

DOCKET NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2017

JOSHUA D. NELSON,

Petitioner,

vs.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

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QUESTIONS PRESENTED--CAPITAL CASE

1. Whether an assessment of the relative culpability of codefendants in a capital case in Florida is required pursuant to the Eighth Amendment in order to ensure the reliability of a death sentence and whether it runs afoul of the prohibition against cruel and unusual punishment?

2. Whether the disparity in a capital defendant's sentence from that of his equally or more culpable codefendant, which was based on a legal technicality, runs afoul of the Eighth Amendment?

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Petitioner, **JOSHUA D. NELSON**, is a condemned prisoner in the State of Florida. Petitioner respectfully urges that this Honorable Court issue a writ of certiorari to review the decision of the Florida Supreme Court.

CITATION TO OPINION BELOW

The decision of the Florida Supreme Court in this cause appears as *Nelson v. Jones, etc.*, No. SC17-2034 (Fla. Feb. 9, 2018), and is attached to this petition as Appendix A.

STATEMENT OF JURISDICTION

The Florida Supreme Court entered its order on February 9, 2018, rehearing denied on March 13, 2018. The jurisdiction of this Court is invoked under 28 U.S.C. Section 1257, with Petitioner having asserted in the state court below and asserting in this Court that the State of Florida has deprived him of rights secured by the Constitution of the United States.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth Amendment to the Constitution of the United States provides in relevant part:

No persons . . . shall . . . be deprived of life, liberty or property, without due process of law.

The Eighth Amendment to the Constitution of the United States provides in relevant part:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

The Fourteenth Amendment to the Constitution of the United States provides in relevant part:

No State shall . . . deprive any person of life, liberty, or property, without due process of law.

STATEMENT OF THE CASE

On April 4, 1995, Joshua Nelson and his codefendant, Keith Brennan, were indicted for first-degree murder and robbery with a deadly weapon (I, R 1-2). Both were convicted and sentenced to

death for the crimes, Nelson in September, 1996¹ and Brennan in December, 1997.

In its sentencing order in Nelson's case, the trial court found three aggravating circumstances, one statutory mitigating circumstance, Nelson's age of 18 at the time of the crime, and fifteen nonstatutory mitigating factors.² The statutory mitigating factor of age was given great weight. The first nonstatutory mitigating factor was given substantial weight and the remaining nonstatutory mitigating factors were given from moderate to little weight. *Nelson*, 748 So. 2d at 240.

Nelson's death sentence was affirmed by the Florida Supreme Court on direct appeal on May 27, 1999. *Nelson v. State*, 748 So. 2d 237 (Fla. 1999).³ Brennan's death sentence, however, was subsequently overturned by the Florida Supreme Court on July 8,

¹Nelson's jury unanimously recommended the death penalty (XI, R 930, 935).

²The following nonstatutory mitigating circumstances were presented during the penalty phase: 1) Nelson gave a voluntary confession; 2) Nelson was not the person who killed the victim; 3) death was caused by the codefendant Brennan; 4) Nelson suffered from a deprived childhood; 5) Nelson's childhood saddled him with emotional handicaps; 6) outside influences saddled Nelson with emotional handicaps; 7) Nelson suffered great situational stresses leading up to the time of the homicide; 8) Nelson was suffering emotional turmoil before and at the time of the homicide; 9) Nelson's anger stems from circumstances beyond his control; 10) Nelson suffered physical, mental, and sexual family abuse; 11) Nelson has no prior criminal convictions for violent felonies; 12) the homicide was committed for emotional reasons; 13) there was a conditional guilty plea subject to a life sentence which was refused by the State; 14) Nelson has potential for rehabilitation in prison; and 15) the death penalty as applied to Nelson is disproportionate. See *Nelson v. State*, 748 So. 2d 237, 240 n.1 (Fla. 1999).

³Certiorari was denied by this Court on January 18, 2000. See *Nelson v. Florida*, 520 U.S. 1123 (2000).

1999, on the basis of his age at the time of the offense. *Brennan v. State*, 754 So. 2d 1 (Fla. 1999).⁴

During his postconviction proceedings, Nelson raised a number of issues, including a newly discovered evidence claim on the basis of Brennan's life sentence.⁵ On March 5, 2010, the circuit court entered an order denying relief (PCR 1100-31). On July 7, 2011, subsequent to briefing and oral argument, the Florida Supreme Court affirmed the denial of postconviction relief. *Nelson v. State*, 73 So. 3d 77 (Fla. 2011). With regard to Nelson's newly discovered evidence claim, the Florida Supreme stated, "The postconviction court properly denied the claim of Nelson that evidence with regard to the life sentence received by codefendant Brennan constituted newly discovered evidence that subjected his sentence to collateral attack." *Nelson v. State*, 73 So. 3d 77, 89 (Fla. 2011). According to the Florida Supreme Court's opinion:

In this case, the life sentence of Brennan as a matter of law does not constitute newly discovered evidence for Nelson because Brennan's ineligibility for the death penalty stemmed from his ineligibility as a

⁴Brennan was one week shy of his seventeenth birthday at the time of the crime. Nelson was approximately fourteen months older, at eighteen years and fifty three days.

⁵In its motion for rehearing following the Florida Supreme Court's decision in Brennan's case, the State asserted that, "In the instant case, a proportionality analysis should be made easier by the fact that this Court has already upheld a death sentence on Brennan's codefendant, who is only fourteen months older than Brennan." *Brennan v. State*, FSC Case No. 90,279, State's Motion for Rehearing at 13. Nelson pointed out the fact that in an accompanying footnote, the State noted: "Although biologically older, Joshua Nelson appears in some ways to be less mature emotionally than Keith Brennan." *Id.* at 13, fn 3.

matter of law – not from the circumstances that surrounded the homicide or Brennan's character and emotional maturity. Therefore, the trial court did not err when it denied Nelson's claim that the life sentence of Brennan constituted newly discovered evidence.

Id. at 91 (emphasis in original).

On May 25, 2011, Nelson filed a pro se federal habeas petition in the Middle District of Florida. Counsel was appointed, and an amended petition was filed on December 3, 2012. Nelson's petition was denied on August 20, 2014. Nelson's appeal to the Eleventh Circuit Court of Appeals was denied on December 19, 2016, rehearing denied on March 10, 2017. *Nelson v. Secretary*, Case No. 14-14371 (11th Cir. 2016). Nelson filed a petition for a writ of certiorari, which was denied by this Court on October 10, 2017.

On January 11, 2017, Nelson filed a successive postconviction motion in the state circuit court on the basis of new Florida law arising from *Hurst v. Florida*, 136 S.Ct. 616 (2016). On April 17, 2017, the circuit court denied Nelson's motion. Nelson appealed, and the Florida Supreme Court issued an order to show cause as to "why the trial court's order should not be affirmed in light of this Court's decision in Hitchcock v. State, SC17-445." *Nelson v. State*, No. SC17-939 (Fla. Sept. 25, 2017). Following responses by each party, the Florida Supreme Court on January 31, 2018, issued an opinion affirming the denial of Nelson's postconviction motion. *Nelson v. State*, No. SC17-939 (Fla. Jan. 31, 2018).

On November 16, 2017, Nelson filed a state habeas petition, asserting that his death sentence was unconstitutionally unreliable and in violation of the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution. Nelson asserted that in light of the Florida Supreme Court's recent decision in *McCloud v. State*, 208 So. 3d 668 (Fla. 2016)⁶, the court should revisit its previous determination and consider whether Nelson's death sentence constitutes disparate treatment in light of codefendant Brennan's life sentence.

Nelson's petition was denied by the Florida Supreme Court on February 9, 2018. *Nelson v. Jones, etc.*, No. SC17-2034 (Fla. Feb. 9, 2018). Rehearing was denied on March 13, 2018.

FACTS RELEVANT TO QUESTIONS PRESENTED

In Nelson's case, the trial court in its sentencing order found three aggravating circumstances: 1) the murder was committed during the course of a robbery; 2) the murder was especially heinous, atrocious, or cruel; and 3) the murder was committed in a cold, calculated, and premeditated manner without

⁶In *McCloud*, 208 So. 3d at 687, the Florida Supreme Court recognized its prior holdings that the relative culpability of a codefendant is implicated only when the codefendant has been found guilty of the same degree of murder. The court proceeded to "reject this limitation, because we do not see the utility in a blanket rule prohibiting a relative culpability analysis when a codefendant is convicted or pleads guilty to a different degree of murder than the primary defendant." *Id.* Indeed, the Florida Supreme Court rejected "any principle of law that hamstring[s] this Court's ability to conduct a full proportionality review, including a relative culpability analysis, simply because the State allowed a codefendant to enter a plea to murder that resulted in a life sentence." *Id.* at 688. Rather, according to the court, "Where factual findings clearly establish that the less culpable defendant is the only defendant receiving a death sentence, that error must be rectified." *Id.*

any pretense of legal or moral justification. Conversely, in Brennan's case, the trial court found the same three aggravating circumstances as well as a fourth aggravator, that the capital felony was committed for the purpose of avoiding arrest. *Brennan*, 754 So. 2d at 3.

In its sentencing memorandum following Brennan's conviction, the State noted that, "By all accounts Defendant Keith Brennan was a young man of superior intelligence at the time he committed the murder of Tommy Owens. His I.Q. was determined by Dr. Masterson to be approximately 125 and in the 87th percentile of the general population." (BR 1649).⁷ The State posited that "Brennan was only a little more than a year younger than his accomplice Nelson, but obviously brighter and more cunning in giving information to investigators and his examining doctors, in attempting to avoid accountability." (BR 1649).

In its sentencing order, the trial court specifically found Brennan to be equally culpable:

The evidence in this case was that it was the defendant, KEITH BRENNAN, and co-defendant, Joshua Nelson, who discussed the plan to murder the victim and take his car and money the day before it occurred. It was defendant KEITH BRENNAN who lured the victim out of his car by cutting or scratching the car with the box cutter he carried. It was the defendant KEITH BRENNAN who used the box cutter he carried to repeatedly cut the throat of the victim. It was the defendant KEITH BRENNAN who tied the victim's hands behind his back. It was the defendant KEITH BRENNAN who helped the co-defendant Joshua Nelson drag the victim into the brush where they both struck the victim again with the baseball bat. It was the defendant KEITH BRENNAN and

⁷Conversely, mental health testimony at Nelson's penalty phase indicated that he was of average intelligence with an IQ between 100 and 110 (X, R 783-84).

co-defendant Joshua Nelson who covered the body with a piece of plywood and left the victim gasping and gurgling to die. **Both defendant KEITH BRENNAN and co-defendant Joshua Nelson are equally culpable in the death of the victim Thomas Owens.**

(BR 1724) (emphasis added).⁸

Additionally, while finding the murder to be heinous, atrocious, or cruel, the trial court emphasized Brennan's significant role in the crime:

The victim in this case was lured under false pretenses to a remote section of Cape Coral, Lee County, Florida. The victim was told by defendant KEITH BRENNAN and co-defendant Nelson they were to meet a friend who owed them money. Defendant KEITH BRENNAN was armed with a box cutter and both defendant, KEITH BRENNAN and co-defendant Josh Nelson, knew from prior experience that the victim, Thomas Owens, carried a metal baseball bat in the back seat of his car. The evidence adduced at trial revealed that defendant KEITH BRENNAN and co-defendant, Josh Nelson had difficulty getting the victim, Thomas Owens, out of his car. As a subterfuge, defendant, KEITH BRENNAN, left the car and cut the rear bumper with his box cutter and then told Owens about the damage to his car. When victim Owens got out to look at the damage he was then struck by co-defendant Joshua Nelson with the bat. The victim ran and was chased down by co-defendant Joshua Nelson with Defendant KEITH BRENNAN not far behind. Victim Owens finding himself injured and in pain offered his car and money to KEITH BRENNAN and Joshua Nelson and to make up a story about its disappearance if he should not be hit again. Defendant KEITH BRENNAN and co-defendant Joshua Nelson then decided if they allowed victim Owens to live, they would be discovered. The victim Owens was struck again by co-defendant Joshua Nelson, in order that defendant KEITH BRENNAN could cut the victim's throat. In his confession, Defendant KEITH BRENNAN described in detail how he had trouble cutting the victim's throat and repeatedly slashed and cut Owen's throat with the box cutter several times. Even after this gruesome procedure, defendant KEITH BRENNAN described how the victim was still breathing, and at

⁸The trial court made this finding in rejecting the statutory mitigating factor that Brennan was an accomplice in the capital felony committed by another person and his participation was relatively minor (BR 1724).

that time he was struck again by the co-defendant Joshua Nelson with the baseball bat. This ordeal lasted over an undetermined period of time where the victim suffered multiple blows to the head. The evidence shows he was at times conscious and aware of his ultimate demise before his throat was cut. This was a malevolent, unmerciful and ruthless murder involving prolonged torture and unmitigated cruelty. Since these facts were admitted by the Defendant and the facts fully support his admission, the aggravating factor that this murder was especially heinous, atrocious, or cruel has been proved beyond a reasonable doubt.

(BR 1718-20).

Similarly, in finding the murder to be committed in a cold, calculated, and premeditated manner, the trial court again emphasized Brennan's role and his admission of facts supporting the aggravator:

The Defendant in this case, along with the co-defendant, planned in advance to lure the victim to a remote place in Cape Coral, Lee County, Florida, for the purpose of killing him and then stealing his car. The defendant, KEITH BRENNAN, in his statement discussed how he and his co-defendant, Joshua Nelson, discussed methods which the victim might be enticed to leave his vehicle. The defendant, KEITH BRENNAN, described how he went to the back of the car and made a cut or scratch, knowing the victim would come out to look because of how well he cared for the car.

When the victim got out to look at the damage, he was hit by co-defendant Joshua Nelson. The victim then tried to flee. He was chased down by both defendant KEITH BRENNAN and co-defendant Joshua Nelson. The victim pleaded for them to take his car and leave him alone. The defendant KEITH BRENNAN and co-defendant Joshua Nelson decided the victim should die. The victim was then beaten by both defendant KEITH BRENNAN and codefendant Joshua Nelson. The victim's throat was cut by defendant KEITH BRENNAN. The victim's hands were bound by defendant KEITH BRENNAN and together they dragged Owens along the ground into the brush where he was again beaten by both defendant KEITH BRENNAN and co-defendant Joshua Nelson and left to die after being covered by a piece of plywood.

These actions were the product of calm and cool reflection and were not prompted by emotional frenzy, panic, or a fit of rage.

The death of victim Thomas Owens was the result of a careful plan made well in advance of the commission of the offense thus indicating a premeditation.

Since these facts were all admitted by the Defendant, and the evidence fully supports his admission, the aggravating factor that the capital felony for which the Defendant is to be sentenced was committed in a cold and calculated and premeditated manner without any pretense or moral or legal justification has been proved beyond a reasonable doubt.

(BR 1720-22).

On the direct appeal of Brennan's case, Justice Wells in a dissenting opinion pointed out the serious and heinous nature of the crime, the strong aggravating circumstances against Brennan, and his significant culpability. *Brennan*, 754 So. 2d at 23-25 (Wells, J., concurring in part and dissenting in part). Justice Wells observed that, "If an arbitrary line is to be drawn in this case between defendant Brennan, being one week shy of seventeen, and the defendant Nelson, being eighteen, it cannot be based upon this Court's precedent or upon the Constitution." *Id.* at 25.

THE COURT'S RULING

In denying Nelson's claim that the disparate treatment of himself and his codefendant rendered his punishment disproportionate, the Florida Supreme Court stated:

Petitioner Joshua D. Nelson, a prisoner under a sentence of death, has filed a petition for writ of habeas corpus contending that he is entitled to relief pursuant to *McCloud v. State*, 208 So. 3d 668 (Fla. 2016). Having considered the petition, the response, and the reply, the petition is hereby denied. See *id.* at 689 n.5 (noting that a codefendant's ineligibility as a matter of law to receive the death penalty does not provide a basis for concluding that a defendant's

death sentence is disproportionate); *Jeffries v. State*, 222 So. 3d 538, 547 (Fla. 2017) (noting that a relative culpability analysis cannot be performed if a codefendant is ineligible for the death penalty because of age or intellectual disability).

Nelson v. Jones, etc., No. SC17-2034 (Fla. Feb. 9, 2018).

REASONS FOR GRANTING THE WRIT

I. THIS COURT SHOULD RESOLVE THE ISSUE OF WHETHER THE FLORIDA SUPREME COURT'S PROPORTIONALITY ANALYSIS IS IN DIRECT CONFLICT WITH THE PRECEDENT OF THIS COURT.

Nelson submits that this Court should grant certiorari to consider whether the Florida Supreme Court's denial of relief was based on a flawed legal and factual analysis. Underlying Eighth Amendment jurisprudence is the principle that punishment should be directly related to the personal culpability of the criminal defendant. See *Penry v. Lynaugh*, 492 U.S. 302, 319 (1989). Where punishment is not directly related to, or exceeds the culpability of the defendant, it runs afoul of the Eighth Amendment. See *Atkins v. Virginia*, 536 U.S. 304, 311 (2002) ("it is a precept of justice that punishment for crime should be graduated and proportioned to [the] offense.") (citing *Weems v. United States*, 217 U.S. 349, 367 (1910)).

In Florida, an essential part of the death penalty scheme is the state supreme court's proportionality review. *Proffitt v. Florida*, 428 U.S. 242, 251 (1976). Indeed, proportionality review is one way that this Court has determined that Florida is fulfilling its obligation under *Furman v. Georgia*, 408 U.S. 238 (1972), which "mandates that where discretion is afforded a sentencing body on a matter so grave as the determination of whether a human life should be taken or spared, that discretion

must be suitably directed and limited so as to minimize the risk of wholly arbitrary and capricious action." *Gregg v. Georgia*, 428 U.S. 153, 189 (1976) (plurality opinion).

In *Gregg*, the plurality pointed to Georgia's statute which was designed to require automatic review of death sentences to determine "whether the sentence is disproportionate compared to those sentences imposed in similar cases" to be "an important additional safeguard against arbitrariness and caprice." 428 U.S. at 198.⁹ Most succinctly, "the proportionality requirement on review is intended to prevent caprice in the decision to inflict the death penalty." *Id.* at 203.

Likewise, in *Profitt*, in upholding Florida's newly revised capital sentencing statute, the plurality again pointed to the Florida Supreme Court's proportionality review as part of the "procedures like those used in Georgia, [that] appear to meet the constitutional deficiencies identified in *Furman*." 428 U.S. at 251.¹⁰ Indeed, this Court stated that the Florida Supreme Court's

⁹The *Gregg* Court described Georgia's proportionality review:

In short, Georgia's new sentencing procedures require as a prerequisite to the imposition of the death penalty, specific jury findings as to the circumstances of the crime or the character of the defendant.

Moreover, to guard further against a situation comparable to that presented in *Furman*, the Supreme Court of Georgia compares each death sentence with the sentences imposed on similarly situated defendants to ensure that the sentence of death in a particular case is not disproportionate.

428 U.S. at 198 (emphasis added).

¹⁰The *Proffitt* Court specifically referenced the Florida
(continued...)

automatic appellate review of death sentences “minimized” the “risk” that a death sentence would “be imposed in an arbitrary and capricious manner.” *Id.* at 252-53. Specifically, the plurality stated:

Under Florida’s capital-sentencing procedures, in sum, trial judges are given specific and detailed guidance to assist them in deciding whether to impose a death penalty or imprisonment for life. **Moreover, their decisions are reviewed to ensure that they are consistent with other sentences imposed in similar circumstances. Thus, in Florida, as in Georgia, it is no longer true that there is ‘no meaningful basis for distinguishing the few cases in which [the death penalty] is imposed from the many cases in which it is not’.**

Proffitt, 428 U.S. at 253 (emphasis added)(citations omitted).

Further illustrating the importance of the Florida Supreme Court’s proportionality review to being an anchor to the Eighth Amendment’s requirement of reserving the death penalty for the worst offenders, the *Proffitt* plurality stated:

[I]t is apparent that the Florida court has undertaken responsibility to perform its function of death sentence review with a maximum of rationality and consistency. For example, it has several times compared the circumstances of a case under review with those of previous cases in which it has assessed the imposition of death sentences.

¹⁰ (...continued)

Supreme Court’s opinion in *State v. Dixon*, 283 So. 2d 1, 7 (Fla. 1973), which upheld and described Florida’s newly revised capital sentencing statute. In *Dixon*, the Florida Supreme Court held that proportionality review “guarantees that the reasons present in one case [for imposition of the death penalty] will reach a similar result to that reached under similar circumstances in another case.” 283 So. 2d at 1, 10. Moreover, in *Dixon*, the Florida Supreme Court emphasized the “reasonable and controlled, rather than capricious and discriminatory” discretion that was included in Florida’s capital sentencing statute requiring review by the court. *Id.* at at 7, 8.

Id. at 258-59 (citations omitted). Such a “provision [was] designed to assure that the death penalty will not be imposed on a capriciously selected group of convicted defendants” and thus, was central to the Eighth Amendment analysis. *Id.* at 258.

Clearly, the Florida Supreme Court has an independent obligation to review each case where a death sentence is imposed. And in cases where codefendants are involved in the commission of a crime, the Florida Supreme Court performs an additional analysis of relative culpability. *Shere v. Moore*, 830 So. 2d 56, 60 (Fla. 2002). The Florida Supreme Court has explained that “[e]ven when a codefendant has been sentenced subsequent to the sentencing of the defendant seeking review on direct appeal, it is proper for this Court to consider the propriety of the disparate sentences in order to determine whether a death sentence is appropriate given the conduct of all participants in committing the crime.” *Scott v. Dugger*, 604 So. 2d 465, 468 (Fla. 1992). Additionally, in upholding its obligation in determining relative culpability, the Florida Supreme Court recently rejected “any principle of law that hamstring[s] this Court’s ability to conduct a full proportionality review, including a relative culpability analysis, simply because the State allowed a codefendant to enter a plea to murder that resulted in a life sentence.” *McCloud*, 208 So. 3d at 688.

Yet, despite this Court’s jurisprudence, the Florida Supreme Court’s decision in *McCloud*, and the dictates of the Eighth Amendment, Nelson resides on Florida’s death row while his equally or more culpable codefendant, Brennan, has been sentenced

to life in prison. Given that the concept of proportionality is central to the Eighth Amendment, see *Graham v. Florida*, 560 U.S. 48, 59 (2010), the notion that a defendant could receive a greater punishment than his equally or more culpable counterpart on the basis of a legal technicality runs afoul of this concept and does not “prevent caprice in the decision to inflict the [death] penalty.” *Gregg*, 428 U.S. at 203. This is especially so where the two codefendants are close in age and the one who received a lesser sentence, in this case Brennan, is functioning at a far superior level in terms of intellectual ability and emotional maturity.¹¹ Simply because Brennan was minimally younger than Nelson at the time of the offense, this does not change the fact that the less culpable, or at a minimum, equally culpable defendant is the only one receiving a death sentence.

Nelson submits that his sentence is being carried out in an arbitrary and capricious manner, as he is less deserving of the death penalty than his non-death sentenced codefendant. See *Atkins*, 536 U.S. at 319 (“[O]ur jurisprudence has consistently confined the imposition of the death penalty to a narrow category of the most serious crimes. . . . [T]he culpability of the average murderer is insufficient to justify the most extreme sanction available to the State”); *Roper v. Simmons*, 543 U.S. 551, 568 (2005) (“Capital punishment must be limited to those offenders who commit ‘a narrow category of the most serious

¹¹Thus, there is no distinction between Nelson and Brennan with regard to the factors outlined in *Roper v. Simmons*, 543 U.S. 551, 569-70 (2005), as to the basis for a juvenile’s diminished culpability.

crimes' and whose extreme culpability makes them 'the most deserving of execution.'" (citation omitted); *Godfrey v. Georgia*, 446 U.S. 420, 427 (1980) ("[T]he penalty of death may not be imposed under sentencing procedures that create a substantial risk that the punishment will be inflicted in an arbitrary and capricious manner.").

CONCLUSION

Based on the foregoing, Petitioner submits that certiorari review is warranted to review the decision of the Florida Supreme Court in this cause.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing petition has been furnished by United States Mail, first class postage prepaid, to Lisa Martin, Assistant Attorney General, Office of the Attorney General, 3507 E. Frontage Road, Suite 200, Tampa, FL 33607, on this 8th day of June, 2018.

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