STATE OF WISCONSIN

IN SUPREME COURT

Case No. 2023AP1385-CR

STATE OF WISCONSIN,

Plaintiff-Appellant,

v.

KAHREEM RASHAH WILKINS, SR.,

Defendant-Respondent-Petitioner.

PETITION FOR REVIEW

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INTRODUCTION

There are millions of police-citizen encounters each year. In 2018, the Bureau of Justice Statistics estimated that about 28.9 million U.S. residents experienced contacts initiated by police.[1] The Bureau further estimates that 3,528,100 of those contacts were stops where police approached individuals in a public place or near a parked vehicle, similar to the stop at issue here. *Id.* at 4 tbl. 2. The vast majority of these encounters affect innocent civilians and turn up no evidence, and are thus never subject to judicial scrutiny.[2] But these stops, nonetheless, may be unconstitutional, traumatic, and socially damaging all the same.[3]

Mr. Wilkins was subjected to a police-citizen encounter as he sat in his vehicle, legally parked outside his home, late at night. Just before 2:00 a.m., four uniformed Milwaukee Police Department Officers approached Mr. Wilkins' car. Two officers approached

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[1] Erika Harrell & Elizabeth Davis, *Contacts Between Police and the Public, 2018 – Statistical Tables*, Bureau Just. Stat. 3 (Dec. 2020), https://perma.cc/G65P-N8T5.

[2] Emma Pierson, et. al, *A large-scale analysis of racial disparities in police stops across the United States*, 4 Nature Human Behavior 726, 739 (2020) (in tens of millions of vehicle stops from 2011 to 2018, less than one-fifth of municipal patrol searches turned up contraband).

[3] *See, e.g.*, Amanda Geller, et al., *Aggressive Policing and the Mental Health of Young Urban Men*, 104 Am. J. Pub. Health 2321, 2324 (2014).

the driver's side and the other two went to the passenger's side. The officers shone flashlights into Mr. Wilkins' car and peered inside. The circuit court held that Mr. Wilkins was seized by virtue of the officers' actions and that the officers did not have the requisite reasonable suspicion to seize Mr. Wilkins. The court of appeals, in a split decision, held that there was no seizure, and, thus, the officers did not need reasonable suspicion.

ISSUES PRESENTED

1. Whether, in considering the totality of the circumstances to determine whether an individual has been seized for Fourth Amendment purposes, courts can consider characteristics of the defendant, like race or gender?

This was not raised below and neither the circuit court nor the court of appeals reached this question.

This Court should grant review to clarify whether courts can consider such objective personal characteristics such as race and gender. Given the number of daily encounters between police and citizens across the state, this is a matter of statewide importance and has been addressed by a number of different jurisdictions. While the reasonable person analysis is objective—meaning, it does not consider the feelings or beliefs of the particular defendant—it may take into account such objective personal characteristics such as race and gender in considering

whether a reasonable person in that particular defendant's position would have felt free to leave. The reasonable person analysis already considers a number of fact-specific factors such as the tone of voice of the officer, whether the officer physically touched the defendant, and the location of the encounter. It can, therefore, accommodate such obvious facts as whether the defendant is a member of a protected class and how that group of people historically interact with and have been impacted by policing.

2. Whether, under the totality of the circumstances an individual is seized for Fourth Amendment purposes when his vehicle that is parked on a well-lit—but otherwise deserted—street in a "high-crime area" is suddenly approached by multiple police officers on each side of the car?

Mr. Wilkins moved to suppress the evidence seized by police after they approached and surrounded his vehicle at night and the circuit court granted the motion and suppressed the evidence resulting from the illegal seizure, holding that the police seized Mr. Wilkins and did not have the required reasonable suspicion.

The court of appeals, in a split decision, reversed, however, and held that the interaction between Mr. Wilkins and the police was consensual and that Mr. Wilkins was not seized by police. The court of appeals held that a reasonable person, sitting in their vehicle late at night on a well-lit, but otherwise empty street in a "high-crime area," would have felt

free to leave when suddenly approached by two armed officers on each side of their car.

This Court should grant review and hold that the reasonable person under those circumstances would not have felt free to leave independently of how this Court decides whether immutable personal characteristics can be considered in the reasonable person analysis.

3. Whether a bright-line rule exists that provides reasonable suspicion to temporarily detain an individual whenever an officer smells the odor of marijuana?

Mr. Wilkins challenged the officer's seizure as done without reasonable suspicion, as the only fact that the officer cited was the smell of marijuana.

The circuit court did not directly reach this issue, but found that the officer's claim of smelling the odor of marijuana to be incredible.

The court of appeals additionally did not directly reach this issue as it held that Mr. Wilkins was not seized by the officers.

This Court should grant review to provide clarity to lower courts and to law enforcement that the smell of marijuana, without other indicia of the presence of contraband, does not per se give rise to reasonable suspicion to detain an individual.

CRITERIA FOR REVIEW

"[S]pecial and important reasons" exist to grant this petition. *See* Wis. Stat. § 809.62(1r). Two such reasons stand out. First, this petition raises a real and significant question concerning whether and when an individual is seized by police under the Fourth Amendment of the United States Constitution and Art. I, § 11 of the Wisconsin constitution. *See* U.S. Const. Amend. IV; Wis. Const. Art. I, § 8; Wis. Stat. § 809.62(1r)(a). This case involves fundamental questions about interactions between police and the communities they serve.

Second, this petition offers the Court the opportunity to develop, clarify, and harmonize the law for the reasons specified in § 809.62(1r)(c). If granted, the Court could clarify the so-called "reasonable person" standard and whether consideration of how the fictionalized "reasonable person" would act can include consideration of certain objective characteristics of the defendant, such as their race or gender. This is a question of law that would require the Court to develop existing case law.

Additionally, the court of appeals divided over the issues, indicating that additional clarity is necessary to properly inform the lower courts analysis of the reasonable person standard.

STATEMENT OF FACTS

On August 20, 2021, Officer Josue Ayala of the Milwaukee Police Department was on bicycle patrol with three other officers. (29:10-11; App. 32-33). Officer Ayala testified at the suppression hearing that, as he and his fellow officers were patrolling the Garden Homes Neighborhood, they observed a black Yukon SUV parked southbound on 25th Street. (29:12; App. 34). Officer Ayala was unable to recall any issues with how the vehicle was parked. (29:28; App. 50). As Officer Ayala and his fellow officers rode past the vehicle just before 2:00 a.m., he claimed to smell the odor of burnt marijuana coming from the vehicle. (29:32-33; App. 54-55).

Upon purportedly smelling the marijuana, Officer Ayala stopped at the driver's door of the SUV. (29:14; App. 36). His fellow officers also stopped, one behind Officer Ayala and the other two on the passenger side of the vehicle. (29:14; App. 36). Officer Ayala testified that these were the positions that he and the other officers would have taken for a traffic stop. (29:15; App. 37). Officer Ayala informed Mr. Wilkins of the reasons for the stop and was able to easily converse with him through the partly open window. (29:17; App. 39). Within seconds of establishing contact with Mr. Wilkins, Officer Ayala claimed to see a gun in Mr. Wilkins' lap, address the gun with Mr. Wilkins, see marijuana flakes on the driver's floorboard, and discover that Mr. Wilkins did not have a CCW permit. (29:18; App. 40). Officer Ayala

testified that questions about CCW permits are standard for any traffic stop. (29:24; App. 46).

In response to questioning by Officer Ayala, Mr. Wilkins informed the officer that he did not have a CCW permit as he was trying to get "things" expunged from his record. (29:24-25; App. 46-47). Mr. Wilkins relayed to Officer Ayala that he was attempting to get a conviction for bail jumping expunged. (29:25; App. 47). Officer Ayala asked whether it was a felony bail jumping and Mr. Wilkins confirmed it was. (29:25; App. 47). Thereafter, Mr. Wilkins and his passenger were removed from the vehicle, placed in handcuffs, and the vehicle searched. (29:25-26; App. 47-48).

During the search of the vehicle, a number of firearms were recovered. (29:26-27; App. 48-49). Officer Ayala also testified to recovering unburnt marijuana from the car. (29:27; App. 49). The marijuana, however, was too small to be weighed. (29:28; App. 50). No burnt marijuana was found in the car or in the immediate vicinity. (29:29; App. 51). Additionally, no paraphernalia was located in the vehicle. (29:31; App. 53). Similarly, no marijuana or paraphernalia were located on Mr. Wilkins' person after he was searched. (29:34; App. 56).

Mr. Wilkins was charged with one count of possession of a short-barreled shotgun/rifle and three counts of possession of a firearm by a felon. (2:1). Mr. Wilkins challenged Officer Ayala's seizure as being conducted without reasonable suspicion. (12). A

suppression hearing was held wherein Officer Ayala testified to the above facts.

After hearing the testimony of Officer Ayala as well as the arguments of counsel, the circuit court, the Honorable Danielle L. Shelton presiding, granted the motion to suppress. (23:6-7; App. 21-22). The circuit court held that Mr. Wilkins was seized when the four officers approached and surrounded his vehicle late at night and that the officers did not have the requisite reasonable suspicion. (23:5-6; App. 20-21). The court held that the encounter was not a consensual encounter because "four police officers, while in full uniform, stopped their fully marked Milwaukee Police Department bicycles, equipped with emergency red and blue lights, surrounded the Yukon, and without justification leaned into [Mr. Wilkins'] windows with flashlights to peer inside.. . ." (23:5-6; App. 20-21). The court primarily based its decision regarding reasonable suspicion on its finding that Officer Ayala's testimony about smelling a strong odor of marijuana to be not credible. (23:5; App. 20).

The State appealed the decision suppressing the evidence. (25).

On appeal, the State primarily argued that the circuit court erred in finding that Officer Ayala's testimony regarding the odor of marijuana to be incredible. Brief of Plaintiff-Appellant at 15-24, *State v. Wilkins*, 2024WL4441900, No. 2023AP1385-CR. In the alternative, the State argued, the officers had reasonable suspicion to seize Mr. Wilkins based solely

on Officer Ayala's claim of smelling marijuana. *Id.* at 24-25.

The court of appeals held that no seizure occurred because a reasonable person in Mr. Wilkins' position would have felt free to leave or to otherwise end the interaction with the officers. *State v. Wilkins*, 2024WL4441900, 2023AP1385-CR, ¶ 18 (App. 8). The court of appeals reasoned that Mr. Wilkins "was sitting in a parked SUV with the engine running in a well-lit public street," combined with the fact that the officers did not block the front of the vehicle with their bicycles, meant that Mr. Wilkins was free to leave. *Id.* (App. 8).

The court of appeals attempted to distinguish this case from that of *United States v. Smith*, 794 F.3d 681 (7th Cir. 2015). *Id.* at ¶ 21 (App. 9-10). It noted that Mr. Wilkins' case was not like that of *Smith* because the officers "did not position their bicycles to block the SUV's path forward" and because "there was no evidence presented that any of the officers had their hands on their firearms. *Id.* at ¶ 22 (App. 10). The court of appeals reversed the circuit court. *Id.* at ¶ 23 (App. 10).

ARGUMENT

I. This Court should grant review to clarify the fictional "reasonable person" standard and to address whether the imaginary reasonable person for Fourth Amendment analysis can account for the race of the suspect.

This Court should grant this petition to resolve the unsettled questions of whether and to what extent characteristics such as race and gender can be considered in the context of the reasonable person free to leave analysis. Mr. Wilkins' position is that characteristics such as race and gender have enormous impact on how individuals of different backgrounds interact with authority figures such as police. No published decision in Wisconsin indicates whether considerations such as race or gender are appropriate in considering whether a reasonable person in the defendant's position would have felt free to leave or stop the encounter with police.

A. Fourth Amendment principles.

Both the United States Constitution and the Wisconsin Constitution provide "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated." U.S. Const. amend. IV; Wis. Const. art. I, § 11. The Fourth Amendment protects individuals against more than just formal arrests. *Terry v. Ohio*, 392 U.S. 1, 16 (1968). The constitution countenances two types of seizures: *Terry* stops and

arrests. *County of Grant v. Vogt*, 2014 WI 76, ¶ 27, 356 Wis. 2d 343, 850 N.W.2d 253. A *Terry* stop is a brief investigatory stop that must be supported by reasonable suspicion that criminal activity is afoot. *Id.*

Not every police-citizen encounter implicates the Fourth Amendment, however. *State v. VanBeek*, 2021 WI 51, ¶ 26, 397 Wis. 2d 311, 960 N.W.2d 32. "Law enforcement officers may approach citizens on the street, put questions to them, and ask for identification without implicating the Fourth Amendment 'as long as the police do not convey a message that compliance with their request is required.'" *Id.* (quoting *Florida v. Bostick*, 501 U.S. 429, 434 (1991)).

"A seizure occurs if, under the totality of the circumstances, the 'police conduct would have communicated to a reasonable person that the person was not free to decline the officers' request or otherwise terminate the encounter. *Id.* (quoting *Bostick*, 501 U.S. at 439). An officer simply approaching an individual and asking questions, without more, does not effectuate a seizure. *State v. Williams*, 2002 WI 94, ¶ 22, 255 Wis. 2d 1, 646 N.W.2d 834. The test to determine whether a police-citizen encounter is a seizure, and thus implicates the Fourth Amendment, is an objective test. *Vogt*, 2014 WI 76, ¶ 30.

A seizure occurs when, under the totality of the circumstances, an innocent, reasonable person would not feel free to end the encounter or decline the

officers' requests. *VanBeek*, 2021 WI 51, ¶¶ 29-30. "So long as a reasonable person would feel free to disregard the police and go about his or her business, the encounter is consensual and no reasonable suspicion is required." *United States v. Smith*, 794 F.3d 681, 684 (7th Cir. 2015) (citing *Bostick*, 501 U.S. at 434).

B. The reasonable person analysis cannot be totally divorced from reality.

Mr. Wilkins, an African-American man, was sitting in his vehicle parked outside of his home in Milwaukee when four uniformed Milwaukee Police Department Officers approached his car, two on each side, and began asking him questions. The court of appeals wrongly held that a reasonable person in Mr. Wilkins' position would have felt free to leave or otherwise end the encounter. In coming to its conclusion, the court of appeals ignored the reality of policing in America, generally, and in Milwaukee, more specifically. The court of appeals did not consider how a reasonable African-American person would feel in Mr. Wilkins' position.

Although there appear to be few studies regarding how the average person feels when approached by an officer, one study has found that the fictitious reasonable person is much more willing to leave an encounter with an officer than a real, average person. David K. Kessler, *Free to Leave? An Empirical Look at the Fourth Amendment's Seizure Standard*, 99 J. Crim. L. & C. 1 (2009). Courts have found that the

mere close presence of a police officer does not mean that the "reasonable person" would not feel free to leave. *See United States v. Drayton*, 536 U.S. 194, 203-04 (2002) (holding that there was no seizure even when the officer spoke with the defendant from only 12-18 inches away). However, studies show that "close proximity to authority figures creates 'discomfort, anxiety, and tension,' which makes people more likely to acquiesce to their requests." Kessler at 64. While the fictitious reasonable person has seemingly endless time to evaluate the situation and determine whether they could reasonably end the encounter, the real person does not have such time. *Id.* "The evidence suggests that people confronted by police officers do not act as freely as the Court believes." *Id.*

Several other jurisdictions, applying the reasonable person free to leave standard, have explicitly recognized that race is a relevant factor for courts to consider. *Smith*, 794 F.3d at 688; *Dozier v. United States*, 220 A.3d 933, 942-45 (D.C. 2019) (noting that African-Americans' "fear of harm" at "the hands of police," and "resulting protective conditioning to submit to avoid harm," may be "relevant to whether there [is] a seizure."); *United States v. Washington*, 490 F.3d 765, 773 (9th Cir. 2007) (the court considered "the total circumstances present in Washington's case," including the "publicized shootings by white Portland officers of African-Americans."); *State v. Sum*, 511 P.3d 92, ¶ 48 (Wash. 2022) (noting that while there is not one universal experience for people of color, "heightened police scrutiny of [communities of color] is certainly common enough to establish that

race and ethnicity have at least some relevance to the question of whether a person was seized."); *Commonwealth v. Evelyn*, 152 N.E.3d 108, 120-21 (Mass. 2020) (recognizing that "African-Americans, particularly males, may believe that they have been seized in situations where other members of society would not," and "agree[d] that the troubling past and present of policing and race are likely to inform how African-Americans . . . interpret police encounters."). One such jurisdiction has noted that it "is known from well-publicized and documented examples, an African-American man facing armed policemen would reasonably be especially apprehensive." *Dozier*, 220 A.3d at 944.

Courts can consider the characteristics of the individual without turning the analysis into a subjective one. "[A]t a minimum, the reasonable person is not purely abstract; the reasonable person is a person with the general feelings and experience of the community." Kessler at 82. This Court should clarify that the "reasonable person" in the free to leave analysis is a reasonable person who is a member of that community. Members of different communities react to police differently. For example, how an individual who lives in Oconomowoc interacts with police will be far different than how an individual who lives in downtown Milwaukee interacts with police. Focusing a member of the community as the fictional reasonable person ensures that the standard takes into consideration the true totality of the circumstances.

C. Failure to consider the race of the imaginary "reasonable person" fails to consider the totality of the circumstances present in any case.

While the "reasonable person" analysis is an objective one, "it is 'necessarily imprecise' because 'what constitutes a restraint on liberty prompting a person to conclude that he is not free to 'leave' will vary, not only with the particular police conduct at issue, but also with the setting in which the conduct occurs.'" *Smith*, at 684 (quoting *Michigan v. Chesternut*, 486 U.S. 567, 573-74 (1988)). The U.S. Supreme Court has previously remarked that while the race of the suspect was "not irrelevant," it was not "decisive." *United States v. Mendenhall*, 466 U.S. 544, 554 (1980).

The Seventh Circuit Court of Appeals declared that it "do[es] not deny the relevance of race in everyday police encounters with citizens in Milwaukee and around the country. Nor do[es it] ignore empirical data demonstrating the existence of racial profiling, police brutality, and other racial disparities in the criminal justice system." *Smith*, at 688. Indeed, the United States Supreme Court has not disclaimed the use of race in policing so long as the police also have some other, legitimate reason for stopping the person. See *Whren v. United States*, 517 U.S. 806, 813 (1996). In *Whren*, while the Supreme Court recognized that "the Constitution prohibits selective enforcement of the law based on considerations such as race," it held that the officer's actual motivations (regardless of

whether those were explicitly based on unconstitutional considerations such as race) do not determine whether the officer's actions are constitutional. *Id.*

In sum, this Court should grant review to make clear that the reasonable person analysis "reflects real life," consistent with the other courts that have permitted courts to consider characteristics such as race or gender. *See* Daniel S. Harawa, *Coloring in the Fourth Amendment*, 137 H.L.R. 6, 1542 (2024).

II. This Court should grant review to develop existing Fourth Amendment case law and hold that when police take obvious investigatory steps such that a reasonable person would understand that they are under investigation a seizure has occurred.

This Court should grant review to develop and clarify existing Fourth Amendment case law and hold that a police officer's show of force that makes a reasonable person believe that he is not free to leave does not need to include physical force or forceful words, but can also include acts that make clear to the reasonable person that he is a suspect. The court of appeals incorrectly held that a reasonable person who is approached by officers in the same position the officers would take for a traffic stop and who immediately shone flashlights into the individual's car and peered inside would feel free to leave under the circumstances.

Mr. Wilkins sat in the only car parked on well-lit street in a "high-crime area." Two police officers approached his car on each side and immediately shone flashlights inside despite the fact that the street was otherwise well-illuminated and officers were able to see and speak with the occupants of the vehicle with no problem.

Why, on a well-lit street, would police use their flashlights to peer inside a parked car other than the detection of contraband? What other purpose could this serve other than investigation?

A show of authority—even absent a show of force—may effectuate a seizure. *Brendlin v. California*, 551 U.S. 249, 254 (2007). The Supreme Court, in the context of holding that all occupants are seized when a traffic stop occurs, recognized that "a sensible person would not expect a police officer to allow people to come and go freely from the physical focal point of an *investigation* into faulty behavior or wrongdoing." *Id.* at 257 (emphasis added). The Court further noted that a reasonable person would "expect that a police officer at the scene of a crime, arrest, or *investigation* will not let people move around in ways that could jeopardize [the officer's] safety." *Id.* at 258 (emphasis added).

When police officers make apparent that an individual is under investigation, and by virtue of that investigation, is not free to leave, the individual has been seized. *See* Janice Nadler, *No Need to Shout: Bus Sweeps and the Psychology of Coercion*, 2002 Sup. Ct.

Rev. 153, 208 ("At the moment the police officer approaches, holds up his badge, and begins introducing himself, it is quite clear that the police are motivated by suspicion, not benevolence."). No reasonable person under any set of circumstances would consider themselves free to leave the scene of an investigation with the scene of the investigation. Just as a reasonable person stopped by police for a suspected traffic or equipment violation would not feel free to simply drive away while the officer was investigating, no reasonable person sitting in a vehicle that the police appear to actively be investigating would feel free to simply drive away.

III. This Court should grant review to clarify whether a bright-line rule exists that establishes reasonable suspicion for a temporary seizure when an officer smells marijuana, without more.

Even a brief investigatory stop requires reasonable suspicion. *Vogt*, 2014 WI 76, ¶ 27. "[W]here a police officer observes unusual conduct which leads him reasonably to conclude in light of his experience that criminal activity may be afoot," the officer may briefly stop the individual and make "reasonable inquiries" to confirm or dispel his suspicions. *Terry*, 392 U.S. at 30. Reasonable suspicion exists if "the facts of the case would warrant a reasonable officer, in light of his or her training and experience, to suspect that the individual has committed, was committing, or is about to commit a crime." *State v. Post*, 2007 WI 60, ¶ 13, 301 Wis. 2d 1, 733 N.W.2d 634. An officer "must be

able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant" the intrusion of the stop. *Id.*

In the present case, Officer Ayala observed an SUV legally parked on the road at approximately 2:00 a.m. with two occupants. There is nothing inherently suspicious about two individuals sitting in a vehicle on a residential street late at night or early in the morning. Officer Ayala claimed to have smelled the odor of burnt marijuana emanating from the vehicle. Notwithstanding the circuit court's finding that this claim was incredible, no reasonable suspicion existed.

This Court just last year clarified that there is no bright-line rule that marijuana always establishes probable cause to search. *State v. Moore*, 2023 WI 50, ¶ 11, 408 Wis. 2d 16, 991 N.W.2d 412. This Court should clarify that there is similarly no bright-line rule that the smell of marijuana always establishes reasonable suspicion for a temporary detention. Mr. Wilkins' case demonstrates why no such bright-line rule should exist.

Officer Ayala testified that, although he is qualified to identify the odor of marijuana, the smell of marijuana lingers in confined spaces, such as cars. (29:41; App. 63). Officer Ayala testified that the smell of marijuana can linger in a confined space for up to a week. (29:41; App. 63). Officer Ayala did not testify regarding how or if he is able to determine when the purported marijuana that caused the smell was burnt

or last in the vehicle. Basing a seizure on the smell of burnt marijuana which lingers for up to a week does not amount to specific and articulable facts which reasonable would lead the officer to believe that marijuana is currently present in the vehicle. *See State v. Multaler*, 2002 WI 35, ¶ 41, 252 Wis. 2d 54, 643 N.W.2d 437 (noting that although information may be dated, it may still give rise to probable cause if the criminal activity being investigated is "recurring, entrenched, and continuous."); *see also State v. Secrist*, 224 Wis. 2d 201, 218, 589 N.W.2d 387 (1999) (noting that the probability of probable cause "diminishes if the odor is not strong or recent.. . .").

Therefore, this Court should establish that where an officer has no indication of when the marijuana causing the smell was burnt or whether marijuana or paraphernalia would still be present in the vehicle, there is no bright-line rule that the smell of burnt marijuana gives rise to reasonable suspicion for a seizure.

CONCLUSION

For the foregoing reasons, Mr. Wilkins respectfully requests that the Court grant this petition to provide additional clarity to lower courts regarding the reasonable person free to leave analysis.

Dated this 7th day of November, 2024.

Respectfully submitted,

Electronically signed by Olivia Garman
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CERTIFICATION AS TO FORM/LENGTH

I hereby certify that this petition conforms to the rules contained in s. 809.19(8)(b), (bm) and 809.62(4). The length of this petition is 4,552 words.

CERTIFICATION AS TO APPENDIX

I hereby certify that filed with this petition is an appendix that complies with s. 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 s. 809.23(3)(a) or (b); and (4) portions of the record essential to an understanding of the issues raised, including oral or written rules 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 or 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 7th day of November, 2024.

Signed:
Electronically signed by
Olivia Garman
OLIVIA GARMAN
Assistant State Public Defender