

No. _____

IN THE
Supreme Court of the United States

CHASE COLLINS,
Petitioner,

v.

PEOPLE OF THE STATE OF CALIFORNIA
Respondent.

On Petition For Writ Of Certiorari
from the Judgment of the California Court Of Appeal for the Second
Appellate District, division seven.

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

On sufficiency of the evidence review, does a criminal defendant's Sixth Amendment right to a jury trial require that the reviewing court accept as true the jury's specific factual finding when made at the prosecution's request and in accordance with the constitutional standards set forth in this Court's decisions in *Apprendi* and *In re Winship*?

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Chase Collins respectfully petitions for a writ of certiorari to review the judgment of the California Court of Appeal in *People v. Collins* B271441.

OPINIONS BELOW

The unpublished opinion of the California Court of Appeal is reproduced as Petitioner's Appendix A to this petition. The order of the California Supreme Court denying review is attached as Petitioner's Appendix B.

JURISDICTION

The judgment of the California Court of Appeal was filed on December 11, 2017, affirming petitioner's conviction for aiding and abetting a robbery. (Appendix A.) The California Supreme Court denied the petition for review on February 28, 2018. (Appendix B.) This petition for certiorari is due for filing on May 29, 2018. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257.

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

The Fourteenth Amendment states in relevant part that "No state shall . . .

deprive any person of life, liberty, or property, without due process of law”

The Sixth Amendment states in relevant part that “[i]n all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury”

California Penal Code, section 211 defines the crime of robbery: “Robbery is the felonious taking of personal property in the possession of another, from his person or immediate presence, and against his will, accomplished by means of force or fear.”

California Penal Code, section 31 provides: “All persons concerned in the commission of a crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the offense, or aid and abet in its commission, or, not being present, have advised and encouraged its commission are principals in any crime so committed.”

California Penal Code section 954 provides in relevant part, “An acquittal of one or more counts shall not be deemed an acquittal of any other count.”

INTRODUCTION

The Due Process Clause of the Fourteenth Amendment requires the prosecution to prove beyond a reasonable doubt every fact necessary for conviction. (U.S. Const., 14th Amend.; *In re Winship*, 397 U.S. 358 (1970).) In *Apprendi v. New Jersey*, this Court held that the Sixth Amendment grants a criminal defendant the right to have a jury, and not a judge, decide any fact that increases the defendant's punishment beyond the statutory maximum and according to the strictures of *In re Winship*. (*Apprendi v. New Jersey*, 530 U.S. 466 (2000).) A jury convicted petitioner Chase Collins of aiding and abetting a robbery and found "not true" the enhancement allegation that he personally used a firearm in the course of the robbery.

In the California Court of Appeal, Collins challenged the sufficiency of the evidence that he aided and abetted the robbery and relied on the jury's "not true" finding. Respondent argued that the jury was entitled to draw an inference of common purpose and encouragement from Collins and his friend's concerted action. (See, e.g., *In re Lynette G.*, 54 Cal.App.3d 1087, 1094-1095 (1976))

[upholding conviction for aiding and abetting robbery based on reasonable inference drawn from concerted action, despite no overt act].) The Court of Appeal found that that theory, standing alone, lacked sufficient evidentiary support. (Pet. Appen. A., p. 14.) However, when combined with the victim Ricard's testimony that Collins stood nearby and held a firearm, the Court found the evidence sufficient. (Pet. Appen. A., pp. 15-16.) The Court of Appeal explained that, "The jury's not true finding on the firearm enhancement allegations does not preclude our consideration of Richard's testimony that Collins held the gun during the robbery in considering the sufficiency of the evidence to support his conviction as an aider and abettor." (Pet. Appen. A., p. 16, fn. 4.) The Court relied on the inconsistent verdicts rule.

Petitioner Chase Collins respectfully asks this Court's review and contends that, consistent with this Court's decision in *Apprendi*, on sufficiency review, a reviewing court must credit a jury's clear and specific finding of fact. The inconsistent verdicts rule necessarily rests on the existence of uncertainty, which is not present when a jury makes a specific and unambiguous factual finding. Collins further contends that sufficiency of the evidence review fails to operate as

intended, as a check on jury irrationality or recalcitrance, when resort to a judicially-created rule shields a major indicator of jury irrationality, inconsistent findings, from review.

Collins seek certiorari to vindicate his Sixth and Fourteenth Amendment rights. This Court's review is crucial to clarify federal constitutional law and to enforce compliance with this Court's decision in *Apprendi* declaring those rights.

STATEMENT OF THE CASE AND FACTS

A. The facts of the assault and robbery.

Petitioner Chase Collins, co-defendant Robert Zygo, and victim Lionel Ricard had been friends for approximately ten years. (3RT 1231.) The jury heard that Ricard had suffered a number of drug and theft-related convictions, including the theft of their mutual friends, before Ricard moved out of the area to attend college. (3RT 1218, 1230; 5RT 2110-2111, 2148.) At the time of the events in this case, Ricard was back in town to answer for new, unrelated charges (felon in possession of a firearm). (3RT 1297.) Ricard and Zygo testified that the three friends met by chance this Friday night at a neighborhood bar they all frequented and had a friendly reunion. (3RT 1229, 1299-1300.) Ricard suggested that they all

go outside to smoke pot. (2RT 682; 3RT 1238.)

The three men went to a darkened corner of the parking, and everything was friendly until the topic of Ricard's prior thefts came up, and "some aggressive words were said." (3RT 1258-1259.) Collins called out, "You're gonna pay for what you did to SDV Kid." (3RT 1258-1259; 4RT 1596.) According to Ricard, Zygo and Collins both physically attacked him, Collins throwing the first punch. (3RT 1260-1261, 1303.) Zygo hit Ricard repeatedly with a rock. (3RT 1262.)

Ricard testified that, after the assault had ended, Zygo removed a firearm from his waistband, racked it, and handed it to Collins (3RT 1266, 1268), who stood nearby holding the firearm pointed at the ground as Zygo went through Ricard's pockets. (3RT 1270.) Zygo and Collins returned to the bar and continued to socialize with friends, but they left through the back door when they saw an angry Ricard appear at the entry door. (3RT 1274.) Ricard, denied entry because of a nosebleed, went to a party. (3RT 1281; 4RT 1568.)

The stolen money belonged to Ricard's mother. (5RT 2463, 2465, 2482.) Zygo testified that he alone attacked Ricard and that Collins had grabbed his arm, urging him to leave. (5RT 2113, 2115-2117, 2122.) The joint defense asserted

at trial was that Ricard is a con man, and, consistent with his historic pattern of thievery and deceit, Ricard kept his mother's money, and when she confronted him the next morning, he fabricated a robbery from a bar fight to cover up his own theft. (5RT 2463, 2465, 2482.)

Zygo testified that he did not have a firearm that night. (5RT 2122.)

The defense contended that Ricard fabricated the firearm, contriving a description to match one that he had seen in an old Facebook photo of Zygo and that belonged to Zygo's brother. (5RT 2124, 2451.) The police investigation confirmed that a firearm matching the description of the gun Ricard described was registered to Zygo's brother. (4RT 1853; 5RT 2123-2124.) The jury found all of the gun allegations not true as to both defendants. (CT 223, 229.) The jury also acquitted Collins of assault with a deadly weapon (the rock). (CT 224, 230.)

B. The relevant procedural facts.

On January 29, 2016, a jury found Collins guilty of robbery and assault by means of force likely to produce great bodily injury. (5RT 3307.) Collins was prosecuted as an aider and abetter to Zygo's robbery. The trial court instructed the jury according to standard California jury instructions:

A person aids and abets the commission or attempted commission of a crime when he or she [¶] (1) With knowledge of the unlawful purpose of the perpetrator, and [¶] (2) With the intent or purpose of committing or encouraging or facilitating the commission of the crime, and [¶] By act or advice, aids, promotes, encourages or instigates the commission of the crime. [¶] . . . [¶] Mere presence at the scene of a crime which does not itself assist the commission of the crime does not amount to aiding and abetting. [¶] . . . [¶] Mere knowledge that a crime is being committed and the failure to prevent it does not amount to aiding and abetting.

(California Jury Instructions – Criminal (CALJIC), 3.01; accord, *People v. Beeman*, 35 Cal.3d 547, 560 (1984); see also, LaFave, 2 Subst. Crim. L. (3d ed. 2017), § 13.2(c), *Intentional assistance or encouragement* [“accomplice must intend that his acts have the effect of assisting or encouraging another”].)

REASONS FOR GRANTING THE WRIT

This Court stated in *Powell* that sufficiency of the evidence review would function as a check on the application of the inconsistent verdicts rule and would ensure that, despite an inconsistency, a rational jury has found the defendant guilty beyond a reasonable doubt. This Court’s review is crucial because the “inconsistent verdicts” rule is used in sufficiency review to forestall scrutiny of possible jury irrationality and to circumvent a jury’s negative factual finding,

even though made in accordance with the standards set forth in *Apprendi* and *Winship*.

I. Where the prosecution asks the jury to decide the truth of a specific factual allegation – namely, whether the defendant personally used a firearm – the jury’s “not true” finding is conclusive of that fact.

The due process clause of the Fourteenth Amendment “protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged.” (*In re Winship* (1970) 397 U.S. 358 (*Winship*).) In addition, the Sixth Amendment guarantees a criminal defendant that “any fact that increases the penalty for crime beyond prescribed statutory maximum must be submitted to jury and proved beyond reasonable doubt.” (*Apprendi v. New Jersey*, 530 U.S. 466, 484-486 (2000) (*Apprendi*).) In *Apprendi* the defendant fired a weapon into the home of an African American family, and under the relevant New Jersey statute, the maximum punishment increased by ten years if the sentencing judge decides that he had a biased purpose or not. This Court ruled that *Apprendi* was entitled to have a jury, not a judge, decide whether his purpose was biased. (*Id.* at pp. 466-467.)

The Court deferred to the historical and traditional roles of jury and judge and concluded that the right to a jury trial entitles a defendant to have a jury decide any facts that increase imprisonment, whether those facts elevate the severity of the offense to a higher degree or trigger a penalty provision.

(*Apprendi, supra*, 530 U.S. 466, 488.) As later explained, “The [*Apprendi*] rule’s animating principle is the preservation of the jury’s historic role as a bulwark between the State and the accused at the trial for an alleged offense.” (*Oregon v. Ice*, 555 U.S. 160, 168 (2009); citing *Apprendi, supra*, 530 U.S. 466, 477.)

In California, as in many other states, the prosecution in nearly every felony case asks the jury to make specific factual findings, in addition to guilt or innocence, for a penalty enhancement. After *Apprendi*, the defendant is entitled to have these decided by a jury in a proceeding where the strictures of *Winship* are honored. (*Apprendi, supra*, 530 U.S. 466.) If the jury responds in the affirmative, the defendant will be imprisoned an additional 10, 20, or 25 years to life, or more beyond the statutory maximum for the crime of conviction. If the jury responds in the negative, the defendant’s ability to rely on the jury’s finding is unclear. The prosecution, having invited the jury to decide the issue, should not be able to

avoid a negative finding.

On appeal, Collins argued that the jury's finding that he did not personally use a firearm disproved the "act" of aiding and abetting attributed to him and that the jury's finding was binding on the reviewing court. The Court of Appeal found the evidence sufficient only with considering Ricard's testimony that Collins did use a firearm, the jury's negative finding notwithstanding. (Pet. Appen. A, at p. 15) The California Supreme Court holds that, "'if an acquittal of one count is factually irreconcilable with a conviction on another, or if a not true finding of an enhancement allegation is inconsistent with a conviction of the substantive offense, effect is given to both.'" (*People v. Avila*, 38 Cal.4th 491, 600 (2006).) As a practical matter, effect is not given to the jury's finding if that finding is ignored on sufficiency review, even though the jury's "not true" finding is made to the same level of proof as the crime of conviction.

The Court of Appeal's decision in this case, disregarding a specific jury finding of fact that would negate an element of the crime of conviction when conducting sufficiency of the evidence review, is consistent with other California decisions. (*People v. Lewis*, 25 Cal.4th 610, 656 (2001) [invoking inconsistent

verdicts doctrine in sufficiency review]; *People v. Santamaria*, 8 Cal.4th 903 (1994); *People v. Miranda*, 192 Cal.App.4th 398 (2011) [“not true” finding on personal use enhancement is not considered when evaluating the sufficiency of evidence of underlying crime].)

The Ninth Circuit Court of Appeal reached the opposite conclusion and credited the jury finding. (*Mitchell v. Prunty*, 107 F.3d 1337 (9th Cir. 1997).) In *Mitchell v. Prunty* the jury was asked to make two special findings, and it found that Mitchell did not use a firearm and that Mitchell did not drive the vehicle that ran over the victim. Mitchell challenged the sufficiency of the evidence on appeal. That Court concluded that, in light of these findings and the absence of other evidence supporting the conviction, the state’s argument that his companionship and concerted action aided and abetted the murder “smacks of guilt by association.” (*Id.* at p. 1342.)

This Court’s review is crucial because the same federal constitutional issue should not be treated so different between a state and federal intermediate appellate courts.

A. The underlying premise of the inconsistent verdicts rule is the uncertainty of the deliberative process, but any uncertainty dissipates when the jury's thinking is made known through a specific factual finding.

This Court recently reaffirmed the inconsistent verdicts rule in a double jeopardy case. (*Bravo-Fernandez v. United States*, __ U.S. __ [137 S.Ct. 352] (2016) (*Bravo-Fernandez*)). The rule's rationale, as the Court explained, is to avoid premature issue preclusion, before the issue has reached a final determination. (*Id.* at p. 363.) Two significant circumstances were present from the rule's beginning: uncertainty and the assurance that sufficiency of the evidence review will reveal any jury irrationality or other defect.

First, this Court's decision in *Dunn* rested on uncertainty. In *Dunn*, the elements of three different crimes were applied to a given set of facts, resulting in much uncertainty as to why the jury convicted on one count and acquitted on two others. (*Dunn v. United States*, 284 U.S. 390, 393-394 [52 S.Ct. 189] (1932) (*Dunn*); accord, ["that issue preclusion does not apply when verdict inconsistency renders unanswerable 'what the jury necessarily decided.'"]).) Noting the asymmetrical appellate rights of a defendant, who may appeal a finding of guilt, and the government, who may not appeal an acquittal, this Court has been reluctant to deprive the prosecution an opportunity to prove the

claim amid uncertainty. (*Standefor v. United States*, 447 U.S. 10, 22–23, and n. 18, (1980) [100 S.Ct. 1999].)

Even under the Fifth Amendment doctrine of issue preclusion, however, a jury's unambiguous finding of a specific fact would carry preclusive force.

(*Bravo-Fernandez, supra*, 127 S.Ct. 352, 363; *Ashe v. Swenson*, 397 U.S. 436, 442

(1970) ["when an issue of ultimate fact has once been determined by a valid and final judgment, that issue cannot again be litigated between the same parties in any future lawsuit"].) In *Ashe*, the only issue in dispute was identity, and the jury's acquittal verdict made its thinking known to the reviewing court, so this Court held that the acquittal, "the jury's acquittal verdict precluded the State from trying to convince a different jury of that very same fact in a second trial." (*Id.* at p. 445.)

The second circumstance is the Court's reliance upon sufficiency of the evidence review to ensure a rational verdict, despite the inconsistency. (*Jackson v. Virginia*, 443 U.S. 307, 317 (1979) (*Jackson*) ["A doctrine establishing so fundamental a substantive constitutional standard must also require that the factfinder will rationally apply that standard to the facts in evidence."] The

inconsistent verdict rule was given Fourteenth Amendment application in *Powell v. United States*, where the defendant claimed that the existence of an inconsistency between the jury verdicts violated the constitutional guarantee of due process. (*United States v. Powell*, 469 U.S. 57 (1984) (*Powell*); citing *Dunn v. United States*, 284 U.S. 390, 52 S.Ct. 189 (1932) (*Dunn*).) Again, the case involved the elements of two different crimes applied to a given set of facts. Citing to *Dunn*, the Court stated that in the face of uncertainty, “one can glean no more than that ‘either in the acquittal or the conviction the jury did not speak their real conclusions.’ ” (*Powell, supra*, 469 U.S. 57, 64.) This Court reiterated the important role that sufficiency review would play as a check on juror irrationality that might be present when the jury returns inconsistent verdicts.

[A] criminal defendant already is afforded protection against jury irrationality or error by the independent review of the sufficiency of the evidence undertaken by the trial and appellate courts. This review should not be confused with the problems caused by inconsistent verdicts. Sufficiency-of-the-evidence review involves assessment by the courts of whether the evidence adduced at trial could support any rational determination of guilt beyond a reasonable doubt. [Citations.] This review should be independent of the jury's determination that evidence on another count was insufficient. The Government must convince the jury with its proof, and must also satisfy the courts that given this proof the jury could rationally have reached a verdict of guilt beyond a reasonable doubt.

We do not believe that further safeguards against jury irrationality are necessary.”

(*Powell, supra*, 469 U.S. 57, 67.) This Court recently re-emphasized the importance of rigorous appellate review, especially in cases involving inconsistent verdicts. (*Bravo-Fenandez, supra*, 147 S.Ct 352, 358-359, 363 [“in the absence of appellate review” confidence in the correctness of a first proceeding often is unwarranted].) In California, sufficiency review is not

This Court pointed out in *Powell* that, though inconsistent, the jury’s findings could be logically reconciled. The Court stated explicitly that, “Nothing in this opinion is intended to decide the proper resolution of a situation where a defendant is convicted of two crimes, where a guilty verdict on one count logically excludes a finding of guilt on the other.” (*Powell, supra*, 469 U.S. 57, 69, fn. 8.)

Following *Powell*, state and federal circuit courts have attempted to define the exception that *Powell* had recognized, and, variously stated, most states have carved out an exception to identify situations where the jury’s findings are not only inconsistent, but also are logically mutually exclusive. (See See, e.g., *People v. Davis*, 320 Mich.App.484 [2017 WL2988849] (2017) [an exception to the

“inconsistent verdicts” rule exists for findings that are “mutually exclusive”]; *Heard v. State*, 999 So.2d 992, 1005 (2007) (Supreme Ct. of Alabama) [“Inconsistent criminal verdicts are permissible; mutually exclusive verdicts are not.”]; *Commonwealth v. Resende*, 476 Mass. 14165 N.E.3d 1148 (2017) [“the issue now before this Court is not a typical inconsistent-verdict matter. Rather, it fits within an exception to this rule as ‘a situation where a guilty verdict on one count necessarily excludes a finding of guilt on another,’ rendering the two verdicts ‘mutually exclusive’”]; *People v. Delgado*, __ P.3d __ (2016) [2016 WL7009119] [distinguishing factual inconsistencies, which can stand, from legal inconsistencies, which cannot]; *State v. Hargrett*, 72 So.3d 809 (Fla. 4th DCA 2011) [acquittal on one count must negate an element of the offense necessary for a conviction]; accord, *People v. DeLee*, 24 N.Y.3d 603 (2014) [2 N.Y.S.3d 382; 26 N.E.3d 210]; *Travis v. State*, 218 Md.App.410 (2014) [98 A.3d 281] [exception where inconsistency that negate an element]; *State v. Nash*, 316 Conn. 651 [114 A.3d 128] (2015) [where two findings cannot be logically reconciled]; *Masoner v. Thurman*, 996 F.2d 1003, 1005 (9th Cir. 1993) [the jury logically could convict defendant of either offense but not both, and the jury convicted of both].)

California has not carved out a similar exception.

B. This Court's review is necessary to curb use of the inconsistent verdicts rule in sufficiency review when not used as a check on jury irrationality but as a shield to rigorous scrutiny.

California's Supreme Court's seminal case on the inconsistent verdicts rule, and relied upon in this case, is a pre-*Apprendi* double-jeopardy case. (*Santamaria, supra*, 8 Cal.4th 903.) A jury convicted Santamaria of murder in the course of a robbery and found the allegation that he personally used a knife in the commission of the crime not true. (*Santamaria, supra*, 8 Cal.4th 903.) The uncontroverted cause of death was a stab wound. Following reversal on appeal, on procedural grounds, the prosecution retried the case without the enhancement allegation. The question before the Court was whether Santamaria could be retried on the theory that he used a knife, even without the enhancement.

Relying on *Powell* and *Dunn*, the Supreme Court concluded that Santamaria could be retried on the theory that he used a knife, reconciling the inconsistency by pointing out that the jury could have found Santamaria guilty as an aider and abetter, in which case the jury's finding that he did not use a

knife is not necessarily inconsistent with the murder verdict. (*Santamaria, supra*, 8 Cal.4th 903.) The Court also concluded, though, that any conflict between the verdict on the murder count and the jury's negative finding on the enhancement allegation was inconsequential and that only inconsistencies between the jury's ruling on the substantive crimes may have preclusive force. "Even if we were to view the jury's findings on the sentencing allegations in counts 3, 4, and 5 as inconsistent, however, defendant is not entitled to reversal on this basis. It is well settled that, as a general rule, inherently inconsistent verdicts are allowed to stand." (*People v. Lewis, supra*, 25 Cal. 4th 610, 655–656; *People v. Miranda, supra*, 192 Cal.App.4th 398.) Justice Mosk wrote separately, dissenting from this part of the decision, and pointing out that, "Obviously, no juror can determine that a defendant is guilty of a crime beyond a reasonable doubt on a theory dependent on a necessary fact as to which each and every juror has a reasonable doubt." (*Id.* at p. 931 (conc. & dis. opn. of Mosk, J.).)

In California, however, the jury's negative finding on an enhancement allegation may be ignored in sufficiency review, by resort to the inconsistent verdicts rule, as it appears in *Santamaria*.

II. As California and other states come to rely more heavily on the jury's specific factual findings in its sentencing schemes, this Court's review is critical to assure compliance with this Court's precedent in *Apprendi* and to clarify the role "inconsistent verdict" rule plays in sufficiency review.

The assurance that substantial evidence supports every element of a crime is enforced through sufficiency review. (U.S. Const., 5th and 14th Amendments; *Winship, supra*, 397 U.S. 358, 364.) The task of sufficiency review is to determine whether or not the jury's verdict lived up to the Sixth Amendment standard, which requires a rational trier of fact finding the elements of the offense beyond a reasonable doubt. (*Jackson, supra*, 443 U.S. 307, 319; accord, *People v. Johnson*, 26 Cal.3d 557, 576 (1980).) The settled rule is that a guilty verdict will be upheld if "after viewing the evidence in the light most favorable to the prosecution, no rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." (*Jackson, supra*, 443 U.S. 307, 319.)

As this Court made clear in *Dunn* and *Powell*, sufficiency of the evidence review is a criminal defendant's remedy for jury irrationality, confusion, or failure to follow the reasonable doubt standard. Sufficiency review fails to act as a check on jury irrationality if a major indicator of irrationality -- an inconsistent verdict -- is invoked to shield a verdict from rigorous scrutiny.

The same level of irregularity may be acceptable in the context of issue preclusion, where the risk is that a defendant may again have to answer for charges. In sufficiency review, on the other hand, the consequence are that the defendant's liberty is taken away, so inconsistencies cannot be accepted at face value. Juror compromise is unacceptable if discovered on review in light of a juror's oath to vote his or her conscience and to deliberate. It is grounds for juror nullification. Sufficiency review also is crucial "to protect against misapplication of the constitutional standard of reasonable doubt." (*Jackson, supra*, 443 U.S. 307, 316-317, 320 [to ensure that a jury finding of reasonable doubt "is one based upon reason"]; citing *Winship, supra*, 397 U.S. 358, 364.)

Had the Court of Appeal not invoked the inconsistent verdict rule, it might have concluded that Collins's conviction for aiding and abetting a robbery by use of a gun is unsupportable because every juror had a reasonable doubt that he did use a gun. The reviewing court also might have concluded that the jury could only have found Collins guilty based on a "concerted action" theory, which the Court of Appeal found lacked sufficient evidentiary support.

This Court in *Powell* and *Jackson* anticipated sufficiency review to act as a

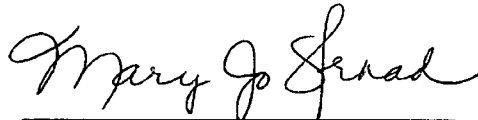
check on inconsistent verdicts. This Court's review is necessary for that expectation to remain a reality.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

DATED: May 29, 2018

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mary Jo Ervad". The signature is written in dark ink and is positioned above a horizontal line.

for Petitioner Chase Collins