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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY
Honorable Diane Schafer Goodstein, Circuit Court Judge

Appellate Case No. 2026-002105

POLO K. SALAZAR, Petitioner,

v.

THE STATE, Respondent.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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A. Fortune's confession to police did not implicate *Bruton*, as it did not name or explicitly reference any other participant in the crime, nor did his confession provided any inferential details as to the identity of his co-defendants. His confession was limited solely to the use of the word "they", demonstrating only the existence of multiple other participants. 13

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PETITIONER'S QUESTION PRESENTED

The Court of Appeals erred in holding that the *Bruton* rule was not violated in the instant case per the rationale that the use of the pronoun "they" contained in an exchange between petitioner's co-defendant and police was the equivalent of a neutral pronoun reference that did not implicate petitioner in the crimes charged against him where to the contrary the caselaw is clear that the use of pronouns within statements made by co-defendants under such scenarios clearly incriminate other defendants allegedly involved, (see State v. Holder and State v. Henson where the holdings revealed that pronouns used in statement made by co-defendants implicated other defendants), and likewise the same error occurred in the case at bar.

STATEMENT OF THE CASE

Polo Keoki Salazar (hereinafter "Petitioner") was indicted for murder (2019-GS-18-0437), first degree burglary (2019-GS-18-0438), possession of a stolen vehicle (2019-GS-18-0439), attempted murder (2019-GS-18-0440), possession of a firearm during the commission of a violent crime (2019-GS-18-0441), armed robbery (2019-GS-18-0042), and the ill-treatment of animals (2019-GS-18-0443). Petitioner was tried alongside co-defendant Muanah Fortune (hereinafter "Fortune") who carried the same charges, with exception to the charge of possession of a stolen vehicle. (App. 200-201). Petitioner proceeded to a jury trial before the Honorable Diane S. Goodstein on May 1 1, 2021 through May 19, 2021. Petitioner was represented by attorney Ashley B. Cornwell, Esq. The State was represented by Assistant Solicitors David L. Osborne and Chelsea A. Glover, of the First Judicial Circuit Solicitor's Office.[1] (App. 177-178).

At the conclusion of the trial, Petitioner was found guilty of all indicted charges. Judge Goodstein sentenced Petitioner to 40 years for murder, 30 years for attempted murder, 40 years for first degree burglary, 5 years for ill treatment of animals, and 5 years for possession of a stolen vehicle. These sentences were ordered to be served concurrently. Judge Goodstein then sentenced Petitioner to 5 years imprisonment for possession of a firearm during the commission of a violent crime, to be served consecutively to his other sentences. (App. 1232; 1255-1256). Petitioner's hearing on a motion for a new trial and to reconsider his sentence was held on June 24, 2022. (App. 1257). The trial court denied the motion by written order signed July 21, 2022. (App. 1281). Petitioner appealed and the South Carolina Court of Appeals affirmed his convictions and sentences. See *State v. Salazar*, Opinion No. 2026-UP-328 (filed July 1, 2026). A Petition for

[1] Co-defendant Fortune was represented by attorneys Michelle R. Hubrich, and Pierce L. Wehman of the First Judicial Circuit Public Defender's Office.

Rehearing was filed on July 15, 2026, which was denied by the Court of Appeals on August 24, 2026. Petitioner then filed a Writ of Certiorari on September 23, 2026. This Return to the Petition for Writ of Certiorari follows.

STATEMENT OF FACTS

The Crime

In the late-night hours of January 27, 2019, four black males wearing masks forcibly entered the home of roommates Marcus Porter (hereinafter "Mr. Porter") and David Swibaker (hereinafter "Mr. Swibaker") by kicking in their backdoor. (App. 403; 385; 536). The men were armed with pistols and instructed Porter and his friend, victim J.B. Weaver (hereinafter "Mr. Weaver"), to get down on the floor. Upon their entry, Porter's dog attempted to attack the assailants. Mr. Porter recalls hearing two shots at the dog but could not be certain which of the men shot his dog. (App. 409, line 1 through p. 410, line 22). The men then started to demand Mr. Porter give up his marijuana. (App. 41 1, line 23 through 412, line 2). Mr. Porter testified that he was a small-time dealer at that time and did not have any weed to give to the assailants. (App. 403, lines 1-10; 417, lines 8-14).

At this point, two of the men stayed with Mr. Porter and Mr. Weaver, while the other two went to another part of the home. Mr. Weaver complied with the demands that he get on the floor. (App. 412, lines 12-24). Mr. Weaver also tried to diffuse the situation by offering to find them weed elsewhere and by offering the men his wallet. The men took Mr. Weaver's wallet but were not satisfied. (App. 413, lines 2-23). Mr. Porter then saw Mr. Weaver inching closer to the men in an effort to thwart them, but his progress was stopped when they saw him and shot him. Mr. Porter added that one of the men also kicked Mr. Weaver in the face, ultimately knocking him unconscious. (App. 413, line 25 through 414, line 15; 416, line 1-2).

Mr. Porter was then escorted to the master bedroom by two of the suspects. (App. 416, line 21 through p. 417, line 3). He then showed them the mason jar where he kept weed to prove to them that he had none to give them. (App.417, lines 6-14). They walked him back to the living

room but tripped him up and he fell facing Mr. Weaver. At this point they threatened to kill people if he did not give up the weed. (App. 419, lines 11-21).

One of the men then shot Mr. Weaver for a second time while he was on the ground and began to ransack the home. (App. 420, line 12 through p. 421, line 1 1). During the commotion, the light-skinned suspect tripped over Mr. Weaver on the floor; Mr. Porter surmised that it must have angered the assailant because he responded by shooting Mr. Weaver six more times. (App. 423, lines 1-4; 1121, lines 14-15). Porter attempted to get up and flee through the front door but was shot in the chest during the effort. He was only shot once as the assailants were at that time beginning to flee out the backdoor. Porter survived and ran to his neighbor's home to call 911 immediately after the assailants left. (App. 423, line 20 through 424, line 19). On his way to his neighbor's house Mr. Porter heard the assailants jumping the chain-link fence outside his house and then heard a car leave the area. (App. 424, line 20 through 425, line 5). Records show that the 911 call was placed at 12:03:23am. (App. 763, lines l5-20).

Mr. Porter testified that he was confident that there were four assailants involved in the burglary. (App. 393). One was in his late 20s, tall with a medium build, and was a lighter-skinned African American. Another was a heavier individual who was only slightly taller than Mr. Porter, who stands at 5'9"; this individual was in his mid-twenties and was wearing purple Nikes with heavy gloves and a coat. He testified that he recalled seeing one of the assailants wearing clothing with camouflage print, and one assailant was wearing black and white Nikes. (App. 430-432). Appellant was apprehended wearing a camouflage jacket of the type referenced by Mr. Porter. (App. 789-791; 753).

Mr. Swibaker was also home at the time of the burglary. When he saw the door busted in, he ran out of fear and initially hid from the assailants. (App. 724). Though he initially only saw

two men before he turned the corner to hide, he likewise testified to seeing a total of four masked men during the home invasion. (App. 731; 725). He confirmed the killing of the dog when it attacked, the fact that they drug Mr. Porter to his room demanding drugs, hearing numerous gunshots, and seeing multiple guns during the burglary. (App. 727; 733). The first assailant he recalled was wearing white Nike shoes. He was tall and thin framed. The second was shorter but Mr. Swibaker could not describe him with any more detail. (App. 725-726). Mr. Swibaker was ultimately discovered by the assailants, struck in the head, and ordered to get on the ground as well. (App. 728-729). He recalled seeing one assailant wearing "colorful" shoes. His testimony at trial suggested they had orange, blue, purple, and black. However, his initial statement to police suggested they were red, white, and blue. (App. 734).

The Police Chase

Following the 911 call, officers started responding to the scene to conduct an investigation of the crime. One such officer, Deputy Joshua Scarborough, was in route to the scene when he encountered a black Honda CR-V while driving down Fripp Lane. He saw four people in the vehicle, all black males, and the back left passenger had his eyes wide open, with his jaw dropped, while looking at the Officer Scarborough's vehicle as he drove by. He then saw the driver check the police car in his rear-view mirror and watched as the back seat passengers turned around to look at him. Officer Scarborough also testified that upon passing the vehicle he was able to see in his mirror that the car had no license plate. (App. 569-570). Officer Scarborough called in the suspicious vehicle, but at the time was not certain it was related to the crime and chose to proceed on to the scene. The CAD report shows that Officer Scarborough's call-in of the CR-V took place at 12:07:04am - 3 minutes and 41 seconds after the 911 call was placed - and testimony was entered by Detective Davis that the approximate drive time between the scene of the crime and Fripp Lane

was slightly under three minutes in duration. (App. 575; 1013-1014). Upon arriving at the scene and finding sufficient officers onsite, Officer Scarborough and Officer Jesse Kerr drove back out to pursue the CR-V. (App. 575).

Corporal Jacob Cramer was also in route to the scene of the crime when he heard another officer over the radio identify a dark colored SUV leaving the area that was possibly involved. Shortly thereafter he passed a dark in color Honda CR-V occupied by four people. (App. 582, lines 1-21). Corporal Cramer was accompanied by Officer Reynolds. He instructed Officer Reynolds to turn around and pursue the vehicle as it turned onto Highway 78. He noted that in the time it took to turn around, the CR-V was able to gain some ground up the highway, resulting in a few moments where he and Officer Reynolds did not have eyes on the vehicle. (App. 584, line 2 through 585, line 14). As they caught up to the CR-V, Corporal Cramer already had their emergency equipment activated and confirmed that this vehicle did not have a license plate.

At the time the car was being driven slowly, and Corporal Cramer was using his siren and spotlight to try and get the vehicle to pull over to the shoulder of the road. However, the vehicle responded by accelerating to a high speed. A police chase ensued that lasted for 30 minutes, exceeded speeds of 100 miles per hour, and required the use of stop-sticks to puncture the vehicle's tires to end the chase. Petitioner was identified as the driver of the vehicle, Fortune was the front passenger, and Green and Major were seated in the back. (App. 585, line 15 through 592, line 4). The car had been reported stolen. (App. 787). Over the course of the police chase, Officer Reynolds informed Corporal Cramer that the suspects had tossed out a wallet from the car window. (App. 589, line 2 through 590, line 15). Soon after, Corporal Cramer witnessed a blue clothing item and an orange clothing item still tumbling down the roadway. These items were collected after the chase ended and identified as an orange ski mask, blue coveralls, and a wallet belonging to victim

J.B. Weaver. (App. 591, lines 2-9; 595-596; 599-600). Additionally, a pocketknife and broken lighter were found inside the pocket of the blue coveralls. (App. 853-855; 929).

The investigation did not turn up any firearms near the scene of the crime. Corporal Cramer surmised that the suspects may have dumped other items out the window on the portions of Highway 78 they drove before Corporal Cramer and Officer Reynolds were able to catch up to them. They took a k-9 unit to that section of highway to investigate further and were able to locate four pistols on the shoulder of road 504 and Highway 78. (App. 603, line 1 through 604, line 8). These included a 9-millimeter Taurus pistol (State's Exhibit 13), a .38 caliber Smith & Wesson revolver (State's Exhibit 14), a .38 caliber Jimenez pistol (State's Exhibit 15), and a 9-millimeter Springfield pistol (State's Exhibit 16). (App. 604; 860-863).

The Investigation

Law enforcement's investigation demonstrated that Mr. Swibaker introduced a man named Jaquavious Washington (aka "Q") to Mr. Porter for the purpose of selling drugs. The investigation revealed that Marcus Porter had sold drugs in the past to an individual named "Little brh", whom he also knew as "Q" and that this individual had called recently asking Mr. Porter to front him some drugs. Mr. Porter also identified Jaquavious Washington by his photograph at trial. (App. 738; 533-534; 540-543; 520).

Upon being taken in for booking, Detective Davis had an opportunity to question Fortune about the crime with Captain Kenneth Driscoll in attendance. (App. 1019). The interview was video recorded and Fortune initially denied having anything to do with the crime; he pitched a story that he was in the area to visit with his friend and cousin, Jaquavious Washington. (App. 1020-1025). Detective Davis had not mentioned this name to Fortune prior, and at the time of the interview Detective Davis did not yet know of Washington's connection to both Mr. Porter and

Mr. Swibaker. (App. 1025, lines 4-19). Fortune's initial story was that after visiting Jaquavious he was told he could not stay the night. As a result, he went out to find a ride home.

Detective Davis testified that according to Fortune he happened to find three other individuals at a nearby gas station who lived in his Seabrook area who agreed to give him a ride. (App. 1028, lines 5-11). Detective ended the first interview after approximately an hour. (App. 1031). Clips of this interview were admitted and published during trial. During this first interview, Mr. Fortune did not respond to any of the questions asked of him concerning the crime. Nor did he provide any information on who was in the car when he was picked up. (See State's Ex. 191, clips la, 2a, 3a).

Shortly thereafter Detective Davis was in the booking area when he and Fortune made eye contact. He again asked Fortune if he was sure he did not want to talk to him. According to Detective Davis, Fortune responded "If I talk, they're going to kill me." Detective Davis invited Fortune back for a second interview lasting 40-45 minutes. (App. 1031, lines 23-24; 1033, lines 1-9). Detective Davis testified that Mr. Fortune was still hesitant to disclose the truth. He continued to deny having a gun but soon conceded that he was in possession of the Taurus 9-millimeter. He described the gun as being silver and black. The brand and description of the 9-millimeter gun was not mentioned to Fortune prior to this statement; such information was not even known by Detective Davis and Captain Driscoll at the time of the interview. He further testified that Mr. Fortune claimed the gun had not been fired, which appeared corroborative to the fact that it was found loaded to full magazine capacity. (App. 1033, line 19 through 1035, line 21). Detective Davis testified that Mr. Fortune ultimately confessed that he was there when the victims' door was kicked in, that he was last to enter the home, and that he ran to the back room while the others were yelling for people to get on the ground. (App. 1037, lines 1-10).

Clips from the second interview were admitted and published during trial. In the first clip, Mr. Fortune responded that he got picked up at the Sonoco but did not have a gun with him at the time. He further responded that it was a big blur; he could not remember how he got to the Victim's house, or whose idea it was to go there. (State's Ex. 191, Clip lb). In the second clip, Mr. Fortune confessed that he found the silver and black Taurus 9mm in the car that picked him up, but that it had never been shot. He denied overturning the mattress in the back bedroom and claimed he did not have anything covering his face. (State's Ex. 191, 2b). In clip 3b, Mr. Fortune confirmed that he did not search anywhere other than the one room, that he was looking for "[w]hat they told me to get", which he then responded was "[a]nything I could find." (State's Ex. 191, 3b). In clip 4b, he left the home emptyhanded and threw the gun out the car before the chase began. (State's Ex. 191, 4b). In clip 5b, Mr. Fortune informed the officers that the door was kicked in, but he could not recall who did so. He walked to the backroom and could not recall if anyone was with him. He informed the officers that he was not aware of who was and was not injured, and he was not aware of a third victim in the home. He claimed to simply look around, not knowing what to do.

Mr. Fortune denied wearing gloves or a mask, but he agreed that he pulled his hood tight around his face. (State's Ex. 191, 5b). In clip 6b, Mr. Fortune informed officers he found the gun on the front seat when he got into the car; he touched it and placed it under the seat on the floorboard. He could not remember how far they parked away from the home but noted that it was a couple of minutes' walk. He confirmed that he got mud on him. He could not remember or did not answer additional questions about where the car was parked, aside from not remembering parking on the road. (State's Ex. 191, 6b). A total of (7) fired shell casings were found at the scene of the murder (State's Exhibit 17). All of these casings were of the same brand ammunition found in the Springfield 9-millimeter: FC Luger and Blazer. (App. 862-863). Based on ballistics analysis,

they were all determined to have been fired by the Springfield 9-millimeter recovered by police. (App. 560, line 10 through 561, line 15). Another three (3) fired shell casings were found still inside the cylinder of the Smith & Wesson revolver. Police recovered two (2) fired projectiles at the scene of the crime, and three (3) more from Mr. Weaver's autopsy. Based upon the ballistics analysis, one of the projectiles from the scene was determined to have been fired from the .38 Smith & Wesson revolver. (App. 558, lines 10-24). Two of the projectiles recovered from the autopsy were also determined to have been fired by the .38 Smith & Wesson revolver. (App. 561, lines 16-24). A Gucci bag found inside the Honda CR-V contained four (4) live rounds of .380 ammunition that matched the brand of ammunition found in the Jimenez pistol: Homady and Tulammo. (App. 870, lines 16-25). Also in the Gucci bag was Petitioner's ID. Three wristwatches were also found in the vehicle; Mr. Porter was able to identify two of them as his property. (App. 446- 449; 869; 871-872). Also found in the vehicle was the other matching orange and black glove and a knit cap. (App. 879). Law enforcement also confiscated each of the defendants' articles of clothing, including their shoes. Of note, Petitioner was arrested wearing a camouflage print jacket and Nikes (App. 598), Devonte Major was wearing purple shoes (App. 769), and Fortune was wearing colorful shoes that the State argued at trial matched the description offered by Mr. Swibaker. (App. 1139). DNA testing performed on various recovered articles of clothing also demonstrated high likelihood ratio comparisons to Petitioner's DNA. (App., p. 975-980).

STANDARD OF REVIEW

"A writ of certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons." Rule 242(b}, SCACR. The South Carolina Appellate Court Rules set forth a nonexclusive list of the circumstances in which review may be granted. Therein, Rule 242(b) continues: "[t]he following, while neither controlling nor fully measuring the Supreme Court's discretion or power to grant review in general, indicate the character of reasons which will be considered:

(1) Where there are novel questions of law.

(2) Where there is a dissent in the decision of the Court of Appeals.

(3) Where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court.

(4) Where substantial constitutional issues are directly involved.

(5) Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court."

Rule 242(b), SCACR.

ARGUMENT

I. The Court of Appeals did not err in finding no *Bruton* violation for the admission of Mr. Fortune's statements to police.

A. Fortune's confession to police did not implicate *Bruton*, as it did not name or explicitly reference any other participant in the crime, nor did his confession provided any inferential details as to the identity of his co-defendants. His confession was limited solely to the use of the word "they", demonstrating only the existence of multiple other participants.

The Court of Appeals was correct to affirm in this case because the co-defendant's statements simply do not trigger *Bruton* protections. As such, certiorari is unwarranted.

Petitioner's argument boils down to the suggestion that *Bruton* is applicable even if a codefendant's confession demonstrates nothing more than the existence of other participants to the crime, absent any reference to the precise number of participants, absence reference to their identity, absent their roles in the crime, absent their genders, or any other identifying facts. Petitioner's arguments then rely upon the strength of the State's other evidence against him to conclude that Mr. Fortune's confession constitutes an "obvious implication" of Petitioner. Such reasoning is in error, and the Court of Appeals was correct to affirm the trial court's ruling.

Under *Bruton*, the Supreme Court found that a defendant's Sixth Amendment right of confrontation is violated "when the facially incriminating confession of a non-testifying codefendant is introduced at their joint trial." *Richardson v. Marsh*, 481 U.S. 200, 207, 107 S.Ct. 1702, 1707, 95 L. Ed. 2d 176 (1987) (citing *Bruton v. United States*, 391 U.S. 123, 88 S.Ct. 1620, 20 L.Ed.2d 476 (1968)). The Court took up *Richardson* in order to address whether a redacted confession is permissible so as not to identify the defendant's existence, and to draw a line between *Bruton*'s narrow exception for "facially incriminating" confessions, and confessions that merely became incriminating due to required "linkage" of other record evidence. The Court held that such

was permissible but offered no opinion on factual scenarios where a defendant's name has been replaced "with a symbol or neutral pronoun." In *Gray*, the Court took up that precise issue, noting that the original codefendant confession directly implicated defendant at trial, but was redacted to remove the name and replace it with the word "deleted" or a blank space. The Court found that such a solution still triggered the *Bruton* rule, given the conspicuous alterations at play that lend themselves to the jury easily deducing why the redactions were made in the first place. *Gray v. Maryland*, 523 U.S. 185, 194-195, 118 S. Ct. 1151, 1156, 140 L. Ed. 2d 294 (1998). It distinguished this ruling from *Richardson*, conceding that the scope of *Bruton* does not encompass "those statements that incriminate inferentially", when the "kind of" incriminating inference comes "only when linked with evidence introduced later at trial." *Id*. at 196. [2]

Petitioner's case fell well short of triggering *Bruton* or its progeny of cases that followed. The confession heard by the jury was not one where the jury could infer the identity of an unnamed participant. The clips of his confession that had any relevance to the actions of others was persistently referenced as "they" with no identification as to who "they" might mean, or to the officer's use of the term buddies which carries the same neutral plural description. Here, the four co-defendants were split between two trials, and Fortune did not attest to any specific number of participants in his reference to "they." His trial contained only one codefendant, and the facts

[2] Most recently, the Supreme Court found that less conspicuous redactions and the use of neutral references to some "other person" was permissible. *Sarnia v. United States*, 599 U.S. 635, 653, 143 S. Ct. 2004, 2017, 216 L. Ed. 2d 597 (2023). However, our State's Supreme Court has deviated somewhat from federal law and has arguably taken a more stringent tack, albeit without the guidance of *Sarnia*. In *McDonald*, the court found that the "another person" style of redaction permitted by the trial court still violated *Bruton*, under the circumstances, because it was used for two other male participants in the crime, in a joint trial for all three defendants. *State v. McDonald*, 412 S.C. 133, 141, 771 S.E.2d 840, 844 (2015). However, this case is distinguishable from *McDonald*, as there are no facts concerning redactions. Additionally, unlike *McDonald*, the jury was not presented with a trial where all of the co-defendants were tried together.

clearly demonstrated to the jury that no less than four people were involved in this crime. Under the gamut of both federal and state controlling precedent applying *Bruton*, no case has held that *Bruton* applies under circumstances similar to this case.

The Court of Appeals agreed, finding that terms "they" and "buddies" (which was only used by Detective Davis, not Petitioner), do not provide the jury with any inferential way of identifying Petitioner. Citing to *Gray*, *Richardson*, and *State v. Henson*, 407 S.C. 154, 164, 754 S.E.2d 508, 513 (2014), the Court of Appeals correctly found that the statements in dispute did not directly implicate Petitioner, nor did they provide an obvious inference. Instead, by using "they," the statements only referenced a nonspecific group of people rather than a particular individual and the statements failed to implicate Petitioner as a member of the group.

Here*, Gray* was especially instructive. "Inference pure and simple cannot make the critical difference. It is the "kind of" inference that mattes, exclusive of linkage to other evidence admitted later during trial; impermissible are the "inferences that a jury ordinarily could make immediately, even were the confession the very first item introduced at trial." *Id*., at 186. The Court of Appeals relied upon *Gray's* directives, noting that the disputed statements could not meet this standard. It is the overwhelming evidence and circumstances of the arrest, not the confession itself, that permits an inference by the jury here, and the statements were therefore appropriately admitted evidence.

The Court of Appeals was correct in its holding. There is no genuine basis for granting certiorari in this case.

B. The Court of Appeals did not err in affirming the trial court's denial of the motion to sever.

Petitioner rests his argument for severance on the same improper understanding of *Bruton* in regard to Fortune's confession. However, as there was no *Bruton* violation, nor a serious risk of

such given the contents of Mr. Fortune's confession, the Court of Appeals did not err in affirming the trial court's denial of the motion for severance.

There is no right to separate trials of defendants, and a ruling on a motion to sever is addressed to the sound discretion of the court. *State v. Harris*, 351 S.C. 643, 652, 572 S.E.2d 267, 272 (2002); *State v. Kelsey*, 331 S.C. 50, 73, 502 S.E.2d 63, 75 (1998). "A severance should be granted only when there is a serious risk that a joint trial would compromise a specific trial right of a co-defendant or prevent the jury from making a reliable judgment about a co-defendant's guilt. *Hughes v. State*, 346 S.C. 554, 559, 552 S.E.2d 315, 317 (2001).

The Court of Appeals echoed the same legal maxims and concluded the same. There was no serious risk presented and the trial court was within its discretion to deny the motion for severance after reviewing the video clips, hearing the testimony of the detective, and hearing the arguments of counsel concerning Fortune's confession. Petitioner failed to demonstrate that a joint trial posed serious risk to his trial rights or to the jury making a reliable judgement as to Petitioner's guilt. The trial court properly exercised its discretion, the Court of Appeals properly affirmed, and certiorari in this matter is unwarranted.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that certiorari should be denied.

Respectfully submitted,

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