No. _____

In The

Supreme Court of the United States

WHITNEY LEIGH ESTEP,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

---

PETITION FOR WRIT OF CERTIORARI

J. Edward Yeager, Jr.
Counsel of Record
ATTORNEY AT LAW
P. O. Box 1656
Cornelius, NC 28031
(704) 490-1518 – Telephone
(866) 805-6191 – Facsimile
yeager@ncappeals.net

Counsel for Petitioner

*Gibson*Moore Appellate Services, LLC
206 East Cary Street ♦ P.O. Box 1460 (23218) ♦ Richmond, VA 23219
804-249-7770 ♦ www.gibsonmoore.net

QUESTIONS PRESENTED FOR REVIEW

A. WHETHER THE FOURTH CIRCUIT COURT OF APPEALS ERRED BY DENYING MS. ESTEP'S ARGUMENT THAT THE DISTRICT COURT COMMITTED REVERSIBLE ERROR BY ALLOWING THE ATTORNEY REPRESENTING A WITNESS FOR THE GOVERNMENT TO ASSERT A FIFTH AMENDMENT OBJECTION ON BEHALF OF THE WITNESS.

B. WHETHER THE FOURTH CIRCUIT COURT OF APPEALS ERRED BY DENYING MS. ESTEP'S ARGUMENT THAT THE DISTRICT COURT ABUSED ITS DISCRETION BY IMPOSING A 180-MONTH SENTENCE.

LIST OF PARTIES

WHITNEY LEIGH ESTEP, Petitioner

UNITED STATES OF AMERICA, Respondent

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Page(s)

Cases

Statutes

Constitutional Provisions

Sentencing Guidelines

Rules

PETITION FOR A WRIT OF CERTIORARI

Petitioner Whitney Leigh Estep respectfully prays for a writ of certiorari to review the order and judgment of the United States Court of Appeals for the Fourth Circuit.

OPINION BELOW

The decision of the Fourth Circuit Court of Appeals affirming the judgment entered against Ms. Estep is reported at *United States v. Whitney Leigh Estep*, 2024 WL 2815149, No. 23-4218 (4th Cir., June 3, 2024). (App A). Pursuant to Federal Rules of Appellate Procedure 32.1, the decision is unpublished.

JURISDICTION

The United States Court of Appeals for the Fourth Circuit issued an unpublished decision on June 3, 2024. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1254(1), and this Petition is timely filed within ninety days of the underlying Judgment of the Fourth Circuit (App B) pursuant to United States Supreme Court Rule 13(1) and 28 U.S.C. § 2101.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

18 U.S. Code § 3553 – Imposition of a Sentence

> (a) Factors To Be Considered in Imposing a Sentence.—The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider—
>
> (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
>
> (2) the need for the sentence imposed—

(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

(B) to afford adequate deterrence to criminal conduct;

(C) to protect the public from further crimes of the defendant; and

(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

(3) the kinds of sentences available;

(4) the kinds of sentence and the sentencing range established for—

(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines—
(i) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such guidelines by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and
(ii) that, except as provided in section 3742(g), are in effect on the date the defendant is sentenced; or

(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code, taking into account any amendments made to such guidelines or policy statements by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28);

(5) any pertinent policy statement—

(A) issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28, United States Code, subject to any amendments made to such policy statement by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and
(B) that, except as provided in section 3742(g), is in effect on the date the defendant is sentenced.[1]

(6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and

(7) the need to provide restitution to any victims of the offense.

(b) Application of Guidelines in Imposing a Sentence.—

(1) In general.—Except as provided in paragraph (2), the court shall impose a sentence of the kind, and within the range, referred to in subsection (a)(4) unless the court finds that there exists an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence different from that described. In determining whether a circumstance was adequately taken into consideration, the court shall consider only the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission. In the absence of an applicable sentencing guideline, the court shall impose an appropriate sentence, having due regard for the purposes set forth in subsection (a)(2). In the absence of an applicable sentencing guideline in the case of an offense other than a petty offense, the court shall also have due regard for the relationship of the sentence imposed to sentences prescribed by guidelines applicable to similar offenses and offenders, and to the applicable policy statements of the Sentencing Commission.

(2) Child crimes and sexual offenses.—

(A) Sentencing.—In sentencing a defendant convicted of an offense under section 1201 involving a minor victim, an offense under section 1591, or an offense under chapter 71, 109A, 110, or 117, the court shall impose a sentence of the kind, and within the range, referred to in subsection (a)(4) unless—

(i) the court finds that there exists an aggravating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence greater than that described;

(ii) the court finds that there exists a mitigating circumstance of a kind or to a degree, that—

(I) has been affirmatively and specifically identified as a permissible ground of downward departure in the sentencing guidelines or policy statements issued under section 994(a) of title 28, taking account of any amendments to such sentencing guidelines or policy statements by Congress;

(II) has not been taken into consideration by the Sentencing Commission in formulating the guidelines; and

(III) should result in a sentence different from that described; or

(iii) the court finds, on motion of the Government, that the defendant has provided substantial assistance in the investigation or prosecution of another person who has committed an offense and that this assistance established a mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence lower than that described.

In determining whether a circumstance was adequately taken into consideration, the court shall consider only the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission, together with any amendments thereto by act of Congress. In the absence of an applicable sentencing guideline, the court shall impose an appropriate sentence, having due regard for the purposes set forth in subsection (a)(2). In the absence of an applicable sentencing guideline in the case of an offense other than a petty offense, the court shall also have due regard for the relationship of the sentence imposed to sentences prescribed by guidelines applicable to similar offenses and offenders, and to the applicable policy statements of the Sentencing Commission, together with any amendments to such guidelines or policy statements by act of Congress.

(c) Statement of Reasons for Imposing a Sentence.—The court, at the time of sentencing, shall state in open court the reasons for its imposition of the particular sentence, and, if the sentence—

(1) is of the kind, and within the range, described in subsection (a)(4), and that range exceeds 24 months, the reason for imposing a sentence at a particular point within the range; or

(2) is not of the kind, or is outside the range, described in subsection (a)(4), the specific reason for the imposition of a sentence different from that described, which reasons must also be stated with specificity in a statement of reasons form issued under section 994(w)(1)(B) of title 28, except to the extent that the court relies upon statements received in camera in accordance with Federal Rule of Criminal Procedure 32. In the event that the court relies upon statements received in camera in accordance with Federal Rule of Criminal Procedure 32 the court shall state that such statements were so received and that it relied upon the content of such statements.

If the court does not order restitution, or orders only partial restitution, the court shall include in the statement the reason therefor. The court

shall provide a transcription or other appropriate public record of the court's statement of reasons, together with the order of judgment and commitment, to the Probation System and to the Sentencing Commission, and, if the sentence includes a term of imprisonment, to the Bureau of Prisons.

(d) Presentence Procedure for an Order of Notice.—Prior to imposing an order of notice pursuant to section 3555, the court shall give notice to the defendant and the Government that it is considering imposing such an order. Upon motion of the defendant or the Government, or on its own motion, the court shall—

(1) permit the defendant and the Government to submit affidavits and written memoranda addressing matters relevant to the imposition of such an order;

(2) afford counsel an opportunity in open court to address orally the appropriateness of the imposition of such an order; and

(3) include in its statement of reasons pursuant to subsection (c) specific reasons underlying its determinations regarding the nature of such an order.

Upon motion of the defendant or the Government, or on its own motion, the court may in its discretion employ any additional procedures that it concludes will not unduly complicate or prolong the sentencing process.

(e) Limited Authority To Impose a Sentence Below a Statutory Minimum. — Upon motion of the Government, the court shall have the authority to impose a sentence below a level established by statute as a minimum sentence so as to reflect a defendant's substantial assistance in the investigation or prosecution of another person who has committed an offense. Such sentence shall be imposed in accordance with the guidelines and policy statements issued by the Sentencing Commission pursuant to section 994 of title 28, United States Code.

(f) Limitation on Applicability of Statutory Minimums in Certain Cases.—Notwithstanding any other provision of law, in the case of an offense under section 401, 404, or 406 of the Controlled Substances Act (21 U.S.C. 841, 844, 846) or section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 960, 963), the court shall impose a sentence pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28 without regard to any statutory minimum sentence, if the court finds at sentencing, after the Government has been afforded the opportunity to make a recommendation, that—

> (1) the defendant does not have more than 1 criminal history point, as determined under the sentencing guidelines;
>
> (2) the defendant did not use violence or credible threats of violence or possess a firearm or other dangerous weapon (or induce another participant to do so) in connection with the offense;
>
> (3) the offense did not result in death or serious bodily injury to any person;
>
> (4) the defendant was not an organizer, leader, manager, or supervisor of others in the offense, as determined under the sentencing guidelines and was not engaged in a continuing criminal enterprise, as defined in section 408 of the Controlled Substances Act; and
>
> (5) not later than the time of the sentencing hearing, the defendant has truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan, but the fact that the defendant has no relevant or useful other information to provide or that the Government is already aware of the information shall not preclude a determination by the court that the defendant has complied with this requirement.

STATEMENT OF THE CASE

This appeal arises from the judgment following Ms. Estep's plea of guilty to conspiracy to possess with intent to distribute a quantity of a mixture and substance containing a detectable amount of methamphetamine. Beginning in 2020, several local and federal law enforcement agencies began investigating a drug trafficking organization in the Middle District of North Carolina. The organization was directed by Jorge Edwardo Gomez-Pineda. Some three steps down the organizational chain, Stephanie Hickman "organized multiple drug transactions." As part of Ms. Hickman's gang, she recruited and used multiple individuals including Ms. Estep to move money and drugs around. Another individual who was involved was Mr. Estep's friend, Amber Rogers. The probation officer noted in the presentence investigation

report that "Amber Marie Rogers worked as a distributor for Jorge Edward Gomez-Pineda at the direction of Stephanie Hickman."

On August 12, 2021, law enforcement surveilled Amber Rogers and saw her leaving a home in Wilkesboro, North Carolina with items later found to contain 4,001 grams (net weight) of methamphetamine. The home at which Ms. Rogers was detained belonged to Ms. Estep who lived there with her five children. On August 12, 2021, Mr. Estep was on a vacation in Florida with Ms. Hickman. The August transaction was but one of several described in the presentence report which were identified by law enforcement.

A federal grand jury in the Middle District returned a one-count indictment on June 1, 2022 charging Ms. Estep and multiple other defendants with conspiracy to possess with the intent to distribute quantities of a mixture and substance containing a detectable amount of methamphetamine. Ms. Estep pled guilty pursuant to a plea agreement on August 26, 2022 before the Honorable William L. Osteen, Jr.

Judge Osteen conducted a sentencing hearing on March 8, 2023. Ms. Estep objected to a proposed enhancement to the guidelines for maintaining a premises for the drug sales and for having a supervisory role in the conspiracy. The government presented testimony from Ms. Hickman and Ms. Rogers. As part of her defense, Ms. Estep testified. She also called as a witness her friend Jiani Alston. Mr. Alston had entered a guilty plea to a conspiracy charge in the Eastern District but he had not been charged criminally in the Middle District. Additional information regarding their testimony will be presented as necessitated during the argument portion of this petition.

Following the testimony and arguments of counsel, Judge Osteen found "Ms. Hickman and Ms. Rogers' testimony credible and believable…". He further found it persuasive that Ms. Estep was aware of what was happening in the conspiracy and participated "by at least on one occasion directing Ms. Rogers to make a delivery and on a later occasion to put the drugs in the green truck…and telling Ms. Rogers to get out of that house and take the children and go to a hotel." Judge Osteen decided not to apply the enhancement for maintaining a premises because the testimony was clear that drugs were not supposed to have been delivered to Ms. Estep's home and she had nothing to do with the decision to deliver them there. He found, however, that "Ms. Estep did, in fact, manage one other person, and this conspiracy consisted of five or more participants." The "other person" Judge Osteen was referencing was Ms. Estep's friend, Amber Rogers. He overruled Ms. Estep's objection to the managerial role adjustment and he denied a reduction for acceptance of responsibility.

Because of limited time being available, Judge Osteen recessed the sentencing hearing until March 10, 2023. When the hearing resumed Ms. Estep testified that she and Ms. Rogers were friends and did things as friends and not as part of a superior/subordinate relationship. She also presented the court a letter from Jessica Baldwin recounting a conversation in which Ms. Rogers apologized to Ms. Estep for overstating Ms. Estep's role in the cartel.

Following the testimony, Judge Osteen found the letter – along with Ms. Estep's testimony about it – to lack any indicia of credibility and made no changes to

his earlier findings. He determined that there was a total offense level of 41 with a criminal history category of II with a resulting range of 360 months to life but with a statutory maximum of 20 years. Judge Osteen imposed a sentence of 180 months. The Fourth Circuit issued an unpublished decision on June 3, 2024 affirming the district court's judgment. (App A).

REASONS FOR GRANTING THE WRIT

Petitioner asserts that the Writ should be issued because the district court erred by allowing Mr. Alston's attorney to assert the individual privilege which belonged to Alston, and the district court also erred by imposing a substantively unreasonable sentence.

First, during the sentencing hearing, Ms. Estep called her best friend, Jiani Alston, as a witness. Mr. Alston's attorney made clear from the beginning that Mr. Alston "has pled guilty in the Eastern District…to a conspiracy count…[but] has never been charged in the Middle District." During his testimony, Mr. Alston's attorney continued to intercede and to assert a privilege which was personal to Mr. Alston. This was raised as error to the Fourth Circuit; however, the Circuit Court ruled, in part, that "[d]espite Estep's claim to the contrary, the record confirms that Alston personally asserted the privilege after conferring with his attorney, and that the court ruled on the asserted privilege on a question-by-question basis." In fact, however, the transcript shows that on the third question asked by Ms. Estep's attorney, Mr. Alston's attorney interjects to say, "Your Honor, I'm going to ask that my client assert the Fifth Amendment privilege." There follows some dialogue with

the district court about Mr. Alston's criminal situation. At no point, does Mr. Alston say that he was asserting his Fifth Amendment rights. This happened again after Ms. Estep's first question on recross-examination although after that question the district court did ask the witness if he were going to follow his lawyer's advice.

Judge Osteen's allowing the attorney to object to questions posed to the witness chilled Ms. Estep's right to effectively examine the witness and to present her case at sentencing. Judge Osteen took Mr. Alston's personal right against self-incrimination and gave it to his attorney. This Court has referred to Fifth Amendment as a "personal privilege." *Fisher v. United States*, 425 U.S. 391, 392, 96 S.Ct. 1569, 1572, 48 L.Ed.2d 39 (1976). "By its very nature, the privilege is an intimate and personal one. It respects a private inner sanctum of individual feeling and thought and proscribes state intrusion to extract self-condemnation. Historically, the privilege sprang from an abhorrence of governmental assault against the single individual accused of crime and the temptation on the part of the State to resort to the expedient of compelling incriminating evidence from one's own mouth." *Couch v. United States*, 409 U.S. 322, 327, 93 S.Ct. 611, 615 34 L.Ed.2d 548 (1973), *citing*, *United States v. White*, 322 U.S. 694, 698, 64 S.Ct. 1248, 1251, 88 L.Ed. 152 (1944).

The Fourth Circuit stated that "while it is axiomatic that 'the immunity provided by the 5th Amendment against self-incrimination is person to the witness himself,' *McAlister v. Henkel*, 201 U.S. 90, 91 [26 S.Ct. 385, 50 L.Ed. 671] (1906), we discern no error in the court allowing Alston's counsel to standby during questioning and confer with Alston in real-time." However, the attorney did more than merely

standby and Mr. Alston did not initiate any conference with his attorney. The assertion of the privilege was entirely driven by the attorney.

It also seems clear that the defense was attempting to establish Ms. Estep's emotional reaction to learning that drugs had been taken to her house while she was in Florida. The witness examination was not fulsome due to the district court's allowing the attorney to intercede. Later, Judge Osteen stated that Mr. Alston's "testimony was specific enough to allow me to make a finding that there was an argument between Ms. Hickman and Ms. Estep that is somehow probative in this case. I mean, even Mr. Alston was somewhat unclear in terms of what the discussion was." That lack of clarity was because of the district court's error which prevented the defense – to Ms. Estep's prejudice – from properly questioning a relevant witness.

Additionally, the sentence which Judge Osteen imposed was substantively unreasonable. The district court erred in finding that Ms. Estep was a manger or supervisor in the conspiracy resulting in a three-point enhancement and by denying Ms. Estep a three-level reduction for acceptance of responsibility after she pled guilty, and by accepting a criminal history score which overstated the seriousness of Ms. Estep's criminal history. It was also an erroneously lengthy sentence in light of Ms. Estep's health issues.

As to the management enhancement, Judge Osteen found that Ms. Estep's management was not the same level as that of Hickman but that Ms. Estep was, essentially, the boss of Amber Rogers. "Both Estep and Hickman gave instructions to Rogers." "In all candor, I see the same type of activity with Ms. Estep and

Ms. Rogers in this case." But then Judge Osteen described Ms. Rogers as a "close friend" of Ms. Estep. That friendship was supported by Ms. Rogers' testimony that "I was friends with her [Estep] back in 2021." When she was later asked about what had become a business relationship she described their doing things together only by saying "we would."

The record is clear that there were times when both Hickman and Estep were giving Ms. Rogers instructions but also that any instructions from Estep originated with Hickman. Ms. Hickman testified that when she couldn't reach Ms. Estep, "I called Amber [Rogers] to hand out the last shipment." Ms. Hickman also testified that Ms. Estep was "a worker of me." She testified about how she (Hickman) directed Jiani Alston. In sum, Ms. Estep in no way maintained and/or demonstrated the type of managerial role which was sufficient to warrant a three-level enhancement. It was Ms. Hickman that worked with the big bosses and relayed instructions and directions to her workers.

Judge Osteen recognized the qualitative difference between Hickman and Estep when he stated that "there were others who could fill Ms. Estep's shoes, so it wasn't a critical part of the drug distribution like Ms. Hickman, who was kind of a management level person, who was necessary to running the show…". The district court also said that between Ms. Hickman and Ms. Estep, "there is worlds of difference between those two, those roles." Despite there being worlds of difference between them and despite Ms. Hickman's direct involvement in the multi-national leadership of a major drug conspiracy, Ms. Estep received a sentence which was over

90% of the same sentence as Ms. Hickman. Even Judge Osteen admitted to having reservations. "So the role adjustment while properly applied, does give me some concern, because even though Ms. Estep is directing Ms. Rogers' participation in the conspiracy, that's a limited direction." The district court admitted to having reservations in the sentence that it was giving yet proceeded with a sentence only slightly below that of a significant player in the conspiracy.

Furthermore, Judge Osteen deprived Ms. Estep of the three-level reduction for acceptance of responsibility. "I don't see anything to indicate a full acceptance of responsibility here given my evaluation of the testimony." The court did not provide a more fulsome explanation as to why she was deprived of credit for accepting responsibility. According to the factual basis, Ms. Estep waived her rights when approached by law enforcement and admitted that she had been working with Ms. Hickman for a year and a half picking up money. She admitted that she knew it was from drug sales and that money was going to a member of the Sinaloa cartel.

The probation officer preparing the presentence investigation report noted that "she admitted involvement in the offense and stated that she accepts responsibility for her actions." Ms. Estep was arrested on June 8, 2022 and entered a guilty plea on August 26, 2022. Even during the sentencing hearing she admitted her responsibility performing errand in what she knew was a drug conspiracy which involved Mexican cartels.

By depriving her of the three-level reduction for acceptance of responsibility Judge Osteen moved Ms. Estep – all else remaining the same – from a level 38 to a

level 41 with a resulting guideline range of 360-life instead of 262-327 months. Although the statutory maximum was 240 months under either set of calculations, the higher guideline range conveyed a message of increased seriousness which no doubt influenced Judge Osteen's decision.

Also, the court erred by imposing such a long sentence given Ms. Estep's criminal history. The presentence investigation report ascribed two points to Ms. Estep – one was for a misdemeanor financial fraud conviction for which she received 30-days imprisonment. The other point was for a misdemeanor simple possession of marijuana in 2015 on which the court allowed a prayer for judgment continued and $200 in court costs. These two points for minor misdemeanor offenses dramatically overstated Ms. Estep's criminal history. Even the Sentencing Commission has recently amended the commentary to U.S.S.C. § 4A1.3. "A downward departure from the defendant's criminal history category may be warranted if, for example, the defendant has two minor misdemeanor convictions close to ten years prior to the instant offense and no other evidence of prior criminal behavior in the intervening period." Admittedly, Ms. Estep's prior in 2015 was not 10-years before the instant offense and she was involved in the conspiracy named here; however, the recognition that "minor misdemeanor convictions" might warrant a downward departure adds weight to the argument that Judge Osteen overstepping in imposition of the sentence. The subject conviction was Ms. Estep's first in federal court and this sentence was overly severe.

Lastly, it was uncontested that Ms. Estep faced multiple health problems including lupus and muscular arthritis. The presentence investigation report also included intracranial hypertension, urticaria, inflammatory arthritis, myalgia, morbid obesity, and type 2 diabetes. Judge Osteen acknowledged Ms. Estep's health challenges but poised a rhetorical question of whether it wasn't more demanding and more stressful to work for a drug cartel than to hold a regular job. Although, he stated that his thought experiment did not influence his ultimate decision, it is impossible to know. Ms. Estep is a 32-year-old mother of five children. She has multiple serious health problems. She had financial problems and performed "errands" for Ms. Hickman. With these conditions and given Ms. Estep's very limited role in the entire criminal enterprise, imposing a 180-month sentence was unconscionable and was reversible error.

Ms. Estep, therefore, asks this Court to grant the writ to review her sentence and determine if it was, in fact, reasonable. "As a result of [this Court's] decision [in *United States v. Booker*, 543 U.S. 220, 125 S.Ct. 738, 160 L.Ed.2d 621 (2005)], the Guidelines are now advisory, and appellate review of sentencing decisions is limited to determining whether they are 'reasonable.'" *Gall v. United States*, 552 U.S. 38, 46, 128 S.C. 586, 169 L.E.2d 445 (2007). The *Gall* Court went further to "reject…an appellate rule that requires 'extraordinary' circumstance to justify a sentence outside of the Guidelines range." Here, the sentence was below the guidelines range; however, Ms. Estep respectfully asserts that the sentence was excessive due to the reasons stated above.

CONCLUSION

For the foregoing reasons, the Petitioner respectfully submits that his Petition for Writ of Certiorari should be granted.

RESPECTFULLY SUBMITTED,

/s/ J. Edward Yeager, Jr.
J. Edward Yeager, Jr.
Counsel for Whitney Leigh Estep
P. O. Box 1656
Cornelius, NC 28031
Telephone: 704-490-1518
Facsimile: 866-805-6191
yeager@ncappeals.net