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STATE OF WISCONSIN

COURT OF APPEALS

DISTRICT I

Case No. 2011AP2956-CR

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

GARY MONROE SCULL,

Defendant-Appellant.

APPEAL FROM JUDGMENT OF CONVICTION ENTERED IN MILWAUKEE COUNTY CIRCUIT COURT WITH THE HONORABLE DAVID BOROWSKI PRESIDING

PLAINTIFF-RESPONDENT'S BRIEF

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STATEMENT ON ORAL ARGUMENT AND PUBLICATION

The state does not request oral argument because the parties fully set forth the pertinent facts and law in their briefs. The state's position on publication depends on this court's decision. The state believes that publication may be useful if this court addresses the issue of whether the dog sniff outside an entryway to

a private home is a Fourth Amendment search requiring probable cause. The state does not believe publication is needed if this court applies the good faith exception in this case without deciding if such a dog sniff is a search.

STATEMENT OF FACTS

Gary Scull appeals from a conviction of one count of possession with intent to deliver more than 40 grams of cocaine, contrary to Wis. Stat. § 961.41(1m)(cm)4, and of one count of keeping a drug house, contrary to Wis. Stat. § 961.42(1) (15). Police found over 50 grams of cocaine, over 100 grams of marijuana, and a variety of drug paraphernalia in Scull's house (2).

Police had a search warrant entered by a Milwaukee Circuit Court judge to search Scull's house (33). The search warrant was supported by an affidavit in which Officer John Wiesmueller, who had 19-years' law enforcement experience, explained why police believed Scull may possess drugs in his house (32). The affidavit included a handwritten notation that a prosecutor "reviewed and approved" it (32:4).

Officer Wiesmueller described two main sources of information: a confidential informant and a drug detection dog named "Voden":

Source # 1: Confidential Informant

Officer Wiesmueller stated that he learned of Scull's drug activities from a confidential informant (32:2). The confidential informant had previously given police reliable information, including information that had led to five arrests and two felony convictions (32:2). The confidential

informant reported that Scull "possibly resides at 4506 North 42nd Street in the City and County of Milwaukee" (32:2). The confidential informant also reported that Scull was "involved in the distribution of cocaine base in various locations throughout the City of Milwaukee" and "conducts his narcotics trafficking from . . . a green early nineties Ford Bronco bearing Wisconsin registration plates of 792-NYG" (32:2).

Officer Wiesmueller followed up on what the confidential informant told him. He verified Scull's address and car as the ones the confidential informant identified (32:2-3). He also learned that Scull had been convicted of robbery with threat of force in 1981 and first-degree recklessly endangering safety in 2000 (32:2-3).

Source # 2: Drug Detection Dog

Officer Wiesmueller stated that, within 72 hours of his preparing the affidavit, drug detection dog Voden made an "[a]lert" at the front entry door of a house at 4506 North 42nd Street in the City and County of Milwaukee (32:3). Officer Wiesmueller included numerous facts about Voden and Voden's handler, Detective Chris Edersinge, including: Voden alerts by "act[ing] aggressively towards the location where the odor of the controlled substance is" (32:1). Voden and Detective Edersinge, "are a certified Police Narcotic Detection Team" and had "received twelve weeks (480 hours) of training" from the Milwaukee Police Department's senior canine handler "on deploying, training and utilizing a drug detection canine" (32:1). Voden alerted over 200 times during training, and drugs or a drug nexus was found every time (32:2).

ARGUMENT

I. THE DOG SNIFF AT SCULL'S FRONT DOOR WAS NOT A SEARCH REQUIRING PROBABLE CAUSE.

A. Introduction.

Scull's argument is predicated on the assumption that the dog sniff at his front door was a search requiring probable cause. The state takes issue with Scull's assumption. It maintains that the dog sniff at Scull's front door was not a search, and hence, did not require probable cause.

The United States Supreme Court has a case pending involving this very issue: *Florida v. Jardines*. *Jardines v. State*, 73 So. 3d 34 (Fla. 2011), *cert. granted sub. nom. Florida v. Jardines*, 132 S. Ct. 995 (U.S. Jan. 6, 2012) (No. 11-564). At issue in *Jardines* is "[w]hether a dog sniff at the front door of a suspected grow house by a trained narcotics detection dog is a Fourth Amendment search requiring probable cause?"[1] A decision by the Supreme Court that a front-door dog sniff is not a search would be dispositive of Scull's claim, assuming this court continued Wisconsin courts' tradition of interpreting Wisconsin constitutional protection against unreasonable searches in Article I, Section 11 as equivalent to the protection provided in the Fourth Amendment of the United States Constitution. *See State v. Arias*, 2008 WI 84, ¶ 20, 311 Wis. 2d 358, 752 N.W.2d 748.

[1] Questions presented can be found at http://www.supremecourt.gov/qp/11-00564qp.pdf. Petition for Writ of Certiorari is at http://sblog.s3.amazonaws.com/wp-content/uploads/2011/11/Jardines-petition-final.pdf.

The state moved this court to stay briefing in this case pending resolution of *Jardines*. This court denied the state's motion but ordered the state to identify any issues over which *Jardines* could be dispositive. Though this court denied the state's stay motion, the state urges this court to delay its decision in this case pending resolution of *Jardines*. The state provides this court with a mechanism to resolve this case without deciding the issue of whether the dog sniff at Scull's front door was a search: the good faith exception to the exclusionary rule. But it would be helpful having a Wisconsin case addressing the issue in light of *Jardines*. This case provides this court with an opportunity to provide such guidance soon after the Supreme Court issues its decision in *Jardines*.

B. Standard of review.

Whether the dog sniff outside Scull's front door was a search that required probable cause is a legal question subject to this court's independent review. *See Arias*, 311 Wis. 2d 358, ¶ 11.

C. The dog sniff outside Scull's front door was not a search.

The state understands that this court may be reluctant while *Jardines* is pending to decide whether the dog sniff outside Scull's front door was a search. The state briefs this issue anyway both to avoid forfeiture and because it helps establish why the good faith exception applies.

There is no Wisconsin case addressing whether a dog sniff outside the front door to a house is a search, and the Supreme Court is just taking up the issue in *Jardines*. But two lines of cases strongly support the state's position that such dog

sniffs are not searches. The first line holds that dog sniffs are not searches; the second line holds that people do not have a reasonable expectation of privacy in walkways and entryways to houses.

First, the dog sniff cases.

The United States Supreme Court first held that a dog sniff is not a search in *United States v. Place*, 462 U.S. 696 (1983). *Place* involved a dog sniff of luggage at an airport. The United States Supreme Court held that the dog sniff was not a search. It noted that dog sniffs were limited both in scope and what they revealed:

> A "canine sniff" by a well-trained narcotics detection dog, however, does not require opening the luggage. It does not expose noncontraband items that otherwise would remain hidden from public view, as does, for example, an officer's rummaging through the contents of the luggage. Thus, the manner in which information is obtained through this investigative technique is much less intrusive than a typical search. Moreover, the sniff discloses only the presence or absence of narcotics, a contraband item. Thus, despite the fact that the sniff tells the authorities something about the contents of the luggage, the information obtained is limited. This limited disclosure also ensures that the owner of the property is not subjected to the embarrassment and inconvenience entailed in less discriminate and more intrusive investigative methods.
>
> In these respects, the canine sniff is *sui generis*. We are aware of no other investigative procedure that is so limited both
>
> in the manner in which the information is obtained and in the content of the information revealed by the procedure.

Id. at 707.

The United States Supreme Court reached a similar conclusion in *Illinois v. Caballes*, 543 U.S. 405 (2005). *Caballes* involved a dog sniff around a vehicle. The Supreme Court reaffirmed its decision in *Place* that dog sniffs by well-trained drug detection dogs do not generally "implicate legitimate privacy interests" because they only reveal contraband. *Caballes*, 543 U.S. at 408-09.

The Wisconsin Supreme Court took up the issue of whether dog sniffs are searches in *Arias*, 311 Wis. 2d 358. *Arias* involved a dog sniff around a vehicle in a public place just like *Caballes* did. The Wisconsin Supreme Court held that the dog sniff was not a search. It discussed *Place* and *Caballes* and noted that it historically interpreted the "Article I, Section 11 of the Wisconsin Constitution in accord with the [United States] Supreme Court's interpretation of the Fourth Amendment." *Arias*, 311 Wis. 2d 358, ¶¶ 14-21. The Wisconsin Supreme Court provided two reasons for continuing the practice for dog sniffs. First, it "note[d] that there is no constitutionally protected interest in possessing contraband" under either the United States or the Wisconsin Constitution. *Id.* ¶ 22. Second, it explained that "a dog sniff is much less intrusive than activities that have held to be searches" because "a dog sniff gives limited information that is relevant only to contraband for which there is no constitutional protection." *Id.* ¶ 23 (citation omitted).

Second, the entryway case.

This court held in *State v. Edgeberg*, 188 Wis. 2d 339, 524 N.W.2d 911 (1994), that police do not conduct searches just by entering public access ways to private houses. The officer in *Edgeberg* went to a house in response to complaints of a barking dog. *Id.* at 341. He went through a screened door, and into a screened-in porch area, to get to a house's front door. *Id.* at 342. He saw marijuana plants in plain view inside the house as he knocked on the front door. *Id.* at 344. He got a search warrant based on his observations and recovered the marijuana. *Id.* The defendant moved to suppress the marijuana, arguing that the officer saw the marijuana plants during an illegal search. This court held that the officer was not searching when he saw the marijuana. It distinguished public entryways from curtilage:

> Regarding protected areas in residential premises, " '[a] sidewalk, pathway, common entrance or similar passageway offers an implied permission to the public to enter which necessarily negates any reasonable expectancy of privacy in regard to observations made there.' " 1 WAYNE R. LAFAVE, SEARCH AND SEIZURE § 2.3(c) at 392-93 (2d ed. 1987). " '[P]olice with legitimate business may enter the areas of the curtilage which are impliedly open to use by the public' " and in doing so " 'are free to keep their eyes open....' " [*Id.*] at 393. This means that if police use normal means of access to and from the house for some legitimate purpose, it is not a fourth amendment search for police to see from that vantage point something in the dwelling. *Id.* at 393–94.

Id. at 347 (citations omitted).

The combination of the dog sniff and entryway cases leads straight to the state's position: if a dog sniff is not a search, and if going to a person's front door via sidewalks is not a search, then the combination of the two is not a search either.

The vast majority of courts in other jurisdictions are in accord. Numerous courts— including the Seventh Circuit and Eastern District of Wisconsin— have held that dog sniffs at private residences are not searches, when conducted in public entryways or when conducted by an officer with authority to be inside a house. *See United States v. Brock*, 417 F.3d 692 (7th Cir. 2005); *United States v. Roby*, 122 F.3d 1120 (8th Cir. 1997); *United States v. Jones*, 2011 WL 294842 (E.D. Wis. Jan. 26, 2011); *United States v. Broadway*, 580 F.Supp. 2d 1179 (D. Colo. 2008); *United States v. Tarazon-Silva*, 960 F. Supp. 1152 (W.D. Tex. 1997); *People v. Jones*, 279 Mich. App. 86, 755 N.W.2d 224 (Mich. App. 2008); *Fitzgerald v. State*, 384 Md. 484, 864 A.2d 1006 (Md. 2004); *Porter v. State*, 93 S.W.3d 342 (Tex. App. 2002); *State v. Ortiz*, 257 Neb. 784, 600 N.W.2d 805 (Neb. 1999); *People v. Dunn*, 77 N.Y.2d 19, 563 N.Y.S.2d 388, 564 N.E.2d 1054 (N.Y. 1990). *But see United States v. Whitehead*, 849 F.2d 849 (4th Cir. 1988); *United States v. Thomas*, 757 F.2d 1359 (2d Cir. 1985); *Jardines v. State*, 73 So. 3d 34 (Fla. 2011), *cert. granted sub. nom. Florida v. Jardines*, 132 S. Ct. 995 (U.S. Jan. 6, 2012) (No. 11-564).

This case law clearly applies here.

Detective Edersinge testified at a suppression hearing about the dog sniff. He verified information about Voden's and his training and

experience from Officer Wiesmueller's search warrant affidavit (32:1-2). He also described the events surrounding the dog sniff.

Detective Edersinge said he drove by Scull's house once before conducting the dog sniff but "didn't want to walk up to the house with a dog" because "there was a lot of activity on the block, summer day, and as I was about to walk in front of the residence or to the residence, a female exited the residence in night clothes with some small kids" (24:11). He said he ended up conducting the dog sniff between five and six in the morning on July 6, 2010 (24:15).

Detective Edersinge explained: "I approached from the north. Walked up initially to the side door and then walked to the front door where my dog alerted to the door, and I left the area from start to finish, it was possibly or definitely under 20 seconds." (24:12). Detective Edersinge also verified that Voden and he stayed on walkways that did not contain any barriers, no trespassing signs, or any other measures "to discourage, say for example, a mail carrier from coming up." "And just so we are clear, I didn't cross on the grass, I walked back to the main sidewalk and walked up the front door and continued southbound on the sidewalk when I was done." (24:13).

Scull tries distinguishing this case from *Edgeberg* on the ground that "[t]here is no such implied consent for allowing the police to bring a drug sniffing dog into one's front yard" (Scull Br. at 6). He overlooks the other line of cases important here: the dog sniffing cases. *Arias*, *Caballas*, and *Place* all clearly establish that dog sniffs are not searches. The dog sniff here, in

turn, did not add anything of constitutional significance to Detective Edersinge's presence on the publically-accessible paths to Scull's house.

Scull also contends that Detective Edersinge did not have a "legitimate purpose" when on Scull's property for the dog sniff (Scull Br. at 7). This contention bespeaks of the type of subjective inquiry that has been repeatedly and resoundingly rejected. *See, e.g., Whren v. United States*, 517 U.S. 806, 813 (1996) ("Subjective intentions play no role in ordinary, probable-cause Fourth Amendment analysis."); *State v. Sykes*, 2005 WI 48, ¶ 29, 279 Wis. 2d 742, 695 N.W.2d 277) (The supreme court stated that it is "unwilling to entertain Fourth Amendment challenges based on the actual motivations of individual officers."). The pertinent question presented by Scull's claim is whether police violated his reasonable expectation of privacy by conducting the dog sniff at his front door. The combination of the dog sniff and entryway cases provides the answer: a resounding no.

II. THE GOOD FAITH EXCEPTION COUNSELS AGAINST SUPPRESSION REGARDLESS OF WHETHER THE DOG SNIFF AT SCULL'S FRONT DOOR WAS A SEARCH.

A. Introduction.

The question of whether the dog sniff at Scull's front door was a search is complicated right now by the *Jardines* case pending in the Supreme Court. The good faith exception to the exclusionary rule provides a way to avoid this complication. The good faith exception is an exception to the exclusionary rule courts have developed as a remedy for unreasonable searches and seizures. *See State v. Dearborn*, 2010 WI 84, ¶ 35, 327 Wis. 2d 252, 786 N.W.2d 97; *State v. Eason*, 2001 WI 98, ¶¶ 43-45, 245 Wis. 2d 206, 629 N.W.2d 625. It counsels against suppression regardless of whether the dog sniff was a search and regardless of whether police had probable cause before the dog sniff (as they arguably did based on the confidential informant's information).

B. Standard of review.

Application of the good faith exception to uncontested facts presents a legal question for this court's independent review. *See State v. Dearborn*, 2010 WI 84, ¶ 13, 327 Wis. 2d 252, 786 N.W.2d 97.

C. The state did not forfeit a good faith exception argument.

The state is making a good faith exception argument for the first time now. In anticipation of

a forfeiture argument, it notes three reasons why it should not be deemed to have forfeited a good faith exception argument:

First, this court may affirm a circuit court decisions for reasons not stated by or argued below. *See State v. Milashoski,* 159 Wis. 2d 99, 108-09, 464 N.W.2d 21 (1990); *Kafka v. Pope*, 186 Wis. 2d 472, 476, 521 N.W.2d 174 (Ct. App. 1994).

Second, the good faith exception never came up below because the circuit court ruled that the dog sniff was not a search. The good faith exception only would have come up if the circuit court found a constitutional violation and considered applying the exclusionary rule as a remedy. *See Dearborn*, 327 Wis. 2d 252, ¶ 35; *Eason*, 245 Wis. 2d 206, ¶¶ 43-45.

Third, the state is making the good faith exception argument in large part because of this court's denial of its motion to stay (after Scull objected to the stay motion). The state is hesitant to rely on its primary argument that no constitutional violation occurred given the uncertainty regarding *Jardines*.

D. Even if the dog sniff at Scull's front door was an unlawful search, the good faith exception would counsel against suppression.

To understand the good faith exception, it is helpful to start with the exclusionary rule for which it is an exception. The good faith exception applies when excluding evidence will not advance the purposes behind the exclusionary rule.

The exclusionary rule is not a constitutional right. *Herring v. United States*, 555 U.S. 135, 140 (2009). It is a remedy of "last resort" the United States Supreme Court created and the Wisconsin Supreme Court adopted to deter unlawful police action. *Id.*; *United States v. Leon*, 468 U.S. 897, 906 (1984); *Dearborn*, 327 Wis. 2d 252, ¶ 35. The United States Supreme Court has explained that its "focus" in applying the exclusionary rule is "on the efficacy of the rule in deterring Fourth Amendment violations in the future." The Supreme Court has also held that "the benefits of deterrence must outweigh the costs" of excluding evidence for the exclusionary rule to apply. *Herring*, 555 U.S. at 141.

The good faith exception is the product of the cost-benefit analysis underlying the exclusionary rule. It applies when the exclusionary rule would have limited deterrent value because police did not engage in acts that need to be deterred.

Courts have applied the good faith exception when police relied in an "objectively reasonable" way in later-invalidated warrants, statutes, or precedent. *See, e.g., Herring*, 555 U.S. 135 (2009) (warrant based on outdated information); *Illinois v. Krull*, 480 U.S. 340 (1987) (subsequently invalidated statute); *Leon*, 468 U.S. 897 (1984) (subsequently invalidated warrant); *Dearborn*, 327 Wis. 2d 252 (subsequently overruled case law); *Eason*, 245 Wis. 2d 206 (subsequently invalidated warrant); *State v. Ward*, 2000 WI 3, 231 Wis. 2d 723, 604 N.W.2d 517 (state law subsequently preempted by contrary United States Supreme Court decision).

Both the United States Supreme Court and the Wisconsin Supreme Court have held that the good faith exception applies in a context like this one, in which police objectively relied on a search warrant.

The United States Supreme Court recognized the good faith exception in *Leon*, 468 U.S. 897. It held that the exclusionary rule should not be applied to suppress evidence police obtained while executing a later-invalidated search warrant, so long as reliance on the search warrant was objectively reasonable. *Id.* at 922. It reasoned that "the marginal or nonexistent benefits produced by suppressing evidence obtained in objectively reasonably reliance on a subsequently invalidated search warrant cannot justify the substantial costs of exclusion." *Id.*

The Supreme Court explained that a warrant generally satisfied the "objective reasonableness" test and supported the good faith exception:

> "[S]earches pursuant to a warrant will rarely require any deep inquiry into reasonableness" for "a warrant issued by a magistrate normally suffices to establish" that a law enforcement officer has "acted in good faith in conducting the search." Nevertheless, the officer's reliance on the magistrate's probable-cause determination and on the technical sufficiency of the warrant he issues must be objectively reasonable, and it is clear that in some circumstances the officer will have no reasonable grounds for believing that the warrant was properly issued.

Id. at 922-23 (citations omitted).

The Supreme Court also described, however, situations in which reliance on a warrant would

not be objectively reasonable: instances of falsehood on an affidavit, in which a magistrate judge wholly abandoned his role, in which an affidavit was "'so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable,'" or in which a warrant fails to particularize "the place to be searched or the things to be seized." *Id.* at 923 (citation omitted).

Informed by *Leon*, the Wisconsin Supreme Court held in *Eason*, 245 Wis. 2d 206, that the exclusionary rule did not apply to evidence police obtained executing a search warrant it invalidated. *Id.* ¶ 26. It engaged in the same cost-benefit analysis performed in *Leon*:

> The police would not be deterred because they reasonably relied upon a warrant issued by an independent magistrate. Excluding evidence would punish the officers, and society, for an error of the magistrate. No deterrence would result. . . . [T]he exclusionary rule "cannot be expected, and should not be applied, to deter objectively reasonable law enforcement activity." *Leon*, 468 U.S. at 919, 104 S.Ct. 3405.

Eason, 245 Wis. 2d 206, ¶ 73.

The Wisconsin Supreme Court recognized the United States Supreme Court's decision in *Leon* applying the good faith exception "where there is objectively reasonable reliance upon a search warrant issued by an independent magistrate." *Eason*, 245 Wis. 2d 206, at ¶ 38. But it supplemented the "objective reasonableness" test with a requirement under the Wisconsin Constitution that the process for obtaining the "search warrant included a significant

investigation and a review by a police officer trained in, or very knowledgeable of, the legal vagaries of probable cause and reasonable suspicion, or a knowledgeable government attorney." *Id.* ¶ 63. It summarized:

> [W]e adopt a good faith exception to the exclusionary rule. We hold that where police officers act in objectively reasonable reliance upon the warrant, which had been issued by a detached and neutral magistrate, a good faith exception to the exclusionary rule applies. We further hold that in order for a good faith exception to apply, the burden is upon the State to show that the process used in obtaining the search warrant included a significant investigation and a review by either a police officer trained and knowledgeable in the requirements of probable cause and reasonable suspicion, or a knowledgeable government attorney. We also hold that this process is required by Article I, Section 11 of the Wisconsin Constitution, in addition to those protections afforded by the good faith exception as recognized by the United States Supreme Court in *United States v. Leon*, 468 U.S. 897, 104 S.Ct. 3405, 82 L.Ed.2d 677 (1984).

Id. ¶ 74.

Leon and *Eason* apply here.

Police found the evidence Scull moved to suppress while executing a court-issued warrant to search his house. The warrant was supported by an affidavit with a notation that a prosecutor "reviewed and approved" it (32:4). Scull has never claimed that the judge who issued the warrant was anything other than neutral and detached or challenged the prosecutor's competency to review and approve the search warrant. The affidavit

contained detailed information about the confidential informant, the confidential informant's track record of credibility, Officer Wiesmueller's independent investigation, Voden and Detective Edersinge's experience, the dog sniff, and Voden's alert. The confidential informant's tip was arguably sufficient by itself to establish probable cause: it was reasonable to believe a drug-dealer like Scull kept drugs at his house. But the combination of the tip and all the other information in the affidavit—the drug sniff and Officer Wiesmueller's independent investigation—unquestionably created probable cause to search Scull's house for drugs.

Scull claims that the search warrant was invalid because it was based in part on the dog sniff (Scull Br. at 7-8). The proper question for the good faith exception is not whether the dog sniff passed constitutional muster, but instead, whether it was reasonably objective for police to rely on a search warrant supported by an affidavit that included information about the dog sniff.

The answer is clearly yes.

The affidavit was approved by a prosecutor, and the search warrant was signed by a circuit court judge. It was reasonable for police to rely on the prosecutor's and circuit court's independent assessments that probable cause existed (and that the dog sniff was constitutional and supported probable cause). This is particularly true given the dog sniff and entryway cases discussed in Argument I.C. above. These two lines of cases—and the vast majority of cases from other jurisdictions—strongly support the state's position that the dog sniff at Scull's front door was not a

search. The case law is compelling enough to have supported applying the good faith exception if police had come across and seized evidence during the dog sniff. *See Dearborn*, 327 Wis. 2d 252. It is certainly enough to support applying the good faith exception in this situation, with the added levels of separation (and protection) of the prosecutor's review of the affidavit and the circuit court's issuance of the search warrant.

CONCLUSION

The state asks this court to uphold Gary Scull's conviction. The dog sniff at Scull's front door was not a search requiring probable cause. Further, even if the dog sniff at Scull's front door was an unlawful search, the good faith exception would apply and counsel against suppression.

Dated: July 3, 2012.

Respectfully submitted,

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CERTIFICATION

I hereby certify that this brief conforms to the rules contained in Wis. Stat. § 809.19(8)(b) and (c) for a brief produced with a proportional serif font. The length of this brief is 4,384 words.

Dated: July 3, 2012.

_____

Rebecca Rapp St. John
Assistant Attorney General

CERTIFICATE OF COMPLIANCE WITH WIS. STAT. § (RULE) 809.19(12)

I hereby certify that:

I have submitted an electronic copy of this brief, excluding the appendix, if any, which complies with the requirements of Wis. Stat. § (Rule) 809.19(12).

I further certify that:

This electronic brief is identical in content and format to the printed form of the brief filed as of this date.

A copy of this certificate has been served with the paper copies of this brief filed with the court and served on all opposing parties.

Dated: July 3, 2012.

_____

Rebecca Rapp St. John
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