No. 25-248

IN THE

Supreme Court of the United States

DISTRICT OF COLUMBIA,

Petitioner,

v.

R.W.,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE DISTRICT OF COLUMBIA COURT OF APPEALS

BRIEF OF THE NATIONAL FRATERNAL ORDER OF POLICE AS AMICUS CURIAE IN SUPPORT OF PETITIONER DISTRICT OF COLUMBIA

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INTEREST OF AMICUS CURIAE[1]

The National Fraternal Order of Police ("National FOP") represents more than 378,000 law enforcement officers across the country. Its members confront the realities of public safety every day, making split-second decisions in high-risk, rapidly evolving situations. This amicus curiae has a direct interest in this case because the D.C. Court of Appeals' rule undermines the totality-of-the-circumstances standard, which is central to both officer safety and effective law enforcement.

We submit this brief to provide the Court with the perspective of officers on the ground—those who must interpret rapidly unfolding events, weigh multiple streams of information, and make critical judgments under extreme time pressure. Police officers, like other trained professionals, rely on their experience, instruction, and professional judgment to assess and respond to complex situations. What distinguishes their role, however, is that such decisions frequently must be made in dynamic, high-stakes encounters where the margin for error is vanishingly small.

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1. Pursuant to Rule 37.6, counsel for the National Fraternal Order of Police authored this brief in whole. No counsel for any party authored this brief in whole or in part. No person or entity, other than the amicus, its members, or its counsel, made a monetary contribution intended to fund the preparation or submission of this brief. Pursuant to Rule 37.2, counsel of record for all of the parties received notice of this counsel's intention to file an amicus brief at least ten days prior to the deadline to file the brief.

A rule that isolates individual facts and excludes relevant information not only conflicts with the Fourth Amendment but also creates safety hazards for both law enforcement and the public. By presenting this perspective, the National FOP seeks to assist the Court in understanding the practical consequences of narrowing the reasonable-suspicion analysis and to underscore why upholding the totality-of-the-circumstances standard is essential for maintaining both lawful policing and public safety.

SUMMARY OF ARGUMENT

The decision below imposes an unworkable and dangerous constraint on law enforcement by forbidding officers to consider the very contextual cues that their training, experience, and safety demand they assess. The Fourth Amendment's reasonable-suspicion standard has always been a *practical*, *flexible*, and *experience-based* rule, designed to permit officers to act quickly and protect the public in uncertain, rapidly evolving circumstances. By requiring officers to disregard critical information—such as dispatch reports or the flight of companions—the D.C. Court of Appeals' rule forces them into an artificial, piecemeal analysis that contradicts both *Terry v. Ohio* and decades of precedent endorsing the "totality-of-the-circumstances" approach.

Real-world policing does not occur in a vacuum. Officers rely on their training and judgment to synthesize multiple sources of information—often within seconds and under life-threatening pressure, in tense and rapidly evolving circumstances where hesitation can have grave consequences. Modern training, technology, and public

expectations all depend on officers evaluating the *whole picture*, not compartmentalized fragments. The rule below undermines that reality, creating confusion in the field, jeopardizing officer safety, and weakening the public's protection.

The Constitution does not require officers to blind themselves to reliable, real-time information or to ignore professional judgment. It requires reasonableness. Upholding the totality-of-the-circumstances standard reaffirms that principle, protects officers and communities alike, and preserves the constitutional balance *Terry* was meant to strike between individual liberty and collective safety.

ARGUMENT

I. THE D.C. COURT OF APPEALS' RULE CREATES IMPOSSIBLE OPERATIONAL CONSTRAINTS FOR LAW ENFORCEMENT OFFICERS.

A. This approach creates dangerous contradictions.

Officers today face an impossible Catch-22. On one hand, policymakers, courts, and communities urge them to assess situations broadly by considering the full range of cues before acting—subject behavior, time of day, presence of companions, dispatch information, and environmental conditions. On the other hand, the D.C. Court of Appeals' decision now tells officers that some of those very cues—such as dispatch calls or the flight of companions—must be ignored when assessing reasonable suspicion. That contradiction is untenable.

De-escalation highlights this problem. Effective de-escalation requires officers to evaluate the *totality-of-the-circumstances* in real time. Stripping away key pieces of information not only defies Supreme Court precedent but also undermines the very training reforms that courts and policymakers have demanded. The law cannot simultaneously require officers to consider all relevant factors to avoid unnecessary force, yet forbid them from considering those same factors when deciding whether a stop is lawful.

The D.C. Court of Appeals' approach does just that and is inconsistent with the core purpose of *Terry v. Ohio:* to let officers evaluate clues quickly and holistically to prevent imminent danger to themselves and the public. *Terry* stops are uniquely complex and inherently risky encounters; they require immediate assessment of possible threats before harm occurs. *See Terry v. Ohio*, 392 U.S. 1, 10–12 (1968) ("the answer to the police officer may be a bullet"). Officers have seconds, not hours, to assess situations. *Terry*'s reasonable-suspicion standard was designed as a *flexible, practical, experience-based* rule so officers could act quickly and before probable cause was established. *See United States v. Bowman*, 884 F.3d 200, 213 (4th Cir. 2018).

The stakes for today's officers could not be higher. They operate under a heightened sense of awareness than in years past—and for good reason. In just the past few months, officers have been ambushed in the line of duty across the country. Days ago, five officers in York County, Pennsylvania, were shot—three fatally—while serving a warrant at a farm. Katelyn Smith, *Five Officers Shot, Three Killed, in York County* (Sep. 23, 2025), WGAL

News 8, https://www.wgal.com/article/spring-grove-pa-york-north-codorus-police-officers-shot/66542569. In July, three officers in Lorain, Ohio, were ambushed while eating lunch in their cruiser; one was killed, and two others were injured. *Authorities Release Details On Ambush That Claimed Life Of Lorain Officer*, Newsradio WTAM 1100, Sept. 19, 2025, https://wtam.iheart.com/content/2025-09-19-authorities-release-details-on-ambush-that-claimed-life-of-lorain-officer/. The assailant was heavily armed and prepared for a prolonged confrontation, with a cache of weapons, ammunition, and explosives in his vehicle. In June, an officer in Santa Monica, California, was ambushed and wounded in a targeted attack. Meredith Deliso & Alex Stone, *Shooting Suspect ID'd in Santa Monica Police Officer 'Ambush': Officials*, ABC News (June 26, 2025), https://abcnews.go.com/US/santa-monica-shooting-cop-injured-manhunt-suspect/story?id=123209311.

These incidents are not isolated. They reflect a growing and deeply troubling national trend: ambush-style assaults against law enforcement. According to data, shootings of police officers have risen by 60 percent since 2018, and in the first seven months of 2025 alone, at least 56 officers were shot in 45 ambush-style attacks. Laura Geller, Anna Schecter, Graham Kates & Cara Tabachnick, *Police Officers Across U.S. Face Crisis as Ambush Shootings Rise: "It Just Happened Out of Nowhere"*, CBS News (Aug. 22, 2025), https://www.cbsnews.com/news/police-officers-across-crisis-ambush-shootings/. National law enforcement organizations have recognized the urgent threat. Earlier this year, this organization urged Congress to enact the Protect and Serve Act to strengthen legal protections for officers who face violent assault in the line of duty. H.R. 743, *Protect and Serve*

Act of 2023, 118th Cong. (2023); *Protect and Serve Act Introduced in House*, Fraternal Order of Police (Feb. 26, 2025), https://fop.net/2025/02/protect-and-serve-act-introduced-in-house-2/.

But this Court need not wait on congressional action to acknowledge the realities confronting police officers. Officers in the field must make swift, on-the-spot judgments in rapidly unfolding circumstances. They cannot safely or effectively compartmentalize facts one by one; they must evaluate the entire picture before them, using their training and experience to respond in ways that protect their own lives, safeguard the public, and enforce the law. Granting officers the latitude to consider the totality-of-the-circumstances when making brief investigatory stops is essential to ensuring both their safety and the safety of the communities they serve.

B. Real-time policing requires evaluating the full set of circumstances, not dividing and excluding individual factors.

A police officer responding to a 2:00 a.m. dispatch call regarding a suspicious or stolen vehicle at an apartment complex must immediately evaluate a fluid and potentially dangerous situation. The late hour, location, and limited visibility heightens the risk of criminal activity and the potential danger to residents nearby. Then, when upon arrival two individuals exit the vehicle, look directly at the patrol car, and flee into a wooded area, the officer must interpret this behavior in context. Flight at the sight of police is not a neutral act; it reasonably suggests possible involvement in criminal activity, whether related to a stolen vehicle, weapons, narcotics, or outstanding

warrants. The officer must also account for the heightened risk that the fleeing individuals may be armed and pose a danger to the public.

The situation *further* escalates when the vehicle itself begins to back up with a rear door open. This development introduces multiple new threats: the officer risks being struck by the vehicle; the open door suggests there may be additional occupants; and those individuals could also be preparing to flee or present armed resistance. All of this unfolds within *seconds*. The officer must simultaneously process a rapid combination of safety concerns, tactical judgments, and investigative factors—weighing whether to pursue, contain, or await backup; whether force, including deadly force, is necessary if the vehicle poses an imminent threat; and how best to prevent suspects from reaching occupied residences and endangering innocent bystanders.

These assessments cannot be compartmentalized into isolated "factors" and analyzed in a vacuum. Effective policing demands consideration of the totality-of-the-circumstances. Any approach that artificially dissects each fact disregards the reality officers face: fast-moving, high-risk situations where survival, public safety, and lawful enforcement all hinge on the officer's ability to evaluate the whole picture in real time.

II. OFFICER TRAINING AND ADVANCING TECHNOLOGY REQUIRE A TOTALITY-OF-THE-CIRCUMSTANCES APPROACH.

A. Training and expertise must inform reasonable-suspicion analysis.

Police academies and field training stress situational awareness and the importance of connecting facts that, to a layperson, might seem innocuous when viewed in isolation. Courts have long recognized and deferred to this expertise. *United States v. Bridges*, 626 F. App'x 620 (6th Cir. 2015); *United States v. Betts*, 806 Fed. App'x 426 (6th Cir. 2020) (trial court did not err in denying defendant's motion to suppress under the Fourth Amendment because the investigatory stop conducted by the officer was justified since the information provided by the identified tipster established reasonable suspicion that criminal activity was either ongoing or about to occur as defendant was found pacing in the parking lot of an area known for burglary late at night for over thirty minutes). Officer training is shaped by empirical crime data and tangible experience. That data supports training officers to take account of contextual factors—such as whether they are operating in a high-crime area—when assessing the totality-of-the-circumstances.

Moreover, officers are not trained to parse each fact separately; nor could they perform their duties effectively if they were. Requiring officers to evaluate circumstances in a piecemeal fashion is both impractical and dangerous. No other profession is asked to operate under such artificial constraints: we do not expect an emergency room physician to ignore symptoms when diagnosing a patient,

or an air traffic controller to disregard a weather report when guiding a pilot to land. Forcing tunnel vision on professionals in life-or-death situations endangers both their safety and those they serve.

B. The D.C. Court of Appeals' rule is unworkable in the age of modern policing technology.

The rule adopted by the D.C. Court of Appeals is not workable in a world of rapidly advancing law enforcement technology. Modern policing increasingly depends on layered streams of data—dispatch alerts, surveillance feeds, automated license-plate readers (ALPRs), gunshot-detection systems such as ShotSpotter, real-time crime centers, and cross-jurisdictional intelligence sharing. These tools do not generate airtight conclusions in isolation. Rather, they provide fragments of information that gain meaning only when integrated and assessed together.

Under the D.C. Court of Appeals' approach, officers would be forced to treat each input—say, an ALPR hit on a stolen car, a ShotSpotter alert in the same neighborhood, and a radio report describing a fleeing suspect—as if each had to stand or fall on its own. That is not how technology is designed to be used, nor how reasonable suspicion is supposed to be assessed. The real value of these technologies comes when they are combined and viewed through an officer's training and experience, giving a fuller picture that can justify quick and protective action.

The growing use of artificial intelligence (AI) in law enforcement underscores the importance of evaluating information comprehensively. Modern policing

technology enables agencies to integrate data from diverse sources—911 calls, body-worn cameras, social media, and traffic cameras—to generate a real-time picture of unfolding events. AI can also analyze vast sets of historical data to identify patterns and assist in pre-positioning emergency resources. Increasingly, departments are relying on AI to review body-worn camera footage and assess both officer and suspect conduct, a task that would be impossible for human reviewers alone. *Human reviewers can't keep up with police bodycam videos. AI now gets the job*, NPR (Sept. 23, 2024), https://www.npr.org/2024/09/23/nx-s1-5096298/human-reviewers-cant-keep-up-with-all-the-police-body-cam-videos-now-theyre-giving-the-job-to-ai.

If courts insist on a rigid fact-by-fact parsing of reliability, officers will be discouraged from relying on these technological tools to their fullest. Worse still, they may be penalized for doing exactly what this Court has long instructed: using professional judgment to draw inferences from the cumulative information available. *See United States v. Arvizu*, 534 U.S. 266, 273 (2002). In practice, that means hesitation in moments where decisiveness matters most—whether in approaching a car flagged by an ALPR, responding to a ShotSpotter alert, or investigating a real-time dispatch update tied to a nearby surveillance camera.

The law must evolve in tandem with technology. Rules that force officers to ignore how one piece of information fits together with other facts risk creating results that make little legal sense and put people in danger. The Fourth Amendment does not require courts to disable the very tools that make modern policing more effective.

Instead, it should recognize the reality that information today comes in more complex, interconnected streams—requiring precisely the kind of holistic, experience-based judgment this Court has consistently endorsed.

III. THE RULE UNDERMINES OFFICER SAFETY AND PUBLIC PROTECTION.

A. Direct officer-safety consequences.

As this Court has long recognized, traffic stops present some of the greatest risks in policing. "[A]n inordinate risk confront[s] an officer as he approaches a person seated in an automobile." *Pennsylvania v. Mimms*, 434 U.S. 106, 110 (1977) (per curiam). That risk stems from the officer's "tactical disadvantage" when approaching an unfamiliar vehicle, with limited visibility and unpredictable threats. Brief for the National Fraternal Order of Police as Amicus Curiae, *Barnes v. Felix*, 605 U.S. ___ (2025) (No. 231239), at 4.

Nearly fifty years ago, the Court observed that "a significant percentage of murders of police officers occurs when the officers are making traffic stops." *Mimms*, 434 U.S. at 110 (quoting *United States v. Robinson*, 414 U.S. 218, 234 n.5 (1973)). Though most stops end without incident, the risks are constant and well-established. *See* Dean Scoville, The Hazards of Traffic Stops, POLICE MAG. (Oct. 19, 2010), https:// www.policemag.com/340410/the-hazards-of-traffic-stops; *see also* Anatomy of a Traffic Stop, CITY OF PORTLAND OREGON, https://www.portlandoregon.gov/police/article/258015 (last visited June 19, 2019) ("[O]fficers usually have little idea if [they] are stopping a Dad on his way to work or someone who

just robbed a bank, willing to do whatever it takes to escape."); Tyler Emery, Police Officers Say No "Routine Stop" is Ever Routine, WHAS11 (Dec. 27, 2018, 7:09 PM), https:// www.whas11.com/article/news/local/police-officers-sayno-routinetraffic-stop-is-ever-routine/417-ebebf708-273b4129-bdbea096068474d2 ("[Officers] have to worry about where the vehicle is stopped, how much traffic is there, is it an interstate, is it an isolated area where backup [is] not close.").

Terry stops are inherently dangerous for officers because they confront a host of unknowns—whether the individual is armed, willing to flee, or prepared to assault the officer. The danger is especially acute in this case, which arose in the context of a quasi-traffic stop. The officer approached a vehicle from behind with the engine running and two individuals immediately fled from the vehicle—escalating an already dangerous encounter into one of immediate peril. These events occurred in the context of a car idling in an apartment complex late at night, after officers had been dispatched with information that the vehicle was suspicious and possibly stolen.

Yet under the D.C. Court of Appeals' approach, officers would be required to disaggregate these facts and evaluate each in isolation, rather than consider their combined weight in order to determine if an investigatory stop is appropriate. Forcing officers into such a piecemeal analysis heightens these dangers, delays critical decision-marking, undermines officer judgment, and places them at even greater risk in moments where hesitation can have serious consequences. That is not how real-world policing works, and it is not what the Fourth Amendment requires.

B. Broader public-safety implications.

Investigative stops are among the most common police encounters—millions per year occur nationwide. In New York City alone, police have historically conducted approximately half a million *Terry* stops per year. *See* 4 WAYNE R. LAFAVE, SEARCH AND SEIZURE: A TREATISE ON THE FOURTH AMENDMENT § 9.2(f) n.296 (6th ed. 2020). According to the City of Cleveland's "2022 Stop Report," Cleveland Police performed a total of 16,463 stops in 2022. Cleveland Div. of Police, 2022 Stop, Search & Arrest Data Report (Sept. 26, 2024), https://clevelandohio.gov/sites/default/files/2024-09/2022%20Stop%20Report%20Final.pdf.

Terry stops serve as an essential mechanism for protecting the public. They provide a lawful means for officers to intervene in potentially dangerous situations before harm occurs. As this Court has recognized, flexibility is essential to effective and proactive policing. The Court emphasized that requiring officers to wait until they had probable cause before acting would leave them vulnerable to violence and unable to protect the public effectively. *Terry*, U.S. 392 at 10–12. The decision reflects a deliberate balance: brief investigative stops grounded in reasonable suspicion permit officers to respond to emerging threats without unduly compromising Fourth Amendment rights. Limiting officers' ability to rely on dispatches, citizen reports, and behavioral cues would undermine prevention in thousands of encounters every day.

Community policing depends on officers acting on tips and dispatch information—sources that this Court

has already recognized as critical to public safety. In *Navarette v. California*, 572 U.S. 393 (2014), this Court held that a 911 call reporting that a vehicle had run another motorist off the road provided reasonable suspicion that the driver was intoxicated, justifying a stop under the Fourth Amendment. That principle reflects the reality that tips and dispatches are often the first warning signs of danger: a suspicious vehicle circling a neighborhood, an individual loitering outside a school, or a report of shots fired. If courts trend toward declaring such information irrelevant, the consequences extend beyond the officer on the scene. Citizens will lose confidence that their calls to police will matter, and their willingness to report suspicious activity will diminish. That erosion of trust undermines a core pillar of modern policing—the collaboration between officers and the communities they serve. And in practice, discouraging reliance on dispatch and citizen reports leaves officers blind to critical context, forcing intervention to come later, after danger has already escalated—at far greater risk to both the public and law enforcement.

Finally, suppressing evidence because officers considered "too much" information produces perverse results. The Fourth Amendment has never required officers to blind themselves to facts that, taken together, create reasonable suspicion or probable cause. Yet the rule urged here would do just that—punishing officers for gathering and weighing more information, rather than less. That approach defies common sense.

Consider the implications for this case. Should the officer, upon seeing two individuals flee the vehicle after the dispatch, have simply abandoned his duty to investigate?

That cannot be the law. Such a rule would reward flight, resistance, or obstruction by immunizing suspects from lawful investigation the moment they create additional facts for officers to consider. The Constitution does not compel officers to ignore reality or excuse suspects who manufacture confusion.

The incentive structure created by suppression here would be deeply troubling. Individuals confronted by law enforcement would have every reason to run, resist, or escalate in hopes that their conduct might later be recast as "additional facts" that courts demand officers analyze in isolation before acting. That is the very opposite of what *Terry* envisioned when it emphasized the need for officers to make quick, practical judgments based on the totality-of-the-circumstances. *See Terry v. Ohio*, 392 U.S. 1, 22 (1968).

The Fourth Amendment protects against arbitrary police action, not against reasonable, good-faith judgments in the face of fluid and dangerous situations. To suppress evidence here because the officer considered too much information, rather than too little, distorts the doctrine and undermines the practical functioning of law enforcement in real-world conditions.

IV. POLICY BALANCE AS ENVISIONED BY *TERRY*.

A. Balancing Individual Rights with Officer and Public Safety.

This Court deliberately balanced liberty with officer and public safety when it decided *Terry* and its progeny. Without reasonable suspicion, officers would be defenseless

in volatile encounters. *Terry*'s purpose was to allow limited stops based on trained judgment before probable cause ripens, preventing imminent harm. Allowing the D.C. Court of Appeals' rule to stand risks a broader erosion of the totality-of-the-circumstances approach envisioned under *Terry*.

Police officers routinely encounter suspicious behavior in circumstances that do not yet rise to "probable cause" for arrest. Allowing a brief, limited investigatory stop allows officers to assess the situation lawfully and respond appropriately. This Court emphasized that a *Terry* stop is less intrusive than an arrest. The stop is limited in both scope and duration. This offset ensures that individuals' privacy is respected as much as possible while still enabling officers to protect themselves and others.

By articulating a clear standard for reasonable suspicion stops, this Court provided helpful guidance for law enforcement. The framework provides a safeguard for individuals and a workable rule for officers, creating accountability while legitimizing necessary proactive policing. The D.C. Court of Appeals' rule excluding certain pieces of information, such as dispatch calls or the flight of companions, from the officer's reasonable suspicion calculus cannot be squared with the policy underlying *Terry*. Stripping away context forces officers into the very kind of piecemeal, artificial analysis that *Terry* and its progeny rejected. The law cannot demand that officers ignore reliable, real-time information and still expect them to make the kind of swift, life-or-death judgments that *Terry* was designed to support.

B. The rule is arbitrary and unpredictable in application.

The D.C. Court of Appeals' rule creates serious practical difficulties for law enforcement. It reflects a broader trend of unduly narrowing the circumstances in which officers may conduct brief investigatory stops. The uncertainty generated by this approach has already caused confusion among officers in the field and is influencing charging decisions in ways that undermine public safety. Clarification from this Court is needed to restore coherence to the doctrine and provide officers with clear guidance.

This Court has long recognized that police officers are not ordinary citizens when it comes to assessing the meaning of facts on the ground. They are trained professionals who must routinely make quick judgments in uncertain and often dangerous circumstances. For that reason, officers are entitled to "draw on their own experience and specialized training to make inferences from and deductions about the cumulative information available to them that might well elude an untrained person." *United States v. Arvizu*, 534 U.S. 266, 273 (2002).

That principle reflects both common sense and constitutional doctrine. Common sense dictates that an officer's training equips them to notice patterns, behaviors, and risks that lay observers would overlook. What may appear innocuous in isolation—furtive movements, a sudden change of direction, nervous behavior—can take on far greater significance when assessed through the lens of professional experience and in the context of other surrounding facts. Constitutional doctrine, in

turn, has consistently emphasized the "totality-of-the-circumstances" test, which requires officers to integrate disparate pieces of information rather than parse them in artificial isolation. *See Kansas v. Glover*, 589 U.S. 376, 386 (2020).

Expecting officers to disregard their training and treat each fact as if they were laypersons would deny them the very tools this Court has recognized as essential to effective policing. More troubling still, it would replace a practical, experience-based standard with a rigid, courtroom-style parsing of facts that has no place in the fast-moving, unpredictable reality of law enforcement encounters. Officers must be able to rely on their judgment, honed through years of training and service, to interpret ambiguous circumstances and act before dangers escalate.

Ultimately, empowering officers to draw on their expertise does not dilute Fourth Amendment protections—it ensures they are applied in a manner that reflects the realities of policing. The balance struck in *Terry* and its progeny rests on the idea that officers will bring professional skill and experience to bear in determining when suspicion is reasonable. Courts should respect that role by evaluating officer decisions through the lens of the totality-of-the-circumstances, informed by professional training and judgment, rather than through hindsight's segmented dissection of facts.

CONCLUSION

For the officers who serve on the front lines, every second counts, and every fact can matter. The D.C. Court of Appeals' approach—excluding certain pieces of information from the reasonable-suspicion analysis—forces officers into an artificial, piecemeal evaluation that conflicts with the realities of modern policing. Such a rule undermines officer safety, public protection, and the ability of law enforcement to respond effectively to rapidly evolving situations.

Upholding the totality-of-the-circumstances standard, as envisioned in *Terry* and reaffirmed in this Court's subsequent decisions, ensures that officers can rely on their training, experience, and judgment to integrate all available information. Doing so protects both officers and the communities they serve, preserves the balance between liberty and safety, and maintains the practical, flexible approach to policing that the Fourth Amendment demands.

For these reasons, the National FOP respectfully urges this Court to accept this case for review, reject the D.C. Court of Appeals' narrow approach, and reaffirm that officers may consider the totality-of-the-circumstances—including dispatch calls and flight—when determining

whether reasonable suspicion exists to make a brief investigatory stop.

Respectfully submitted,

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