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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

On Petition for Writ of Certiorari to the Court of Common Pleas
Appeal from Berkeley County
Honorable R. Markley Dennis, Trial Judge
Honorable Kristi F. Curtis, Post-Conviction Relief Judge

Appellate Case No. 2025-001319

JERALD J. HOWARD, #380868,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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PETITIONER'S ISSUES PRESENTED

Did the PCR court err by refusing to find that trial counsel was ineffective for failing to move to suppress or object to the warrantless extraction of petitioner's cellphone because the warrantless search violated the Fourth Amendment's prohibition against unreasonable searches and seizures, as he had a reasonable expectation of privacy to the contents of his cellphone, and where he was prejudiced by trial counsel's deficient performance?

RESPONDENT'S COUNTERSTATEMENT OF ISSUES PRESENTED

Whether the post-conviction relief court correctly determined Petitioner failed to establish Trial Counsel's representation was deficient or establish the requisite prejudice necessary to reverse his conviction and grant him a new trial based on the failure to move to suppress or object to evidence obtained from the forensic extraction of an iPhone 4 lawfully seized pursuant to a valid vehicle search warrant, where (1) Petitioner abandoned any reasonable expectation of privacy in the device, (2) the extraction occurred months before Riley v. California, 573 U.S. 373 (2014)?

STATEMENT OF THE CASE

Petitioner Jerald J. Howard was indicted by the Berkeley County Grand Jury during its April 2019 term for murder (2019-GS-08-1040) and destruction, desecration, and/or removal of human remains (2019-GS-8-623). On July 15, 2019, Petitioner proceeded to a jury trial before the Honorable R. Markley Dennis. James W. Smiley, IV, and Laree Hensley, Esquires, represented Petitioner. Assistant Solicitors Bryan Alfaro and Bart Stegall prosecuted the case. The jury convicted Petitioner as indicted, and Judge Dennis sentenced him to concurrent terms of life for murder and ten years for desecration of a human body.

Petitioner filed a direct appeal and was represented by Appellate Defender Susan Barber Hackett. However, the Court of Appeals dismissed the appeal on February 6, 2020, after Petitioner moved to withdraw his appeal. The Remittitur was returned on February 24, 2020.

Petitioner filed his application for post-conviction relief on May 7, 2020. The State filed its Return, Motion for a More Definite Statement on February 22, 2021. Petitioner filed an Amended Application for Post-Conviction Relief on August 25, 2021. The State filed its Amended Return on December 20, 2021. On June 26, 2023, an evidentiary hearing was convened before the Honorable Kristi F. Curtis. Petitioner was present and represented by Sarah G. Drawdy, Esquire. Assistant Attorney General Danielle Dixon represented the State. At the hearing, the court heard testimony from Petitioner, Investigator Jody Black, and trial counsel James W. Smiley, IV. In an order filed on June 5, 2025, Judge Curtis denied relief and dismissed the application with prejudice.

Petitioner timely filed a notice of appeal on July 1, 2025. On December 12, 2025, Petitioner filed his Petition for Writ of Certiorari and Appendix. This Return to Petition for Writ of Certiorari follows.

STATEMENT OF THE FACTS

Victim was Petitioner's live-in girlfriend, and they had twins. At trial, Victim's brother, Daniel Goodlett, testified that he last spoke to Victim on February 17, 2014. (App'x p. 143). On March 5th, Daniel texted Victim. Daniel didn't receive a response until March 6th, which was out of character for Victim. Daniel testified, "the message was written differently than the way that she would normally text," and he wasn't sure it was Victim responding. (App'x pp. 144–46). Victim's mother, Bozena Goodlet—a native German speaker—testified she messaged Victim on February 28, 2014, in German and received a response "in bad German." She explained that it was odd because Victim understood German. (App'x pp. 172–73).

Victim's father James Goodlett testified Petitioner contacted him on March 8, 2014, and told him Victim had been missing for "[m]ore than ten days." (App'x pp. 152–53). James, who lived in Texas, called law enforcement on March 10th and asked them to check the home; they did not see Victim. James traveled to South Carolina on March 12, 2014, and filed a missing person's report.

Victim's friend Travis Martin testified he had overheard Victim and Petitioner argue about Petitioner finalizing his divorce.[1] (App'x p. 260). Martin testified that he last saw Victim on February 20, 2014. He stated he received a call from her number on February 22nd or 23rd, but nobody was on the line when he answered. Martin tried calling back, but no one answered. He testified he received a voice mail from Victim's Yahoo Messenger account on February 23rd or 24th, but it was only background noise. (App'x pp. 262–63). Martin testified he continued receiving texts from Victim's phone for about two weeks after February 20th. (App'x pp. 268–69).

Jerald Howard, Sr. (Jerald), Petitioner's father, testified that he lived in Huger, South

[1] Petitioner was married to a different woman while living with Victim.

Carolina, about two to two-and-a-half miles from Cainhoy Elementary School.[2] He recalled Petitioner and the twins visiting him in "the first part of the year" of 2014, possibly early March, and staying one night. He stated Petitioner returned in March 2014 and left the twins with him; about four or five days later (on March 26th), law enforcement removed the twins from Jerald's home. (App'x pp. 279–81). Jerald denied telling Sergeant Tracy Moss that Petitioner visited him in February, "dropped the twins off, left, but came back a short time later, got the twins, and went back home." (App'x p. 282).

On March 13, 2014, Sergeant Tracy Moss with the Spartanburg County Sheriff's Office[3] spoke to Petitioner. Petitioner told Sergeant Moss he had not seen Victim in three weeks. He claimed he went to the store, and when he returned Victim was not there. (App'x pp. 189–90).

On March 20, 2014, Lieutenant William Gary spoke to Petitioner. At that time, Petitioner said he last saw Victim on the weekend of February 21st to 23rd, when she left for the store. (App'x pp. 295–96). Lieutenant Gary stated Petitioner gave the police his cell phone, which he said was one of Victim's old phones. Petitioner indicated Victim got an iPhone 5 in March 2013. (App'x pp. 296–97).

On March 20, 2014, Sergeant David Hogsed executed a search warrant on Petitioner's and Victim's home. He testified he noticed a reddish substance (a) on a couple of door frames, including a closet door in the hall; (b) in the carpet at the foot of the bed in the master bedroom; (c) in the doorway to the master bedroom; and (d) on the sink in the master bathroom. He also noticed red spatter on the back of the bathroom door and a hole in the wall behind it. Sergeant Hogsed testified that several portions of the red substance tested positive for human blood. (App'x

[2] Huger is in Berkeley County. In 2019, Victim's skeleton was found in the woods near Cainhoy Elementary.
[3] Petitioner and Victim lived in Spartanburg County.

pp. 204–05). Sergeant Hogsed returned to the home on March 21st with BLUESTAR chemicals to look for cleaned-up blood. He testified that the carpet in the hallway from the bedroom to the living room fluoresced, indicating blood had been in that area. (App'x pp. 214–15).

On March 26th, Lieutenant Gary spoke with Petitioner again. When Lieutenant Gary asked if Petitioner had heard from Victim, Petitioner said Victim had sent him text messages. Petitioner showed Lieutenant Gary his phone, which contained messages from an iPhone 5 that Victim used. (App'x pp. 298–99). Petitioner maintained the same story—that he had not seen Victim since she left for the store. Lieutenant Gary stated that Petitioner narrowed the time of her departure to February 22nd, around 5:30 p.m. (App'x p. 300). Petitioner told Lieutenant Gary he did not have Victim's phone, but he believed it was "somewhere in the neighborhood." (App'x p. 300).

Sergeant Moss obtained warrants for Victim's and Petitioner's bank records, and she testified to the following:

- On February 25th, Petitioner's account made a purchase from Rosetta Stone;
- On March 4th, a $200 check from Victim's account (dated March 1st) was deposited into Petitioner's account;
- On March 4th, Petitioner withdrew $500 from his account;
- Two transactions on Victim's debit card (one in February and one on March 9th) declined;
- Rentals at Enterprise Rental Car on February 18th, 19th, and 24th.[4]

(App'x pp. 193–96).

Lieutenant Gary testified he obtained records from Enterprise showing Petitioner rented a car from February 21st to 24th and put "a little bit over 500, 520, or 530" miles on the car. Lieutenant Gary testified that based upon MapQuest, the distance from Petitioner's home in Spartanburg to his parents' home in Berkeley was about "200 and some odd miles" one way. (App'x pp. 302–03). He testified that Petitioner told him he remained in Spartanburg from

[4] Sergeant Moss did not clarify which account made those purchases.

February 21st to 24th. When asked about the mileage on the car, Petitioner told Lieutenant Gary, "he used to work and Enterprise; he knows they don't look at [the odometer]; basically that they lie to do it." (App'x p. 303).

Lieutenant Gary testified that Petitioner told him he did not have Victim's debit card; however, the card had been swiped (and declined) at a gas station on March 9th. Lieutenant Gary viewed the gas station video and saw Petitioner at the pump when the card was declined. He testified that immediately after Victim's card declined, Petitioner used his own card. (App'x pp. 303–04). Lieutenant Gary testified that Petitioner admitted to writing a check from Victim's account on March 1st and signing Victim's name on it. (App'x p. 304).

Lieutenant Gary testified that cell tower records indicated that Victim's phone connected to a tower in the Charleston area on the weekend of February 22nd and to another tower on February 26th. He stated he questioned Petitioner about the records, but Petitioner "said he didn't know anything about it, about the phone being down there." (App'x pp. 305–06). Lieutenant Gary stated other records showed Petitioner's cell "phone going up [Interstate] 85 North and then coming back down 85 at some point" on March 9th. He testified that while Petitioner's phone was near a Flying J gas station around exit 104 or 105, Victim's "phone power[ed] up and connect[ed] to a tower and then goes back off." (App'x pp. 306–07). When questioned about these records, Petitioner told Lieutenant Gary that Victim could be "sneaky" and must have been following him. (App'x p. 307). Lieutenant Gary questioned Petitioner about an iPhone 4 that records indicated Petitioner was using, but Petitioner told him he no longer had it; "the screen was cracked and it must be in the trash." (App'x p. 308).

Lieutenant Gary testified that he obtained search warrants for Petitioner's car, Petitioner's wife's car, the Enterprise rental car, and Petitioner's home. Lieutenant Gary spoke with Petitioner

on March 26th and told him the warrants were ready to go, and Petitioner agreed to meet investigators at the home to let them in.

Investigator Joseph Guffey followed Petitioner home on March 26th. He testified that when Petitioner pulled into the driveway, he opened the garage door slightly, "got out of the driver's seat of the car, rolled under the door and shut it behind him." (App'x p. 247). After police began banging on the front door, Petitioner opened the door and was arrested. (App'x pp. 245–48). Police recovered an Android phone from Petitioner when he was arrested, and Victim's Apple iPhone 5 from Petitioner at the detention center. (App'x pp. 219, 254). Officer Ballew testified that Petitioner initially tried to hide the phone in his boot; when Officer Ballew asked about it, Petitioner "acted like he didn't know what I was talking about at first." (App'x p. 254). Police also recovered cell phones from Petitioner's home: an iPhone 4 in a black case from the Jeep's center console, and a white iPhone in a pillowcase from the Jeep's trunk. (App'x pp. 352–55).

Lieutenant Gary testified that Petitioner provided a recorded statement after his arrest. In it, he stated he found Victim's iPhone 5 at his house the day before or the morning of the arrest. (App'x pp. 314–15). When asked why he did not provide the phone to the police earlier that day, Petitioner "said he was being accused or a suspect in it." (App'x p. 316). Petitioner changed his prior story and told Lieutenant Gary that Victim's phone was in the Charleston area on February 23rd because "he was taking her to meet someone down there" so she could work to pay off a debt. He also changed his earlier story, saying she was gone when he returned home from the store. (App'x pp. 316–17).

Investigator Lindsey McGraw performed a digital extraction on the iPhone 4 that was found in Petitioner's Jeep, and the State entered the following web history from the phone:

- Searches for "Cainhoy Elementary Middle" and "Huger, South Carolina" on February 24th;

- Search for "Huger, South Carolina news"; on February 26th;
- Searches for "Berkeley County, South Carolina" and "Huger, South Carolina news" on February 27th;
- Search for "Huger, South Carolina news" on March 1st;
- Search for "Berkeley County news" on March 2nd;
- Searches for "can you identify a burned body?", "how authorities identify a burned body?", and "burned body cases solvable challenge for investigators" on March 3rd.

(App'x pp. 321–25).

Amanda Hinojos, Victim's friend, testified that she last saw Victim on February 8, 2014. She stated she received text messages from Victim's phone on February 28th about meeting with someone named "Leo." On March 4th, Hinojos went to Victim's home to meet Leo. Hinojos contacted the police when she later learned Victim was missing. On March 14th, Hinojos identified Petitioner from a lineup as "Leo." (App'x pp. 380–83, 392).

STANDARD OF REVIEW

The standard of review for post-conviction relief depends on the specific issue before the appellate court. Smalls v. State, 422 S.C. 174, 810 S.E.2d 836, 839 (2018). When reviewing factual findings, the appellate courts defer to the post-conviction relief court's factual findings and will uphold them if there is any probative evidence in the record to support them. Buckson v. State, 423 S.C. 313, 320, 815 S.E.2d 436, 440 (2018); Smalls, 422 S.C. at 180–81, 810 S.E.2d at 839–40 (citing Sellner v. State, 416 S.C. 606, 610, 787 S.E.2d 525, 527 (2016); Jordan v. State, 406 S.C. 443, 448, 752 S.E.2d 538, 540 (2013)). Appellate courts give great deference to a PCR court's credibility findings because appellate courts lack the opportunity to directly observe the witnesses. Foye v. State, 335 S.C. 586, 589, 518 S.E.2d 265, 267 (1999). However, pure questions of law will be reviewed *de novo* without deference to the lower court. Smalls, 422 S.C. at 180–81, 810 S.E.2d at 839–40. Appellate courts will reverse the decision of the post-conviction relief court when it is controlled by an error of law. Goins v. State, 397 S.C. 568, 573, 726 S.E.2d 1, 3 (2012).

ARGUMENT

The post-conviction relief court correctly determined Petitioner failed to establish Trial Counsel's representation was deficient or establish the requisite prejudice necessary to reverse his conviction and grant him a new trial based on the failure to move to suppress or object to evidence obtained from the forensic extraction of an iPhone 4 where (1) it was lawfully seized pursuant to a valid vehicle search warrant, (2) Petitioner abandoned any reasonable expectation of privacy in the device, and (3) the extraction occurred months before Riley v. California, 573 U.S. 373 (2014).

On appeal, Petitioner contends that the post-conviction relief court erred in failing to find Trial Counsel's performance deficient and resulting prejudice where Trial Counsel failed to move to suppress or object to the warrantless extraction of Petitioner's cellphone as a violation of his Fourth Amendment rights. However, Petitioner wholly ignores the post-conviction relief court's dispositive findings that are amply supported by the record. First, the post-conviction relief court found that the iPhone 4 was lawfully seized pursuant to a valid vehicle search warrant and that Petitioner failed to prove any violation of the Fourth Amendment. (App'x pp. 793–94). Second, it expressly held that Petitioner abandoned any reasonable expectation of privacy in the device when he told investigators "the screen was cracked and it must be in the trash." (App'x p. 794). Third, the court correctly noted that the Cellebrite extraction occurred on March 27, 2014, nearly three months *before* Riley v. California, 573 U.S. 373 (2014), and that law enforcement acted in good faith because the law was unsettled at the time. (App'x p. 795) Each of these findings is correct, well-supported, and fatal to Petitioner's claim. Accordingly, this Court should deny certiorari.

A. Trial Counsel Was Not Deficient for Failing to File a Meritless Suppression Motion Where the iPhone 4 Was Lawfully Seized Pursuant to a Valid Vehicle Search Warrant

The black iPhone 4 was recovered from the center console of Petitioner's Jeep Cherokee during the execution of a search warrant specifically authorizing search of that vehicle. (App'x

pp. 353–54; 308). South Carolina and federal law have long recognized that a warrant to search a vehicle includes authority to search containers and items inside it that can conceal the objects of the search. See United States v. Ross, 456 U.S. 798, 825 (1982) ("If probable cause justifies the search of a lawfully stopped vehicle, it justifies the search of every part of the vehicle and its contents that may conceal the object of the search."); State v. Brown, 423 S.C. 519, 815 S.E.2d 761 (2018) (applying the same principles under South Carolina law). Simply put, no separate warrant for the phone was required at the time of seizure.

Additionally, Petitioner's expert Jody Black offered only generalized opinion testimony that the warrant was "broad-spectrum" and lacked "specific" language for cellphone extraction. (App'x pp. 729–30). Critically, neither the vehicle warrant nor any related documents were introduced at the post-conviction relief hearing. (App'x p. 794). The post-conviction relief court was "left to speculate about whether the warrants were sufficient." Id.; see Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief.).

Notably, at the evidentiary hearing, Trial Counsel testified that he reviewed the search warrants in the case and saw "no big red flag." (App'x p. 750). Trial Counsel made a reasonable strategic decision not to focus on the warrants because "it wasn't the focus of [his] case." (App'x p. 750). The post-conviction relief court implicitly credited this testimony when it found no deficiency. (App'x pp. 794–95). Trial Counsel's performance easily satisfied the strong presumption of competence. Strickland, 466 U.S. at 689. Petitioner's claim that counsel should have filed a suppression motion, which the post-conviction relief court correctly determined would have failed, is meritless. Accordingly, this Court should deny certiorari.

Even assuming *arguendo* that Trial Counsel performed deficiently by failing to challenge the cellphone extraction, which he did not, Petitioner cannot establish the requisite prejudice under Strickland. The post-conviction relief court expressly held that Petitioner "failed to show a reasonable probability the outcome would have been different if counsel challenged the cellphone extraction" (App'x p. 795), and that finding is correct and fully supported by the overwhelming evidence of guilt that was completely independent of the Google searches recovered from the iPhone 4.

The State presented powerful DNA evidence that directly linked Petitioner to the crime scene. Paul Meeh, the SLED forensic scientist, testified that Petitioner's DNA was the major contributor to a mixture found on the master-bath sink counter, with a random match probability of approximately 1 in 15 quadrillion. (App'x pp. 503–04). Petitioner's DNA also could not be excluded as a possible minor contributor to a mixture on blood-stained carpet cuttings from the master bedroom near the master bath doorway. (App'x pp. 506–07). The Victim's blood was present on those same carpet cuttings. Id. Other family members were excluded as contributors to these mixtures. This DNA evidence alone placed Petitioner at the scene where the Victim was last seen alive and where blood was found. (App'x pp. 503–07).

In addition, cell-phone records, derived from subpoenaed carrier data and FBI triangulation, not the Cellebrite extraction, showed that both phones registered to Petitioner pinged together as they traveled from the Upstate to the Berkeley County/Lowcountry area before and after the Victim's disappearance. At the evidentiary hearing, this very fact was conceded by Petitioner and Trial Counsel through their testimony. (App'x pp. 721–22; 761).

The State also presented extensive evidence of Petitioner's inconsistent statements, financial misconduct, and suspicious conduct in the days and weeks surrounding the

disappearance. Lieutenant William Gary detailed multiple lies Petitioner told investigators about when he last saw the Victim, where her phone was, and his own movements. (App'x pp. 295–308). Sergeant Tracy Moss and Lieutenant Gary testified about forged checks from the Victim's account, unauthorized use of her debit card, which Petitioner was caught on video using at a gas station, and excessive mileage on rental cars that contradicted Petitioner's claim that he never left Spartanburg. (App'x pp. 193–96; 302–04). These pieces of circumstantial evidence, combined with the DNA and cell-phone pings, formed a compelling mosaic of guilt.

Furthermore, the State never claimed that the Google searches recovered from the iPhone 4 were the sole or even the primary evidence against Petitioner. To the contrary, the prosecutor described the entire case as "a circumstantial evidence case." (App'x p. 574). Suppression of one powerful but non-essential piece of evidence, the web browser history, would not have created a reasonable probability of a different outcome at trial. Strickland, 466 U.S. at 694; Cherry v. State, 300 S.C. 115, 117–18 (1989). The post-conviction relief court's prejudice determination is correct and well-supported by the record. Accordingly, this Court should deny certiorari.

B. Petitioner Abandoned Any Reasonable Expectation of Privacy in the iPhone 4

Even assuming *arguendo* that there was an issue with the extraction, Petitioner explicitly disclaimed any interest in the device. Petitioner told Investigator Gary the phone was cracked and "must be in the trash." (App'x p. 308). The post-conviction relief court expressly found that "Petitioner abandoned any reasonable expectation of privacy on the iPhone 4 due to his statement to police that the screen was cracked, and it must be in the trash." (App'x p. 794). This finding is fully supported by the record and is correct as a matter of law.

Under State v. Brown, 423 S.C. at 522, 815 S.E.2d at 763, abandonment is a question of intent: whether the defendant voluntarily discarded the property under circumstances indicating

no future expectation of privacy with regard to it. The question is both subjective and objective: whether the defendant manifested an intent to relinquish his reasonable expectation of privacy. Id. at 526–27, 815 S.E.2d at 765. Here, Petitioner's affirmative statement to law enforcement during an interview in which he was already a suspect clearly demonstrated both a subjective intent to abandon the phone and an objective relinquishment of any privacy interest society would recognize. Id.; see also State v. Dupree, 319 S.C. 454, 457, 462 S.E.2d 279, 281 (1995) (generally distinguishing the differences "between abandonment in the property-law sense and abandonment in the constitutional sense. . . .").

Ultimately, the fact that the phone was found in the center console of the Jeep Petitioner was driving does not undo the abandonment. Petitioner had already told police he no longer possessed or wanted the device; he had no reasonable expectation that it would remain private once he disclaimed ownership. See Brown, 423 S.C. at 527–28, 815 S.E.2d at 765 (rejecting similar privacy claims where the defendant had taken affirmative steps to distance himself from the cellphone). The post-conviction relief court correctly applied Brown and rejected Petitioner's attempt to distinguish the case. (App'x p. 794). Modern cellphones do not automatically receive heightened protection once their owners have voluntarily abandoned them. Thus, Petitioner's argument that he retained a reasonable expectation of privacy despite his explicit disclaimer is contrary to established law and the post-conviction relief court's well-supported factual finding. Accordingly, this Court should deny certiorari.

C. The Extraction Occurred Pre-Riley; Good-Faith Reliance Applies

The Cellebrite extraction performed by Investigator Lindsey McGraw on March 27, 2014, was a full forensic extraction of the iPhone 4 that recovered the phone's web browser history and other digital data. (App'x pp. 360–62). The post-conviction relief court expressly acknowledged

this fact yet still correctly held, citing State v. Moore, 429 S.C. 465, 483, 839 S.E.2d 882, 891 (2020), that "McGraw acted in good faith because the law was far from settled as to the necessity of obtaining a warrant to search a cell phone." (App'x p. 795).

At the time of the extraction, nearly three months *before* Riley v. California, 573 U.S. 373 (June 25, 2014), there was no clearly established constitutional requirement for a separate warrant to conduct a forensic search of the digital contents of a cellphone lawfully seized pursuant to a vehicle search warrant. Even Moore itself upheld a warrantless examination of a cellphone's SIM card to establish ownership, a search far more limited in scope than the full Cellebrite extraction here. Moore, at 477–78, 839 S.E.2d at 888–89. The post-conviction relief court correctly recognized that the law's unsettled state at the time fully supported good-faith reliance by law enforcement. (App'x p. 795).

Petitioner's attempt to distinguish Moore on the ground that the extraction here was "full" rather than limited misses the point. The relevant inquiry is not the breadth of the search performed, but whether officers could reasonably believe their conduct was lawful under the law as it existed in March 2014. The post-conviction relief court properly concluded they could. (App'x p. 795). Moreover, the iPhone 4 was not searched incident to arrest; it was seized from the center console of Petitioner's Jeep pursuant to a valid vehicle warrant. (App'x pp. 353–54). The pre-Riley timing, combined with the vehicle-warrant context and the unsettled state of cellphone-search jurisprudence, fully supports the post-conviction relief court's good-faith determination. The post-conviction relief court did not err in rejecting Petitioner's Fourth Amendment claim on this basis. Accordingly, this Court should deny certiorari.

CONCLUSION

For the reasons stated above, this Court should affirm the post-conviction relief court's order. Should this Court grant Certiorari, Respondent requests permission under the rules to brief the issues discussed above fully.

Respectfully submitted,

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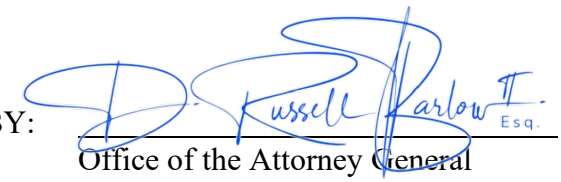
BY: 

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