IN THE SUPREME COURT OF SOUTH CAROLINA

Appeal from Charleston County
Court of Common Pleas

The Honorable J. Cordell Maddox Jr., Circuit Court Judge

Appellate Case No. 2019-000509

ROBERT ANTONIO STEED, PETITIONER,

v.

THE STATE OF SOUTH CAROLINA, RESPONDENT

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

I.

Did the lower court err in denying Applicant's request for Post-Conviction Relief where the record below shows that he demonstrated the existence of after discovered evidence which was material to his claim of innocence and established that the evidence in question could not have been discovered by him prior to his trial without the cooperation of two of his codefendants which he was powerless to obtain until such time as they decided to come forward and tell the truth?

PROCEDURAL HISTORY

Petitioner agrees that the procedural history of his case as set forth on pages 1 – 4 of Order of Dismissal is accurate albeit somewhat confusing inasmuch as it includes the more recent history of this action on page 1 in a section which is not found under the heading of Procedural History.

STATEMENT OF THE CASE

As a preliminary matter, the Petitioner asserts that the lower court erred in finding that the Petitioner had failed to set forth a *prima facie* case which would permit his Application for Post-Conviction Relief (PCR) based on newly discovered evidence. The question of whether Petitioner had met that standard was previously ruled upon by the Honorable Michael G. Nettles by order dated October 2, 2018 and filed on October 4, 2018. As noted in said order, it was the State's position that the Petitioner had failed to make a *prima facie* showing of after discovered evidence and that this application should be summarily dismissed. Petitioner argued that the weight to be afforded the recantations presented by Petitioner was a matter to be properly determined after a full evidentiary hearing had been held. Following a hearing on the State's Motion to Dismiss, and the Conditional Order of Dismissal previously entered on May 2, 2018, Judge Nettles denied

the State's Motion for Dismissal and ordered that this matter be scheduled for an evidentiary hearing. **App. p. 1018.**

Petitioner asserts that the lower court erred in finding that he had failed to meet the requirements for the grant of a new trial based on after discovered evidence. Petitioner agrees that an Application for Post-Conviction Relief predicated on newly discovered evidence pursuant to SC Code Ann. §17-27-20(A)(4) and §17-27-45(C) requires demonstration of the five elements set forth in *Hayden v. State*, 278 S.C. 610, 611, 299 S.E.2d 854, 855 (1983)(citing *State v. Caskey*, 273 S.C. 325, 256 S.E.2d 737 (1979)). Petitioner, however most respectfully asserts that the lower court erred in concluding Petitioner had not met that standard. The facts and testimony supporting Petitioner's position are set forth below in his discussion of the Question Presented.

DISCUSSION

Question I

Did the lower court err in denying Applicant's request for Post-Conviction Relief where the record below shows that he demonstrated the existence of after discovered evidence which was material to his claim of innocence and that Petitioner established that the evidence in question existed before his trial, but could not have been discovered by him prior to his trial without the cooperation of two of his codefendants which he was not able obtain until such time as they decided to come forward and tell the truth?

The lower court found that the testimony of both Thomas Bond and Michael Griffin was not credible. In so ruling the Court correctly noted that the determination of whether new evidence is credible for purposes of evaluating a Motion for a New Trial rests with the trial court. *State v. Porter*, 269 S.C.618, 621, 239 S.E.2d 641, 643 (1977). While Petitioner agrees that the case law cited in the Order of Dismissal sets forth an accurate summary of our jurisprudence on the subject of after discovered evidence, he

most respectfully submits that, on the facts of this case, the trial court abused its discretion in denying Petitioner Relief.

In order to accurately assess the finding of the lower court that Petitioner's witnesses lack credibility, it is necessary to look closely at some of the testimony involved in this case at trial as well as the testimony presented during the PCR proceeding.

It is true that at trial a previous attempt at recantation by Thomas Bonds, by way of a letter written to Petitioner, was discussed at length. At that time, Bond attempted to say that he had written the letter to Petitioner in an effort to curtail threats that his girlfriend was receiving. It is significant to note, however, that discussion of that claim was interrupted when an objection by Defense Counsel was sustained based on the fact that Bond professed no knowledge of any connection between Petitioner and the alleged threats in question. App.p. 566, l.13 – p.567, l. 9. Notwithstanding that ruling, and an admonition by the Court, "not to go back into the alleged threats" that topic was not abandoned. When Bond was asked why he had written the letter to Petitioner, he testified, this time without objection, that he, "was trying to eliminate all the possible people that I could think of that would try to threaten April and my family." App.p. 567, ll. 13 – 16. *See also*, App.p.568, ll. 17 – 20.

What was totally unknown to Petitioner until such time as his PCR attorney's investigator procured an affidavit from Bond on June 13, 2017, was that the real reason he had not going through with his earlier recantation of his statement to law-enforcement implicating Petitioner was that he had been intimidated by "guards at the Charleston County Jail" to testify according to the statement he had given on May 5, 1999 in which

he implicated Petitioner, known to him as T-Lo, as being part of the robbery and conspiracy at issue in this case. In his affidavit he documents the fact that he was allowed to plead to criminal conspiracy and received a prison sentence which he had since completed. His affidavit clearly indicates that agents of the state, correctional officers at the county jail, had placed pressure on him to stick with his statement in which he had implicated Petitioner and that this pressure resulted in him fearing that he would lose his plea deal if he told the truth. App.p.1002-1003.

Petitioner asserts that other erroneous findings in the Order if Dismissal support his position that the lower court's conclusions were based upon erroneous factual findings. For example, the Order of Dismissal in this case suggests that Petitioner's application for PCR simply re-plows old ground. This is simply not accurate. While it is true that the letter written by Bond to Petitioner was discussed at his trial and that Bond offered an explanation, which the lower court ruled was not admissible, for why he had written the letter which he repudiated at trial. That fact, however, does not change the reality that Petition had no way to prove that Bond had lied at his trial until such time as Bond was willing to admit the real reason why he abandoned his earlier attempt to recant the statement in question.

With regard to the credibility of Bond, the lower court notes in the Order of Dismissal with skepticism his claim that he testified consistently with his ***first*** statement to law-enforcement. App.p. 1133, Para 2 and fn 7. The order notes that, despite Bond's assertion that he testified in accordance with his ***first*** statement to law-enforcement, that was not true. The Order of Dismissal noted, as it had covered in footnote six of that order, Bond had originally given a statement to law-enforcement in which he claimed that an

individual named Steve Smith was involved in this robbery. Petitioner acknowledges that it was in his ***second*** statement, given approximately 20 minutes after the first, that he implicated Petitioner under the name T-Lo, as well as his other co-defendants. A close reading of Bond's trial testimony reveals that this particular misstatement in Bond's testimony can be readily explained by the manner in which a question was put to him the PCR evidentiary hearing. Petitioner asserts that while the observation of the lower court concerning this fact is technically accurate, it overlooks the underlying truth that the question put to him by the PCR Counsel inadvertently forced him to choose between two options; neither of which were accurate. Bond was asked whether he had testified at trial ***"in accordance with your <u>first</u> statement to the police or with the letter that you wrote to Mr. Steed?"*** Bond simply responded, "***first.***" If you examine the direct examination of Bond by PCR Counsel you will see that she began her inquiry with the statement by Bond which implicated her client; the Petitioner. This fact no doubt led to PCR Counsel framing her question to Bond in such a manner as to make him answer an "either/or" question which dictated that his answer would technically be inaccurate no matter which option he chose. Clearly by picking the "first" option, he came as closely as he could to answering this question accurately as it was framed by PCR Counsel's question. App.p. 1034, ll. 8 – 17, (Emphasis added).

In evaluating the credibility of Bond, the lower court attributes significance to the fact that Bond admitted that he had changed his story multiple times. Order of Dismissal, App.p. 1134, para. 1. Petitioner again, most respectfully, asserts that the multiple gross inconsistencies in the testimony of the surviving victim in this case, Porter Walker, the State's Star witness against Petitioner, show that this factor was not reasonably applied

on the facts of this case. The testimony of Victim Walker is discussed at length below. Most importantly, as will be discussed at length *infra*, Victim Walker admits in his PCR testimony that his claim at trial that he could identify Petitioner as the man who shot him was not truthful.

Bond testified that he was released from prison on April 30, 2016. Petitioner's application was notarized on October 25, 2017 and filed on November 17, 2018. App.p. 984-988. His affidavit notarized on June 13, 2017, was submitted to the Court along with Petitioner's Response to the Conditional Order of Dismissal filed in this matter on May 17, 2018. App.p. 1002-1003.

Petitioner respectfully submits that the lower court's reliance upon the testimony the jury heard at Petitioner's trial is missed placed. In short, the jury hearing Bond and Griffin acknowledge the letters they had written, and then stepping away from the information contained in their letters discussed at trial, was no substitute for the jury hearing the new information finally disclosed to Petitioner and the Court after these men were released from prison. It was this information which castes light on why they did not go through with their recantations at trial.

At trial, Michael Griffin testified for the prosecution and denied firing any shots during the crime. App.p. 462, l. 3- p. 463, l. 8. In its Order denying Petitioner's Motion for Reconsideration, the lower court makes note of *"the oft-repeated, but thinly justified maxim that recantations are ordinarily to be looked upon with skepticism"* in referencing the change in Thomas Bond's story. App.p. 1156 – 1157. The lower court goes on to acknowledge in a footnote that this maxim has been often repeated routinely to justify the denial of post-conviction relief. The lower court went on to find that this principal must

not be employed without analysis to discount any and all statements which may change over time. App.p.1157, fn 1. Unfortunately, Petitioner respectfully submits, the lower court failed to take multiple important considerations into account in its own analysis of this case.

A close analysis of the trial and PCR testimony presented by Porter Walker, the surviving victim, (Victim Walker)is necessary to a reasonable analysis of credibility in this case. App.p. 229, l.10 - p. 277, l. 11. A careful review reveals the following. Near the very beginning of Porter Walker's testimony, the prosecutor asked the following leading question, without objection, ***"did the black male who kicked his way, force his way in the door and shot you, have a mask on?"*** App.p. 232,ll. 31 - 22. He responded that the man had, "***more of a bandanna he held over his mouth***." App.p. 232, ll. 23 - 24. He described the bandanna as covering the individual's mouth and cheeks. He testified that the man who shot him was holding the bandanna on with one hand and holding a black 9 mm pistol with the other. He described the lighting in the room by saying there was enough light in that room that he could write a letter. App.p.232,l.25 - p. 233, l. 18. Next Victim Walker claimed this man came in shooting at him. He testified that he ***"figured he was going to shoot [him] anyways so I just turned and dropped to the ground. And – – I guess the bullet hit me. And as I fell to the ground he shot again at my head. And there was other shots from behind him as well."*** App.p.233, ll. 21-25.

Victim Walker described the length of time he was looking in the man's face as 30 seconds "***max***." App.p. 233, l.20 - p. 234, l. 21. He was never shown a photo lineup. App.p. 234,ll. 22-24. He identified Petitioner during the trial. When asked what about the person who shot him made him certain that Petitioner was the guy, he said, ***"[h]e Had a***

rough complexion on his face and his eyes." App.p. 235, ll. 7-9. Interestingly, when asked what he recalled about his assailant's eyes, he made the statement quoted in the Order of Dismissal about "***never forgetting"*** the eyes of the man who had ***"already shot him once."*** He also testified, however, that the man, ***"was bent over screaming in his face, not to look at his face and to keep his mouth shut"*** and ***"don't look at my F—ing face."*** App.p. 234, 234, ll. 8-9 and App.p. 235, 10-16. He offered no testimony as to why he would look a man who had already shot him once directly in the face while the perpetrator was screaming at him and warning him not to look him in the face.

Victim Walker was cross-examined a trial about the fact that after he was shot he ran across the street to the home of a Mount Pleasant police officer. He told this officer, Detective Richie, what happened. App.p. 246, l. 25 - p. 247, l. 18. He testified that the man who knocked on his door was white, but the man who forced his way in and shot him was black. He initially stated the same man knocked at the door and kicked the door in. App.p. 4-6. He then acquiesced to the state's assertion that it was a black male who kicked the door in found in the leading question by prosecutor Houseal, quoted supra from App.p. 232, ll.23-24, and ultimately identified Petitioner as the shooter. App.p. 231,l. 20-p. 235, l.6.

Victim Walker's testimony at trial contained another revealing inconsistency. He described hearing the knock at his door, asking who was there and hearing the person say, ***"Mike, like I knew him."*** He testified that he then opened the door and asked "***what's up."*** He stated that the person at the door asked ***"is Jennifer around***" and that he responded, ***"no man, you got the wrong house."*** He recalled the guy at the door saying, ***"all right."*** According to his testimony, that was when the door was kicked in and he was

shot ***"through the chest."*** When I asked how many people he saw at the door, he expressly stated that he only saw one person at the door. This testimony was consistent with his testimony seconds earlier when he said the same person knocked at the door and kicked it in and shot him. Then, once again after being led by the prosecutor, he totally changed his testimony to agree that a white guy knocked at the door and a black male, Petitioner, ***"kicked the door in and shot [him] in the back."*** This explanation totally ignored his earlier claim that the same person knocked at the door and kicked the door in. App.p. 231,l. 20 - 232, l. 15.

Next Victim Walker testified that the man who knocked at the door was white and had on a mask. This record reflects that no explanation was offered for why he would greet the guy at the door with a casual ***"what's up"*** and proceed to chat with him about ***"Jennifer"*** and ***"having the wrong house"*** after observing an individual with a mask on at his door. App.p. 232, ll. 16-20.

On cross-examination by Petitioner's co-defendant's counsel, Victim Walker declined to acknowledge telling the Mount Pleasant police officer he ran to for help, Lieutenant Richie, that people *in black ski masks* had broken into his home. He denied having any recall of making that statement to Lieutenant Richie or having told Mrs. Richie that *three black males came in and committed this crime.* He did not, however, deny making either of those statements. App.p. 248, l. 19 - p. 249,l. 8. Similarly, Victim Walker denied having any recall of telling Detective Tittle, who interviewed him at the hospital, that he wasn't sure about a third guy. He denied having any recall of changing his statement from there being three black males to two black males and a white male. App.p. 249, l. 23-p. 251,l. 11.

Victim Walker recalled giving a statement to Detective Phillips and Detective Garland a day and a half after this incident. App.p. 251,ll. 12 - 20. He acknowledged that he had reviewed that statement with the solicitor prior to trial. He recalled that additional things about this case came to him "*in nightmares*" after he gave that statement. App.p. 251,l. 12-p. 252, l. 23. At trial he reluctantly admitted, after refreshing his recollection by reviewing his statement, that in that statement he told law-enforcement the man who knocked at the door said his name was "***David***" and admitted that on direct-examination at trial he had just testified that the man identified himself as ***"Mike."*** App.p. 253, ll. 9-25. He admitted that he knew at the time of the trial that Michael Flynn was on trial with Petitioner in this case. He additionally testified that he had known by the time of the trial that Michael Griffin was in fact the one who knocked on his door. He went on to testify that, ***"I didn't really notice a hickey, I just noticed he had real nasty teeth."*** He said he had no idea if he told Lieutenant Richie (the cop neighbor) or Detective Tittle (the Officer who interviewed him at the hospital) about the hickey on Griffin's neck, but acknowledged that he might have said he saw a hickey in his statement a day and a half later.

Victor Walker denied that his memory might have been affected by someone else telling him what they remembered, but offered no explanation for why his statement a day and a half later included details he had not told the officers who spoke with him the night of the incident; Detective Richie (the cop neighbor) and Detective Tittle (who interviewed him in the hospital). Victim Walker had a prior record for grand larceny and admitted that someone named Jason Lyons may have sold drugs out of his house. When

asked to admit that he told Detective Tittle that he and Jason Lyons were selling drugs together, he said he had ***"stopped all kind of crap like that"*** within a month to a month and a half before the day in question; when his son came home. App.p. 257, ll. 2-16; App.p. 239, ll. 9- p. 241, l. 3. He admitted that there had been what might have been an attempted break-in at his house that very day. App.p. 257, l. 22-p. 258, l. 9.

On cross-examination, Victim Walker was asked point blank if he might have misled the police about the identities and races of the people who committed this crime. and his response was telling. He testified, ***"Um, if I did it was in the heat of the moment. I was just trying to help. I thought I was dying. I don't know what I told them."*** App.p. 258,l.13 - p. 259, l. 4. On cross-examination by Petitioner's trial lawyer, Victim Walker did not dispute that he and Jason Lyons had sold drugs out of that location, but stated it was ***"nowhere near around this time".*** He also admitted telling Detective Richie that people with black ski masks broke into his house. App.p. 262, ll. 12-23.

Victim Walker denied having any recall of his conversation with Detective Tittle. He did not remember telling him very specific details about the white male who knocked at the door including an estimated height and weight of ***"6'1" -6'2" and slender build"*** along with having described that white male having "***a scar near his goatee***." App.p. 263, l. 25 - p. 264, l. 25. He denied any memory of telling DetectiveTittle that he did not get a good look at the second subject; the black male. Neither did he recall telling Detective Tittle that the black male was wearing a hoodie pulled up or saying that the best description he could give of the black male was ***"between 5'10" and 6 feet tall and slender."*** He denied any recall of later giving Detective Walker the same information by

phone that was in Detective Tittle's report. App.p. 265, 5-23. He further acknowledged that in his written statement he said there was a third offender, but he did not know if he was black or white and didn't get a good look at him. App.p. 267,ll.10 -15.

When I asked if he believed the police had the right people, Victim Walker testified that he wouldn't know for sure until the trial was over. App.p. 268, ll. 14-18. Petitioner submits that this response is extremely revealing in light of the fact that at the very end of his trial testimony, on re-direct examination, he claimed he was ***"a hundred percent"*** certain Petitioner was the guy that shot him. App.p. 277, ll. 3-8.

Petitioner submits that in evaluating the consistency and credibility of this witness, this Honorable Court should note, as previously mentioned, he essentially admitted in his PCR testimony that he lied at trial about being able to positively identify Petitioner is the man who shot him. When asked if he recalled making an identification of ***"any specific person at trial"***, he stated, ***"not really. I wasn't really sure at the time exactly who it was. I just knew the color of the person."*** App.p. 1053, ll. 4-11 (Emphasis added). When he was asked whether the testimony of Mr. Michael Griffin at the PCR hearing had altered his certainty regarding the race of the man who shot him that evening[1], he responded ***"no, ma'am."*** App.p. 1053, ll. 19-23. He did not say, as the Order of Dismissal indicates, that the PCR testimony of Griffin had not ***"affected his confidence in the identification of Steed."*** The Order of Dismissal further states that he ***"testified he would never forget Steed's eyes."*** Following his testimony on direct, Victim Walker was asked on cross-examination by the State if he remembered

[1]. He in fact testified that nothing about Michael Griffin's testimony caused him to reconsider his certainty about "whether a black man or a white man" shot him. App.p. 1053, ll. 15-24.

identifying Petitioner at trial. It was then that he stated, ***"I think I did at trial."*** App.p. 1054, ll.4 – 6. He was then asked by the State whether he remembered testifying at trial that he, ***"would never forget his eye---."*** It bears repeating that in his PCR testimony, he admitted that the only thing he actually knew at the time of trial was ***"the color of the person."*** As illustrated above, there were multiple examples of this key witness for the prosecution changing his story, being uncertain what race participants in this crime were and most importantly, changing his position about whether he could positively identify Petitioner as a participant in this crime. Therefore, Petitioner prays that this Honorable Court recognize that many of the same factors noted by the lower court in it Order of Dismissal as a basis for finding the PCR testimony of Thomas Bond and Michael Griffin not to be credible, applied with equally, if not to a greater extent, to Victim Walker. For this reason, Petitioner asserts that the lower court's assessment of the credibility of Petitioner's witnesses was not reasonable.

Petitioner would specifically note that in reaching its decision the lower court specifically found the Victim Walker testified that nothing presented by Petitioner changed his certainty in his identification of Applicant. Order of Dismissal, App.p. 1143 - 1144. Petitioner most respectfully points out that that is not an accurate summary of Victim Walker's PCR testimony. He in fact testified that nothing about Michael Griffin's testimony caused him to reconsider his certainty about whether a black man or a white man shot him. App.p. 1053, ll. 15-24. On cross-examination when the state asked Victim Walker if he remembered identifying Petitioner at trial, he responded that he thought he did at trial. He did not say he was still certain of his identification of Petitioner as the man who shot him, merely that he recalled saying it at trial. App.p. 1054, ll. 1-12. Thus, the

finding reflected in the Order of Dismissal that Walker testified, "at the evidentiary hearing" that "nothing presented by Applicant changed his certainty in his identification of Applicant", is simply inaccurate. App.p. 1143 – 1144.

With regard to the emphasis the lower court placed on the fact that there were other witnesses who did not recant their trial testimony, Petitioner would note that the testimony of Bond and Griffin may well have caused the jury to question what pressure may have been brought to bear on those witnesses in light of the testimony these two co-defendants. Furthermore, the PCR testimony of Griffin, while it did includes a statement that Petitioner was "there", does not provide a sufficient basis for a claim of accomplice liability. Put simply, his PCR testimony did not say where "there" was. The summary of the trial testimony included in the Order of Dismissal indicates that it John Griffin, and Demetrius Green who began the discussion of robbing this location on May 3, 1999, while they were at school. Later John Griffin contacted his brother Michael Griffin and got him in on the plan along with Michael Flynn. Later these four met up and discussed a possible robbery after picking up Tommy Bond. These five individuals went on to case the location and, finding no-one at home, made plans to return later that evening. Later that night Michael Flynn called Petitioner, who joined the five at the home of Peter Davis. App.p. 1129 – 1130. Michael Griffin's testimony that Petitioner was "there" does nothing more than put him in the company of these men at some point in the events of that evening. The fact that one of more of these witnesses claimed to have seen Petitioner with a nine millimeter gun that evening, at best, might support a weapon charge. Michael Griffin's PCR testimony, if believed on this point, does no more than place Petitioner somewhere in the company of these perpetrators that evening. He did

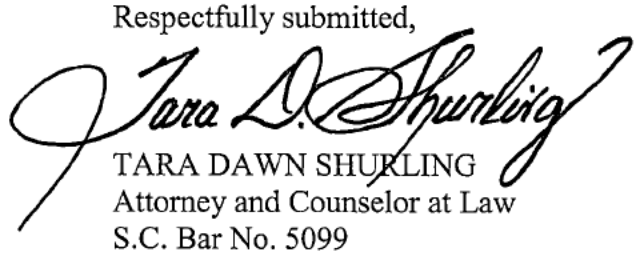
not say Petitioner helped plan this robbery or even knew it was to take place. It is a basic premise of law in South Carolina that mere presence, even with knowledge that a crime is going to take place, does suffice to support a finding of accomplice liability. *State v, Austin*, 299 S.C. 456, 385 S.E.2d 830 (1989); *State v. Johnson*, 291 S.C. 127, 352 S.E.2d 480 (1987). It is well established law in this state that in order to be guilty under a theory of accomplice liability, one must "be present at the scene of the crime and intentionally, or through a common design, aid abet, or assist in the commission of that crime through some overt act." *Austin*, supra, 299 S.C. at 459, 385 S.E.2d at 832.

CONCLUSION

Petitioner submits that he has demonstrated that the testimony of these two witnesses was not available to him until after these witnesses were released from custody and were willing to come forward and tell the truth. The Order if Dismissal also found that the testimony of Michael Griffin lacked credibility because he ***"has no fear of retribution for this allegation."*** This finding is not accurate and overlooks the fact that both Bond and Griffin, after waiting through many years of incarceration to gain their own freedom, at minimum risked prosecution for perjury for admitting they lied under oath at Petitioner's trial. Furthermore, he has shown that he did not discover this new evidence until within a year of when his Application for PCR was filed. He submits that, in light of the many inconsistencies and changes in Victim Walker's own testimony, not to mention his admission in his PCR testimony that the only thing he was sure about at the time of this trial was the color of the man who shot him, there is a high degree of probability that the outcome of this trial might be different with this new evidence being

heard. Furthermore, Petitioner respectfully asserts that the Court's finding that Petitioner had not demonstrated he could not have discovered this evidence before his trial, is not reasonable. This is particularly true where these two individuals made steps toward recantation prior to Petitioner's trial and then abandoned that path at trial. There was simply no way available to Petitioner to prove these men lied at his trial until they were willing to admit that fact of heir own volition. There was simply no way, Petition could have forced these co-defendant witnesses to jeopardize their deals with the State by revealing this information. Thus, he has met the criterion for the grant of a new trial under the long standing standard for after-discovered evidence in this state. For all these reasons, Petitioner asks that he writ be granted and that he be afforded the opportunity to more fully brief the issues summarized herein,

Respectfully submitted,



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ATTORNEY FOR PETITIONER

This 27th day of January, 2020

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable J. Cordell Maddox Jr. Circuit Court Judge

Appellate Case No. 2019-000509

ROBERT ANTONIO STEED, APPELLANT,

v.

THE STATE OF SOUTH CAROLINA, RESPONDENT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the Petition for Writ of Certiorari in the above-entitled PCR appeal has been served upon opposing counsel this 27th day of January, 2020, by mailing one (1) copy by USPS in a stamped envelope properly addressed to the address listed below. The Appendix to this Petition was delivered by mail through the USPS on January 22, 2020.

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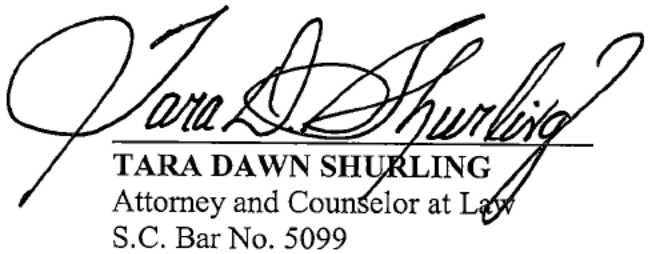

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