No. _____

In The

SUPREME COURT OF THE UNITED STATES

DON MEEKER,

Petitioner

v.

UNITED STATES OF AMERICA,

Respondent

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2023

DON MEEKER,
Petitioner,

-v.-

UNITED STATES OF AMERICA,
Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Pursuant to the provisions of Rule 39 of the Rules of this Court, the Petitioner, Don Meeker, moves to file the attached Petition For Writ of Certiorari to the United States Court of Appeals for the Second Circuit without prepayment of costs and to proceed in forma pauperis.

The petitioner was represented in the United States Court of Appeals for the Second Circuit and in the United States District Court for the District of Connecticut by counsel appointed pursuant to the Criminal Justice Act (18 U.S.C.§ 3006A).

/s/ Michael R. Hasse, Esq.

Michael R. Hasse
Attorney for Petitioner

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QUESTION PRESENTED

1. The government failed to prove by sufficient evidence as to the petitioner that the petitioner-appellant possessed the requisite intent to commit the carjacking offense; there was insufficient evidence to satisfy the elements of the Federal Carjacking Statute so as to convict the petitioner as an aider and abettor to the crime of carjacking under 18 U.S.C. § 2119 & 2; the petitioner had no advance knowledge of the carjacking as required under Rosemond v. U.S. 134 S.Ct 1240, (2014).

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PETITION FOR A WRIT OF CERTIORARI

The petitioner, Don Meeker, respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Second Circuit entered in this case.

OPINION BELOW

The judgment of the United States Court of Appeals for the Second Circuit, entered on September 14, 2023, affirming petitioner's judgment of conviction for aiding and abetting a carjacking in violation of 18 U.S.C. 2119 and 2 is unreported; it is found at Appendix A.

JURISDICTION

The judgment of the Court of Appeals, affirming the sentence of the District Court was entered on September 14 2023. This petition is filed within the time frame set by this Honorable Court, namely within one hundred fifty days, because this Court granted a sixty (60) day extension to the filing on December 18, 2023, under Application (23A551) granted by Justice Sotomayor, extending the time to file until February 12, 2024. This Court's jurisdiction is invoked under 28 U.S.C. § 1254 (1).

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

United States Constitution, Amendment V.

The Fifth Amendment to the United States Constitution provides, in part:
Nor shall any person...be deprived of life, liberty or property, without due process of law;...

18 U.S.C. §2119, Federal Carjacking Statute.

Whoever, with the intent to cause death or serious bodily harm [1] takes a motor vehicle that has been transported, shipped, or received in interstate or foreign commerce from the per son or presence of another by force and violence or by intimidation, or attempts to do so, shall—
(1)
be fined under this title or imprisoned not more than 15 years, or both,
(2)

if serious bodily injury (as defined in section 1365 of this title, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title) results, be fined under this title or imprisoned not more than 25 years, or both, and

(3)

if death results, be fined under this title or imprisoned for any number of years up to life, or both, or sentenced to death.

Title 18 U. S. C. §2

(a) Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.

(b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.

STATEMENT OF THE CASE

On January 1st, 2016, two individuals where victims of an armed carjacking in the general area of 176 Hobert Street and Myrtle Street in Meriden Connecticut. They were driving a rental vehicle, as they were in Connecticut on business. The vehicle was a 2015 Volkswagen Passat VIN 1VWAT7A3XFCO52396 that was manufactured in Chattanooga, Tennessee. It was used as a rental car at the JFK airport in New York, and then as a rental out of the Bradley International Airport in Winsor Locks, Connecticut. It therefore had been shipped, received and transported in interstate commerce. A codefendant in the Petitioner's case, Elbert Llorens had pointed a handgun at one of the passengers and opened the car door. He said to this passenger, "I want everything." In taking the car, Elbert Llorens likely intended to cause death or serious bodily injury, if necessary.

On January 3rd, 2016 at approximately 4:25am, Elbert Llorens alone, entered the Forbes Gas Station located at 863 North High Street, East Haven Connecticut. Llorens was wearing a red hooded sweatshirt, and a black ski mask. While approaching the counter, Llorens said to the victim "give me the fucking money in the register or I'll shoot you," while displaying a black handgun. Llorens put the gun away, grabbed the cash from the register and asked for a pack of Newport cigarettes, before exiting the store. The loss to the gas station was $580.00 cash. Llorens left the scene in a silver Volkswagen with a New York registration. The Forbes Gas Station robbery constitutes another instance where the defendant Elbert Llorens robed a gas station.

On January 3rd, 2016 approximately 5:30am, Elbert Llorens entered the Sunoco Gas Station located at 240 Foxon Boulevard New Haven Connecticut. Llorens was wearing a red hooded sweatshirt, black ski mask and light colored pants. Llorens displayed the black hand gun, and stated "give me the money". According to the victim, Llorens displayed the handgun which was pulled

out of the waistband of his pants. Llorens left the scene with an estimated $300-$400 dollars in cash.

On January 4th, 2016 at approximately 2:37am, Elbert Llorens entered Wheels Gas Station located at 313 Naugatuck Avenue, Milford Connecticut. Llorens was wearing a blue coat, ripped jeans, work boots, and the bottom half of a ski mask. Llorens wore blue gloves while entering the gas station. Llorens demanded everything in the cash register while keeping his right hand in the coat pocket. Llorens has a hand gun during this attempted robbery. The victim ran into the back room of the store and entered the freezer. This freezer had a lock, which was locked as the victim entered. Llorens was unable to get any cash from attempted robbery.

On January 5th, 2016, and individual was warming up his 2006 Chevy Cobalt bearing Connecticut 404-ZLN license plate while he sat in his driveway in New Haven Connecticut. The 2006 Chevy Cobalt, VIN# 1G1AK55F167869160, was manufactured in Lordstown, Ohio in 2006 and shipped to Rutland, Vermont and ultimately Connecticut. It therefore had been shipped, received and transported in interstate commerce. Llorens approached the vehicle and opened the driver's side door. Llorens brandished a handgun and told the victim to get out of the car and leave everything. The Defendant Llorens reached into the victim's pocket and took his wallet.

On January 5th, 2016, Elbert Llorens was arrested by New Haven police for a carjacking in which he brandished a firearm. Subsequent investigation revealed Mr. Llorens had committed multiple armed robberies since January 1st, 2016. These included an armed carjacking of a 2015 Volkswagen Passat which occurred at approximately 3:30am on January 1st 2016. Mr. Llorens initially misled investigators about his accomplices from that date. However, further investigation by the police and Federal Bureau of Investigation (FBI) revealed that there were two other individuals with him at the time of the offense, namely Kyle Valentine and an individual referred to

as “Don,” or “Boss Don”, ultimately identified as Don Meeker. On a subsequent date, four days later, Kyle Valentine and Elbert Llorens, according to the indictment, went on to carjack another individual of his motor vehicle. By way of force, violence and intimidation they relieved an individual of his possession of a 2016 Chevrolet Cobalt, with the intent to cause bodily harm.

Regarding the case against the appellant, on January 1st, 2016 when the two individuals were victims of the armed carjacking in Meriden, Connecticut, the victims, Llorens and Valentine initially encountered the victim at a gas station in Meriden. The victims asked Llorens and Valentine for directions and were advised by the pair, to follow the car that was being driven by Mr. Meeker. Mr. Llorens was seated in the front passenger seat and Mr. Valentine was in the rear passenger seat. The victims followed Mr. Meeker’s car for several miles before it stopped in front of the victim’s vehicle. Mr. Llorens approached the car, pointed a gun at the driver, opened the driver’s door and stated he wanted everything the victims had. Mr. Llorens also pointed the gun at the passenger and he directed the passenger exit the vehicle and turn over his phone and wallet. The passenger exited the vehicle, at which time Mr. Valentine grabbed him by the shirt and told him not to move.

After both victims had exited the car and relinquished their personal belongings, Mr. Llorens got in the driver’s seat of the victims’ car. Mr. Valentine got in the passenger seat and they drove away in the victims’ vehicle, following Mr. Meeker’s vehicle. The victims ducked down for a few minutes until they were sure the assailants were not going to return. The victims later flagged down a passing ambulance, which radioed for the police. The victim’s vehicle, a Volkswagen Passat, was entered into the National Criminal Information Center (NCIC,) as stolen.

The investigation ultimately revealed that on the night of the offense Mr. Valentine, Mr. Llorens and Mr. Meeker had been hanging out and talking about finding a way to get some money.

The three decided to go to a nightclub in New Haven to find an individual to rob. There, they observed two individuals wearing jewelry, and decided to follow them when they left. The defendants followed the individuals to Meriden, but were forced to get off the highway to get gas. At the gas station, all three defendants exited Mr. Meeker's car and they went into the gas station. Mr. Valentine spoke to an individual, who ultimately was one of the victims and who was asking for directions. As noted, the victim was told by Valentine to follow Mr. Meeker's car. The two defendants thereafter got back into Mr. Meeker's car.

Mr. Meeker had a gun under the driver's seat of his car, and he had handed it to Mr. Llorens previously. After the carjacking, Mr. Valentine and Mr. Llorrens drove away in the stolen car. They met Mr. Meeker back in New Haven, at which time Mr. Llorens returned the gun to Mr. Meeker sometime after the offense. At sometime after the completion of the offense, Mr. Meeker took the money that Valentine and Llorens had stolen from their victims and he divided it between the three of them, each receiving approximately $100. Mr. Valentine took the stolen cell phones and sold them. Mr. Llorens took the stolen car and parked it behind his house. A few days later, Mr. Llorens used the stolen Volkswagen in connection with another robbery. Another individual later moved the vehicle, and Mr. Llorens never saw it again. The vehicle, which the victims had rented from Hertz Rental Car, has never been recovered.

Mr. Valentine cooperated fully with the government in the prosecution of his co-defendant-petitioner, Don Meeker. United States of America v. Don Meeker, Criminal No. 17-00049 (VLB). Mr. Valentine met with government attorneys and their investigators on many occasions to discuss Mr. Meeker's alleged role in the carjacking, being the same carjacking for which Mr. Valentine has plead guilty and was the subject of his sentencing. In these meetings, Mr. Valentine provided information that would tend to corroborate and bolster the government's case against Mr. Meeker.

At Mr. Meeker's trial, Mr. Valentine testified as a government witness against Mr. Meeker. Mr. Valentine testified and he cooperated with the government and that this would give him an opportunity to get a lower sentence through a motion for a downward departure for substantial assistance. As a consequence of Mr. Valentine's cooperation and testimony, Mr. Meeker was found guilty after a Jury trial of motor vehicle carjacking in violation of 18 USC sections 2119 and 2.

REASONS WHY THE WRIT SHOULD BE GRANTED

ARGUMENT:

I. THE GOVERNMENT FAILED TO PROVE BY SUFFICIENT EVIDENCE AS TO THE PETITIONER THAT THE PETITIONER POSSESSED THE REQUISITE INTENT TO COMMIT THE CARJACKING OFFENSE.

Where a petitioner, as was the case here, has moved for a judgement of acquittal on sufficiency grounds, the lower court's review is de novo and it should have evaluated "whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." See *United States v. Melendez-Torres*, 420 F.3d 45, 48-49 (1st Cir. 2005), quoting *United States v. Grace*, 367 F.3d 29, 34 (1st Cir. 2004). (Tr. III/100).

It is the government's obligation to prove each element of a charged crime. For the offense of carjacking under 18 U.S.C. § 2119, the government must prove that the defendant committed a (1) taking or attempted taking from the person or presence of another, (2) of a motor vehicle that has been transported, shipped or received in interstate or foreign commerce, (3) through the use of force, violence or intimidation, (4) and with the intent to cause death or serious bodily harm. See, e.g., *United States v. Garcia-Alvarez*, 541 F.3d 8, 16 (1st Cir. 2008). On appeal, the petitioner argued that the government did not meet its burden of establishing beyond a reasonable doubt the

necessary element of the petitioner's [1] Taking or attempted taking from the person or another and [2] where the defendant has the requisite intent to cause the death of or serious bodily harm to the victim.

"Carjacking is a specialized offense, requiring a specific criminal act and a narrow mens rea." *United States v. Rosario-Diaz*, 202 F.3d, 54, 63 (1st Cir. 2000). "Even 'if death results,' the statute requires 'intent to cause death or serious bodily harm." See *United States v. Matos-Quinones*, 456 F.3d 14, 17 (1st Cir 2006). In carjacking offenses, the intent element must be established at the precise same time the defendant takes control of the motor vehicle. See *United States v. Evans-Garcia*, 322 F.3d 110, 114 (1st Cir. 2003), quoting *Holloway v. United States*, 526 U.S. 1, 8 (1999). "The statute's mens rea component thus modifies the act of "taking" the motor vehicle. **It directs the factfinder's attention to the defendant's state of mind at the precise moment he demanded or took control over the car "by force and violence or intimidation."** (Emphasis added) *Holloway,* 526 U.S. at 8; § but cf. *Matos-Quinones*, 456 F.3d at 17 (considering the question of "whether the intent element for carjacking must be measured at the commencement of a prolonged carjacking" to be unresolved, despite the Supreme Court's language in *Holloway*). In *Holloway*, the Supreme Court also held that the intent to cause death or serious bodily harm element could be satisfied by either actual intent or conditional intent, i.e., a willingness to cause death or serious bodily harm if necessary to hijack the car. See *Holloway*, 526 U.S. at 11-12. Where it has not been litigated in the 2nd Circuit, in *Evans-Garcia*, the 1st Circuit observed that cases similar to the defendant's require an additional layer of analysis to satisfy the intent requirement. Where a defendant is charged as aiding and abetting a carjacking, the government must also show that the petitioner "consciously shared the principal's knowledge of the underlying criminal act, and intended to help the principal," and that a "generalized suspicion is not enough."

See *Evans-Garcia*, 322 F.3d at 114 (1st Cir. 2003), citing *United States v. Otero-Mendez*, 273 F.3d 46, 51-52 (1st Cir. 2001). The government's evidence in the present case of the petitioner's actual or conditional intent to cause death or serious bodily harm at the moment of demanding control over the vehicle was insufficient on its face, and the evidence adduced at trial is bereft of evidence demonstrates the petitioner's advance knowledge of his participation in taking the vehicle, and no evidence was adduced as to the petitioner Meeker's actual or conditional intent to cause death or serious bodily harm. The government's evidence on this issue consisted solely of the testimony of Kyle Valentine, who by his own admission, participated in the criminal undertaking, including assailing the victims with a gun, and actually taking their vehicle, against their will. Valentine was admittedly a carjacker of this and other cars in recent engagements. If accepted as true, Valentine's testimony demonstrates simply that the petitioner intended to deprive an individual of his wallet, money and/or other items of value, but it did not establish his intent to take a victim's car, or his intention to cause death or serious bodily harm at the time the co-defendants commandeered the control of the victims' motor vehicle. Nor did it establish the petitioner Meeker's intention to take the vehicle. The petitioner was simply present when his companions decided to take the vehicle by force or intimidation and the evidence of the petitioner's intent to contribute to the force, intimidation or to cause death or serious bodily injury to the relevant time was not demonstrated, with any sufficiency or specificity.

The District Court erred by failing to grant the petitioner's motion for acquittal made at the close of the Government's case based on the Defendant's failure to have the requisite intent to satisfy the third element of the statute, that is that the defendant/appellant acted with the intent to cause death or serious bodily injury at the moment his co-defendants demanded or took control of the subject vehicle. The Appellate court erred in affirming the conviction. The petitioner sat alone,

silent, in another vehicle, at the time of the taking of the subject vehicle. He had no premeditation or premonition, and the record is bereft of evidence that he had any sort of advance knowledge prior to the carjacking being carried out by codefendants Elbert Llorens and Kyle Valentine. The defendant/ petitioner played no role in the planning of a carjacking. While it is clear that the petitioner and his confederates did not have altruistic motives in their evening plans to purloin whatever they could muster from the person of party goers at New Haven area bars and clubs, it is also clear from the testimonies at trial that the pre-event discussions between the two companions Llorens and Valentine did not include the topic of carjacking, and leading up to the taking of the victim vehicle, Mr. Meeker was not a part of the carjacking planning.

Petitioner, Don Meeker seeks to vacate his conviction based on the failure to prove all elements of the carjacking charge at his trail, particularly the intent element of one count: (1) carjacking in violation of 18 U.S.C. §§ 2119 & 2; (2) This court reviews *de novo* review of a district court's denial of a motion for judgment of acquittal. See *United States v. Greer*, 631 F.3d 608, 613 (2d Cir. 2011). Where, as here, an acquittal motion is based on the purported insufficiency of the evidence, we apply the same standard for sufficiency as the district court. See *United States v. Jackson*, 335 F.3d 170, 180 (2d Cir. 2003).

A defendant challenging the sufficiency of the evidence supporting his conviction "bears a heavy burden, as the standard of review is exceedingly differential" to the jury's verdict. *United States v. Brock,* 789 F.3d 60, 63 (2d Cir. 2015) (internal quotation marks omitted). Although this Court "review[s] challenges to the sufficiency of evidence *de novo*," when conducting that review, we "will sustain the jury's verdict if *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *United States v.* Pierce, 785 F.3d 832, 837-838 (2d Cir. 2015) (internal quotation marks omitted). Here, Meeker's challenge is largely based on a

question of statutory interpretation as to the evidence elicited (or lack thereof) to satisfy the third element of the statute of carjacking as to whether the appellant possessed the requisite intent to carjack the victims' vehicle. The review of such questions of facts applied to statutory interpretation, is done "*de novo*." *United States v. Epskamp*, 832 F.3d 154, 160 (2d Cir. 2016) (internal quotation marks omitted); see also *United States v. Al Kassar*, 660 F.3d 108, 125 (2d Cir. 2011). "We begin, as always, with the language of the statute." *Duncan v. Walker*, 533 U.S. 167, 172 (2001); see *United States v. Epskamp*, 832 F.3d at 162. The criminal statute prohibiting carjacking provides the following:

Title 18 U.S.C § 2119:

Whoever, with intent to cause death or serious bodily harm take a motor vehicle that has been transported, shipped, or received in interstate or foreign commerce from the person or presence of another by force and violence or by intimidation, or attempts to do so, shall (1) be fined under this title or imprisoned not more than 15 years or both, (2) if serious bodily injury result, be fined under this title or imprisoned not more than 25 years, or both, and (3) if death results, be fined under this title or imprisoned for any number of years up to life, or both *or sentenced to death* (emphasis added to highlight the 1994 changes to the statute).

Title 18 U.S.C § 2119 as applied to Don Meeker's actions on January 1st, 2016 as it relates to the petitioner does not constitute aiding and abetting the 18 U.S.C § 2119 offense. Meeker does not contest that his companions knowingly and voluntarily made threats upon the victims and therefore may have satisfied the elements of their statute of conviction, namely carjacking, in violation of 18 U.S.C § 2119, what Mr. Meeker does contest that there is sufficient evidence presented to show his words or actions satisfied the elements of 18 U.S.C § 2119 in such a way to support him aiding and abetting the crime on January 1st 2016. The evidence in the petitioner's

case showed that Mr. Meeker did not participate in any threat, assault or intimidation of the victims that occurred at the time the car was taken, and that he displayed no such intent to do physical harm or cause death could and none could be inferred, especially to Don Meeker who sat silent in an adjacent car at the time of the taking.

II. THE PETITIONER HAD NO ADVANCE KNOWLEDGE OF THE CARJACKING AS REQUIRED UNDER ROSEMOND V. U.S. 134 S. Ct 1240 (2014)

Mere presence or at most casual association with another involved with other crimes is insufficient to establish aiding and abetting liability. As to the one count indictment in which the petitioner was charged with carjacking includes the theory that the petitioner was merely aiding and abetting others namely Kyle Valentine and Elbert Llorens in the crime of carjacking does not have to be specifically pleaded to secure a valid conviction because aiding and abetting charge is implicit in all indictments for substantive offenses. *United States v Dodd* 43 F.3d 759, 762 (1st Cir. 1995).

The Supreme Court has recently clarified, however, that aiding and abetting liability requires the government to prove that petitioner had "advance knowledge" of the elements of the offense. *Rosemond v. U.S.*, 134 S.Ct. 1240 (2014). Aiding and abetting liability required the government show the appellant had knowledge. No such evidence was presented in trail. In fact no testimony was presented at trial to show appellant planned with Valentine or Llorens with advance knowledge to take anyone's motor vehicle by force, threat or intimidation. Therefore, petitioner's conviction should be vacated.

a. Application of *Rosemond* to Meeker:

The application of *Rosemond* to the charge in this case is relatively straightforward. The prosecution charged *Meeker* with aiding and abetting Llorens and Valentine in the carjacking of a

vehicle in violation of the 18 U.S.C § 2119 and U.S.C § 2. Under Rosemond, to establish the mens rea required to aid and abet a crime, the government must prove that the petitioner participated with advance knowledge of the elements that constitute the charged offense. *See* 134 S. Ct. at 1248-49, *See also id*. (stating that an aider and abettor must have "full awareness of [the crime's] scope," and "participate [ ] in a criminal scheme knowing its extent and character") ; *United States v. Diaz-Castro,* 752 F.3d 101, 107 n.4 (1st Cir. 2014) (stating that *Rosemond* clarified that the defendant needs "advance knowledge" of the elements of an offense to be convicted as an aider and abettor).

Carjacking is a specialized offense that requires a specific criminal act and a narrow mens rea. *United States v. Rosario-Diaz* F.3d 54, 63 (1st Cir 2000). If an individual charged as an aider and abettor is unaware that the victim's were relieved of their car, he cannot "wish [ ] to bring about" such a criminal conduct and "seek… to make it succeed." *Rosemond*, 134 S. Ct. at 1248 (quoting *Nye & Nissen v. United States*, 336 U.S. 613, 619 (1949)). Therefore, under Rosemond, an aider and abettor of such an offense must have known the object of the crime was to secure the vehicle by force when it was still possible for the appellant to decline to participate in the conduct.

The government failed to prove by sufficient evidence as to the a petitioner that the defendant- petitioner possessed the requisite intent to commit the carjacking offense. The defendant argues that the government did not meet its burden of establishing beyond a reasonable doubt the necessary element of the defendant's [1] Taking or attempted taking from the person or another and [2] where the defendant has the requisite intent to cause the death of or serious bodily harm to the victim. There was insufficient evidence to convict the defendant-appellant as an aider and abettor to the crime of carjacking under 18 U. S. C. § 2. He contends (1) that the government failed to present evidence that he intended to carjack the vehicle with his two companions; Valentine and

Llorens; (2) that the carjacking crime had been concluded before he conversed with his companions and learned what they had done. The acuts reus for aiding and abetting is missing in that the testimony does not show that the defendant intended to facilitate the offense of carjacking. Aiding and abetting is a specific intent crime because it requires the defendant to act willfully by participating in the venture and also requires a defendant to have the specific intent to make the venture succeed through his acts. The evidence does not demonstrate such willful participation and specific intent. The petitioner had no advance knowledge of the carjacking as required under Rosemond v. U.S. 134 S.Ct 1240 (2014).

Aiding and abetting liability required the Government to show the petitioner had knowledge. No such evidence was presented at the petitioner's trial. In fact no testimony was presented at trial to show petitioner consciously utilized a firearm in relation to a carjacking crime. The record is devoid of such evidence.

CONCLUSION

For the foregoing reasons, petitioner respectfully requests that this Court grant the Petition for a Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

Respectfully submitted

DON MEEKER
By his attorney,

/s/ Michael R. Hasse, Esq.

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Attorney for Petitioner

DATED: January 26, 2024

CERTIFICATE OF SERVICE

This is to certify the petitioner's PETITION FOR WRIT OF CERTIORARI was delivered to the following counsel of record for the respondent via first-class, postage –prepaid mail on January 26, 2024:

Atty. Elizabeth B. Prelogar, Esq
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Signed,

/s/Michael R. Hasse, Esq.

Michael R. Hasse
Attorney for Petitioner