stealing a credit 2 card, and then you, I think, ultimately disposed of it 3 or got rid of it but didn't use it, whatever the case 4 may be. That's not in dispute.</p> <p>5 So there are certainly some mitigating 6 circumstances to the situation. I also understand that 7 you've had some employment and some homeless history 8 problems, and you've got some mental illness issues that 9 needed to be addressed. I know that was -- there was 10 some reports in the original presentence report and then 11 subsequently when you were in front of the Court on your 12 jurisdictional review hearing.</p> <p>13 The addendum to the presentence report 14 certainly did set forth what appeared to be a very poor 15 rider, so to speak. You were very -- seemed to be very 16 resistant to treatment and you were disruptive within 17 some of the groups. I saw that comment about your -- 18 just taking off.</p> <p>19 I don't know that I looked at that as a real 20 significant aspect of the basic reason that the Court 21 had chosen to relinquish jurisdiction, but I think there 22 was a concern in terms of your overall attitude in your 23 programming.</p> <p>24 I understand what your lawyer is saying, what 25 you're saying here in terms of how much does Idaho have</p>

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1 an interest in this. You know, you're a young man.
 2 You've got a lot of future ahead of you and
 3 unfortunately, for whatever reason, you haven't been in
 4 a position to do a very good job of getting yourself
 5 prepared for your future.
 6 I think you're probably able-bodied enough to
 7 find employment. I know you've got some mental health
 8 issues, but I don't think those should hold you down too
 9 extensively, so I think you need some assistance and
 10 some help in terms of getting your act together and your
 11 future in front of you, so I think to that extent Idaho
 12 has some responsibility, and I think the Court decided
 13 that was the case when they sent you on a retained
 14 jurisdiction.
 15 One of the concerns that we have, we use this
 16 retained jurisdiction a lot. As you know, there are a
 17 lot of people we have in that system. A lot of people
 18 are told how important it is to program, how important
 19 to comply with the rules and so forth. And so I think
 20 it's important that when someone doesn't, that the rest
 21 of the folks that go through those groups understand
 22 that we mean business in terms of trying to be serious
 23 about your treatment.
 24 Legally, you really need to come in front of
 25 the Court and show a more substantial – make a more

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1 substantial showing than what you've presented. I
 2 certainly understand the factors that your attorney has
 3 raised here, but I would hope that the Department of
 4 Corrections would recognize some of those factors and
 5 push for early parole and an interstate compact and get
 6 you back to Kentucky, or wherever it is that you have
 7 your family in place.
 8 But I don't think that I can make a finding
 9 here that the sentence that was imposed by the Judge
 10 under the circumstances overall was unduly harsh, so I'm
 11 going to take the position to deny the motion for Rule
 12 35 at this point.
 13 If the State will prepare an order that's
 14 consistent with the Court's ruling, please.
 15 MS. McCLINTON: I will do so, Judge. Thank
 16 you.
 17 THE COURT: Thank you, Ms. McClinton. Any
 18 questions, Mr. Logsdon?
 19 MR. LOGSDON: No, your Honor. Thank you.
 20 THE COURT: All right. And with that, I
 21 believe that should take care of our matters this
 22 afternoon. Unless you have anything else?
 23 MS. McCLINTON: No, thank you, Judge.
 24 THE COURT: All right.
 25 (Matter adjourned.)

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1 STATE OF IDAHO }
 2 COUNTY OF KOOTENAI } SS: REPORTER'S CERTIFICATE
 3
 4 I, Keri Veare, a notary public and duly certified
 5 court reporter in and for the State of Idaho, DO HEREBY
 6 CERTIFY:
 7 That the foregoing proceedings was taken on the
 8 date and at the time and place herein stated;
 9 That the foregoing is a true and correct
 10 transcription, to the best of my ability, of my shorthand
 11 notes taken down at said time and place in the
 12 above-entitled litigation;
 13 I FURTHER CERTIFY that I am not related to any of
 14 the parties or attorneys to this litigation and have no
 15 interest in the outcome of said litigation.
 16 IN WITNESS WHEREOF, I have hereunto set my hand
 17 and seal dated this 28th day of November, 2018.
 18
 19 
 20 *Keri Veare*
 21 KERI VEARE, CSR 675, CRR, RPR
 22 Official Court Reporter
 23
 24
 25