No.

IN THE SUPREME COURT OF THE UNITED STATES

JAMES A. GIDEON,

PETITIONER,

VS.

STATE OF OHIO,

RESPONDENT.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO

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QUESTIONS PRESENTED FOR REVIEW

Whether a professional license holder's objectively reasonable, subjective belief that assertion of the Fifth Amendment privilege against self-incrimination during a disciplinary investigation will result in revocation or suspension of his license is sufficient to trigger application of the exclusionary rule announced in *Garrity v. New Jersey*, 385 U.S. 493 (1967)?

Whether a professional license holder's subjective belief that assertion of the Fifth Amendment privilege against self-incrimination will result in revocation or suspension of his license is objectively reasonable where a state statute expressly authorizes such a penalty for refusing to cooperate and truthfully answer questions during a disciplinary investigation, and a disciplinary investigator abuses his authority under the statute for the purpose of obtaining an admission for use in a criminal prosecution?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

RELATED CASES

There are no cases related to the case that is the subject of this petition.

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Petitioner James A. Gideon ("Petitioner" or "Gideon") respectfully prays that a writ of certiorari will issue to review the judgment of the Supreme Court of Ohio entered in Case No. 2019-1104 on December 15, 2020.

OFFICIAL AND UNOFFICIAL CITATIONS

The December 15, 2020 original opinion and the December 31,2020 reissued opinion of the Supreme Court of Ohio are officially reported at 2020-Ohio-5635 and 2020-Ohio-6961 respectively. The December 15, 2020 judgment entry and the December 31, 2020

reconsideration entry of the Supreme Court of Ohio are officially reported at 2020-Ohio-6680 and 2020-Ohio-6985 respectively.

The June 24, 2019 opinion of the Ohio Court of Appeals, Third Appellate District, is officially reported at 2019-Ohio-2482 and unofficially reported at 130 N.E.3d 357.

JURISDICTION

Petitioner seeks review of the judgment of the Supreme Court of Ohio entered on December 15, 2020. That court granted a timely motion for reconsideration and filed a reissued opinion on December 31, 2020.

Petitioner invokes this Court's jurisdiction pursuant to 28 U.S.C. §1254(1), which permits a party to petition the Supreme Court of the United States to review any civil or criminal case before or after rendition of judgment or decree. He relies on this Court's General Order dated March 19, 2020 which enlarges the time for filing a petition for a writ of certiorari to 150 days from the date of the judgment or any order respecting rehearing of the lower court, whichever is later.

CONSTITUTIONAL PROVISIONS AND STATUTE INVOLVED

United States Constitution, Fifth Amendment:

> No person . . .shall be compelled in any criminal case to be a witness against himself[.]

United States Constitution, Fourteenth Amendment, Section 1:

> . . . . No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Ohio Revised Code §4731.22:

> . . . .
>
> (B) The [state medical] board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend a license or certificate to practice [medicine]. . . , or reprimand or place on probation the holder of a license or certificate for one or more of the following reasons:
>
> . . . .
>
> (34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including . . . failure to answer truthfully a question presented by the board in an investigative interview . . .

STATEMENT OF THE CASE

Petitioner, a now-retired rheumatologist, operated a medical practice, Northwest Ohio Rheumatology, in Bluffton, Ohio since 2013. He concentrated on treating patients suffering from fibromyalgia and auto-immune disease.

The medical profession too often resorts to highly addictive opioid medication to manage chronic pain syndromes of this type. Petitioner was adamantly *opposed* to this practice. He sought to break the self-sustaining cycle of his patients' pain by utilizing a multifactorial approach, including stress management, improved sleep, and localized injections of low doses of depomedrol and a numbing agent.

One challenging aspect of this treatment was the high frequency of post-injection pain in the affected area. Petitioner learned that therapeutic massage administered to the site with the flat palm of the hand can reduce the pain and assist in distributing the medication over the area of discomfort. He began incorporating this technique in his practice in the Spring of 2017.

Petitioner endeavored to explain this to his patients, but admittedly fell short in this effort for two reasons. First, he ran a very high-volume practice. He typically saw 28 to 34 patients a day. The second reason was a deterioration in his overall health during this time frame.

The volume and pace of a one-doctor rheumatology practice took their toll on this then-70-year old man. By early May 2017, Petitioner was feeling extremely fatigued due to an iron deficiency, elevated glucose level, and onset of diabetes. In hindsight, he realized he neglected to adequately explain the therapeutic massage technique to some of his patients.

Three such patients were M.M., A.A., and C.W. Each of these women filed offense reports with the Bluffton Police Department accusing Gideon of touching them inappropriately. The reports were assigned to Sergeant Tyler Hochstetler for investigation.

Petitioner voluntarily met with Hochstetler at the police station for an interview. He denied engaging in any inappropriate conduct with his patients.

As required by the oversight rules of his profession, Petitioner self-reported the filing of the offense reports to the Ohio State Medical Board. He sent a text message regarding this subject to Medical Board Investigator Chad Yoakam with whom he had dealt in the past.

Yoakam met with Sergeant Hochstetler regarding the allegations. The men agreed to cooperate with each other in a "joint investigation" of Petitioner.

Yoakam informed Hochstetler of his intention to interview Petitioner. He emphasized that the doctor "was obligated to comply with his investigation." Yoakam discouraged the police sergeant from participating in this interview so as not jeopardize the use of Petitioner's statements in the criminal prosecution.

Yoakam appeared unannounced at Petitioner's medical offices during business hours. He was wearing a hidden recording device. He interrogated Petitioner for over a two hour period while the doctor struggled to keep up with a very heavy schedule of patients.

Yoakam utilized intimidatory techniques and psychological trickery to elicit admissions of criminal conduct from Petitioner. For example, at the outset, he told Petitioner that he could tell from his body language whether he was telling the truth.

After the interrogation, Yoakam returned to the police department and told Sergeant Hochstetler that Petitioner had admitted touching two of the patients for his own gratification. Hochstetler filed three criminal complaints in the Lima, Ohio Municipal Court charging Gideon with sexual imposition against M.M., A.A., and C.W.

Petitioner filed a pretrial motion to suppress his statements to the Medical Board investigator. The municipal court judge conducted an evidentiary hearing on the motion.

During the suppression hearing, Yoakam admitted his knowledge of the statutory provisions governing the discipline of medical doctors in Ohio. He testified the statute requires a licensed physician, such as Petitioner, "to cooperate in our investigation" even

when there is a parallel criminal investigation into the allegations forming the basis for the Medical Board's inquiry. He described this scenario as "what they call a bootstrap on a criminal case."

Yoakam characterized his tight-knit working relationship with the Bluffton Police investigators as a "joint investigation" of Petitioner. He admitted meeting with police investigators *three* times before going to Petitioner's medical office to conduct the secretly recorded interview. He admitted deliberately showing up at the office unannounced during normal business hours in order to catch him off-guard, and thereby deprive him of an opportunity to review his patient files or to consult with an attorney.

Yoakam acknowledged he did not inform Petitioner of his intention to obtain incriminating admissions to the alleged criminal conduct, and to immediately turn the results over to the police for use in the criminal prosecution. He also admitted his desire to help the police secure a criminal conviction against Petitioner in the "bootstrap" investigation because this would eliminate the need to prove the patients' allegations before the Board by independent testimony.

Sergeant Hochstetler testified and confirmed that he and Yoakam collaborated in an investigation of Petitioner. He identified a narrative report documenting the fact that Yoakam told the police department that Petitioner is "obligated" to comply with the disciplinary investigation, that Petitioner admitted touching two of the patients for his own "gratification," and that he (Yoakam) told Petitioner to contact the police department "as soon as possible to get his statement squared away."

Petitioner took the witness stand in his own behalf during the suppression hearing. He testified he was suffering from extreme fatigue at the time of Yoakam's visit due to health issues. His testimony on this point was corroborated by his office manager who testified that the staff had expressed concerns about his welfare.

Petitioner testified he had capitulated to Yoakam's questioning due to his belief that he risked losing his medical license if he refused to cooperate. He explained, "[m]y understanding is that I have a legal obligation to comply with questions asked by the medical board and my understanding was that I have on obligation to comply with Mr. Yoakman's visit subject to penalties if I didn't, potentially even loss of licensure."

Petitioner described Yoakam as playing "good cop, bad cop" throughout the interrogation. He said that at times, Yoakam feigned compassion and understanding, and at other times Yoakam was extremely persistent, aggressive and accusatory in his discourse with him. Petitioner explained that the combination of Yoakam's tactics and his own failing health resulted in his making admissions that were not true.

Petitioner testified that Yoakam's statements and demeanor conveyed the unmistakable message that he had no choice in the matter and had to answer his questions then and there, or risk adverse consequences before the medical board. He explained that if he had known his statements would be used in a criminal investigation, he would have exercised his Fifth Amendment privilege and consulted with an attorney. Yoakam's tactics left him feeling intimidated, exhausted, and demoralized.

Following the hearing, the municipal court judge issued a written decision denying the motion to suppress. In the decision, she accepted Petitioner's testimony that he believed he would penalized if he did not cooperate with the Medical Board investigator. (App. 97a - 98a) However, she concluded that his belief was not "objectively reasonable" ostensibly because "the state has played no role in creating the impression." (App. 98a)

At trial, the prosecutor played the audio recording of Yoakam's interrogation of Gideon for the jury during its case-in-chief. The jury found Petitioner guilty of the sexual imposition charges relating to M.M., A.A., and C.W. The trial judge sentenced Gideon to maximum, consecutive jail terms totaling 180 days, and classified him as a Tier I sex offender.

The Ohio Third District Court of Appeals sustained Gideon's appellate challenge to the denial of his motion to suppress statements, reversed his three convictions, and remanded his case to the municipal court for a new trial. (App. 86a) Upon further appeal by the State, the Supreme Court of Ohio reversed the appeals court decision, and reinstated the municipal court's ruling denying the motion to suppress. (App. 13a)

REASONS WHY THE WRIT OF CERTIORARI SHOULD ISSUE

The Fifth Amendment to the United States Constitution guarantees that no person "shall be compelled in any criminal case to be a witness against himself." This protection applies to the states through the Fourteenth Amendment. *Ohio Adult Parole Auth. v. Woodard*, 523 U.S. 272, 285–86 (1998).

As general rule, an individual must affirmatively assert his right against self-incrimination, or he will be deemed to have waived it. *Minnesota v. Murphy,* 465 U.S. 420, 429 (1984). However, for certain "well-defined situations," this Court has "created prophylactic rules designed to safeguard the core constitutional right protected by the Self-incrimination Clause." *Chavez v. Martinez*, 538 U.S. 760, 770 (2003) (plurality opinion).

A prophylactic rule eliminates the need for a trial court to conduct a traditional due process inquiry into whether the "defendant's will was overborne in a particular case." *Schneckloth v. Bustamonte*, 412 U.S. 218, 226 (1973). The purpose of a prophylactic rule is to "provide practical reinforcement for the right against compulsory self-incrimination." *Michigan v. Tucker*, 417 U.S. 433, 444 (1974).

A violation of such a rule creates a "presumption of coercion." *Oregon v. Elstad*, 470 U.S. 298, 307 (1985). The more familiar of these rules, of course, is the *Miranda* doctrine. If police fail to give a suspect in custody the prescribed warnings of his Fifth and Sixth Amendment rights required under *Miranda v. Arizona*, 384 U.S. 436 (1966), any statements made by him, even "patently voluntary statements," must be suppressed. *Elstad*, 470 U.S. at 306-07.

A less familiar prophylactic rule applies in instances when the accused is induced to surrender his Fifth Amendment privilege due to a threat of economic or other sanctions. *Murphy,* 465 U.S. at 434. This is described in the case law as the "classic penalty situation." *Id.* at 435.

In the seminal case of *Garrity v. New Jersey*, 385 U.S. 493, 497 (1967), this Court explained that "[t]he option to lose [one's] means of livelihood or to pay the penalty of self-incrimination is the antithesis of free choice to speak out or to remain silent." In the companion case of *Spevack v. Klein*, 385 U.S. 511, 516 (1967), the Court stated that a "threat" of sanctions against one's professional license and the concomitant "loss of professional standing, professional reputation, and of livelihood * * * are as powerful an instrument of compulsion as the use of legal process to force from the lips of the accused individual the evidence necessary to convict him." (internal citation and quotations marks omitted).

Petitioner asks this Court to issue a writ of certiorari to the Supreme Court of Ohio for the purpose of resolving two important questions. First, the Court is requested to establish a standard for reviewing a *Garrity* claim that is based on an *implied* threat of an economic sanction for exercising one's Fifth Amendment privilege. Second, the Court is requested to set a benchmark of "how *certain* a threatened penalty must be to give rise to a penalty situation," *United States v. Goodpaster*, 65 F. Supp. 3d 1016, 1028 (D. Ore. 2014), in the context of a disciplinary investigation of a professional license holder?

I. A PROFESSIONAL LICENSE HOLDER'S OBJECTIVELY REASONABLE, SUBJECTIVE BELIEF THAT ASSERTION OF THE FIFTH AMENDMENT PRIVILEGE AGAINST SELF-INCRIMINATION DURING A DISCIPLINARY INVESTIGATION WILL RESULT IN REVOCATION OR SUSPENSION OF HIS LICENSE IS SUFFICIENT TO TRIGGER APPLICATION OF THE EXCLUSIONARY RULE ANNOUNCED IN *GARRITY V. NEW JERSEY*, 385 U.S. 493 (1967).

While an explicit threat is certainly one situation that will trigger the rule in *Garrity*, this Court has indicated that the state may also create a classic penalty situation "by implication." *Murphy*, 465 U.S. at 438. Although the Court has not announced a standard for resolving *Garrity* claims involving an implied threat of economic penalty, a majority of jurisdictions has adopted the two-pronged test announced in *United States v. Friedrick,* 842 F. 2d 382 (D.C. Cir. 1982).

The *Friedrick* test requires a court to consider: 1) whether the defendant subjectively believed he would suffer adverse consequences to his livelihood by refusing to cooperate with an investigation, and 2) whether his belief was objectively reasonable. *Id.* 842 F.2d at 395.

The Ohio Court of Appeals applied the *Friedrick* analysis to Petitioner's appeal. The appellate panel accepted the trial judge's factual finding that Petitioner subjectively believed that he faced the potential loss of his medical license if he refused to answer the Medical Board investigator's questions. (App. 68a)

But it rejected the trial judge's legal conclusion that Gideon's subjective belief was not objectively reasonable. (App. 68a - 69a) The panel reasoned that the trial judge had incorrectly assumed that objective reasonableness should be assessed under the totality of

the circumstances standard for determining voluntariness of a confession under the Due Process Clause. *See Schneckloth,* 412 U.S. at 226 (the Due Process inquiry includes such factors as the age and education of the accused, the repeated and prolonged nature of the questioning, and the use of physical punishment such as deprivation of food or sleep).

Instead, said the appellate panel, the trial judge should have focused her analysis on "the circumstances surrounding the subject's 'duty to cooperate" and the threat of 'administrative discipline.'" (App. 68a, quoting *Goodpaster*, 65 F. Supp. 3d at 1032)

In reversing the decision of the court of appeals, the Supreme Court of Ohio stated it would apply the "objectively reasonable" "subjective belief" test. (App. 7a) But this was mere lip service.

The court ruled that the trial judge correctly denied Petitioner's motion to suppress due to his failure to prove that the medical board investigator had made an explicit threat to impose a sanction against his medical license if he did not cooperate with the disciplinary investigation:

> Gideon did not establish through evidence that coercive action by the medical-board investigator had occurred. The trial court found no evidence that the medical-board investigator informed Gideon that "he must waive his rights against self-incrimination or subject himself to discharge or revocation of his license." And neither Gideon nor the investigator mentioned during the interview anything that suggested Gideon could lose his medical license if he refused to comply with the investigator's questioning.

(App. 8a)

The Ohio Supreme Court's *de facto* belief that a *Garrity* claim requires proof of an explicit threat of economic penalty represents a distinctly minority view. *Cf. United States*

v. Indorato, 628 F. 2d 711, 716 (1st Cir. 1980) (rejecting *Garrity* claim because "[i]n this case, there was no explicit 'or else' choice and no statutorily mandated firing is involved.") Acceptance of this case for review will provide this Court with an opportunity to resolve a split in the courts regarding this important question and establish a uniform standard for deciding *Garrity* claims that are based on implied threats of economic penalty.

II. A PROFESSIONAL LICENSE HOLDER'S SUBJECTIVE BELIEF THAT ASSERTION OF THE FIFTH AMENDMENT PRIVILEGE AGAINST SELF-INCRIMINATION WILL RESULT IN REVOCATION OR SUSPENSION OF HIS LICENSE IS OBJECTIVELY REASONABLE WHERE A STATUTE EXPRESSLY AUTHORIZES SUCH A PENALTY FOR REFUSING TO COOPERATE AND TRUTHFULLY ANSWER QUESTIONS DURING A DISCIPLINARY INVESTIGATION AND A DISCIPLINARY INVESTIGATOR ABUSES HIS AUTHORITY UNDER THE STATUTE FOR THE PURPOSE OF OBTAINING AN ADMISSION FOR USE IN A CRIMINAL PROSECUTION.

The municipal court judge also reasoned that the *Garrity* rule did not apply because a refusal on the part of Petitioner to cooperate with a State Medical Board investigator would "not *necessarily* lead to a termination of his medical license" under the state statute (Ohio Revised Code §4731.22) governing licensing of physicians. (App. 97a, emphasis supplied)

The Ohio Court of Appeals was unpersuaded by this unrealistic and superficial approach to the issues:

> In our view, the trial court did not capture the concept of the statute and, more importantly, failed to consider the totality of the circumstances surrounding Gideon's interview with Investigator Yoakam to determine whether suppression is warranted under *Garrity* . Indeed, we cannot turn a blind eye to the totality of the evidence presented at the suppression hearing supporting that Gideon's belief (that he would be penalized if he remained

> silent) was objectively reasonable. The requirements of R.C. 4731.22 are but one piece of the puzzle.

(App. 68a-69a)

The appellate court explained that the other "piece of the puzzle" was the "demonstrable" efforts undertaken by Medical Board Investigator Yoakam "to coerce Gideon to provide him an incriminating, oral and written statement in reliance on Gideon's duty to cooperate." (App. 77a - 78a) As to this "piece of the puzzle," said the appellate panel, "Investigator Yoakam's actions created an impression that Gideon's refusal to cooperate with his investigation would result in the type of penalty prohibited under *Garrity*." (App. 84a)

The Supreme Court of Ohio embraced the trial judge's position that the exclusionary rule in *Garrity* does not apply unless the threat of economic penalty - here a revocation or suspension of a professional license - for a failure to answer questions rises to the level of an *absolute certainty*:

> Besides the lack of evidence showing that Gideon had an objectively reasonable basis for believing that he could lose his medical license, the trial court correctly found that R.C. 4731.22(B), which requires a doctor's cooperation in an investigation, does not subject that doctor "to an automatic suspension or revocation" of a license should the doctor exercise the right to remain silent. Although that section speaks in mandatory terms about discipline for certain violations (the board "shall" impose one of the listed sanctions), discipline is not automatic. It requires the affirmative vote of "not fewer than six" medical-board members to impose discipline for one of the reasons listed in R.C. 4731.22(B). And even when the medical board determines that a doctor has committed a violation, revocation of a medical license is not a required sanction—it is one of several sanctions available to the board. See R.C. 4731.22(B). In Gideon's case, there was no direct threat of discipline for failure to cooperate; he faced only the possibility of discipline.

(App. 8a - 9a)

The Florida appellate court in *State v. Spiegel*, 710 So.2d 13 (Fla. App. 1998) rejected the state's invitation to adopt a similar approach in a criminal appeal implicating an attorney's duty to cooperate with a bar disciplinary investigation. The record in that case revealed that Defendant Spiegel was interviewed by a member of the state grievance committee regarding a complaint filed by his estranged wife accusing him of abuse and harassment.

Spiegel was subsequently charged with criminal contempt for violating a domestic violence protection order based on the same conduct underlying the disciplinary complaint. The prosecution proposed to use Spiegel's statements to the grievance committee member to prove the contempt charge in the criminal proceedings.

During the suppression hearing, Spiegel testified he "feared he would lose his license to practice law if he did not agree to the grievance interview and believed he was required to answer questions under Bar rules." *Id*. 710 So.2d at 15. Spiegel insisted "he would not have agreed to the interview had he known responses to questions were not required." *Id.* at 15-16. The grievance committee member testified and confirmed that she never advised Spiegel had a right not to meet with her or a right not to respond to particular questions. *Id.* at 16.

The trial court issued a finding that both Spiegel and the committee member "believed Bar rules required Spiegel to respond to the committee member's questions

verbally and in writing." *Id.* at 16. It also found that Spiegel "submitted to the interrogation because he believed that failure to respond or cooperate would result in disbarment." *Id.*

The trial court suppressed the statements. It certified its ruling to the court of appeals on the following issue: "whether statements made by an attorney at a Florida Bar interview, when the attorney *believes* he is compelled to answer, may be suppressed in a subsequent criminal prosecution as a violation of the privilege against self-incrimination?" *Id.* (emphasis supplied).

The Florida Court of Appeals answered the certified question in the affirmative and upheld the trial court's ruling. The appellate panel emphasized that the defendant's disclosures "were made during a grievance interview prior to criminal charges being filed" and that he acquiesced to the interview "under the presumption that answers were required." *Id.* at 18. It concluded that "to admit such statements under these circumstances would not only adversely affect the truth-seeking function of the grievance committee to protect the public, such a ruling would negatively infringe upon the fundamental privilege of a witness to refrain from answering self-incriminating questions." *Id.*

Petitioner submits that the Florida court's approach appropriately takes into account the realities of the disciplinary process whereas the Ohio Supreme Court's truncated treatment does not. As noted, the trial judge decided that Petitioner was being truthful when he testified to his understanding that he was obligated to answer the Medical Board investigator's questions or face proceedings against his license to practice medicine. The express language of the Ohio statute supports his understanding of the potential penalties,

including revocation or suspension, for not cooperating with the investigation. The medical board investigator's abusive efforts to bolster the police department's criminal case against him reinforced this understanding.

Under the view taken by the Ohio Supreme Court, a holder of a professional license can never satisfy the objective reasonableness prong unless the penalty for non-cooperation is absolute and automatic under the enabling statute. This is not a reasonable application of this Court's Fifth Amendment jurisprudence. Acceptance of this case for review will provide the Court with an opportunity to clarify the law on this important question.

CONCLUSION

The transcript of the suppression hearing in the municipal court is replete with testimony reciting the extent to which the medical board investigator and the local police department were "joined at the hip" in their efforts to develop a criminal case against Petitioner. The state court of appeals commented that "the evidence in the record reveals that Investigator Yoakam exceeded statutorily permissible collaboration by taking demonstrable steps to coerce Gideon to provide him an incriminating, oral and written statement in reliance on Gideon's duty to cooperate. In other words, Investigator Yoakam was posing as a 'straw man' to effectuate law enforcement's criminal investigation." (App. 77a - 78a)

The Florida court in *Spiegel* explained why a strict demarcation of the boundary between a criminal prosecution and a professional license proceeding is not only a constitutional imperative but also one of sound public policy:

> [W]e are concerned that a ruling allowing such statements to be admissible [in a criminal trial] would interfere with the Bar's truth-seeking and disciplinary functions. Bar Grievance proceedings play an important role in protecting the public from improper professional conduct by attorneys. In order to carry out this important function, grievance committee members must be able to conduct meaningful investigations to ascertain all facts relating to the grievance. Requiring an attorney to plead the Fifth as soon as possible in order to preserve the privilege would directly conflict with the Bar Grievance committee's truth-seeking function.
>
> . . . .
>
> [T]o admit such statements under these circumstances would not only adversely affect the truth-seeking function of the grievance committee to protect the public, such a ruling would negatively infringe upon the fundamental privilege of a witness to refrain from answering self-incriminating questions.

Id. 710 So.2d at 17-18.

These sentiments have equal relevance to investigations involving physicians. The Ohio Supreme Court's decision sets dangerous precedent. If allowed to stand, the ruling will undermine the function of professional licensing authorities to protect the public while also violating the Fifth Amendment rights of professional licensees.

For all the foregoing reasons, Petitioner asks the Court issue a writ of certiorari to the Supreme Court of Ohio to address these important issues.

Respectfully submitted,

Dated: May 29, 2020

s/Dennis C. Belli
DENNIS C. BELLI
ATTORNEY FOR PETITIONER