WISCONSIN COURT OF APPEALS
DISTRICT 1

State of Wisconsin,
Plaintiff- Respondent,

Brief Cover

-vs-

Case No. 2023-AP-001121-CR

Nelson Holmes,
Defendant-Appellant.

ON APPEAL FROM THE CIRCUIT COURT FOR MILWAUKEE, COUNTY,

THE HONORABLE CHRISTOPHER DEE, PRESIDING.

BRIEF OF APPELLANT

APPEAL FROM JUDGMENT OF CONVICTION ENTERED IN THE CIRCUIT COURT MILWAUKEE COUNTY, THE HON. JUDGE CHRISTOPHER DEE PRESIDING

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STATEMENT OF THE ISSUES

Issue 1: Did the Circuit Court erroneously exercise its discretion when it admitted two 911 calls and the body camera where the declarant was not present in court and able to be cross examined?

This Court should answer yes.

Issue 2: Did the Circuit Court erroneously exercise its discretion when it allowed the defendant's statements to be admitted even though he had not been Mirandized?

This Court should answer yes.

STATEMENT ON ORAL ARGUMENT AND PUBLICATION

Oral argument is not requested, as the parties can fully develop the issues in their briefs. Publication is also not requested, as the opinion is not likely to meet any of the criteria in Wis. Stat. § 809.23(1)(a). The issues in the case revolve around whether the Circuit Court erroneously exercised its discretion in deciding issues that are not unusual or complex issues, and therefore the opinion will not have significant value as precedent.

STATEMENT OF THE CASE

A. Procedural History

On February 24, 2021, the State of Wisconsin filed a criminal complaint (R. 2) against Mr. Nelson Holmes, charging Mr. Holmes with, Count 1, Operating A Motor Vehicle While Under The Influence-2nd Offense, and, Count 2, Operating With Prohibited Alcohol Concentration-2nd Offense. (R. 2 at 1). The charging portion of the complaint alleged Mr. Holmes was operating a motor vehicle while under the influence in the 1500 block of North 35th Street, Milwaukee, Wisconsin on January 16, 2021. (R. 2 at 1). However, the probable cause section alleged Mr. Holmes was operating in the same area on January 15, 2021. (R. 2 at 2).

Mr. Holmes made his initial appearance on March 31, 2021. The case was scheduled for trial and both parties filed witness lists, (R. 11; R. 13), as well as motions in limine (R. 14; R. 15). In defense's motion in limine, (R. 14) defense requested (1) that the State be prohibited from introducing any evidence as to alleged acts of criminal or other misconduct by the defendant either prior to or following the date of the alleged offense charged in the complaint (R. 14 at 1), as well as an order that the prosecution be prohibited from any mention or use of the defendant's prior criminal convictions, if any, until a hearing was held to determine their admissibility (R. 14 at 2). Furthermore, defense requested that the prosecution be prohibited from any mention or use of defendant's statements and their products, if any, until a *Miranda-Goodchild* hearing was held to determine their admissibility (R. 14 at 2). Finally, defense requested an order that the court prohibit the state from presenting any evidence concerning out-of-court statements made by the alleged

victim or any other person to law enforcement and/or prosecution officials or any other persons, because such statements would constitute hearsay and otherwise violate the defendant's constitutional right to confrontation (R. 14 at 3). If the state intended to rely on such evidence, the defense requested notice of that fact at the final pretrial or before (R. 14 at 3).

The State filed a Motion to Admit 911 Calls on January 19, 2022 (R. 17). Defense filed a response (R. 18). On March 11, 2022, the Court held a motion hearing on the admission of the 911 calls (R. 59). At the hearing, the judge made no ruling, but expressed concern over who could identify Mr. Holmes, the alleged driver (R. 59 at 14-16). The Court stated it was struggling because the driver was not described and no one could connect Mr. Holmes to the scene (R. 59 at 14). The Court explained that the driver was not described in the calls; the driver was referred to only as "he" (R. 59 at 14). Ultimately, the court stated there were certain things it would have to hear before the 911 calls could be admitted and that the court would not make a ruling until the day of the trial (R. 59 at 14). The State did divulge that the caller, GJ, would not be present at the trial to testify (R. 59 at 17, LL. 12-17).

On March 21, 2022, the case was set for trial. Mr. Holmes requested new counsel (R. 64 at 5-8). He explained his attorney had not returned his calls or emails or reviewed the evidence that he possessed (R. 64 at 7-8). The Court denied Mr. Holmes's request and the trial proceeded (R. 64 at 8).

There were outstanding motions, including use of the body worn camera at trial (R. 58 at 8-10), the 911 calls (R. 67 at 84), and the *Miranda* motion (R. 69 at 3-8). There was

also discussion of an amended complaint (R. 58 at 6, LL. 12-18); the State was allowed to change the date on the complaint (R. 58 at 6-7). In addition, the court discussed the use of body worn camera at trial with the attorneys (R. 58 at 8-10). The court stated the use of the body worn camera would be a "gametime" decision (R. 58 at 10, LL. 19-21).

Officers never read Mr. Holmes his *Miranda* rights. Defense challenged statements and questioning at the scene (R. 64 at 14, LL. 5-11), in the squad (R. 58 at 1), and at the hospital (R. 69 at 7, LL. 24-25; R. 69 at 8, LL. 1-13). Regarding statements made in the squad (R. 58 at 15) and at the hospital (R. 69 at 7, LL. 24-25; R. 69 at 8, LL. 1-13), the court allowed those statements to be introduced and denied defense counsel's *Miranda* motion (R. 69 at 7, LL. 24-25; R. 69 at 8, LL. 1-13). The court heard additional *Miranda* arguments regarding the initial interactions with officers Mr. Holmes (R. 64 at 14, LL. 5-11). The Court ruled Mr. Holmes was not in custody and denied the defense's motion (R. 64 at 14, LL. 5-11).

The trial proceeded and Mr. Holmes was found guilty of both counts (R. 68 at 79). The Court entered judgment of conviction on both counts (R. 68 at 83, LL. 20-23). Mr. Holmes was sentenced in September 2022 (R. 72).

FACTS

On January 15, 2021, Officer Jordan Kunya was dispatched for a two-car accident at 7:13 PM (R. 2). Two women, GNJ, the driver, and AL, the passenger, were on scene (R. 64 at 60, LL. 3-5). GNJ called 911 twice, once at 6:51 PM (R. 17 at 3) and again at 7:19 PM (R. 17 at 3). During the first call, GNJ stated there had been an accident at 35th and

Cherry (R. 17 at 2). GNJ stated she believed the driver was intoxicated and that she had taken the keys from the driver (R. 17 at 2). She stated the front of her car had been hit (R. 17 at 2). She also told the police both cars were pulled over, out of traffic, and no one was injured (R. 17at 2). She also stated that they had discussed registration and insurance (R. 17at 2). The second call made was to check on the status of the police (R. 17 at 3). During the calls, GNJ answered questions from the dispatcher (R. 17at 3).

When police arrived, they encountered a white car, as well as a gray car (R. 64 at 6-7, LL. 12-15). Mr. Holmes was approached by police on scene (R. 64 at 62, LL. 1-4). Mr. Holmes was walking outside of the area of the accident (R. 64 at 62, LL. 16-18).

At trial, the State called AL as its first witness (R. 64 at 45). The driver, GJ, did not present for trial (R. 67 at 76, LL. 16-21). AL testified that she did not see the accident, but knew the driver was turning left at a stop sign when she collided with a white car (R. 64 at 46, LL. 23-25). AL testified that she took the keys from the driver of the white car (R. 64 at 47, LL. 19-22). She did not see the collision (R. 64 at 46, L. 25). In addition, AL testified that there was another car present at the time of the incident (R. 64 at 54, LL. 8-21). The car left the scene and no one spoke with the witnesses (R. 64 at 54, LL. 17-18).

Mr. Holmes was questioned on scene (R. 64 at 68-69) and performed Field Sobriety Tests (R. 64 at 70, LL. 2-8). Police took him to the hospital for a blood draw (R. 64 at 80, LL. 5-9). He was placed under arrest (R. 64 at 79, LL. 21-22). He was charged with Count 1, Operating A Motor Vehicle While Under the Influence-2nd Offense, and, Count 2, Operating With Prohibited Alcohol Concentration-2nd Offense (R. 2 at 1).

ARGUMENT

THE COURT VIOLATED THE CONFRONTATION CLAUSE WHEN IT ALLOWED 911 CALLS TO BE ADMITTED WITHOUT A SHOWING OF UNAVAILABILITY

In *Crawford v. Washington*, 541 U.S. 36, 124 S. Ct. 1354, 158 L.Ed.2d 177 (2004), the Supreme Court of the United States held that testimonial hearsay may not be received in evidence at the trial of the defendant unless the witness was unavailable at the trial and unless the defendant had had an opportunity to cross-examine that witness at the prior proceeding. 541 U.S. at 68. The Court held that this "bedrock" rule of law is required by the Confrontation Clause of the Sixth Amendment to the United States Constitution. Id. at 42.

The Sixth Amendment provides that, "in all criminal prosecutions, the accused shall enjoy the right … to be confronted with the witnesses against him." The Confrontation Clause applies to the states. *Pointer v. Texas*, 380 U.S. 400, 406, 85 S.Ct. 1065, 13 L. Ed.2d 923 (1965).

The Court in *Crawford* held that testimonial hearsay includes the prior testimony of a witness at a previous proceeding or trial. Id. At 51. The state has the burden of establishing that that witness is unavailable to testify at the trial in question. Id. at 57.

In Wisconsin, Article I, §7 of the Constitution of the State of Wisconsin also guarantees accused persons the right of confrontation. It provides that, "In all criminal prosecutions the accused shall enjoy the right … to meet the witnesses face to face." In

Wisconsin, "former testimony" is defined as testimony given as a witness at another hearing of the same or a different proceeding…". §908.045(1) Wis. Stats.

In *Philbook v. State*, 216 Wis. 206, 256 N.W.779 (1934), the Court held that before it may find a witness to be unavailable, it must have "sufficient facts before it to warrant this conclusion. These facts must consist of positive evidence of the absence of the witness from the state, or positive evidence that a thorough official search for the witness in the state has been made." Id. at 214. The Court further held that this evidence "should be definite and certain so that the court may see from the facts proven that further search would have been unavailing." Id. at 214.

In *Philbrook,* the state had served a subpoena on the witness. A hearing had been held at which witnesses testified as to the actions they had taken in an attempt to locate her. Those witnesses included an officer who had gone to several locations to find her and who talked to several people who might know where she was, and two people who said that the witness had told them he was moving to the west coast. The Court found that the state had established that the witness was outside the court's jurisdiction, and, therefore, that her prior testimony could be read to the jury. Id. at 215. In doing so, the Court stated that if the only person who had testified at the hearing had been the officer, that would not have shown that the state had met its burden of "due diligence." Id. at 215.

In *State v. King*, 2005 WI App 224, 287 Wis. 2d 756, 707 N.W.2d 181, which was decided after *Crawford*, the witness had testified at the preliminary hearing but not at the trial, and the trial court had allowed her prior testimony to be read to the jury at the defendant's trial after the Court had found the witness to be unavailable. Before making

that ruling, the state, which admitted that it had not served a subpoena on the witness, told the Court that it had sent a process server out to find the witness, that a victim's advocate had talked to the witness' grandmother, who told her that the witness did not want to testify at the trial, and that a police officer had actually talked to the witness but had failed to serve her with a subpoena. Id. at 766.

The Court held that since the witness had purposely absented herself from the trial, she was unavailable, and her prior testimony could be read to the jury. The Court of Appeals, however, noted that no evidentiary hearing had been held to allow these people to testify and that the court had merely relied on the statements of the prosecutor. Id. at 767. The Court also noted that "a subpoena could have and should have been served. The district attorney may sign and issue a subpoena to require the attendance of witnesses. Id. at 769.

The Court held that the party seeking to introduce the witness' prior testimony "must specify the facts showing diligence and not rely on a mere assertion of perfunctory showing of some diligence." Id. at 769. The Court held that the state had not shown that the witness was "unconstitutionally unavailable" and, therefore, her prior testimony should not have been read to the jury." Id. at 769.

At the motion hearing regarding the admissibility of the 911 calls, the prosecutor informed the Court that GJ would not be present at the upcoming trial. (R. 59 at 16, LL. 11-17). At the trial, the State did not confirm that it served GJ with a subpoena, instead it stated, "Ms. GJ is actually down the hall, but it's her brother's homicide trial; so the brother was the victim of a homicide. She's not -- she's (indiscernible). And she's also due to be

induced tomorrow. She is very pregnant; so she -- I would consider her unavailable." (R 67 at 76, LL. 16-21).

The Court did not analyze whether GJ was unavailable (R 67 at 76, LL. 16-21). Defense counsel argued, "No reason has been given for her inability to appear. That would kind of get around that. The fact of the matter is, she's not in, and I don't think the 9-1-1 call should come in without her being present to lay that foundation." (R 67 at 75, LL. 1-6).

The Court allowed attorneys to reargue the motion hearing about the 911 calls and ultimately allowed portions of the calls to be played to the jury despite GJ not appearing. (R 76 at 73-88).

The portions of the 911 calls that the Court admitted were testimonial in nature. A statement is testimonial only if "in light of all the circumstances, viewed objectively, the 'primary purpose' of the conversation was to 'create an out-of-court substitute for trial testimony.'" *Ohio v. Clark*, 135 S. Ct. 2173, 2180 (2015) (citations omitted).135 S.Ct 2173 (2015). "[T]he relevant inquiry is not the subjective or actual purpose of the individuals involved in a particular encounter, but rather the purpose that reasonable participants would have had, as ascertained from the individuals' statements and actions and the circumstances in which the encounter occurred." *Michigan v. Bryant*, 131 S.Ct. 1143, 1164 (2011).

There are three key considerations: (1) whether the statements were made to police as they were happening; (2) whether the statements were made in an attempt to resolve an ongoing emergency; and (3) whether the statements were necessary to resolve the present emergency. Id. As the Court wrote, "Statements are nontestimonial when made in the

course of police interrogation under circumstances objectively indicating that the primary purpose of the interrogation is to enable police assistance to meet an ongoing emergency. They are testimonial when the circumstances objectively indicate that there is no such ongoing emergency, and that the primary purpose of the interrogation is to establish or prove past events potentially relevant to later criminal prosecution." Id.

ADMISSION OF THE 911 CALLS AND BODY WORN CAMERA VIOLATED MR. HOLMES'S CONFRONTATION CLAUSE PROTECTIONS BECAUSE THEY WERE HEARSAY STATEMENTS AND TESTIMONIAL IN NATURE

The recordings the court admitted at the jury trial are hearsay statements made out of court, offered for the truth of the matter asserted. Both calls were made to a 911 operator and the State offered these calls to show Mr. Holmes was driving the white vehicle. When he was arrested, Mr. Holmes was not in the vehicle, and he did not have keys in his possession. (R 64 at 62, LL. 14-17). Furthermore, the person who made the 911 calls was not present in court. (R 67 at 76, LL. 16-21).

911 operators are not law enforcement. However, when there is an "interrogation" by the 911 operator, they become "agents of law enforcement." *Davis v. Washington*, 547 U.S. 813 (2006). Questioning by a 911 operator "solely directed at establishing past facts of a crime, in order to identify (or provide evidence to convict) the perpetrator" are testimonial hearsay. *Davis,* 547 U.S. 813. A key factor is whether the call was necessary to resolve a current emergency rather than to describe what happened in the past. *Davis,* 547 U.S. 813. Where there are statements that are intended, not to address an ongoing

emergency, but to establish past facts or to enable criminal prosecution, these statements are testimonial hearsay. *Michigan v. Bryant*, 131 S.Ct. 1143, 1164 (2011).

The two 911 calls fall squarely into the realm of testimonial hearsay. These calls show "circumstances objectively indicate that there is no such ongoing emergency, and that the primary purpose of the interrogation is to establish or prove past events potentially relevant to a criminal prosecution." *Davis,* 547 U.S. 813. The calls were made to describe past events; there was no ongoing emergency. Both cars were pulled over, out of traffic, and no one was injured. In addition, the callers were asked and answered questions from the 911 operator.

The calls were made after the event and did not describe the events as they occurred. There was no current emergency that needed to be resolved and the parties were physically separated. No caller remained in the state of danger, which was the most important factor for the *Davis* Court. Furthermore, unlike *Davis,* there was no shooting that occurred. There was no dispute, public or private or physical violence, with a seriously injured victim who needed medical attention. The people making the call were safe.

The *Crawford* Court would have described these statements as: "[S]tatements that were made under circumstances which would lead an objective witness reasonably to believe that the statement would be available for use at a later trial." *Id*. at 52. The State used these calls to establish identity and the ultimate question for the jury.

II. Admission of the 911 calls was clearly hearsay evidence and does not fall under a hearsay exception.

The 911 recordings or testimony by officers about the statements were evidence of a statement made out of court offered "to prove the truth of the matter asserted." Wis. Stat. §908.01(3) (2011-12). Hearsay is inadmissible unless it falls within a specific exception. Wis. Stat. §908.02 (2011-12).The proponent of a hearsay statement has the burden of establishing that it falls within a specific exception. *State v. Peters*, 166 Wis. 2d 168, 174 (Ct. App. 1991). Though the State identified two possible exceptions, neither call fell within the present sense impression or excited utterance exception.

An excited utterance is defined as "a statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition." Wis. Stat. §908.03(2). The Wisconsin Supreme Court has defined the exception succinctly:

> [T]he excited utterance exception has three requirements. First, there must be a:"startling event or condition.' Second, the declarant must make an out-of-court statement that relates to the startling event or condition. Finally, the related statement must be made while the declarant is still "under the stress of excitement caused by the event or condition." Essentially, '[i]t must be shown that the statement was made so spontaneously or under such psychological or physical pressure or excitement that the rational mind could not interpose itself between the spontaneous statement or utterance stimulated by the event and the event itself. *State v. Huntington,* 230 Wis. 2d 671, 682 (1998) (internal citations omitted).

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Time is measured by the duration of the condition of excitement. Id. Furthermore, the "psychological basis" for the "exception is that people instinctively tell the truth but when they have time to stop and think they may lie. *Wilder v. Classified Risk Ins. Co.,* 47

Wis.2d 286, 190 (1970). If an utterance is made in response to a question, it is not a bar to its admissibility, but indicates that the statement was a result of reflexive thought. *Phifer v. State*, 64 Wis. 2d 24, 34-35 (1974); see also *La Barge v. State*, 74 Wis. 2d 327, 341 (excited utterances based on lack of time for declarant to reflect or conjure).

In this case, the caller answered questions during both 911 calls, indicating reflexive thought. Therefore, the current case is not a situation where the statements in question were truly spontaneous. The caller reported events that had already happened. The State did not show that the statements on the calls were spontaneously made. In addition, neither call is under the stress of the moment, clearly excited or frantic. The calls are reporting past happenings. Therefore, these calls were not meant to address an ongoing personal emergency.

Furthermore, these statements do not fall within the present sense impression exception. A present sense impression is defined as "a statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter." Wis. Stat. §908.03(1). Again, neither call was in the process of witnessing an ongoing emergency. "Objectively viewed, the primary, if not sole, purpose of the investigation was to investigate a possible crime. While the formal features of Crawford's interrogation strengthened her statements' testimonial aspect, such features were not essential to the point. In both cases, the declarants were separated from the defendants, the statements recounted how potentially criminal past events began and progressed, and the interrogation took place some time after the events were over." *Davis* at 269.

IN ADDITION, ADMISSION OF THE BODY WORN CAMERA WAS HEARSAY

The State sought to admit portions of the officers' body worn camera on the day of trial. The portions of the body worn camera included a statement, "Those two people back there said they saw you." (R 58 at 9). Defense counsel objected on hearsay grounds and the court stated its decision would be a "gametime decision." (R 58 at 10). In addition, defense counsel objected on grounds of relevance and Miranda violations (which are discussed below). The Court allowed the State to play portions of the body camera. (R 64 at 126). Defense raised a standing objection. (R 64 at 126).

The body worn camera was admitted was hearsay. It was admitted for the truth of the matter asserted. In addition, it was not relevant. Ownership of a car does not mean a person was operating a motor vehicle.

THE COURT ERRONEOUSLY ADMITTED UN-MIRANDIZED STATEMENTS

The prosecution may not use a defendant's statements stemming from custodial interrogation unless the defendant has been given the requisite warnings. *State v. Morgan*, 2002 WI App 124, ¶ 10, citing *Miranda v. Arizona*, 384 U.S. 436, 444 (1966). Custodial interrogation is "questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his [or her] freedom of action in any significant way." *Id*., quoting *Miranda*, 384 U.S. at 444.

An officer must give *Miranda* warnings to an individual when there has been a restriction on the individual's freedom so as to render him or her "in custody." *State v.*

Zoellick, 2004 WI App 88, ¶ 29, quoting *Stansbury v. California*, 511 U.S. 318, 322 (1994). Courts look at the totality of the circumstances when determining whether an individual was in custody for purposes of *Miranda*, the court must consider the totality of the circumstances. *Id*., citing *State v. Gruen*, 218 Wis.2d 581, 593, (Ct. App. 1998). The court must consider "whether a reasonable person in the [suspect's] position would have considered himself or herself to be in custody, given the degree of restraint under the circumstances." *Id*., quoting *State v. Swanson*, 164 Wis.2d 437, 446-47 (1991). This determination depends on the objective circumstances, "not on the subjective views harbored by either the interrogating officers or the person being questioned." [1] Specific, relevant factors for determining whether a suspect initially detained for a traffic stop is "in custody" for *Miranda* purposes include: the suspect's freedom to leave, the purpose, place and length of the interrogation and the degree of restraint. *Id*. at ¶ 30, quoting *Gruen*, 218 Wis.2d at 594.

"[T]he term "interrogation" under *Miranda* refers not only to express questioning, but also to any words or actions on the part of the police (other than those normally attendant to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response from the subject." *Rhode Island v. Innis*, 446 U.S. 291, 301 (1980). The Wisconsin Supreme Court further defined "interrogation" as follows: "[I]f an objective observer (with the same knowledge of the suspect as the police officer) could,

[1] When considering the degree of restraint, courts consider whether the suspect is handcuffed, whether a weapon is drawn, whether a frisk is performed, the manner in which the defendant was restrained, whether the suspect is moved to another location, whether questioning took place in a police vehicle, and the number of officers involved. *Id*., quoting *Gruen*, 218 Wis. 2d at 594-95.

on the sole basis of hearing the officer's remarks or observing the officer's conduct, conclude that the officer's conduct or words would be likely to elicit an incriminating response, that is, could reasonably have had the force of a question on the suspect, then the conduct or words would constitute interrogation." *State v. Hambly*, 2008 WI 10, ¶ 47, quoting *State v. Cunningham*, 144 Wis. 2d 272, 278-279 (1988).

Mr. Holmes was arrested on scene. Officers took Mr. Holmes to the hospital where they waited for his blood-draw and then transported him to jail. During these hours, the police never read Mr. Holmes his Miranda rights. However, the Court allowed the State to use statements Mr. Holmes made at the scene, at the hospital, and in the squad car during its case. (R 64 at 14).

The defense also asserts that the accused did not knowingly and intelligently waive his *Miranda* rights because officers failed to properly advise the defendant of his rights pursuant to *Miranda v. Arizona*, 384 U.S. 436 (1966).

CONCLUSION

For the forgoing reasons, this Court should grant Mr. Holmes's appeal by answering 'Yes' to the two questions at issue.

CERTIFICATION BY ATTORNEY

I hereby certify that this brief conforms to the rules contained in Wis. Stat. § 809.19(8)(b), (bm), and (c) for a brief. The length of this brief is 5,103 words.

I hereby certify that filed with this brief 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 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 22nd day of September, 2024.

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