STATE OF WISCONSIN
COURT OF APPEALS
DISTRICT II

STATE OF WISCONSIN,

Plaintiff-Respondent,

v. Appeal No. 2019 AP 836 CR

EDWARD L. BODY, SR.,

Defendant-Appellant.

DEFENDANT-APPELLANT'S BRIEF

APPEALED FROM
KENOSHA COUNTY CIRCUIT COURT,
CASE NO. 17 CM 1162
THE HON. BRUCE E. SCHROEDER, PRESIDING

KAY & KAY LAW FIRM
BY: TIMOTHY T. KAY
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STATEMENT OF ISSUES

I. DID THE TRIAL COURT ERR IN DENYING BODY'S ASSERTION THAT HIS SENTENCE WAS BASED ON UPON IMPROPER FACTORS?

The Trial Court answered: "No."

Appellant argues: "Yes."

Respondent would argue: "No."

II. DID THE TRIAL COURT ERR IN DENYING BODY'S ASSERTION THAT HIS SENTENCE WAS UNDULY HARSH?

The Trial Court answered: "No."

Appellant argues: "Yes."

Respondent would argue: "No."

STATEMENT ON ORAL ARGUMENT

Defendant-Appellant, EDWARD L. BODY, SR., welcomes oral argument if the Court believes it is necessary; however, the issues in this appeal are clear and may be fully addressed through briefs of the parties.

STATEMENT ON PUBLICATION

Defendant-Appellant, EDWARD L. BODY, SR., requests publication of this decision for the reason that the factual situation will further clarify the law related to sentence modification.

STATEMENT ON THE CASE

This appeal stems from the trial court's Decision and Order Denying of Motion for Post-conviction Relief, [R. 45. 4.] and from the Judgment of Conviction filed in this matter dated August 30, 2018 [R. 18]. For purposes of this appeal, Defendant-Appellant, EDWARD L. BODY, SR., will hereinafter be referred to as "Body" and the State of Wisconsin will hereinafter be referred to as "State."

STATEMENT OF FACTS

I. EMILY MAYS COMPLAINTS.

The oddities of this case began with the handling of Emily Mays' complaints in the file. For some reason, the complaints that call in to question Ms. Mays' credibility were saved together in a file called "notes," almost as if to hide them. On September 10, 2007, Ms. Emily Mays was charged with receiving stolen property. [R. 26-1]. Ms. Mays stated that she was given two purses by someone else the morning of September 10, 2007. [R.26-2]. Ms. Mays told the police that she knew the purses were stolen, but did not call the police. [R. 26-2].

On January 6, 2009, Ms. Mays was charged with bail jumping as a repeater. [R. 28-1]. When approached by the police, the officer observed the odor of intoxicants coming from Ms. Mays. [R. 28-1]. When asked if Ms. Mays had consumed alcohol, she stated she had not, rather that she consumed a great deal of mouthwash because she is very concerned about oral hygiene. [R. 28-1]. After being asked two more times, Ms. Mays stated that she consumed four beers. [R. 28-1]. Ms. Mays later changed her story back to consuming mouthwash. [R. 28-1].

On April 25, 2016, Ms. Mays was charged with Disorderly Conduct, Domestic Abuse. [R. 32-1]. The police talked to Ms. Mays and noticed a strong odor of intoxicants

coming from her breath. [R. 32-2]. Ms. Mays stated that Gregory Spinks had engaged her in a verbal altercation and took a swing at her in a parking lot. [R. 32-2]. The officers reviewed surveillance video from the parking lot at the time of the incident. [R. 32-2]. The video showed Ms. Mays exiting a vehicle and punching Gregory Spinks in the back of the head. [R. 32-2]. Ms. Mays and Gregory Spinks begin to argue, but no swing or physical contact is made by Spinks towards Mays. [R. 32-2]. Ms. Mays then gets back into her vehicle and sprays some liquid out the window towards Gregory Spinks on the way out. [R. 32.-2]. The police believed that liquid to be pepper spray. [R. 32-2].

On June 24, 2018, Ms. Mays was charged with resisting an officer and two counts of bail jumping. [R. 34-1]. The police approached Ms. Mays regarding a late night disruption involving Edward Body and herself. [R. 34-2]. Ms. Mays admitted to consuming a pint and a half of vodka that night. [R. 34-2]. Ms. Mays told her children that if they let the police take them away she would go "bat shit crazy." [R. 34-2]. Ms. Mays demanded to see her children and when told no, threw out contents of cabinets in a hospital. [R. 34-2]. While in this state, Ms. Mays told the police that Edward Body punched her several times in the face and she believed her jaw was broken. [R. 34-2].

II. THE INCIDENT.

On August 1, 2017, officers responded to a report of people being loud on the 1800 block of 62nd Street. [R. 2-2]. As officers arrived on scene, they noted a black male waving his arms, yelling, and pacing in the 2000 block of 62nd Street. [R. 2-2]. Officers noted that residents of the neighborhood were looking toward the yelling, trying to see what was happening. [R. 2-2]. As officers got closer to the male subject, they heard people tell the male subject to stop yelling. [R. 2-2]. The male subject, later identified as Edward L. Body Sr. (hereinafter "Body"), responded "I don't care. Fuck the police." [R. 2-2].

Officers approached Body and observed a female near him. [R. 2-2]. This woman turned out to be Emily Mays, the mother of Body's youngest child. [R. 2-2]. Ms. Mays explained to officers that Body was upset about issues they were having with their children and that it was these issues that they were what yelling about. [R. 2-2].

Officers then spoke with a neighbor who had asked Body and Ms. Mays to "take their drama elsewhere" because it was creating a disturbance and disrupting him and his neighbors. [R. 2-2]. Officers then took Body into custody for disorderly conduct (non-domestic). [R. 2-2]. While searching Body, officers discovered two corner-bags of marijuana on his person totaling 7.4 grams. [R. 2-2]. Body was arrested and charged with Disorderly Conduct as a Repeater and Possession of THC as a Repeater. [R. 2-1].

III. PROCEDURAL HISTORY.

On January 11, 2018, Body pled guilty to one count of Disorderly Conduct as a repeater. [R. 51-2]. Body was sentenced to a probation term of one year. [R. 51-12-13]. Body was subsequently revoked for consuming alcohol in violation of his conditions of bond. [R. 51-3]. Body was not charged with any crime stemming from this intoxication. [R. 51-3].

On August 21, 2018, the State and the Department of Corrections jointly recommended a 90-day period of incarceration at Body's sentencing after revocation hearing. [R. 51-2; R. 52-15-16]. The State recited Body's criminal history, which happened to include past domestic violence convictions. [R. 51-6]. At the close of sentencing arguments, the Court adjourned the hearing to personally investigate Body's criminal history further. [R. 52-8].

The Court explicitly stated on the record, "I want to take a look in-depth at what his history is in terms of violence with women particularly because I want to find out . . . if he has a history of domestic violence against women." [R. 52-7]. It is not clear how the inadmissible hearsay from the revocation packet was filed in this case, however, the revocation packet is what the Court reviewed before the August 30, 2018, hearing. [R. 53].

On August 30, 2018, the sentencing after revocation hearing reconvened. [R. 53]. During that proceeding, the Court

continually referred to *uncharged battery allegations* that were detailed in the revocation packet. [R. 53]. Despite these allegations never being charges, the Court treated them as a factual history. [R. 53]. When referring to these uncharged allegations, the Court noted that "[Body] seems to have interpersonal relationship problems with women." [R. 53-7]. Defense counsel objected and informed the Court that it is improper to consider uncharged allegations in the Court's sentencing criteria. [R. 53-7].

Despite this warning, the Court broached the topic again, asking Body outlandish questions including:

> What do you think other men think of someone who slaps a woman around? What do you think I think right now?" [R. 53-10].

Defense counsel again objected and reminded the Court that the uncharged allegations noted in the revocation packet cannot be treated as a factual history or factor into the Court's sentence. [R. 53-13]. Despite numerous subsequent warnings from defense counsel, the Court continued to outrageously treat the uncharged allegations as a factual history, discussing these irrelevant, uncharged, and unsubstantiated allegations ***on at least four separate occasions*** during sentencing. [R. 53-10-22].

Similarly improper, the Court insisted that Body admit or deny whether he had struck Ms. Mays as alleged in the

revocation packet. [R. 53-13-15]. Continuing with outlandish questions, the Court asked, "Is he saying he didn't punch her in the head and body with a closed fist? Is this what I'm hearing?" [R. 53-13]. Defense counsel objected, stating that the Court was attempting to compel a statement in violation of Body's right against self-incrimination. [R. 53-15]. "Your Honor can't ask him to make incriminating statements one way or another to violate his Fifth Amendment right." [R. 53-15].

Ultimately, the Court sentenced Body to one year of incarceration in the county jail, despite the 90-day joint recommendation by the State and the Department of Corrections. [R. 53-15]. The court's stated reasoning for this sentence was based on Body's "long involvement with the law" and "persistent involvement with aggressive behavior with women." [R. 53-16]. Continuing to rely on uncharged and unsubstantiated claims after Body did eventually say that he did not do anything to Ms. Mays, the court responded by saying that "you (Body) chose not to." [R. 53-22]. Finally, Mr. Body's attorney stated that it was counsel's decision not to respond, to which the court responded by having Body removed from the courtroom. [R. 53-22-23]. Not only did the Court stick with its one year sentence, but offered Body a signature bond to let him out. [R. 53-19]. Because the Court knew Body could not leave prison because of another case, the Court essentially just extended the amount of time he had to spend in prison beyond a year. [R. 18]. Body moved the court for a re-sentencing hearing, or in the alternative, a sentence modification. [R. 43].

The court denied Body's motion citing that it was not improper to use the uncharged and unsubstantiated charges found in the revocation packet. [R. 45-2].

ARGUMENT

I. STANDARD OF REVIEW.

The court reviews a motion for sentence modification by "determining whether the sentencing court erroneously exercised its discretion in sentencing the defendant." *State v. Noll*, 2002 WI App 273, ¶ 4, 258 Wis. 2d 573, 653 N.W.2d 895 (citing *Ocanas v. State*, 70 Wis.2d 179, 185, 233 N.W.2d 457 (1975)). It follows that a review of a circuit court's decision to dismiss a motion for sentence modification is reviewed under the same standard. *Id.* However, a case that involves the application of Wis. Stat. § 973.19 to undisputed facts, presents a question of law reviewed without deference to the trial court. *Id.* (citing *State v. Wilke*, 152 Wis.2d 243, 247, 448 N.W.2d 13 (Ct.App.1989).

II. THE TRIAL COURT ERRONEOUSLY EXERCISED ITS SENTENCING DISCRETION WHEN IT RELIED ON IMPROPER FACTORS AT SENTENCING.

When a circuit court "actually relies on clearly irrelevant or improper factors," it erroneously exercises its sentencing discretion." *State v. Harris*, 2010 WI 79, ¶ 66, 326 Wis.2d 685 (2010). A defendant must prove by clear and convincing

evidence that the sentencing court actually relied on improper factors. *State v. Alexander*, 2015 WI 6, ¶ 17, 360 Wis. 2d 292, 304 (2015).

Reviewing courts employ a two-step test when assessing whether a circuit court erroneously exercised its sentencing discretion. A defendant must prove that: (1) information was inaccurate and (2) the court actually relied on the inaccurate information at sentencing. *State v. Alexander*, 2015 WI 6, ¶ 18, 360 Wis. 2d 292, 305, 858 N.W.2d 662, 669. In *Harris*, this framework was applied to a contention that a sentencing court had relied on "improper factors," rather than "inaccurate information." *Harris,* 2010 WI at ¶ 66. *Harris* explained that "proving inaccurate information is a threshold question—you cannot show actual reliance on inaccurate information if the information is accurate. When the question relates to other improper factors like race and gender, only the second part of the test, actual reliance, is relevant." *Id.*

A. IMPROPER FACTOR.

The Court in this case cites *State v. Alexander*, holding that the defense has failed to prove judicial reliance on inaccurate information. [R. 45-1]. The Court reasons that the defendant must prove that the information relied upon is in fact inaccurate. [R. 45-1]. However, the defense is not claiming judicial reliance on inaccurate information, but rather improper factors. To prove the information is inaccurate would be to prove an entirely different uncharged case never happened. There are several reasons that the information relied on was

improper. The revocation packet that was improperly used for a gender bias, material in the revocation packet relied upon did not fit into any of the sentencing criteria, and the revocation packet consisted of inadmissible hearsay evidence.

i. Gender.

In this case, this uncharged and unsubstantiated allegation is automatically an improper factor on the basis of gender. Body is asked about his domestic violence history with women. [R. 53-13]. Body is outlandishly asked:

> What do you think other men think of someone who slaps a woman around? What do you think I think right now? "[R. 53-10].

Because the court uses the improper factor of gender, the court has actually relied on this improper factor. *Harris,* 2010 WI at ¶ 66.

ii. Sentencing Criteria.

Furthermore, this uncharged and unsubstantiated allegation does not fit into any of the sentencing criteria. When looking for an improper factor, the court must look to see if the defendant was sentenced according to the appropriate sentencing criteria. "When sentencing a defendant, a circuit court should base its sentence on the following factors: (1) the gravity of the offense, (2) the character of the offender, and (3) the need to protect the public. *Alexander*, 2015 WI at ¶ 18.

This uncharged allegation is an improper factor under the gravity of offense criteria because there is no charged offense to consider. This allegation derives from a revocation packet authored by Body's Probation Officer, but was never formally charged. Further, the uncharged allegation comes from an unreliable source. Ms. Mays has withheld information or lied to the police on several occasions, including one known lie about being "swung at" by another man. It is impermissible for a court to consider such allegations when handing down its sentence.

Likewise, this is an improper factor under the character of the offender criteria. Although the Court reviewed and discussed Body's criminal history, its main focus was on this uncharged allegation. The court questioned and made reference to this allegation ***on at least four separate occasions*** during sentencing. [R. 53-10-22]. The court even admits that it relies on this uncharged allegation when it states, "It is within my right to rely on the information in this [revocation packet] which makes that allegation." [R. 53-16]. Therefore, the court has admitted to relying on uncharged and unsubstantiated claims coming from a woman who has lied to the police about similar claims in the past.

Lastly, this is an improper factor under the need to protect the public criteria. Despite Body's "long involvement with the law" and "persistent involvement with aggressive behavior with women," the Court focuses almost exclusively on this uncharged allegation. [R. 53-10-22]. Uncharged allegations

do not equate to and cannot be relied on as factual background for sentencing purposes. Despite this, the court has relied on these uncharged and unsubstantiated claims from an unreliable source. Accordingly, the court's reliance on this uncharged allegation constitutes an improper factor under the two-step test set forth in *Alexander*.

iii. Hearsay.

Hearsay evidence is allowed in revocation hearings. *Prellwitz v. Schmidt*, 73 Wis.2d 35, 242 N.W.2d 277 (1975). However, hearsay evidence should not be considered for the sentencing of a disorderly conduct charge. Wisconsin Statutes Section 908.03 lists every exception to the hearsay rule, but there is not an exception that allows admittance to these uncharged and unsubstantiated allegations held in the revocation packet. Wis. Stat. § 908.03. Despite hearsay evidence not being allowed, the Court relied on all evidence found in the revocation packet whether it was hearsay or not. [R. 53-10-22]. This hearsay evidence relied upon included the uncharged and unsubstantiated claims found in the revocation packet. [R. 53-10-22].

Because it contains hearsay evidence, the revocation packet should never have been filed with the court. It is unclear how the revocation packet was filed. If the District Attorney had filed it, the defense would have had the opportunity to object. However, there is no notice of its filing. The parole agent could have possibly filed it, but a parole agent is not an officer of the

court and should not have been allowed to file the revocation packet. Somehow, the revocation packet was filed by someone and ended up in the hands of the Court, which relied on the hearsay evidence it contained. The Court acted improperly when it relied upon the hearsay evidence found in the revocation packet.

B. ACTUAL RELIANCE

When assessing whether the sentencing court actually relied on an improper factor, a circuit court "must articulate the basis for the sentence imposed." *Alexander*, 2015 WI at ¶ 20. "We review the circuit court's articulation of its basis for sentencing in the context of the entire sentencing transcript to determine whether the court gave 'explicit attention' to an improper factor, and whether the improper factor 'formed part of the basis for the sentence.' *Id.* Sentencing courts actually rely on an improper factor when the defendant would have been sentenced differently without consideration of and reliance on the improper factor. *Alexander*, 2015 WI at ¶ 27.

The court's stated reasoning for this sentence was based on Body's "long involvement with the law" and "persistent involvement with aggressive behavior with women." [R. 53-16]. However, it is clear that the court gave explicit attention to the uncharged allegation contained in the revocation report because it referred to and questioned Body about it ***on at least four separate occasions at sentencing***. [R. 53-10-22]. In fact, the court pays such explicit attention to this allegation that it tries to

compel a confession from Body. The court asks defense counsel, "is he saying he didn't punch her in the head and body with a closed fist? Is this what I'm hearing?" [R. 53-13].

In *Harris*, the defendant asked for relief on his sentence claiming that the court relied on inappropriate, sarcastic, and stereotypical statements that were based on race and gender. *Harris,* 2010 WI at ¶ 1, 21. The statements used in *Harris* included the phrases "baby momma," "you guys," and "these women." *Id*. at ¶ 46. The court held that the defendant did not meet his burden of proof to show that the court relied upon racial or gender based comments. *Id*. at ¶ 4. The court reasoned that the phrases used were popular slang that were not necessarily racially or gender based, and that there was a lack of proof that the court actually relied upon those statements. *Id.* at ¶ 58.

In the case at hand, Body requests a Re-sentencing Hearing or Sentence Modification because the court has relied on improper factors. Unlike *Harris*, the court in this case relied on the clearly improper factors of uncharged and unsubstantiated criminal claims. [R. 53-16; R. 45-2]. Moreover, the court, ***by its own admission***, relied on this improper factor as part of the basis for its sentence. "It is within my right to rely on the information in this [revocation packet] which makes that allegation." [R. 53-16]. In case it was not obvious, the court stated that its reliance on improper factors ***was obvious*** in its Order Denying Post-Conviction Motion, "It is obvious from the

transcript that I was considering the content of the revocation report." [R. 45-2]. Thus, the court actually relied on this improper factor, and as a result, imposed a sentence far more severe than it would have without said reliance. Accordingly, Body is entitled to re-sentencing because the court erroneously exercised its sentencing discretion.

III. THE TRIAL COURT'S IMPOSED SENTENCE WAS UNDULY HARSH BECAUSE IT WAS FOUR TIMES LONGER THAN THE JOINT RECOMMENDATION OF THE STATE AND DEPARTMENT OF CORRECTIONS.

A defendant can seek modification of an imposed sentence in two ways: (1) the sentence is "unduly harsh" or (2) there is a "new factor." *State v. Noll*, 2002 WI App. 273, ¶ 9, 258 Wis.2d 573, 653 N.W.2d 895; *State v. Macemon*, 113 Wis.2d 662, 668, 335 N.W.2d 402 (1983). A sentence is unduly harsh when it is "too severe" or "unconscionable." *Noll*, 2002 WI App. 273, ¶ 9; *Macemon*, 113 Wis.2d at 668. Whether the sentence was unduly harsh is at issue here.

A new factor is present when a "fact or set of facts highly relevant to the imposition of sentence, but not known to the trial judge at the time of original sentencing, either because it was not then in existence or because even though it was then in existence, it was unknowingly overlooked by all of the parties." *Rosado v. State*, 70 Wis.2d 280, 288, 234 N.W.2d 69 (1975). Whether there is a new factor present is not at issue.

When considering whether a sentence was unduly harsh the standard of review is whether the trial court abused its discretion. *State v. Macemon*, 113 Wis. 2d 662, 670, 335 N.W.2d 402, 407 (1983). A strong policy exists against interference with the discretion of the trial court in passing sentence. *Id.* However, a court has the authority to modify the sentence if it is "too severe" or "unduly harsh." *Noll*, 2002 WI App. 273 ¶9; *Macemon*, 113 Wis. 2d at 668. In reviewing a sentence to determine whether or not discretion has been abused, the court will start with the presumption that the trial court acted reasonably, and the defendant must show some unreasonable or unjustifiable basis in the record for the sentence complained of." *Id.*

A. DISFAVOR.

It was unreasonable and unjustifiable for the Court to sentence Body to one year in the county jail for violating the conditions of his bond because the sentence was more than four times the joint recommendation by the State and the Department of Corrections. The record demonstrates that the Court disfavored persons facing domestic abuse allegations when it stated, "what do you think other men think of someone who slaps a woman around? What do you think I think right now?" [R. 53-10].

The record also demonstrates that this disfavor formed part of the basis for this unduly harsh sentence when it stated. "it

is within my right to rely on the information in this [revocation packet] which makes that allegation." [R. 53-16].

Additionally, the Court made the sentence longer than one year by electing to use a signature bond. [R. 53-19]. While Body was being held for his other case, he could not leave prison. If the Court wanted to get Body's sentence moving along, it would have incarcerated Body right away. Instead the Court effectually makes the sentence run consecutive with Body's other case without saying consecutive. The Court saw Body as a bad man that needed to be punished. Whether it from the District Attorney's Office dismissing Body's Possession of THC charge or the uncharged and unsubstantiated allegations in the revocation packet, the Court seemed to want to make Body pay. [R. 51-2; R. 42].

Most likely, the reason that the State and the Department of Corrections recommended only ninety days is because of the strong questions about the credibility of Ms. Mays. Accordingly, without the Court's reliance on this improper factor, Body's sentence never would have been four times longer than the joint recommendation for a simple disorderly conduct violation.

CONCLUSION

The trial court erred in denying Body's motion for post-conviction relief. The trial court erred in denying Body's Motion for Re-sentencing or Sentence Re-modification because the court asked outlandish questions and actually relied on the improper factors of uncharged and unsubstantiated allegations for sentencing. In addition, the trial court erred in finding that the sentence was unduly harsh despite the court sentencing four times as long as the joint recommendations of the State and Department of Corrections because of these uncharged and unsubstantiated charges.

The defendant respectfully requests this Court grant an Order remanding this case for a Re-sentencing hearing or Sentencing Modification.

Dated this 24 day of July, 2019.

Respectfully submitted:

ATTORNEY FOR APPELLANT

s/ TIMOTHY T. KAY

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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 and appendix produced with a proportional serif font.

The length of this brief is 2265 words.

Signed:

s/ TIMOTHY T. KAY

Timothy T. Kay [1019396]
Attorney for Appellant-Defendant

CERTIFICATION OF ELECTRONIC FILING OF BRIEF

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. § 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.

Dated this 24th day of July, 2019.

ATTORNEY FOR APPELLANT

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Attorney for Appellant-Defendant

CERTIFICATION OF ELECTRONIC FILING OF APPENDIX

I hereby certify that I have submitted an electronic copy of this appendix, which complies with the requirements of Wis. Stat. § 809.19(13).

I further certify that this electronic appendix is identical in content and format to the printed form of the appendix filed as of this date.

Dated this 24th day of July, 2019.

ATTORNEY FOR APPELLANT

s/ TIMOTHY T. KAY

Timothy T. Kay [1019396]
Attorney for Appellant-Defendant

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CERTIFICATION OF APPENDIX

I hereby certify that filed with this brief, either as a separate document or as a part of this brief, is an appendix that complies with Wis. Stat. § 809.12(2)(a) and that contains, at a minimum: (1) a table of contents; (2) the findings or opinion of the circuit court; (3) a copy of any unpublished opinion cited under Wis. Stat. § 809.23(3)(a) or (b); and (4) portions of the record essential to an understanding of the issues raised, including oral or written rulings or decisions showing the circuit court's reasoning regarding those issues.

I further certify that if this appeal is taken from a circuit court order or judgment entered in a judicial review of an administrative decision, the appendix contains the findings of fact and conclusions of law, if any, and final decision of the administrative agency.

I further certify that if the record is required by law to be confidential, the portions of the record included in the appendix are reproduced using first names and last initials instead of full names of person, specifically including juveniles and parents of juveniles, with a notation that the portions of the record have been so reproduced to preserve confidentiality and with appropriate references to the record.

Signed:

s/ TIMOTHY T. KAY

Timothy T. Kay [1019396]
Attorney for Appellant-Defendant

CERTIFICATION OF MAILING

I certify that this brief was deposited in the U.S. mail for delivery to the Clerk of the Court of Appeals by first-class mail, or other class of mail that is at least as expeditious, on JULY 24, 2019. I further certify that the brief was correctly addressed and postage was pre-paid.

s/ TIMOTHY T. KAY

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