RECEIVED
07-14-2020
CLERK OF WISCONSIN
COURT OF APPEALS

STATE OF WISCONSIN
COURT OF APPEALS
DISTRICT II

Appeal No. 2020AP00888
Washington County Circuit Court Case No. 2019TR004106

IN THE MATTER OF THE REFUSAL OF JAMES MICHAEL CONIGLIARO:

WASHINGTON COUNTY,

Plaintiff-Respondent,

v.

JAMES MICHAEL CONIGLIARO,

Defendant-Appellant.

AN APPEAL FROM THE JUDGMENT OF CONVICTION BEFORE THE HONORABLE ANDREW T. GONRING AND SANDRA J. GIERNOTH, JUDGE WASHINGTON COUNTY CIRCUIT COURT

THE BRIEF AND APPENDIX OF THE DEFENDANT-APPELLANT JAMES MICHAEL CONIGLIARO

By: Walter A. Piel, Jr.
Attorney for the Defendant-Appellant
State Bar No. 01023997

Piel Law Office
11414 W Park Place Suite 202
Milwaukee, WI 53224
(414) 617-0088
(920) 390-2088 (FAX)

TABLE OF CONTENTS

TABLE OF AUTHORITIES

STATEMENT OF THE ISSUES

Did the County produce sufficient evidence at the refusal hearing to establish Mr. Conigliaro refused to allow chemical testing?

Answer: The trial court answered yes.

STATEMENT AS TO ORAL ARGUMENT AND PUBLICATION

Because this is an appeal within Wis. Stats. Sec. 752.31(2), the resulting decision is not eligible for publication. Because the issues in this appeal may be resolved through the application of established law, the briefs in this matter should adequately address the arguments; oral argument will not be necessary.

STATEMENT OF THE CASE/FACTS

The defendant-appellant, James Michael Conigliaro, (Mr. Conigliaro) was charged with operating a motor vehicle while under the influence of an intoxicant a violation of Wis. Stat. §346.63 (1)(a) and refusing to submit to a chemical test a violation of Wis. Stat. §343.305(9) stemming from an offense allegedly occurring on November 30, 2019. Mr. Conigliaro, by counsel, timely filed a written request for Refusal Hearing on December 9, 2019. A Refusal Hearing was held in the Washington County Circuit Court on February 7, 2020, the Honorable Andrew T. Gonring, Judge, presiding.

At the conclusion of the evidence, the Court allowed both sides to file briefs on the argued issue. The County filed its brief on March 13, 2020 (R.9:1-4) and the defense, by counsel, filed its brief on March 23, 2020 (R.10:1-4). In the interim, the case was assigned to the Honorable Sandra J. Giernoth, Judge, on April 14, 2020. On April 30, 2020, Judge Giernoth issued a written Decision. (R.15:1-6/ App. 1:1-6). In the Decision, the trial court found that Mr. Conigliaro unlawfully refused chemical testing. A conviction status report was entered on April 30, 2020.

Mr. Conigliaro by counsel timely filed a Notice of Appeal on May 13, 2020.

The appeal herein stems from the trial court finding that Mr. Conigliaro improperly refused to submit to a chemical test under Wis. Stat. §343.305(9). The facts pertinent to the appeal are as follows, and were provided through the testimony of Deputy Joseph Lagosh, and Mr. Conigliaro.

Deputy Lagosh, testified he had been a Washington County Sheriff's deputy for approximately four and one half years as of November 30, 2019. (R.23:5/ App. 7). He testified that on said date at approximately 5:41 p.m., he was dispatched to the area of County Highway Q and Colgate Road for a driving complaint. ***Id.*** The vehicle in question was described as a Ford minivan and was described to be driving between five and twenty miles per hour and unable to maintain its lane. (R.23:6/ App. 8). The speed limits in the area were 45 and 35 miles per hour. ***Id.*** Upon arrival, Lagosh observed the reported vehicle "to be stopped on the northwest corner of Hillside Road and County Q." ***Id.*** Lagosh had information from the initial call that the vehicle had struck the culvert at the intersection. When he arrived, Lagosh observed a passenger outside the vehicle examining the rear tires. (R.23:7/ App. 9)

Lagosh exited his vehicle. He observed the passenger reenter the vehicle and close the door. Lagosh ran up to the

vehicle to prevent it from leaving. Mr. Conigliaro was seated in the driver's seat. ***Id.*** Mr. Conigliaro was hunched over with his head down. (R.23:8/ App. 10). The passenger told Lagosh, Mr. Conigliaro is a truck driver and he was just tired. ***Id.*** Both Lagosh and the passenger attempted to rouse Mr. Conigliaro, but to no avail. Lagosh observed Mr. Conigliaro to suddenly become very pale, lean his head back and make agonal breathing sounds. (R.23:9/ App. 11). Lagosh suspected an opiate overdose. He determined Mr. Conigliaro had a faint pulse. In an attempt to rouse Mr. Conigliaro, Lagosh administered a sternum rub. (R.23:10/ App. 12). This had no effect.

Lagosh questioned the passenger about Mr. Conigliaro's drug use. The passenger indicated the only thing he took was prescribed Gabapentin. (R.23:11/ App. 13) However, according to Lagosh, the effects of Gabapentin would not produce what he was observing.

Lagosh then administered a dose of nasal Narcan to Mr. Conigliaro. (R.23:12/ App. 14) The Narcan made Conigliaro's pulse a bit stronger, but he still did not wake. ***Id.*** Lagosh continued to try to wake Conigliaro, checked his pulse again, and could not find a pulse. ***Id.***

Another officer arrived on scene, and they removed Mr. Conigliaro from the vehicle and laid him at the rear. (R.23:13/ App. 15) A third officer arrived. This officer administered a second dose of nasal Narcan. ***Id.*** This dose brought Mr. Conigliaro's pulse back, but still he did not rouse. ***Id.*** The officers then prepared a third dose of nasal Narcan, but Conigliaro began to regain consciousness prior to it being administered. ***Id.***

Lagosh testified in his experience, and based on his training, a dose of Narcan only responds to symptoms for opiate overdose. (R.23:14/ App. 16). Lagosh observed Mr. Conigliaro's pupils to appear constricted and observed Conigliaro to be confused and to not know where he was. ***Id.*** Constricted pupils is a possible sign of the presence of opiates. ***Id.***

Officers did not have a conversation with Mr. Conigliaro inasmuch as he was turned over to rescue at that point. ***Id.*** Rescue completed their evaluation of Mr. Conigliaro, and Lagosh then had contact. Initially, Mr. Conigliaro indicated he had no idea what was happening. ***Id.*** Lagosh asked Mr. Conigliaro to perform alternative field sobriety tests. According to Lagosh, Mr. Conigliaro refused, prompting Lagosh to arrest Mr. Conigliaro for OWI. (R.23:16/ App. 17).

Lagosh received additional information from the citizen witness that the passenger side door of the vehicle was open while the vehicle was moving. Based on that statement, and the location where the door opened, Lagosh estimated the door was open for about a mile with the vehicle moving. (R.23:17/ App. 18)

Deputy Lagosh then read Mr. Conigliaro the Informing the Accused form while Mr. Conigliaro was in the back of the ambulance. (R.23:18, 21/ App. 19,22). Lagosh asked Mr. Conigliaro if he would submit to an evidentiary chemical test of his blood. On cross examination, Lagosh acknowledged "James did not immediately answer, instead asked multiple times what was going on." (R.23:30/ App. 27). Mr. Conigliaro asked Lagosh if he should have an attorney. (R.23:19/ App. 20). Deputy Lagosh told Mr. Conigliaro he could not give him legal advice. (R.23:32/ App. 28). Deputy Lagosh then said he needed a yes or no answer. ***Id***. Conigliaro said he believed he should consult with an attorney. ***Id.*** Lagosh testified on direct, that he explained to Conigliaro if he wished to consult with an attorney when this was all done, that is his choice, but he still needed a yes or no answer. (R.23:20/ App. 21). On cross-examination, Lagosh acknowledged he reported telling Conigliaro the following: "I advised James that if he chose to consult with a lawyer, that was his choice." (R.23:32/

App. 28). Mr. Conigliaro then responded no, that "he believed he needed to consult with an attorney." (R.23:33/ App. 29). Lagosh never advised Mr. Conigliaro that he did not have the right to speak to an attorney prior to making the decision regarding chemical testing. (R.23:34/ App. 30).

Because of the nature of the "overdose", Mr. Conigliaro was transported to the hospital for treatment. (R.23:21/ App. 22). Lagosh did not observe any other medical issues, nor did Mr. Congiliaro complain of any. ***Id***.

On cross-examination, Lagosh testified he estimated the time he spent with Mr. Conigliaro before he was put into the ambulance as 15-20 minutes. (R.23:24/ App. 24). Lagosh was informed that Mr. Conigliaro suffered from asthma. (R.23:25/ App. 25). This information came to him as they were in route to the hospital. ***Id***. Lagosh also testified that based on his experience, Mr. Conigliaro was suffering from respiratory distress. (R.23:26/ App. 26).

Further, Lagosh testified Mr. Conigliaro questioned whether he should have an attorney on at least two separate occasions. (R.23:32/ App. 28). Lagosh told Mr. Conigliaro he could consult an attorney. ***Id***. However, Lagosh conceded he never advised Mr. Conigliaro that he did not have the right to

speak to an attorney prior to making the decision about chemical testing. At no point did Lagosh dispel Mr. Conigliaro's belief that he had the right to speak to an attorney.

Mr. Conigliaro testified he did not recently take opioids or suffer from an opioid overdose on the date in question. (R.23:39/ App. 31). He testified he suffers from severe asthma (R.23:41/ App. 33) and carries an EpiPen with him in the event he has an attack. (R.23:40/ App. 32) . Conigliaro remembered helping a friend move on that date and remembered there was mold in the basement of the residence where he was moving things out. ***Id.*** He remembers the mold affecting his breathing shortly after they left the friend's house. As he was in the vehicle, he remembers his asthma getting worse, and losing his vision. ***Id.*** The passenger then yelled at Mr. Conigliaro telling him to pull over. Mr. Conigliaro testified with an asthma attack, he cannot breath and eventually passes out. (R.23:41/ App. 33).

In the ambulance, Mr. Conigliaro advised the ambulance personnel that he had asthma. (R.23:42/ App. 34) He advised rescue workers he needed his nebulizer. ***Id.*** Ambulance personnel then gave Mr. Conigliaro albuterol to ease his symptoms ***Id.*** Mr. Conigliaro became more coherent as he was in the ambulance. (R.23:43-44/ App. 35-36).

Mr. Conigliaro testified the officer read him the Informing the Accused form while he was in the back of the ambulance. He remembers the officer asking him more than one time to provide a sample of his blood. (R.23:44/ App. 36). He remembers the officer advising him that he had the right to an attorney. Because of this, Mr. Conigliaro indicated he wished to consult with an attorney. ***Id***. The testimony of Mr. Conigliaro and Deputy Lagosh is similar in that both agreed, Lagosh never advised Mr. Conigliaro that Mr. Conigliaro would have to make the decision about chemical testing before he could consult with an attorney. ***Id.*** Conigliaro testified he relied on the officer's statements about counsel, and believe he had the right to speak to an attorney before providing the blood sample. (R.23:45/ App. 37). Further, Conigliaro testified that had he known he only could speak to an attorney after completing the test, he would have not refused, and would have simply submitted to testing. (R.23:46/ App. 38).

At the refusal hearing, the court, the Honorable Andrew T. Gonring, Judge, found the officer had probable cause to believe that Mr. Conigliaro operated his vehicle while under the influence, and that Deputy Lagosh read the Informing the Accused Form. The Court ordered the parties to brief the issue concerning the office's statement regarding an attorney.

In it's brief, the County cited to ***State v. Reitter,*** 227 Wis.2d 213, 595 N.W.2d 646, arguing that where "the defendant exhibits no confusion, the officer is under no affirmative duty to advise the defendant that the right to counsel does not attach to the implied consent statute." ***Id.*** at ¶28. (R.9:1-4).

Defense pointed the Court to the reasoning in ***State v. Verkler,*** 2003 WI App 37, 260 Wis.2d 391, 659 N.W.2d 137, arguing an implicit suggestion that Mr. Conigliaro could consult with an attorney and because of Mr. Conigliaro's reliance on said statement, the Refusal should to be dismissed. (R.10:1-4).

The Court, the Honorable Sandra J. Giernoth, Judge, Washington County, issued a written decision upholding the Refusal on April 30, 2020. (R.15:1-6/ App. 1-6) The Court defined the issue as "whether any of Deputy Lagosh's statements constitute explicit assurances or implicit suggestions that the Defendant had a right to counsel during the Implied Consent phase of the investigation", and if so whether Mr. Conigliaro relied on said statements in refusing testing. (R. 15:3/ App. 3). Despite not actually hearing the testimony, the Court found the testimony of Deputy Lagosh credible. (R.15:4/ App. 4). The Court found that Mr. Conigliaro's initial response (asking to speak to an attorney) amounted to a refusal. ***Id.*** The Court also

found Mr. Conigliaro's second request for an attorney amounted to a refusal (R.15:5/ App. 5), and that the defendant failed to reasonably rely on Lagosh's implicit statement. ***Id.***

Mr. Conigliaro timely appealed the court's decision by filing a Notice of Appeal on May 13, 2020.

STANDARD OF REVIEW

"The circuit court's decision that a refusal is improper is a question of law," and an appellate court reviews questions of law "independently without deference to the decision of the circuit court." ***State v. Ludwigson,*** 212 Wis.2d 871, 875, 569 N.W.2d 762 (Ct.App. 1997). However, the circuit court's findings of fact will not be reversed unless clearly erroneous. ***State v. Eckert,*** 203 Wis.2d 497, 507, 553 N.W.2d 539 (Ct. App. 1996).

ARGUMENT

THE COURT ERRED IN FINDING THAT THE MR. CONIGLIARO REFUSED CHEMICAL TESTING WHERE HE WAS LED TO BELIEVE THAT HE HAD THE RIGHT TO COUNSEL AND, WHERE THE ARRESTING DEPUTY FAILED TO DISPEL SAID BELIEF AND WHERE MR. CONIGLIARO RELIED ON THE DEPUTY'S STATEMENT

It is well settled the right to counsel does not attach prior to making a decision about chemical testing. ***State v. Baratka,*** 2002 WI App 288 ¶15, 258 Wis.2d 342, 654 N.W.2d 875 and

State v. Reitter, 227 Wis.2d 213, 595 N.W.2d 646 (1999). There is no statutory or constitutional requirement allowing an accused the assistance of counsel when making the decision regarding chemical testing. *see* ***State v. Neitzel,*** 95 Wis.2d 191, 205, 289 N.W.2d 828 (1980). Furthermore, a defendant who conditions his consent to chemical testing on his ability to confer with counsel refuses testing. see ***State v. Neitzel,*** 95 Wis.2d 191, 289 N.W.2d 828 (1980).

However, ***State v. Reitter,*** 227 Wis.2d 213, 595 N.W.2d 646 (1999), recognized a narrow exception to the above rule. (Where a defendant is led to believe he has a right where none actually existed.). ***Reitter*** employs a three-pronged test. The defendant has the burden to show (1) the officer exceeded his duty to inform the defendant, (2) the oversupply of information misled the defendant and (3) the officer's failure to inform the defendant affected his choice about submitting to the test. ***Id.*** at 233.

In ***State v. Verkler,*** 2003 WI App 37, 260 Wis.2d 391, 659 N.W.2d 137, the court explained, "if the officer explicitly assures or implicitly suggests that a custodial defendant has a right to consult counsel, that officer may not thereafter pull the rug out from under the defendant if he or she thereafter reasonably relies on this assurance or suggestion." ***Verkler*** at ¶8 (citations omitted).

In ***Baratka,*** the court held that "repeated requests for an attorney can amount to a refusal so long as the officer informs the driver that there is no right to an attorney at that point." ***Baratka*** at ¶15. Additionally, in ***Reitter,*** the Court stated that "where a defendant exhibits no confusion, an officer is under no affirmative duty to advise the defendant that the right to counsel does not attach to the implied consent statute." ***Reitter,*** 227 Wis.2d at 231.

However, ***Reitter*** acknowledged that where an officer explicitly assures or implicitly suggest a right where none existed, there could be a due process violations. ***Reitter*** at 49.

The courts in ***Reitter, Baratka*** and ***Verkler*** upheld the refusal violation. However, the facts in each case are distinguishable from those herein.

In ***Reitter,*** the defendant "reacted to the "Informing the Accused" form by stating repeatedly that he wished to call his attorney." ***Reitter*** at ¶6. The officer did not respond to this request, but explained "under the implied consent law, Reitter had agreed to submit to the test, and that a refusal to take the test would result in the revocation of driving privileges." ***Id.*** Mr. Reitter insisted that he wanted to call his attorney. The officer made it clear he needed a yes or no answer, and the "I want to call

my attorney" answer could amount to a Refusal. ***Id.*** Reitter failed to answer the officer's question and he was marked as refusing.

Unlike herein, the officer who arrested Reitter explained to Reitter conduct (repeatedly requesting an attorney) could constitute a Refusal. Further, unlike here, the officer in ***Reitter*** never discussed or even broached the topic of an attorney. In fact, the officer simply ignored Mr. Reitter's request for an attorney. Distinguishing ***Reitter*** from the facts herein, Deputy Lagosh never advised Mr. Conigliaro that his conduct (requesting a lawyer) could amount to a refusal. While defense understands there is no obligation to do so, an obligation does exist if the officer implicitly suggests a right to counsel exists. An equally important distinction here is Lagosh specifically discussed the right to an attorney with Mr. Conigliaro. Lagosh told Mr. Conigliaro he could speak to an attorney. Mr. Conigliaro relied on this statement and said he wanted to speak to a lawyer. The facts herein are clearly distinguishable from ***Reitter.***

The key difference in ***Baratka*** is the officer correctly advised Baratka he had no right to an attorney. Baratka claimed he did not understand the Informing the Accused form and requested counsel. ***Id.*** at ¶3. The arresting officer stated "Baratka did not have a right to an attorney at that stage." ***Id.*** The officer

then reread the Informing the Accused form, Baratka continued to claim he did not understand the form, and wanted an attorney, and thus the officer marked it as a Refusal. ***Id.*** The Court found "repeated requests for an attorney can amount to a refusal as long as the officer informs the driver that there is no right to an attorney." ***Id.*** at ¶15, citing to ***Reitter,*** 227 Wis.2d 227, 235. The ***Baratka*** court upheld the Refusal.

In ***Verkler,*** after being arrested for OWI, Verkler asked if he could consult with his law-partner who was a passenger in his vehicle. ***Verkler,*** at ¶3. The officer told Verkler his law-partner could not come into the testing room. The officer pointed to a newspaper clipping hanging on the wall. Verkler testified that the clipping "seemed to say that a person is not entitled to have the advice of counsel as to the decision of whether to take the breath test." ***Id.*** Regardless of whether Verkler believed in the veracity of the clipping, the Court found by pointing to the clipping, the officer was telling Verkler he did not have the right to an attorney at this stage.

The obvious distinction between ***Verkler*** and the facts herein is Lagosh did nothing to assure Mr. Conigliaro knew he was not entitled to the advice of counsel prior to deciding about chemical testing.

Defense counsel does not ignore the general rule of ***Neitzel.*** We acknowledge in most situations an officer is under no obligation to provide that assurance. Yet ***Reitter*** carved out a narrow exception to this rule. The ***Verkler*** court explained:

> ...there now exist a narrow exception to the rule announced by the supreme court in ***State v. Neitzel,*** 95 Wis.2d 191, 204, 289 N.W.2d 828 (1980). The ***Neitzel*** rule is that wanting to first consult with counsel before deciding whether to submit to a breath test is not a valid reason to refuse and an officer is on solid grounds in marking a refusal if the custodial defendant relies on this explanation for not immediately agreeing to take the breath test. See ***id.*** at 205, 289 N.W.2d 828. The narrow exception is the ***Reitter*** rule: If the officer explicitly assures or implicitly suggests that a defendant has a right to consult counsel, that officer may not thereafter pull the rug out from under the defendant if he or she thereafter reasonable relies on this assurance or suggestion. See ***Reitter***, 227 Wis.2d at 240-42, 595 N.W.2d 646.

Verkler, at ¶8.

The issue herein is whether Mr. Conigliaro's case falls within that narrow exception. The ***Verkler*** court upheld the Refusal in part because they found Verkler was never told he had the right to consult with an attorney. ***Verkler*** at ¶16. The officer there did not explicitly assure or implicitly suggest the right existed where clearly it did not.

Conversely, here, Deputy Lagosh, had a conversation with Mr. Conigliaro regarding an attorney. In response to Mr.

Conigliaro's question about speaking to an attorney, Lagosh said two things. First, he could not give legal advice and second, if Mr. Conigliaro wanted to consult with an attorney that was his choice. (R23:33/App.29). Both statements are information not contained in the Informing the Accused form. Thus, the officer clearly oversupplied information. The problem, and Deputy Lagosh admitted it, is Lagosh never clarified that Mr. Conigliaro did not have the right to speak to an attorney prior to making the decision about chemical testing. The conversation at worst implicitly suggested to Mr. Conigliaro that he had the right to counsel (it was his choice as Deputy Lagosh told him) prior to testing. Deputy Lagosh then pulled the rug out from under Mr. Conigliaro when Mr. Conigliaro's final answer to the question regarding chemical testing was "no I believe I needed to consult with an attorney." (R.23:20/App.21). This answer coupled with Mr. Conigliaro's testimony clearly shows his reliance on Deputy Lagosh's implicit suggestion.

Had Mr. Conigliaro simply said no, that might require a separate analysis, but here Mr. Conigliaro said "no, I believe I need to consult with counsel." It is obvious that the oversupply of information misled Mr. Conigliaro. Mr. Conigliaro was exercising what he thought was the "choice" as Deputy Lagosh

put it, to speak to an attorney. This critical moment is where the conversation fell within the narrow exception of ***Reitter.*** This is the moment where Deputy Lagosh was obligated to dispel Mr. Conigliaro's belief, clarify the conversation, and advise Mr. Conigliaro he cannot wait to speak with an attorney, and if he does, he will be considered a Refusal. Deputy Lagosh failed to do so. Mr. Conigliaro testified had he known the above, he would have submitted to testing. Certainly, Lagosh's oversupply of information affected Mr. Conigliaro's ability to make a choice about chemical testing.

Thus, Mr. Conigliaro's case falls within the narrow exception carved out in ***Reitter,*** and the Court should have dismissed the Refusal.

CONCLUSION

Because the facts herein fall within the narrow exception to the ***Reitter*** case, the trial court erred in finding that Mr. Conigliaro refused chemical testing. The court should vacate the judgment of conviction and dismiss the Refusal.

Dated this 10th day of July, 2020.

Respectfully Submitted
Piel Law Office

_____
Walter A Piel, Jr.
Attorney for the Defendant-Appellant
State Bar No. 01023997

Mailing Address:
11414 W Park Place Suite 202
Milwaukee, WI 53224
(414) 617-0088
(920) 390-2088 (FAX)

FORM AND LENGTH CERTIF-ICATION

The undersigned hereby certify that this brief and appendix conform to the rules contained in secs. 809.19(6) and 809.19(8) (b) and (c). This brief has been produced with a proportional serif font. The length of this brief is 23 pages. The word count is 4993.

Dated this 10th day of July, 2020.

Respectfully Submitted

Piel Law Office

_____

Walter A Piel, Jr.
Attorney for the Defendant-Appellant
State Bar No. 01023997

Mailing Address:
11414 W Park Place Suite 202
Milwaukee, WI 53224
(414) 617-0088
(920) 390-2088 (FAX)

CERTIFICATION 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 s. 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 this 10th day of July, 2020.

Respectfully submitted,

Piel Law Office

_____

Walter A. Piel, Jr.
Attorney for the Defendant-Appellant
State Bar No. 01023997

APPENDIX CERTIFICATION

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 s. 809.19(2)(a) and that contains: (1) a table of contents; (2) relevant trial court record entries; (3) the findings or opinion of the trial court; and (4) portions of the record essential to an understanding of the issues raised, including oral or written rulings or decisions showing the trial court's reasoning regarding those issues.

I further certify that if this appeal is taken from a circuit court order or a 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 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 10th day of July, 2020.

Respectfully submitted,

_____

Walter A. Piel, Jr.
Attorney for the Defendant-Appellant
State Bar No. 01023997

APPENDIX