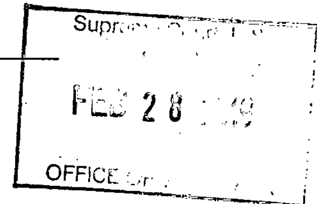
18-8487

NO.______ ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



COMMONWEALTH OF PENNSYLVANIA
Respondent

VS.

KEVIN ADRIAN NEYSMITH
Petitioner

PETITION FOR WRIT OF CERTIORARI

Appeal from the Order of the Pennsylvania Supreme Court, at Docket Number: 480 MAL 2018, dated January 2, 2019, affirming the decision of the Pennsylvania Superior Court of the Middle District at Docket Number: 1584 MDA 2017, dated June 28, 2018, affirming the judgment of sentence imposed at Information Number CP-28-CR-0000813-2016 dated September 7, 2017.

Kevin Adrian Neysmith, MR1633
Pro Se, Petitioner
State Correctional Institution at Rockview
1 Rockview Place
Bellefonte, PA 16823-0820

QUESTIONS PRESENTED FOR REVIEW

Ground I. Whether the Fourth Amendment prohibits State judicial systems from admitting evidence of blood alcohol content obtained without a search warrant pursuant to this Honorable Court's principles in **Birchfield v. North Dakota, 136 S.Ct. 2160 (2016)** when Pennsylvania's **O'Connell** warnings were utilized after, and irrespective of, an individual's personal request for blood tests given before police informed them of criminal penalties for any subsequent refusal, which generates fruits of the poisonous tree?

(Proposed Answer in the Positive)

PARTIES

The Pro Se Petitioner in the above captioned matter is Mr. Kevin Adrian Neysmith, (Mr. Neysmith), who resides at the State Correctional Institution at Rockview, 1 Rockview Place, Bellefonte, PA 16823. Respondent in the above captioned matter is the Commonwealth of Pennsylvania represented by Matthew Fogal, Esq., Franklin County District Attorney whose office is located at 157 Lincoln Way East, Chambersburg, PA 17201.

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The Order of the Pennsylvania Supreme Court at Docket Number: 480 MAL 2018 is reproduced in its entirety at Appendix A. The Opinion and Order of the Superior Court of Pennsylvania at Docket Number: 1584 MDA 2017 is reproduced at Appendix B.

CONCISE STATEMENT OF JURISDICTION

The jurisdiction of this Honorable Court applies to Mr. Neysmith's instant appeal based on the Constitutional jurisdiction granted to the United States Supreme Court by the founding fathers in **Article III § 2** of the United States Constitution which states in relevant part:

> "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their authority; - to all cases affecting Ambassadors, other public Ministers and Consuls; - to all cases of admiralty and maritime jurisdiction; - to controversies to which the United States shall be a party; - to controversies between two or more states; - between a State and citizens of another State; - between citizens of different states; - between citizens of the same state claiming lands under the grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make."

In the case *sub judice*, this Honorable Court retains appellate jurisdiction upon the direct review challenge to the constitutionality and legality of blood alcohol content, (B.A.C.) evidence admitted at trial within the Court of Common Pleas, Franklin County, Pennsylvania at Docket Number CP-28-CR-00000813-2016.

CONCISE STATEMENT OF THE CASE

This is a Petition for Writ of Certiorari by Kevin Adrian Neysmith, (Mr. Neysmith), from the denial of Direct Review by the Pennsylvania Superior Court at Docket Number: 1584 MDA 2017, and following the denial of Discretionary Review by the Pennsylvania Supreme Court at Docket Number: 480 MAL 2018.

The Per Curiam Order to be reviewed is the denial of the Petition for Allowance of Appeal (Allocatur) on January 2, 2019. The pertinent procedural posture giving rise to the instant Petition for Writ of Certiorari can be summarized as follows:

On March 22, 2016, charges were filed against Mr. Neysmith. Mr. Neysmith was charged with DUI – General Impairment, **75 Pa.C.S.A. § 3802(a)(1)**; DUI – High Rate of Alcohol, **75 Pa.C.S.A. § 3802(b)**; Disregard Traffic Lane, **75 Pa.C.S.A. § 3309(1)**; and Careless Driving, **75 Pa.C.S.A. § 3714(a)**. On May 17, 2016, Mr. Neysmith waived his right to a preliminary hearing. Mr. Neysmith pled not guilty at his mandatory arraignment on June 22, 2016. On December 19, 2016 an evidentiary hearing was held on Mr. Neysmith's Omnibus Pretrial Motion. Following the hearing, the Court denied Mr. Neysmith's motion to suppress the results of the blood test pursuant to **Birchfield v. North Dakota, 136 S.Ct. 2160 (2016)**. A jury trial was held on May 22, 2017 before the Honorable Angela R. Krom of the Franklin County Court of Common Pleas.

Following trial, the jury convicted Mr. Neysmith on two (2) counts of DUI. Mr. Neysmith was originally scheduled for sentencing on June 14, 2017; however, at

that time, Mr. Neysmith challenged the Commonwealth's assertion that this was his third offense for sentencing purposes and requested an evidentiary hearing be held wherein the Commonwealth would be required to prove the two (2) prior offenses by a preponderance of the evidence. The Commonwealth was not prepared to conduct such a hearing on the date set for sentencing and the matter was later scheduled for a hearing on July 24, 2017. At that hearing, the Commonwealth sought to introduce evidence of a prior DUI conviction under the alias of Prince St. Hilaire. However, the docket sheet the Commonwealth produced was not certified and therefore did not comply with the requirements of **Pa.R.E. Rule 803(6)** and **902(11)**. When Mr. Neysmith objected to the admission of the document, the Commonwealth requested a continuance of the hearing to obtain a certified copy. The Court granted this request and continued the hearing to August 17, 2017.

The Commonwealth again request a continuance on August 16, 2017, citing that it needed additional time to obtain the necessary record from Maryland. A hearing was finally held on September 7, 2017, after which the Trial Court found that Mr. Neysmith had two (2) prior DUI convictions within ten (10) years. When the Court sentenced Mr. Neysmith, Mr. Neysmith raised an objection due to the Court sentencing Mr. Neysmith outside ninety (90) days. Mr. Neysmith was sentenced to eighteen (18) to sixty (60) months in a State Correctional Institution on DUI, high rate, 3rd offense. A Notice of Appeal was timely filed on October 6, 2017 with the Superior Court of Pennsylvania at docket number: 1584 MDA 2017. The Superior Court of Pennsylvania affirmed the judgment of sentence on June 28,

2018. Mr. Neysmith filed a timely Petition for Allowance of Appeal, (Allocatur), with the Supreme Court of Pennsylvania at docket number: 480 MAL 2018 on July 23, 2018. The Supreme Court of Pennsylvania affirmed the Order of the Superior Court of Pennsylvania by denying Allocatur on January 2, 2019.

REASONS RELIED UPON FOR WRIT OF CERTIORARI

Ground I. Whether the Fourth Amendment prohibits State judicial systems from admitting evidence of blood alcohol content obtained without a search warrant pursuant to this Honorable Court's principles in **Birchfield v. North Dakota, 136 S.Ct. 2160 (2016)** when Pennsylvania's **O'Connell** warnings were utilized after, and irrespective of, an individual's personal request for blood tests given before police informed them of criminal penalties for any subsequent refusal, which generates fruits of the poisonous tree?

This Honorable Court declared in **Birchfield** that within a Fourth Amendment[1] context, that:

> "Because breath tests are significantly less intrusive than blood tests and in most cases amply serve law enforcement interests, we conclude that a breath test, but not a blood test, may be administered as a search incident to a lawful arrest for drunk driving. As in all cases involving reasonable searches incident to arrest, a warrant is not needed in this situation... Having concluded that the search incident to arrest doctrine does not justify the warrantless taking of a blood sample, we must address respondents' alternative argument that such tests are justified based on the driver's legally implied consent to submit to them. It is well established that a search is reasonable when the subject consents... and that sometimes consent to a search need not be express but may be fairly inferred from context, Our prior opinions have referred approvingly to the general concept of implied-consent laws that impose civil penalties and evidentiary consequences on motorists who refuse to comply... It is another matter, however, for a State not only to insist upon an intrusive blood test, but also to impose criminal penalties on the refusal to submit to such a test. There must be a limit to the consequences to which motorists may be deemed to have consented by virtue of a decision to drive on public roads... motorists cannot be deemed to have consented to submit to a blood test on pain of committing a criminal offense."
>
> (**Birchfield, 136 S.Ct. at 2185-86**)(internal citations and references omitted)

[1] **Fourth Amendment, (U.S. Const.)** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Prior to this Honorable Court's decision in **Birchfield**, Pennsylvania, among other states, employed implied consent[2] laws. Pennsylvania's implied consent statute, **75 Pa.C.S.A. § 1547(a)(1)** reads, in relevant part that:

> **(a) General Rule** – Any person who drives, operates or is in actual physical control of the movement of a vehicle in this Commonwealth shall be deemed to have given consent to one or more chemical tests of breath or blood for the purpose of determining the alcoholic content of blood or the presence of a controlled substance if a police officer has reasonable grounds to believe the person to have been driving, operating or in actual physical control of the movement of the vehicle."

Specifically, Pennsylvania employs **O'Connell** warnings found within the DL-26 Form[3] issued to motorists by police to enforce these implied consent laws. **O'Connell** warnings were first announced within **Commonwealth, Dep't of Transp., Bureau of Traffic Safety v. O'Connell, 555 A.2d 873 (1989)**. These warnings:

> "[G]uarantee that a motorist makes a knowing and conscious decision on whether to submit to testing or refuse and accept the consequence of losing his driving privilege, the police must advise the motorist that in making his decision, he does not have the right to speak with counsel, or anyone else, before submitting to chemical testing, and further, if the motorist exercises his right to remain silent as a basis for refusing to submit to testing, it will be considered a refusal and he will suffer the loss of his driving privileges[. T]he duty of the officer to provide the **O'Connell** warnings as described herein is triggered by the officer's

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[2] **Black's Law Dictionary 4th Ed.** defines Implied Consent as: "That manifested by signs, actions, or facts, or by inaction or silence, which raise a presumption that the consent has been given." (**Black's at 377, 378**).

[3] *See Exhibit A*, (**DL-26, (Revised 3-12)**, Chemical Testing Warnings and Report of Refusal to Submit to Chemical Testing as Authorized by **Section 1547** of the Vehicle Code in violation of **Section 3802**); *See Also Exhibit B*, (**DL-26, (Revised 6-16,)**, (Pennsylvania's General Assembly revised this form in response to **Birchfield**), Chemical Testing Warnings and Report of Refusal to Submit to a Blood Test as Authorized by Section 1547 of the Vehicle Code in violation of **Section 3802**).

request that the motorist submit to chemical sobriety testing. Whether or not the motorist has first been advised of his **Miranda**[4] rights."

(**Commonwealth, Dep't of Transp., Bureau of Driver Licensing v. Scott, 684 A.2d 539, 545 (Pa. 1996)**).

Further, **Commonwealth v. Giron, 155 A.3d 635 (Pa. Super. 2017)** describes the penalties of a refusal based upon Pennsylvania's implied consent laws as:

"[A]n individual who refuses a blood or breath test and who is then convicted of DUI-General Impairment, **Section 3803** also grades the conviction at the same level as an individual who is convicted of DUI-Highest Rate of Alcohol. For individuals ... who have "one or more prior offenses," Section 3803(b)(4) grades a conviction for DUI-Highest Rate and DUI-General Impairment (when coupled with a refusal to submit to a chemical test) as a first-degree misdemeanor[5]."

(**Giron 155 A.3d at 639**).

Utilizing the principles found within **Birchfield**, the Pennsylvania Superior Court[6] in **Commonwealth v. Evans, 153 A.3d 323 (2016)** declared that:

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[4] **Miranda v. Arizona, 384 U.S. 436, 444, 478, 479 (1966)**(holding that prior to any custodial interrogation; that is, questioning initiated by law enforcement officers after a person is taken into custody or otherwise deprived of his freedom in any significant way, the person must be warned: 1.) That he has a right to remain silent; 2.) That any statement he does make may be used as evidence against him; 3.) That he has a right to the presence of an attorney; 4.) That if he cannot afford an attorney, one will be appointed for him prior to any questioning if he so desires. Unless and until these warnings or a waiver of these rights are demonstrated at the trial, no evidence obtained in the interrogation may be used against the accused.)

[5] "**75 Pa.C.S.A. § 3803(b)(4)**, A first degree misdemeanor is punishable by up to five (5) years' imprisonment" (**Id. at 639**).

[6] It should be noted that as of the filing of this Petition for Writ of Certiorari, the Pennsylvania Supreme Court has not created applicable precedent in this matter. However, On August 7, 2018, the Pennsylvania Supreme Court granted Allocatur review of **Commonwealth v. Olson, 179 A.3d 1134 (Pa. Super.), Alloc. Granted 190 A.3d 1131 (Pa. 2018)**; the following questions were presented for review:

a. Does **Birchfield v. North Dakota, __ U.S. __, 136 S.Ct. 2160, 195 L.E.D. 2d. 560 (2016)**, apply retroactively where the petitioner challenges the legality of his sentence through a timely petition for post-conviction relief?
b. Does **Birchfield v. North Dakota, __ U.S. __, 136 S.Ct. 2160, 195 L.E.D. 2d. 560 (2016)**, render enhanced criminal penalties for blood test refusal under **75 Pa.C.S.A. §§ 3803-3804** illegal?

> "Even though Pennsylvania's implied consent law does not make the refusal to submit to a blood test a crime in and of itself, the law undoubtedly 'impose[s] criminal penalties on the refusal to submit to such a test.'"
>
> (**Evans, 153 A.3d at 331**).

Subsequent to **Evans**, the Pennsylvania Superior Court within **Giron** opined that:

> "[P]ursuant to **Birchfield**, in the absence of a warrant or exigent circumstances justifying a search, a defendant who refuses to provide a blood sample when requested by police is not subject to the enhanced penalties provided in **75 Pa.C.S.A. §§ 3803-3804**."
>
> (**Giron, 155 A.3d at 640**).

In the matter *sub judice*, Mr. Neysmith did not refuse a blood test when requested by the police. Instead he "personally requested the blood draw."[7] However, prior to the administration of the blood test at the hospital, Mr. Neysmith was issued a DL-26[8] Form by the police, effectively removing the ability to voluntarily consent without pain of committing a criminal offense." (**Birchfield at 2185**, *supra*).

Within Pennsylvania jurisprudence, the "'administration of a blood test... performed by an agent of, or at the direction of the government constitutes a search under both the United States and Pennsylvania Constitutions."[9]

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[7] **Commonwealth v. Neysmith, 192 A.3d 184 (Pa. Super. June 28, 2018)**.

[8] The DL-26 Form, (*See Exhibit C*), issued to Mr. Neysmith was not **Birchfield** compliant, due to Mr. Neysmith's arrest occurring on March 14, 2016, three months prior to this Honorable Court's decision. (Accord **Neysmith, 192 A.3d at 184**).

[9] **Commonwealth v. Kohl, 615 A.2d 308, 315 (Pa. 1992)**.

Based upon the fact that Mr. Neysmith's blood test was performed without a warrant, "the search is presumptively unreasonable 'and therefore constitutionally impermissible, unless an established exception applies.'"[10]

The Superior Court of Pennsylvania set forth the exceptions to the search warrant requirement within **Commonwealth v. Dunnavant, 63 A.3d 1252 (Pa. Super. 2013)** when the Court held that:

> "Exceptions... include the consent exception, the plain view exception, the inventory search exception, the exigent circumstances exception, the automobile exception..., the stop and frisk exception, and the seach incident to arrest exception."
>
> (**Dunnavant, 63 A.3d at 1257**).

Mr. Neysmith had requested the blood test, which theoretically creates consent, a clear exception to the warrant requirement, which Pennsylvania defines as a "free and unconstrained choice, not the result of duress or coercion, express or implied, or a will overborne – under the totality of the circumstances."[11]

In the instant matter, Mr. Neysmith's "free and unconstrained choice," (**Id. at 573**), was obliterated when the police issued the DL-26 Form at the hospital.

Specifically, Pennsylvania's pre-**Birchfield** DL-26 form[12] utilizes the **O'Connell** Warnings to inform the motorist that:

> "It is my duty as a police officer to inform you of the following:
> 1. You are under arrest for driving under the influence of alcohol or a controlled substance in violation of Section 3802 of the Vehicle Code.
> 2. I am requesting that you submit to a chemical test of ____________ (blood, breath or urine. Officer chooses the chemical test).

[10] **Commnwealth v. Strickler, 757 A.2d 884, 888 (Pa. 2000)**.
[11] **Commonwealth v. Smith, 77 A.3d 562, 573 (Pa. 2013)**.
[12] Accord *Exhibit A.*

3. If you refuse to submit to the chemical test, your operating privilege will be suspended for at least 12 months. If you previously refused a chemical test or were previously convicted of driving under the influence, you will be suspended for up to 18 months. In addition, if you refuse to submit to the chemical test, and you are convicted of violating Section 3802(a)(1) (relating to impaired driving) of the Vehicle Code, then, because of your refusal, you will be subject to more severe penalties set forth in Section 3804(c) (relating to penalties) of the Vehicle Code. **These are the same penalties that would be imposed if you were convicted of driving with the highest rate of alcohol, which include a minimum of 72 consecutive hours in jail** and a minimum fine of $1,000.00, up to a maximum of five years in jail and a maximum fine of $10,000.
4. You have no right to speak with an attorney or anyone else before deciding whether to submit to testing. If you request to speak with an attorney or anyone else after being provided these warnings or you remain silent when asked to submit to chemical testing, you will have refused the test."

(**DL-26, Revised 3-12**)(original emphasis).

It is obvious from the language contained within the DL-26, *supra* that such a contractual agreement with the State to these terms supersedes the prior parol "request."[13] Mr. Neysmith contends that such written agreement was the basis of his consent.

This principle is furthered within Evans, where the Court opined that:

"Appellant consented to the warrantless blood draw after the police informed him 'if you refuse to submit to chemical test and you are convicted or plead to violating § **3802(a)(1)**[,] related to impaired driving under the vehicle code, because of your refusal, you will be subjected to more severe penalties set forth in § **3804(c)**[,] relating to penalties, the same as if you were – if you would be convicted at the highest rate of alcohol."

(**Evans, 153 A.3d at 331**).

[13] **Yocca v. Pittsburgh Steelers Sports, Inc, 854 A.2d 425 (2004)**(Holding that "[a]ll preliminary negotiations, conversations and verbal agreements are merged in and superseded by the subsequent written contract.").

Additionally, Mr. Neysmith was subjected to the identical requirements under the auspice of the pre-**Birchfield** DL-26 Form, as the Appellant within **Evans**. The primary distinguishment being that of Mr. Neysmith's prior parol consent. With the **Yocca** decision in mind, such a parol consent cannot overcome a written contract and/or agreement, rendering **Birchfield**'s mandate required.

As shown *supra*, Mr. Neysmith, under Pennsylvania jurisprudence consented to a blood draw. However, under this Honorable Court's decision in **Birchfield**, "[a] motorist[ ]cannot be deemed to have consented to submit to a blood test on pain of committing a criminal offense." (**Id. at 2186**). As such, it stands to reason that in the instant matter, Pennsylvania's application of the implied consent laws, **75 Pa.C.S.A. § 1547(a)(1)**, *supra*, was unconstitutionally applied to Mr. Neysmith subjecting him to further enhanced criminal penalties.

Mr. Neysmith was denied substantive due process, along with the non-suppression of evidence, based upon the admission of illegally-obtained blood alcohol content, (B.A.C.), evidence. If not admitted, such evidence would have prevented Mr. Neysmith's criminal penalties in this respect.

Mr. Neysmith contends that the B.A.C. evidence is deemed fruit of the poisonous tree[14], and therefore cannot possibly be admitted within the scope of either **Article I § 8**[15] of the Pennsylvania Constitution or the **Fourth Amendment** to the United States Constitution's prohibition of illegal searches and seizures.

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[14] **Wong Sun v. United States, 371 U.S. 471 (1963)**.

[15] **Article 1 § 8, (Pa. Const.)** The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize

This Honorable Court has held that: "Evidence of any kind obtained by police through an unlawful search may not be used in any respect, including as evidence at trial against the subject of the search."[16] Such evidence may only be used against a defendant "[i]f knowledge of [the evidence] is gained from an independent source,"[17] or "the evidence in question would inevitably have been discovered without reference to the police error or misconduct,"[18] The burden of proof is on the prosecution to establish by a preponderance of the evidence that the illegally-obtained evidence would have ultimately or inevitably been discovered by legal means. (Id. at 444). "The exclusionary remedy for illegal searches and seizures extends not only to the direct product of the illegality, the primary evidence, but also to the indirect product of the search or seizure, the secondary or derivative evidence."[19]

The test to determine whether derivative evidence constitutes the fruit of an illegal search is not simply whether police would not have discovered the information but for the search. Derivative evidence may nonetheless be usable and admissible if the connection between the information obtained was sufficiently attenuated from the illegal search, thus removing the taint of the original illegality.

To determine whether evidence must be excluded as the fruit of an unlawful search, courts must consider "whether, granting establishment of the primary

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any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

[16] Wong Sun, 371 U.S. at 484-85; *See Also* Silverthorne Lumber Co. v. United States, 251 U.S. 385, 392 (1920).

[17] Silverthorne Lumber Co., 251 U.S. at 392.

[18] Nix v. Williams, 467 U.S. 431, 448 (1984).

illegality, the evidence to which instant objection is made has been come at by exploitation of that illegality."[20]

Pennsylvania's jurisprudence within Commonwealth v. Shabezz, 166 A.3d 278, 288 (Pa. 2017) states that: "[t]he inquiry simply is whether the evidence was obtained via exploitation of the initial illegality." Furthered by this Honorable Court in Nix, declaring that: "the prosecution is not to be put in a better position than it would have been in if no illegality had transpired" but "the derivative evidence analysis ensures that the prosecution is not put in a worse position simply because of some earlier police error or misconduct"[21] "In applying this test, a court must evaluate whether the illegal search or any leads gained from the search tended to significantly direct the government toward discovery of the specific evidence being challenged."[22]

In the case at bar, Mr. Neysmith was undoubtedly subjected to an illegal blood test, revealing a B.A.C. of 0.126, use of said blood results led to a enhanced criminal penalty. Birchfield forbids the use of this blood evidence as a means for a State to impose enhanced criminal penalties.

Ergo, such B.A.C. evidence is applicably inadmissible, and cannot be utilized to further the Commonwealth's march toward a criminal conviction. For the foregoing reasons, Mr. Neysmith contends that the criminal penalty imposed by the Pennsylvania implied consent laws based upon his inability to refuse the blood test

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[19] Tainted evidence subject to exclusion – Secondary or derivative evidence: Fruit of poisonous tree, Searches and Seizures, Arrests and Confessions § 3:4 (2d ed.).
[20] Wong Sun, 371 U.S. at 487-88.
[21] Nix, 467 U.S. at 443.

after consenting to said blood test violates the mandates within **Birchfield** imposed by this Honorable Court.

[22] Searches and Seizures, Arrests and Confessions § 3:4.

CONCLUSION

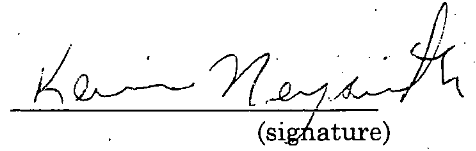
Mr. Neysmith has clearly shown that the blood test, revealing a B.A.C. of 0.126 was performed illegally under the auspice of **Birchfield**, although Mr. Neysmith formerly "requested" said blood test. Mr. Neysmith upon signing the DL-26 Form, no longer had the ability to consent to the blood test, due to the State utilizing said blood evidence as a means for a State to impose enhanced criminal penalties.

The B.A.C. evidence obtained is declared to be a fruit of an illegal search which is required to be suppressed based upon the fact that the use of said blood results led to a enhanced criminal penalty. **Birchfield** forbids said use of this blood evidence.

WHEREFORE, for the reasons, supra, Mr. Kevin Adrian Neysmith, Pro Se, Appellant in the above captioned case, prays this Honorable Court vacate the conviction resting on the utilization of illegal blood alcohol content evidence, remand to the Trial Court in compliance of this Honorable Court's decision in **Birchfield**, or any other applicable remedy this Honorable Court deems prudently appropriate.

Respectfully Submitted,

Date: February 28, 2019



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