STATE OF WISCONSIN

COURT OF APPEALS – DISTRICT II

Case No. 2019AP2061 - CR

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

BRIAN V. ROTOLO,

Defendant-Appellant.

On Appeal from an Order Denying Suppression and a Judgment of Conviction Entered in the Winnebago County Circuit Court, the Honorable Barbara H. Key Presiding

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BRIEF AND APPENDIX OF DEFENDANT-APPELLANT

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ISSUE PRESENTED

Whether Mr. Rotolo was "in custody" for purposes of *Miranda*[1] when he was questioned in the presence of three officers after having been removed from his work duties, taken to a separate room at his place of employment, frisked and told that he was not free to go before making incriminating statements and consenting to a search of his vehicle.

The circuit court answered no, concluding that this was "a case in which this is not the in custody of someone who's being arrested . . . ." and that it "does not see this as one in which he would feel that he was in custody for purposes of an arrest or one in which he was not free to go."

POSITION ON ORAL ARGUMENT AND PUBLICATION

Oral argument is not requested but would be welcomed if this court would find it helpful in resolving the issue presented. The case likely does not merit publication, as it involves applying well-established law to the facts of the case.

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[1] *Miranda v. Arizona*, 384 U.S. 436 (1966).

STATEMENT OF THE CASE AND FACTS

The state charged Brian Rotolo with possession of tetrahydrocannabinols (THC) and possession of drug paraphernalia. (1:1). The complaint alleged that Mr. Rotolo's manager at McDonald's made a report to law enforcement that Mr. Rotolo tried to sell drugs to another employee and told another employee he had used drugs and had them in his vehicle. (1:2). According to the complaint, law enforcement officers spoke to Mr. Rotolo, and although reluctant at first, Mr. Rotolo ultimately admitted there was marijuana and drug paraphernalia in his vehicle and allowed officers to search the vehicle. (1:2).

Mr. Rotolo moved to suppress his statements, arguing they were obtained in violation of the rights guaranteed to him under the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, and article I, sections 1, 2, 7, 8, 9 and 11 of the Wisconsin Constitution, and moved to suppress any derivative evidence and fruit of the poisonous tree. (6:1-2).

The circuit court held a hearing on Mr. Rotolo's motion on February 7, 2019. (30:1; App. 105). Officer Eric Douglas, the officer who initiated contact with Mr. Rotolo, was the sole witness at the suppression hearing. (30:3, 9-10; App. 105, 113-14). Both the state and Mr. Rotolo also played portions of Officer Douglas's body camera video from the incident. (30:16-20, 23-24; App. 120-24, 127-28).

Officer Douglas testified that he made contact with Mr. Rotolo at a McDonald's at around 3 a.m., after receiving a report from the manager that Mr. Rotolo "had been using [drugs] during his lunch break in his vehicle." (30:6-8; App. 110-12). When Officer Douglas arrived at the McDonald's, Mr. Rotolo was working on the line. (30:9; App. 113). Officer Douglas went to the kitchen, removed Mr. Rotolo from his duties and took him to another area of the restaurant, which he described as "a side room to the lobby in kind of the play area." (30:9-10; App. 113-14).

Officer Douglas testified that once in the play area, he questioned Mr. Rotolo "in regards to whether or not he had drugs on his person or in his vehicle and whether or not he had been attempting to sell those to other employees." (30:10; App. 114). There were two other officers in full uniform present in the play area when Officer Douglas questioned Mr. Rotolo. (30:10; App. 114). Officer Douglas testified that the demeanor of the conversation was "calm." (30:10; App. 114). He also testified that neither he nor the other officers present brandished a weapon at Mr. Rotolo, placed Mr. Rotolo in handcuffs or yelled at Mr. Rotolo. (30:10-11; App. 114-15).

Officer Douglas testified that Mr. Rotolo initially denied having any drugs. (30:11; App. 115). When asked if the police officers could search his vehicle, Mr. Rotolo said no. (30:11-12; App. 115-16). One of the other officers "patted [Mr. Rotolo] down" to search for weapons. (30:24-25; App. 128-29). The body

camera video shows the officer asking Mr. Rotolo if he had any weapons and informing him, "I'm just gonna pat you down 'cause we're talking to you." (30:Ex. 1 at 7:17-7:24).[2] Then, as he approached Mr. Rotolo to pat him down, the officer asked, "you don't have any drugs on you at all?" (30:Ex. 1 at 7:24-7:26). The officer proceeded to pat Mr. Rotolo down again asking about drugs: "you don't have anything—drugs here?" and "you don't have anything in here?" (30:Ex. 1 at 7:26-7:34). After locating and removing Mr. Rotolo's pocket knife, the officer continued to search Mr. Rotolo. (30:Ex. 1 at 7:35-7:39). He then asked "what's that right there?" and pulled what appeared to be a small packet from Mr. Rotolo's front pants pocket. (30:Ex. 1 at 7:39-7:50). Mr. Rotolo explained that it was his house key, which he had gotten that day. (30:Ex. 1 at 7:39-7:50). While the officer was still patting Mr. Rotolo down, Officer Douglas radioed to request a dog. (30:Ex. 1 at 7:57-8:01).

Mr. Rotolo then "asked if he could leave," and the officers did not allow Mr. Rotolo to leave. (30:12; App. 116). Specifically, Officer Douglas testified that they "advised Mr. Rotolo that he was being detained during this investigation due to the complaint that

[2] Both the State and Mr. Rotolo introduced and played portions of the same video; the recording from Officer Douglas's body camera. (30:17, 23; App. 121, 127). The record distinguishes between the state's exhibit 1 and the defendant's exhibit 1, however for ease of citing, this brief will simply cite to exhibit 1.

the manager had made and that we would be having a dog come over to sniff the vehicle." (30:12; App. 116). Officer Douglas testified that he called for a K9, but that it did not arrive on the scene. (30:12; App. 116). He explained: "While the K9 was en route to our location, we spoke further with Mr. Rotolo and he ended up giving us permission to enter his vehicle." (30:13; App. 117).

The body camera video shows that as the officer was completing the search, Mr. Rotolo asked if he was "stuck" or if he could leave on his "own will." (30:Ex. 1 at 8:03-8:08). The officer who searched Mr. Rotolo responded, "yeah, we're detaining you." (30:Ex. 1 at 8:08-8:10). The officer then said that Mr. Rotolo had "admitted to talking to people about smoking weed, offered some kids some weed," and went over the allegations against Mr. Rotolo again, questioning him as to those allegations for a second time. (30:Ex. 1 at 8:12-8:45). Next, that officer and Officer Douglas told Mr. Rotolo that if he had "weed" in his car, that "it's a municipal citation—it's like a speeding ticket." (30:Ex. 1 at 8:50-9:01). Officer Douglas went on, stating: "It's not a criminal record thing. So if, if you're worried about a little bit of weed that's in your vehicle, its..." (30:Ex. 1 at 9:01-9:10). Mr. Rotolo then told the officers that he had "a little bit of weed" in his car. (30:Ex. 1 at 9:11-9:30).

At no point during their interaction with Mr. Rotolo at the McDonald's did the officers give him a *Miranda* warning. (30:25-26; App. 129-30).

At the end of the motion hearing, the circuit court ordered briefing. (30:28-30; App. 132-34). While Mr. Rotolo's motion raised a number of challenges, the post-hearing briefing focused on a Fifth Amendment challenge. (*See* 6; 9; 10). The state's brief argued that the officers had properly conducted a *Terry*[3] stop and because the officers had reasonable suspicion to detain Mr. Rotolo pursuant to *Terry*, Mr. Rotolo was not in custody for purposes of *Miranda*. (9:1-5). Mr. Rotolo's brief argued only that he was in custody for purposes of *Miranda* when he was told that he was not free to leave and officers continued to question him, and that therefore his statements and the search must be suppressed. (10:1-7).

After the parties briefed the *Miranda* issue, the court issued an oral ruling in which it concluded that Mr. Rotolo was not in custody for *Miranda* purposes during his interrogation by Officer Douglas. (29:7; App. 104). The court reasoned that Mr. Rotolo was not "in custody [like] someone who's being arrested," and that it "does not see this [situation] as one in which he would feel that he was in custody for purposes of an arrest or one in which he was not free to go." (29:7; App. 104).

Following the denial of his motion to suppress, Mr. Rotolo pleaded no contest to both counts charged. (28:3-4). The circuit court sentenced Mr. Rotolo to 90 days in jail on count 1 and 30 days on count 2,

[3] *Terry v. Ohio*, 392 U.S. 1 (1968).

concurrent to each other. (28:9-10; 17:1, App. 101). The court then stayed both sentences and imposed 18 months of probation on count 1 and 12 months of probation on count two, concurrent to each other. (28:9-10; 17:1; App. 101).

ARGUMENT

I. Mr. Rotolo was in custody for purposes of *Miranda* when he made incriminating statements and consented to a search of his vehicle, and therefore, his statements and all derivative evidence must be suppressed.

In this case, law enforcement obtained incriminating statements from Mr. Rotolo without *Miranda* warnings, yet under the totality of the circumstances, including the fact that law enforcement came to his place of employment, removed him from his work duties, took him to a separate room, questioned him in the presence of three uniformed officers, promised him he would not be charged criminally and explicitly told him he was not free to leave, Mr. Rotolo was in custody as custody has been defined under the Fifth Amendment jurisprudence. As such, Mr. Rotolo's statements were obtained in violation of his Fifth Amendment rights, and they and the fruits therefrom should be suppressed.

A. Governing law.

Half a century ago, the United States Supreme Court announced a series of "procedural safeguards" —commonly called the *Miranda* warnings—that must be employed in every custodial interrogation "to secure the [Fifth Amendment] privilege against self-incrimination."[4] *Miranda v. Arizona*, 384 U.S. 436, 444 (1966). Absent these safeguards, the Court held, all statements stemming from a custodial interrogation must be suppressed. *Id.*

Since the *Miranda* decision was handed down, courts at every level have examined and reexamined its multifaceted holding. One aspect of the decision that has spawned especially extensive litigation is the concept of custody; there is a whole body of cases examining what "objective circumstances" render an interrogation "custodial" under *Miranda*. *See, e.g.*, *Howes v. Fields*, 565 U.S. 499, 508-09 (2012). Relevant here is a subset of that case law asking a more specific question—namely, whether a defendant is in custody for *Miranda* purposes when he is temporarily detained for questioning pursuant to *Terry v. Ohio*, 392 U.S. 1 (1968). *See e.g.*, *State v. Gruen*, 218 Wis. 2d 581, 593-94, 582 N.W.2d 728 (Ct. App. 1998).

[4] The Fifth Amendment to the United States Constitution provides, in relevant part, that "[n]o person … shall be compelled in any criminal case to be a witness against himself."

B. Standard of review and legal standards.

When reviewing a circuit court's decision on a motion to suppress, appellate courts will uphold the circuit court's findings of fact unless clearly erroneous. *State v. Mosher*, 221 Wis. 2d 203, 211, 584 N.W.2d 553 (Ct. App. 1998). Whether a person is in custody for *Miranda* purposes is a question of law, which appellate courts review de novo. *Id.*

In denying the suppression motion, the circuit court merged the analysis of the Fourth Amendment's inquiry of whether an individual is "under arrest" and the Fifth Amendment's "in custody" determination. These analyses, however, are distinct depending on the constitutional interest at stake. The Fifth Amendment focus is on whether, regardless of the reasonableness of the officer's conduct, the facts gave rise to a custodial situation whereas the Fourth Amendment inquiry focuses solely on the reasonableness of the police officer's conduct. *State v. Morgan*, 2002 WI App 124, ¶¶14-16, 254 Wis. 2d 602, 648 N.W.2d 23; *see also*, *State v. Anker*, 2014 WI App 107, ¶15 n.4, 357 Wis. 2d 565, 855 N.W.2d 483 (discussing the evolution of the Fourth Amendment test for whether an "arrest" had occurred and how it differs from the Fifth Amendment analysis). Courts have consistently held that a conclusion that an individual was being detained pursuant to a *Terry* stop, "does not dispel the need for *Miranda* warnings." *See Morgan*, 254 Wis. 2d 602, ¶16; *see also Berkemer v. McCarty,* 468 U.S. 420, 440 (1984); *Gruen*, 218 Wis. 2d at 594;

State v. Pounds, 176 Wis. 2d 315, 322, 500 N.W.2d 373 (Ct. App. 1993). Here, Mr. Rotolo is not challenging the Fourth Amendment reasonableness.

The test to determine whether an individual is in custody for *Miranda* purposes is an objective one. *State v. Lonkoski*, 2013 WI 30, ¶27, 346 Wis. 2d 523, 828 N.W.2d 552. Courts have formulated the test a number of ways, including "whether there is a formal arrest or restraint on freedom of movement of a degree associated with a formal arrest." *Id.* (citing *State v. Leprich*, 160 Wis. 2d 472, 477, 465 N.W.2d 844 (Ct. App. 1991)). *Lonkoski* explained that another way to state this test is: "if a reasonable person would not feel free to terminate the interview and leave the scene, then that person is in custody for *Miranda* purposes." 346 Wis. 2d 523, ¶27 (internal quotation omitted).

Several factors are relevant to the custody inquiry, including "the defendant's freedom to leave; the purpose, place, and length of the interrogation; and the degree of restraint." *Gruen*, 218 Wis. 2d at 594. In determining the degree of restraint, courts have considered as relevant: (1) whether the defendant was handcuffed; (2) whether a gun was drawn on the defendant; (3) whether a *Terry* frisk was performed; (4) the manner in which the defendant was restrained; (5) whether the defendant was moved to another location; (6) whether the questioning took place in a police vehicle; and (7) the number of police officers involved. *Id.* at 594-96. However, these factors inform the ultimate inquiry of

whether a reasonable person would have felt that he or she was free to end the interview and leave the scene. *State v. Bartelt*, 2018 WI 16, ¶32, 379 Wis. 2d 588, 906 N.W.2d 684.

Our supreme court has recently described an additional inquiry necessary to determine when an individual is in *Miranda* custody in *State v. Bartelt*, 2018 WI 16, ¶33, 379 Wis. 2d 588, 906 N.W.2d 684, *cert. denied,* 139 S. Ct. 104, 202 L. Ed. 2d 29 (2018). *Bartelt* explained that if a court "determine[s] that a suspect's freedom of movement is curtailed such that a reasonable person would not feel free to leave," the court "must then consider whether 'the relevant environment presents the same inherently coercive pressures as the type of station house questioning at issue in *Miranda*.'" *Id.* (quoting *Howes*, 565 U.S. at 509). In *Howes*, the U.S. Supreme Court highlighted that *Miranda* warnings are necessary where a person is "cut off from his normal life and companions, and abruptly transported from the street into a police-dominated atmosphere," because under these circumstances, one "may feel coerced into answering questions." *Howes*, 565 U.S. at 511 (internal citations and quotations omitted).

C. A reasonable person would not feel free to terminate the interrogation and leave the scene under the totality of the circumstances present during Mr. Rotolo's interrogation.

The *Gruen* factors demonstrate that a reasonable person in Mr. Rotolo's shoes would not have felt free to terminate the interrogation and leave the scene. First, the court must consider Mr. Rotolo's freedom to leave. *See Gruen*, 218 Wis. 2d at 594. It is undisputed that Mr. Rotolo was not free to leave. (*See* 9:1, 3). After answering Officer Douglas's initial questions, Mr. Rotolo asked if he could leave and was told that he could not to leave. (30:12; App. 116).

Second, the court must consider the purpose, place, and length of the interrogation. *See Gruen*, 218 Wis. 2d at 594. The officers interrogated Mr. Rotolo for the purpose of discovering whether he possessed any illegal drugs or had been attempting to sell drugs to his minor coworkers. (30:12; App. 116). While the interrogation did not occur at a police station and was relatively short (it appears to have been about six minutes long, although Mr. Rotolo was detained for at least an additional fifteen to twenty minutes), the fact that it took place at his place of employment while Mr. Rotolo was on the clock would have made him, or any reasonable person, feel he was not free to leave. (30:9-10; App. 113-12; 30:Ex. 1 at 5:00-11:00, 27:20).

Third, the court must consider the degree of restraint used by the officers when interrogating Mr. Rotolo. *Gruen*, 218 Wis. 2d at 594. This factor also supports a conclusion that a reasonable person under the circumstances in this case would not have felt free to leave. Again, the fact that Mr. Rotolo was seized at work and was removed from the line while he was in the midst of performing his job duties demonstrates a high degree of officer control. Further, the fact that he was then frisked for drugs and questioned in the presence of three uniformed, armed officers heightened the degree of restraint. (30:10-11; App. 114-15; *see* 30:Ex. 1 at 10:39-10:58, 15:25-16:02, 24:35-25:30). A reasonable person would not have felt free to leave under these circumstances.

The Supreme Court has stated that an officer's views concerning the nature of an interrogation, or beliefs concerning the potential culpability of the individual being questioned, may be one among many factors that bear upon the assessment whether that individual was in custody, but only if the officer's views or beliefs were somehow manifested to the individual under interrogation and would have affected how a reasonable person in that position would perceive his or her freedom to leave. *Stansbury v. California*, 511 U.S. 318, 325 (1994); *see also State v. Mosher*, 221 Wis. 2d 203, 216-217, 584 N.W.2d 553 (Ct. App. 1998). In Mr. Rotolo's case, the officers accused him of having drugs and offering to sell drugs to minors multiple times. An officer actually accused Mr. Rotolo of using drugs when he explained why Mr. Rotolo was not free to go. A reasonable

person in that position would have understood that he was not allowed to leave because the officer believed that he possessed drugs.

An interrogation that began as non-custodial may become custodial as it unfolds. *See Bartelt*, 379 Wis. 2d 588, ¶52 (considering whether a confession transforms a non-custodial interrogation into a custodial interrogation); *State v. Pounds*, 176 Wis. 2d 315, 321-22, 500 N.W.2d 373 (Ct. App. 1993) (holding that the defendant was in custody for *Miranda* purposes even though he "was initially told that he was free to leave"). Even if this court finds that Mr. Rotolo was not in custody when the officers took him off the line in the kitchen, brought him to a separate room and began searching and questioning him, once Mr. Rotolo asked to leave but was told by an officer that he was not free to go, Mr. Rotolo was in custody for purposes of *Miranda*.

The circuit court erred when it implicitly concluded the need for a *Miranda* warning was not triggered because Mr. Rotolo was not "under arrest," but instead lawfully detained pursuant to a *Terry* stop. (*See* 29:7, App. 104). As noted above, even if there was a valid *Terry* stop, this does not end the inquiry as to whether "a defendant may be considered 'in custody' for Fifth Amendment purposes and entitled to *Miranda* warnings before questioning." *Morgan*, 254 Wis. 2d 602, ¶16 (citation omitted).

When a court considers whether an individual was in *Miranda* custody, it must look at the totality of the circumstances and determine whether a reasonable person would have felt free to terminate the interrogation and leave. *Bartelt*, 379 Wis. 2d 588, ¶31. Here, Mr. Rotolo was surrounded by police officers at work, searched for drugs, and told that he was not free to leave by a law enforcement officer. For those reasons, this court should find that Mr. Rotolo was in custody and entitled to *Miranda* warnings before he made incriminating statements and consented to a search of his vehicle. *See State v. Lonkoski*, 346 Wis. 2d 523, ¶27 ("[I]f 'a reasonable person would not feel free to terminate the interview and leave the scene,' then that person is in custody for *Miranda* purposes." (citation omitted)).

D. The environment in which Mr. Rotolo was interrogated presented the same inherently coercive pressures as the questioning at issue in *Miranda*.

Once a court determines that a reasonable person would not have felt free to leave, a court must perform an inquiry as to whether the interrogation was coercive. In *Howes*, the Supreme Court explained the coercive nature of the situation impacts whether an individual was in custody for *Miranda* purposes. *Howes,* 565 U.S. at 511. The *Howes* court identified three factors that will determine whether the circumstances were coercive: (1) whether the questioning involves the shock that often

accompanies arrest; (2) whether the person is likely to be lured into speaking by a longing for prompt release; and (3) whether the person knew that the law enforcement officers who questioned him lacked the authority to affect the duration of his sentence. *Id.* at 511-12.

In the present case, the circumstances of Mr. Rotolo's interrogation were coercive such that a *Miranda* warning was required. Mr. Rotolo was cut off from his normal life and work companions when an officer abruptly moved him from his work duties in the kitchen into a police dominated atmosphere—the separate room where he was surrounded by officers and prevented from leaving. Officer Douglas testified that he had been given permission to go beyond the public area of the restaurant to confront Mr. Rotolo. (30:9; App. 113). This would have been abnormal for someone working in a restaurant and would have caused a reasonable person in Mr. Rotolo's position to be shocked or surprised. The questioning here involved the shock that often accompanies arrest.

In addition, under the circumstances, a reasonable person in Mr. Rotolo's position would have felt (and actually was) lured into speaking by a longing for prompt release. Mr. Rotolo initially denied having any drugs and did not consent to a search of his vehicle. (30:10-11; App. 114-15). Only after being told that he was not free to leave, and that he would only receive a municipal citation, did Mr. Rotolo make incriminating statements and consent to a

search of his vehicle. (30:10-11; App. 114-15; 30:Ex. 1 at 8:50-9:30). The promise of a municipal citation and no criminal prosecution was an offer of prompt release and demonstrably lured Mr. Rotolo into incriminating himself. Based on these factors, the court should conclude that a *Miranda* warning was required because the circumstances of Mr. Rotolo's interrogation were coercive.

II. If this court concludes that Mr. Rotolo was in custody for purposes of *Miranda* when he made incriminating statements and consented to a search of his vehicle, the physical evidence derived therefrom must be suppressed.

The physical evidence in this case should be suppressed because it was obtained as the direct result of an intentional violation of *Miranda*. Under article I, section 8 of the Wisconsin Constitution, physical evidence obtained "as the direct result of an intentional *Miranda* violation" should be suppressed. *Knapp II*, 285 Wis. 2d 86, ¶2 [full cite here]. Notwithstanding *United States v. Patane*, 542 U.S. 630 (2004), holding that law enforcement's failure to give a suspect *Miranda* warnings did not require suppression of physical evidence obtained in connection with the suspect's unwarned, but voluntary statements, our supreme court has held that such derivative evidence should be suppressed under the Wisconsin Constitution. *State v. Halverson*, 2019 WI App 66, ¶¶40-41, ___ Wis. 2d ___, ___ N.W.2d ___ (citing *Patane*, 542 U.S. at 636-37; *State*

v. Knapp, 2005 WI 127, ¶2, 285 Wis. 2d 86, 700 N.W.2d 899).

Any reasonable police officer would know that telling a suspect he is not free to go would result in the type of custodial situation requiring a *Miranda* warning. Moreover, the fact that immediately after telling Mr. Rotolo he was not free to go, the officers coerced him into making incriminating statements by telling him that he would only receive a municipal citation, demonstrates that the *Miranda* violation in this case was intentional. This is precisely the type of conduct by police officers that *Miranda* was designed to prevent. Therefore, this court should conclude that the physical evidence derived from the *Miranda* violation must also be suppressed.

CONCLUSION

For the reasons stated in this brief, Mr. Rotolo respectfully requests that this court vacate his judgment of conviction and remand to the circuit court with directions that his statements and all derivative evidence suppressed.

Dated this 28th day of January, 2020.

Respectfully submitted,

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CERTIFICATION AS TO FORM/LENGTH

I hereby certify that this brief conforms to the rules contained in § 809.19(8)(b) and (c) for a brief produced with a proportional serif font. The length of this brief is 4,150 words.

CERTIFICATE OF COMPLIANCE WITH 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 § 809.19(12). I further certify that this electronic brief is identical in content and format to the printed form of the brief filed on or after 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 this 28th day of January, 2020.

Signed:

LAURA M. FORCE
Assistant State Public Defender

CERTIFICATION AS TO 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 § 809.19(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 § 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 one or more initials or other appropriate pseudonym or designation instead of full names of persons, 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.

Dated this 28th day of January, 2020.

Signed:

_____

LAURA M. FORCE
Assistant State Public Defender

A P P E N D I X

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