No. 21-_____

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**In the Supreme Court of the United States**

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Ira Wilkins,
Petitioner,

v.

United States of America,
Respondent

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On Petition for Writ of Certiorari
to the United States Court of Appeals for the Tenth Circuit

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**Petition for Writ of Certiorari**

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## Question Presented

Should this Court grant this petition, vacate the judgment below, and remand in order to allow the Tenth Circuit to determine in the first instance whether Mr. Wilkins's conviction for Texas aggravated robbery—which plainly could have been committed through the reckless use of force—is a crime of violence under U.S.S.G. § 4B1.2 in light of this Court's decision in *Borden v. United States*, 141 S.Ct. 1817, 2021 WL 2367312 (U.S. June 10, 2021)?

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### Opinions Below

The Tenth Circuit's unreported decision is available at 839 F. App'x 280 (10th Cir. 2021), and is in the appendix at 4a. The district court's oral ruling is at 18a.

### Basis for Jurisdiction

The Tenth Circuit entered judgment on January 6, 2021, and denied Mr. Wilkins's request for rehearing on February 16. App'x at 2a. This Court's general order of March 19, 2020, extends the deadline in 28 U.S.C. § 2101(c) to file a petition for writ of certiorari in this case by 60 days, creating a deadline of July 16, 2021. This Court has jurisdiction under 28 U.S.C. § 1254(1).

### Statutory Provisions Involved

In U.S.S.G. § 4B1.2(a)(1), the Sentencing Commission defined the term "crime of violence" as:

> any offense under federal or state law, punishable by imprisonment for a term exceeding one year, that—
>
> > (1) has as an element the use, attempted use, or threatened use of physical force against the person of another, or
> >
> > (2) is murder, voluntary manslaughter, kidnapping, aggravated assault, a forcible sex offense, robbery, arson, extortion, or the use or unlawful possession of a firearm described in 26 U.S.C. § 5845(a) or explosive material as defined in 18 U.S.C. § 841(c).

Texas's aggravated robbery statute punishes a person who "commits robbery as defined in Section 29.02" if he also:

(1) causes serious bodily injury to another;

(2) uses or exhibits a deadly weapon; or

(3) causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is:

(A) 65 years of age or older; or

(B) a disabled person.

Tex. Penal Code § 29.03.

Texas's robbery statute punishes a person who, "in the course of committing theft":

(1) intentionally, knowingly, or recklessly causes bodily injury to another; or

(2) intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.

Tex. Penal Code § 29.02.

**Statement of the Case**

In late 2019, Ira Wilkins was convicted at jury trial of being a prohibited person in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). His presentence report noted that he had a Texas state conviction for an aggravated robbery committed in 1999, and recommended that the conviction be treated as a crime of violence for the purpose of calculating his base offense level. *See* ROA Vol. 2 at 5–6.[1] At the time of

[1] The Presentence Report is the only part of the record on appeal filed in the Tenth Circuit that describes Mr. Wilkins's Texas case. To assist this Court in reviewing his petition, Mr. Wilkins has included in the appendix uncertified copies of the indictment, stipulation of facts, relevant orders, and final adjudication of guilt in Collin County Case No. 219-81050-99. *See* 22a–47a.

his sentencing, the controlling authority in the Tenth Circuit was *United States v. Bettcher*, which held that courts should not distinguish between the intentional or knowing use of force, and the reckless use of force, when determining whether a conviction was for a crime of violence. 911 F.3d 1040, 1047 (10th Cir. 2018), *cert. granted, judgment vacated*, No. 19-5652, 2021 WL 2519034 (U.S. June 21, 2021). Mr. Wilkins did not object. App'x at 19a. The district court adopted that recommendation, raising Mr. Wilkins's base offense level (which was also his total offense level) from 14 to 20, and raising his guideline range from 37–46 months to 70–87 months. *Id.*; U.S.S.G. §§ 2K2.1(a)(4)(A) & (6); U.S.S.G. Ch. 5, Part A (Sentencing Table). The court sentenced Mr. Wilkins to a custodial term of 70 months. App'x at 21a.

On appeal, Mr. Wilkins challenged his conviction, arguing that his lawyer stipulated to two elements of the Section 922(g)(1) offense without his knowledge or permission; and he challenged a condition of supervised release. App'x at 5a–6a. But he did not raise any issues relating to the calculation of his guideline range. The Tenth Circuit affirmed in an unpublished decision, app'x at 4a, and denied Mr. Wilkins's petition for rehearing, *id.* at 2a.

Several months later, this Court held in *Borden* that crimes requiring only a mens rea of recklessness do not require the use, attempted use, or threatened use of physical force, against the person of another. 2021 WL 2367312, *2–*3. Shortly after that, the Court vacated the Tenth Circuit's decision in *Bettcher* and remanded that case for reconsideration in light of *Borden*. 2021 WL 2519034 at *1.

**Reasons for Granting the Petition.**

Mr. Wilkins has never been convicted of a crime of violence. But because of erroneous Tenth Circuit law that classified reckless offenses as crimes of violence, he received a guideline sentence that was essentially twice as high as it would have been if properly calculated: 70 months instead of 37. This Court should grant his petition, vacate the judgment below, and remand this case (GVR) in order to allow the Tenth Circuit to evaluate Mr. Wilkins's case in light of this Court's holding in *Borden*.

## I. A GVR will allow correction of plain *Borden* error that nearly doubled Mr. Wilkins's sentencing guidelines.

This Court should GVR in order to allow the Tenth Circuit to correct a guidelines error that is plain after this Court's decision in *Borden*. As the government has conceded elsewhere, "this Court does sometimes GVR even when a petitioner has not presented a claim below that an intervening decision has validated." *E.g.*, BIO, *Eady v. United States*, No. 18-9424, at 18. Because there is a reasonable probability that Mr. Wilkins can successfully challenge the miscalculation of his guidelines upon remand—meaning that he would be entitled to be resentenced with a significantly lower guidelines calculation—it should do so in this case.

A. This Court's GVR power is "broad," with Congress having granted "the power to remand to a lower federal court any case raising a federal issue that is properly before [it] in [its] appellate capacity." *Lawrence v. Chater*, 516 U.S. 163, 166 (1996) (per curiam) (citing 28 U.S.C. § 2106). There is no "textual basis" to "limit[]" that power in the constitution or in statute. *Id.* Thus, this Court will GVR "in light of a wide range of developments, including [its] own decisions." *Id.*

Whether GVR is appropriate as a matter of discretion depends on a two main considerations. The first is whether this Court has "reason to believe the court below did not fully consider" a recent development that "reveal[s] a reasonable probability that the decision below rests upon a premise that the lower court would reject if given the opportunity for further consideration," so long as "it appears that such a redetermination may determine the ultimate outcome of the litigation." *Id.* at 167. The second is "the equities." *Id.* For example, GVR may be inappropriate if the delay and costs of remand "are not justified by the potential benefits of further consideration"; or, where the respondent confesses error, if such a confession were simply "part of an unfair or manipulative litigation strategy." *Id.* But where a new rule applies "nationwide," and the petitioner has "a chance to benefit from" the new rule, "it furthers fairness by treating [the petitioner] like other future [litigants]." *Id.* at 175.

B. In 1999, Ira Wilkins committed aggravated robbery in the State of Texas. In 2019, the district court almost doubled Mr. Wilkins's guideline range based on his prior conviction for that crime. But after *Borden*, it is plain that Texas aggravated robbery is not categorically a crime of violence. Rather, the statute can be violated by means of reckless conduct that causes certain types of bodily injury. Under *Borden*, and using the categorical approach, that means that it does not involve the "use, attempted use, or threatened use of physical force against the person of another." 2021 WL 2367312 at *2–*3 (plurality opinion); *id.* at *12 (Thomas, J., concurring in the judgment). Thus, there is a reasonable probability that, after GVR, the Tenth Circuit will reverse, and Mr. Wilkins will receive a significantly lower sentence.

Under the categorical approach, a court must determine whether "the least culpable . . . of the acts criminalized" by a statute "necessarily involves the . . . 'use, attempted use, or threatened use of physical force against the person of another." *Borden*, 2021 WL 2367312 at *2. Texas defines robbery as "intentionally, knowingly, or recklessly" causing bodily injury to another, or "intentionally or knowingly" threatening or placing a person in fear of imminent bodily injury or death, during the course of a theft. Tex. Penal Code § 29.02. A robbery is aggravated where the robbery "causes serious bodily injury," or where the victim is elderly or disabled. Tex. Penal Code § 29.03. Thus, in Texas, a thief who causes certain types of bodily injury in a reckless manner commits the crime of aggravated robbery.

Mr. Wilkins's judgment and sentence in this case rests upon the premise that aggravated robbery involves the "use, attempted use, or threatened use of force against the person of another"—even though the "least culpable" criminalized act involves reckless causation of injury. At the time Mr. Wilkins was sentenced, binding Tenth Circuit precedent compelled such a determination. *See Bettcher*, 911 F.3d at 1047. The law was so clearly against Mr. Wilkins in the Tenth Circuit that he did not raise the crime-of-violence issue on appeal, and so the court of appeals did not consider the argument at all—nor would the panel have had the opportunity to consider it fully even if he had raised it, given binding circuit precedent and the fact that the judgment against Mr. Wilkins was affirmed before *Borden* was published.

After the publication of *Borden*, however—and before Mr. Wilkins's judgment becomes final—there is now a "reasonable probability" that Mr. Wilkins's judgment

and sentence "rests upon a premise that the lower court would reject if given the opportunity for further consideration." *See Lawrence*, 516 U.S. at 167. *Borden* holds that "[o]ffenses with a mens rea of recklessness . . . do not require . . . the active employment of force against another person." *Id.* at *12 (plurality opinion); *id.* (Thomas, J., concurring in the judgment). In other words, such crimes do not meet the requirements of the phrase "the use, attempted use, or threatened use of physical force against the person of another"—language that appears in identical form in both the Armed Career Criminal Act (the interpretation of which was at issue in *Borden*) and in the guidelines provision relevant to this appeal. *Compare* 18 U.S.C. § 924(e)(2)(B)(i), *with* U.S.S.G. § 4B1.2. In the wake of *Borden*, the Court GVRed the very case that would have precluded Mr. Wilkins from being able to mount a successful challenge the guidelines calculation below. *See Bettcher*, No. 19-5652, 2021 WL 2519034 (U.S. June 21, 2021). And under *Borden*, Mr. Wilkins's conviction for Texas aggravated robbery is plainly[2] and categorically not for a crime of violence.

The district court's plain error calculating Mr. Wilkins's guideline range means that "a redetermination" of the guidelines calculation, in light of *Borden*, "may determine the ultimate outcome of the litigation." *See Lawrence*, 516 U.S. at 167. For the

[2] Given that he has not previously challenged the designation of his prior conviction as a crime of violence, Mr. Wilkins will need to demonstrate on remand (1) procedural error at sentencing (2) that is now plain, as well as (3) prejudice resulting from that error, and (4) that the error warrants relief. *See Rosales-Mireles v. United States*, 138 S.Ct. 1897, 1904–05 (2018). The error is plain under *Borden*. And as discussed in the next paragraph, Mr. Wilkins can meet the remaining two prongs of plain error review as well.

third prong of plain error, "[w]hen a defendant is sentenced under an incorrect Guidelines range—whether or not the defendant's ultimate sentence falls within the correct range—the error itself can, and most often will, be sufficient to show a reasonable probability of a different outcome absent the error." *Molina-Martinez v. United States*, 136 S.Ct. 1338, 1345 (2016). "In the ordinary case," the same is true for the fourth prong, and "such an error will . . . warrant relief." *Rosales-Mireles v. United States*, 138 S.Ct. 1897, 1903 (2018). Here, the district court imprisoned Mr. Wilkins for 70 months, the low end of the improperly calculated guideline range. The bottom of a *properly* calculated range—taking *Borden* into account—will be 37 months. This is a run-of-the-mill guidelines sentencing case, and there is no reason that it would not fall within the general rule announced in *Molina-Martinez* and *Rosales-Mireles*.

C. The equities also support GVR, which will allow the lower courts to fix a mistake that nearly doubled Mr. Wilkins's guideline range, and permit him to be treated like other current and future litigants. *Borden* announced a new legal rule that will apply nationwide, which explicitly overruled Tenth Circuit precedent. 2021 WL 2367312 at *2–*3 & n.2 (resolving issue against *United States v. Pam*, 867 F.3d 1191, 1207–08 (10th Cir. 2017)). This Court has already GVRed at least one guidelines case to the Tenth Circuit to reconsider in light of *Borden*. *Bettcher*, 2021 WL 2519034 at *1. Mr. Wilkins's case is still on direct appeal, and GVR is the only way for him to obtain meaningful relief. Although Mr. Wilkins did not raise this claim in the district court or on direct appeal, he obtained no strategic benefit for this failure. *See Lawrence*, 516 U.S. at 167, 175. Both prongs of the *Lawrence* GVR test are met.

## II. Any additional issues about whether Mr. Wilkins's conviction is for a crime of violence do not need to be considered now, and in any event are likely to be resolved in Mr. Wilkins's favor.

The above reasons support a GVR in Mr. Wilkins's case. This is the very type of case discussed in *Lawrence*—where a "GVR order can improve the fairness and accuracy of judicial outcomes while at the same time serving as a cautious and deferential alternative to summary reversal." 516 U.S. at 168. This Court need not concern itself with other issues that may arise in the course of reviewing Mr. Wilkins's claim, such as whether the Texas statute is divisible as the Fifth Circuit has held (it is not) or whether Texas aggravated robbery is nonetheless a crime of violence because it is the enumerated offense of robbery (it is not). In any event, as demonstrated below, Mr. Wilkins is likely to prevail in the Tenth Circuit notwithstanding these potential issues, and so they should not stand in the way of a GVR in this case.

A. Even if this Court is unsure whether or not every issue involved in this case will be resolved in Mr. Wilkins's favor, it should still GVR to allow the Tenth Circuit to consider the applicability of *Borden* in the first instance.

As articulated in *Lawrence*, this Court's GVR test is designed to

> conserve[]the scarce resources of this Court that might otherwise be expended on plenary consideration, assist[] the court below by flagging a particular issue that it does not appear to have fully considered, assist[] this Court by procuring the benefit of the lower court's insight before [ruling] on the merits, and alleviate[]the potential for unequal treatment that is inherent in [the Court's] inability to grant plenary review of all pending cases raising similar issues.

516 U.S. at 167 (quotation and alteration marks omitted). It does not require this Court to consider tangential issues—and in fact it encourages the Court to allow the lower courts to consider them in the first instance.

As discussed above, the primary question for this Court under *Lawrence* is whether it has "reason to believe the court below did not fully consider" a recent development that "reveal[s] a reasonable probability that the decision below rests upon a premise that the lower court would reject if given the opportunity for further consideration," so long as "it appears that such a redetermination may determine the ultimate outcome of the litigation." 516 U.S. at 167. "[R]easonable probability" does not mean "more likely than not." *Smith v. Cain*, 565 U.S. 73, 75 (2012). Rather, "a reasonable probability" is a probability sufficient to "undermine confidence in the outcome." *Id.* (quotation and alteration marks omitted).

Here, it is enough to know that (1) *Borden* is a recent legal development that overruled the relevant Tenth Circuit precedent that was binding at the time of sentencing and appeal to that court; (2) neither the district court nor the Tenth Circuit did or could have considered the rule announced in *Borden*; and (3) the likelihood that the calculation of Mr. Wilkins's guidelines rested on the incorrect legal premise overruled by *Borden* is sufficient to undermine confidence in his ultimate sentence. "When it comes to the loss of liberty, it is better to know on remand than guess on appeal." *United States v. Henry*, 852 F.3d 1204, n.3 (10th Cir. 2017) (Gorsuch, J.).

B. In any event, even if the government argues on remand that Texas's aggravated robbery statute is divisible, there is still a reasonable probability that Mr. Wilkins will prevail, because the statute is actually indivisible. The question of divisibility is a question of state law. *Mathis v. United States*, 136 S.Ct. 2243, 2256 (2016). Because Texas courts have consistently held that the subsections of the aggravated

robbery statute actually list alternate means of committing the same offense, the statute only creates a single crime with one set of elements. Federal decisions to the contrary will not preclude the finding of plain error on remand.

1. Under the categorical approach, this Court asks what "the elements of the statute of conviction are." *Mathis*, 136 S.Ct. at 2251. But some "statute[s] list[] multiple, alternative elements," thus "effectively creat[ing] several different crimes" and rendering the statute "[]divisible." *Descamps v. United States*, 570 U.S. 254, 264–65 (2013) (quotation and alteration marks omitted). "[W]hen a statute . . . refers to several different crimes," this Court applies a "modified" version of the categorical approach. *Id.* at 263 (quotation and alteration marks omitted). But courts must take care. Sometimes, statutes simply set out different means for committing a single offense, thus "state[ing] only a single crime" that is "[in]divisible." *Pereida v. Wilkinson*, 141 S.Ct. 754, 762 (2021). Only if the statute actually lists alternative elements—rather than listing alternative means of committing a single offense—may the court use this "modified" approach to determine whether the specific crime the person was convicted of committing necessarily involves the requisite force or is one of the enumerated offenses under the relevant statute or guideline. *See Descamps*, 570 U.S. at 260; *Shepard v. United States*, 544 U.S. 13, 16 (2005).

Here, Texas law is clear: there is only one crime of aggravated robbery. Texas's highest criminal court has held that it violates double jeopardy for the same conduct to give rise to two robbery convictions, one by bodily injury and a second by threat. *Cooper v. State*, 430 S.W.3d 426, 427 (Tex. Crim. App. 2014). It is possible, of course,

for Texas double jeopardy cases to turn on questions other than the difference between means and elements. *See Alejos-Perez v. Garland*, 991 F.3d 642, 650 (5th Cir. 2021). But in *Cooper*, a majority of judges explicitly relied on exactly that distinction, explaining that "the 'threat' and 'bodily' injury elements of robbery are simply alternative methods of committing a robbery." *Id.* at 434 (Keller, P.J., concurring); *see id.* at 439 (Cochran, J., concurring) ("agree[ing]" on this point).

Three years later, a Texas court of appeals read these "concurring opinions" as "agree[ing] that aggravated robbery causing bodily injury and aggravated robbery by threat are alternative methods of committing the offense of aggravated robbery." *Burton v. State*, 510 S.W.3d 232, 237 (Tex. App. 2017). It upheld a conviction even though the jury had not been required to reach unanimous agreement as to whether a defendant has committed robbery by threat or robbery by bodily injury. *Id.*; *see also Martin v. State*, No. 16-cr-00198, 2017 WL 5985059, at *3 (Tex. App. Dec. 1, 2017) (explaining that defendant was charged with robbery by threats or bodily injury in single count). And where a state does not require jury unanimity, its statute necessarily sets out multiple means to commit the same crime, not multiple crimes with different elements. *Mathis*, 136 S.Ct. at 2248 ("Elements . . . are what the jury must find beyond a reasonable doubt to convict the defendant, . . . [whereas means are] extraneous to the crime's legal requirements . . . [and] need neither be found by a jury nor admitted by a defendant.") (quotation marks omitted).

Thus, a person cannot be charged with two aggravated robberies if he steals property while holding a gun that goes off and injures a person; and a jury need not

unanimously agree as to which of those acts (means) actually fulfilled the singular threat/force element. Some jurors might think that the way the defendant held a gun without pointing it or speaking was enough to put a person in fair of imminent bodily injury. Others might believe that the gun was fired recklessly (as opposed to going off due to negligence). So long as each juror believed one of those things to be true, however, they could convict: an intentional threat of physical harm with a deadly weapon during the course of a theft is simply one means of committing aggravated robbery, *see* Tex. Penal Code §§ 29.02(a)(2), 29.03; and recklessly causing serious bodily injury during the course of the theft is but another, *see* Tex. Penal Code §§ 29.02(a)(1); 29.03. Both acts are different ways to commit one single crime, and so the offense only actually requires proof of the reckless (rather than knowing or intentional) use of force.

2. Although the Fifth and Ninth Circuit have held that the Texas aggravated robbery statute is divisible, their decisions are wrong under Supreme Court and Tenth Circuit precedent—as cogently articulated by a dissenting federal judge—and will not preclude the finding of plain error on remand.

In *United States v. Lerma*, 877 F.3d 628, 634 n.4 (5th Cir. 2017), the Fifth Circuit averred that it was "unclear" what the *Burton* court meant by the phrase "alternative methods." *See also United States v. Wehmhoefer*, 835 F. App'x 208, 212 (9th Cir. 2020) (unpublished). That is plainly incorrect. It is unquestionably clear that *Mathis* and *Burton* were talking about the same thing: a means of committing an offense, which need not be agreed to unanimously by the jury, as opposed to an element, which must. *Compare Mathis*, 136 S.Ct. at 2248 ("Elements . . . are what the

jury must find beyond a reasonable doubt to convict the defendant[.]"), *with Burton*, 510 S.W.3d 237 ("A trial court may submit a disjunctive jury charge and obtain a general verdict where the alternate theories involve the commission of the same offense.") (quotation marks omitted).

Supreme Court law is clear that "jury unanimity [is] the touchstone of the means-or-elements inquiry," which has led the Tenth Circuit to "adopt[] a unanimity-focused approach to the means-or-elements question." *United States v. Degeare*, 884 F.3d 1241, 1251–52 (10th Cir. 2018) (citing *Mathis*, 136 S.Ct. at 2249–50, 2256). Nor is there any special jury unanimity rule in Texas that could render *Burton* about anything but the means/elements distinction. *See Gomez-Perez v. Lynch*, 829 F.3d 323, 328 (5th Cir. 2016); *Landiran v. State*, 268 S.W.3d 532, 535 (Tex. Crim. App. 2008) ("[A] Texas jury must reach a unanimous verdict. The jury must agree that the defendant committed one specific crime. That does not mean, however, that the jury must unanimously find that the defendant committed that crime in one specific way or even with one specific act.").

Thus, it was the dissenting judge in the Ninth Circuit who had it right: "Not only do indictments in Texas charge both robbery-by-injury and robbery-by-threat in a single count, but juries can and do lawfully convict defendants under Section 29.02 without unanimously deciding that they committed either. These facts should end [the] inquiry," *id.* at 212 (Orrick, D.J., dissenting). The existence of contrary federal precedent misinterpreting Texas law will not preclude the Tenth Circuit from overturning Mr. Wilkins's sentence on plain error review. *See, e.g., United States v. Story*,

635 F.3d 1241, 1249 (10th Cir. 2011); *United States v. Baum*, 555 F.3d 1129, 1136 (10th Cir. 2009); *United States v. Ahidley*, 486 F.3d 1184, 1193 n.7 (10th Cir. 2007).

C. Nor does Texas aggravated robbery qualify as a crime of violence under a different subsection of U.S.S.G. § 4B1.2. Although the guidelines enumerates "robbery" is a crime of violence, U.S.S.G. § 4B1.2(a)(2), Texas aggravated robbery does not qualify under that provision because it is not generic robbery.

While this Court has never explicitly announced the elements of generic robbery, it discussed the issue in detail in *Stokeling v. United States*, 139 S.Ct. 544 (2019). There, it explained that robbery at common law required "the use of force or violence . . . [s]ufficient . . . to overcome resistance . . . however slight." *Id.* at 551 (quotation marks omitted). And it noted that, at least in the early 1980s, "a significant majority of the States" also "require[d] force that overcomes a victim's resistance." *Id.* That is to say, generic robbery requires the *active* employment of force against a person in order to overcome that person's resistance, which is different than the reckless causation of injury.

Clear Tenth Circuit law is in accord. In *United States v. O'Connor*, 874 F.3d. 1147, 1154 (10th Cir. 2017), the Tenth Circuit held that "generic robbery is limited to the use or threat of force against a person." Thus, only robbery necessarily committed by means of knowing or intentional use of force or threats is generic robbery. *Cf. Borden*, 2021 WL 2367312 at *2–*3 (plurality opinion) (explaining that use of force against person means knowing or intentional use of force); *id.* at *12 (Thomas, J.,

concurring in the judgment) (same). But *Texas aggravated robbery*, which alternatively can be committed by means of reckless infliction of serious bodily injury, is not.

* * *

This Court GVRs cases like this one—rather than ordering summary reversal—precisely because they often raise many tangential issues that are best addressed by lower courts in the first instance. On remand, this case is likely to involve many questions. But it is reasonably probable that resolution of the appeal will ultimately turn on this Court's decision in *Borden*, meaning that (given the equities discussed above) GVR is appropriate and just.

## Conclusion

The petition for a writ of certiorari should be granted, the judgment of the Tenth Circuit should be vacated, and this case should be remanded for reconsideration in light of this Court's decision in *Borden*.

Respectfully submitted,

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