No. WW92-260701

IN THE SUPREME COURT OF THE UNITED STATES
SITTING IN DAVIS
OCTOBER TERM, 1992

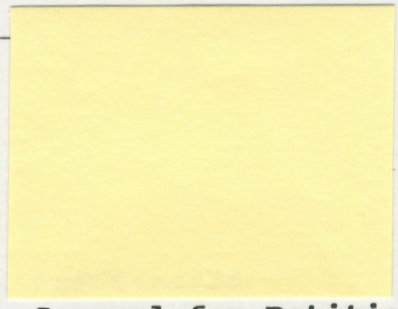
HOLY FUNDAMENTALIST CHURCH, Petitioner,

v.

CITY OF DANBURG, Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR DAVIS

BRIEF FOR THE PETITIONER



Counsel for Petitioner

September 1992

QUESTION PRESENTED

Did the appellate court err in holding that the City of Danburg did not violate the Establishment Clause of the United States Constitution by allowing the Jewish Community Center to display a twenty-two foot high menorah on public property?

TABLE OF CONTENTS

TABLE OF AUTHORITIES

cases: page

No. WW92-260701

IN THE SUPREME COURT OF THE UNITED STATES
SITTING IN DAVIS
OCTOBER TERM, 1992

HOLY FUNDAMENTALIST CHURCH, Petitioner,

v.

CITY OF DANBURG, Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR DAVIS

BRIEF FOR THE PETITIONER

STATEMENT OF THE CASE

In 1992 the Holy Fundamentalist Church, Petitioner, filed a suit in Federal District Court for injunctive relief against the City of Danburg, Respondent, subsequent to the city's granting a renewal of the Jewish Community Center's permit to erect a twenty-two foot menorah on public land. Proceeding under 42 U.S.C. § 1983, Petitioner charged that by allowing the JCC to erect such an unadorned menorah, the city violated the Establishment Clause of the U.S. Constitution. The district court found for Petitioner and enjoined the city from granting permission to display the menorah. The court of appeals reversed.

In 1987 the JCC, in celebration of the Jewish religious holiday of Chanukah, applied to the City of Danburg for a permit in order to erect a twenty-two foot menorah in City Park. The permit was granted in accordance with Danburg City Ordinance § 4786-1 which governs the use of Danburg's public parks and requires:

> Upon a duly submitted application, the City Commissioner may issue to any person, organization, association, club, society or other group of any type, a permit to use and occupy any portion of Court Park or City Park, for the purpose of making or presenting any program, public address, exhibit or display, or for any other organized or semi-organized purpose whatever.

The city charges a nominal fee of $25.00 for the permit which helps defray such maintenance costs as providing electricity, water, and cleanup. Since 1987 the JCC's permit has been renewed each year and is valid for a ten-day period covering the eight

days of the religious holiday as well as two days to assemble and remove the menorah.

During the 1987 display, several citizens complained to the city that the placement of a solitary menorah on government land near public buildings was tantamount to the city endorsing the Jewish faith to the exclusion of other faiths. Since 1987, the city has required the JCC to place a sign on the menorah indicating the JCC's involvement. The small, two foot by one foot sign proclaims, "In Celebration of Chanukah, the Danburg Jewish Community Center Has Placed This Menorah For the Enjoyment of All."

Each year the menorah is displayed on the southernmost edge of City Park immediately adjacent the public library. The street adjoining the southern edge of the park is a major public thoroughfare with consistently heavy traffic. The giant menorah remains brightly lit twenty-four hours a day throughout the eight days of Chanukah. The menorah stands completely unadorned. No other holiday or religious displays appear with or near the menorah.

City park is one of two public parks in Danburg, the other is Court park. Both parks occupy central locations in the city and are encompassed by numerous government buildings. Four government buildings sit on the perimeter of the ten acres of City park: the public library and the Board of Education building to the south; and the post office and department of motor vehicles to the north. Likewise, Court park is centrally located

among the courthouse, the police station, and the City-County building.

Not unlike many centrally located parks in a small town, City park is primarily used for various recreational activities such as picnicking, family outings, jogging, etc. It is has also been used as public forum for a variety of secular events including: a Fourth of July celebration; a two-day sculpture exhibit; a pro-choice rally; a music concert; and several dances.

The district court determined that while the menorah, as a sectarian symbol, enjoyed free speech protection under the Constitution; allowing the display would nonetheless violate the Establishment clause. The Holy Fundamentalist Church seeks appellate relief in reversing the order of the court of appeals' holding that the city's conduct in granting a permit to erect an unattended, unadorned religious symbol on government land is not violative of the Establishment Clause.

SUMMARY OF THE ARGUMENT

The court of appeals erred in holding that the unattended display of a solitary Jewish menorah in a public park is not violative of the Establishment Clause of the First Amendment. Although religious symbols are entitled to full Constitutional protection under the First Amendment, restrictions as to content are permitted in order to serve a compelling interest. Violation of the Establishment Clause constitutes such a compelling interest and is sufficient to justify content restrictions on

symbolic speech.

The Supreme Court has firmly established that government conduct violates the Establishment Clause when its principal or primary effect either advances or inhibits religion. Critical in this determination is whether the challenged government conduct has the effect of endorsing religion to the reasonable viewer.

In dealing with religious holiday displays on public property, the decisional caselaw of this Court as well as courts below, clearly focuses on the context in which the religious symbol appears. The menorah is a religious symbol of the Jewish faith and by granting a permit for its isolated display in a public park, the City of Danburg implicitly endorses the Judaism.

Not all religious displays on public land violate the Establishment Clause. Indeed, this Court has upheld several religious displays when presented within a larger secular context. No such context exists regarding the menorah in City Park. It stands alone and unattended and thus bespeaks government support since there are no other decorations or adornments to provided the necessary secular context.

This case, contrary to the holding of the court of appeals, is not about whether or not City Park is a public forum. Rather, this case centers on whether a large menorah, permitted to stand on public property with government permission has the effect of endorsing religion. Petitioner asserts that given the complete lack of any secularizing components, the menorah display violates the Establishment Clause.

ARGUMENT

I. THE COURT OF APPEALS ERRED IN ALLOWING THE DISPLAY OF A SOLITARY MENORAH ON PUBLIC LAND WHICH HAS THE EFFECT OF LENDING THE IMPRIMATUR OF THE STATE TO THE JEWISH FAITH IN VIOLATION OF THE ESTABLISHMENT CLAUSE.

The Founding Fathers, well aware of the necessity to separate matters of Church and State, included the Establishment Clause in the First Amendment; and "[t]he clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another." Larson v. Valente, 456 U.S. 228, 244 (1982). In order to determine whether or not the erection and display of a solitary menorah in City park crosses the constitutional line of government endorsement of religion, the primary decisional caselaw must be examined beginning with the three-pronged test first announced in Lemon v. Kurtzman, 403 U.S. 602 (1971).

Under Lemon the menorah display is entitled to constitutional protection if: (1) it has a secular purpose; (2) its principal or primary effect is not to advance or inhibit religion; and (3) it does not create an excessive entanglement of government with religion. Id. at 612-13. Petitioner does not challenge the conclusion by the court of appeals that the first and third prongs of Lemon are satisfied. Danburg v. Holy Fundamentalist Church, 1 F.3d 1, 6 (15th Cir. 1992).

A. THE MENORAH VIOLATES THE SECOND PRONG OF LEMON BECAUSE ITS PRIMARY EFFECT ADVANCES RELIGION.

Inquiry under the second, or effect, prong of Lemon has been clarified in Lynch v. Donnelly, 465 U.S. 668, (1984) (O'Connor,

J., concurring). "What is crucial is that a government practice not have the effect of communicating a message of government endorsement or disapproval of religion." Id. at 692. In Lynch the Court held that the inclusion of a creche owned by the city of Pawtucket in a Christmas holiday display on private property was not violative of the Establishment Clause. Stressing the fact-bound nature of the decision, the Court noted that the creche was but one part of a much larger display including "a Santa Claus house, reindeer pulling Santa's sleigh, candy-striped poles, a Christmas tree, ..." Lynch, 465 U.S. at 671.

Incredibly, the court of appeals narrowly reads Lynch to hold that only in a publicly owned display "might it make sense to require other types of symbols to diminish the message that one religious symbol could convey." Danburg, 1 F.3d at 9. Such a holding misses the point and completely ignores this Court's own interpretation of Lynch in County of Allegheny v. ACLU of Greater Pittsburgh, 492 U.S. 573 (1989).

First, in Lynch a publicly funded display on private property was found to be constitutionally protected. However, in Stone v. Graham, 449 U.S. 39 (1980) (per curiam) this Court prohibited the privately supported posting of the Ten Commandments in a public school. Distinguishing between privately and publicly funded displays is not useful to this Court's analysis.

Secondly, Allegheny unequivocally embraces two constitutional principles set forth in Lynch: "the government's

use of religious symbolism is unconstitutional if it has the effect of endorsing religious beliefs, and the effect of the government's use of religious symbolism depends upon its context. These general principles are sound, and have been adopted by the court in subsequent cases." 492 U.S. at 597. The Allegheny decision involved two distinct holiday displays. In the first, the Court determined that a solitary creche displayed on the grand staircase of the county courthouse violated the Establishment Clause. The Court noted that "unlike in Lynch, nothing in the context of the display detracts from the creche's religious message." Allegheny, 492 U.S. at 598. The creche in Allegheny, like the menorah in City park, "stands alone: it is the single element of the display the Grand Staircase." Id.

The second holiday display at issue in Allegheny involved an eighteen foot Chanukah menorah erected outside the City-County building and immediately adjacent to the city's forty-five foot Christmas tree. In allowing the display, the majority found, that "[t]he necessary result of placing a menorah next to a Christmas tree is to create an "overall holiday setting". . . ." Allegheny, 492 U.S. at 614. Relying on Lynch, the Court held that the menorah in combination with the Christmas tree did not contravene the Establishment Clause because such a display does not promote or endorse the beliefs of any particular faith. Allegheny, 492 U.S. at 621.

Relying on the guidance set forth by Lynch and Allegheny, the menorah in City park cannot be allowed to stand. The

menorah, like the creche, "is a religious symbol: it serves to commemorate the miracle of the oil as described in the Talmud." Allegheny, 492 U.S. 613. The JCC menorah however, is completely bereft of any of the secularizing components displayed in Lynch. There are no elves or candy canes or Christmas trees to dilute the singularly religious message of the menorah. As a religious symbol, like the creche in Allegheny, it stands alone; and, unlike the menorah in Allegheny, there is no Christmas tree to balance the display.

Moreover, like the creche in Allegheny, the Danburg menorah is displayed on public property which is unmistakably associated with the government. Indeed, the park's name enhances its association with government. Further, City Park is bound, north and south, by four public buildings which are devoted to functions of government. The presence of government looms large in City Park.

Without further secular ornamentation, the menorah is a purely sectarian display upon government property. The combination of an unattended, solitary religious symbol displayed upon public property bespeaks government support and thus has the effect of endorsing religion thereby violating the second prong of Lemon.

B. RELIGIOUS DISPLAYS NOT SUBSUMED IN A SECULAR CONTEXT VIOLATE THE ESTABLISHMENT CLAUSE IF RECEIVING GOVERNMENT SPONSORSHIP.

In addition to Lynch and Allegheny, there are numerous cases supporting the critical necessity of a secularizing context

within which religious displays must appear if they are to survive a constitutional challenge. In Stone v. Graham, 449 U.S. 39 (1980) (per curiam), this Court struck down a state law which required the display of the Ten Commandments on the walls of public schools. However, critical to the Court's decision in Stone was the fact that the Ten Commandments were posted as a purely religious message and "not integrated into the school curriculum, where the Bible may constitutionally be used in an appropriate study of history." 449 U.S. at 42.

In another case involving biblical teaching in a public school, the Court held that required daily readings of the Bible were impermissible "but that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment." Abington Sch. Dist. v. Schempp, 374 U.S. 203, 225 (1963).

Both Stone and Abington emphasize the importance of the secularizing context which serves to offset or minimize the religious component. Such a component, like an isolated menorah in a public park, when analyzed alone "would inevitably lead to its invalidation under the Establishment Clause." Lynch, 465 U.S. at 680. Permitting the menorah to be displayed in City park is no different than posting the Ten Commandments on the walls of a public school. Since the menorah is also being displayed on government property, without something more to secularize the context in which it appears, it must be struck down.

C. THE DISPLAY OF SOLITARY AND UNATTENDED RELIGIOUS SYMBOLS ON GOVERNMENT LAND GIVES THE APPEARANCE OF GOVERNMENT SUPPORT AND IS THEREFORE PROHIBITED UNDER THE ESTABLISHMENT CLAUSE.

Private religious messages in the form of symbols may be converted into state-sponsored speech. "When a symbol is implanted on public land that land uniquely becomes the message bearer, and because, concomitantly, there are no persons present to whom the receiver of the religious message can attribute the speech, the possibility that those receiving the message will assume it is supported by the state is particularly present." McCreary v. Stone, 575 F.Supp. 1112, 1131 (S.D.N.Y. 1983), rev'd, 739 F.2d 716 (2d Cir. 1984), aff'd by an equally divided Court sub nom. Board of Trustees v. McCreary, 471 U.S. 83 (1985).

The decisional caselaw in support of the proposition articulated in McCreary is well established. The eleventh circuit found that a large, lighted Roman cross situated on state park property, far from any public buildings, violated the Establishment Clause. ACLU v. Rabun County Chamber of Commerce, 678 F.2d 1379 (11th Cir. 1982). The court noted that "[w]hen a government permits religious symbols to be constructed on public property, its ability to articulate a secular purpose becomes the crucial focus under the Establishment Clause." Id. at 1390.

The court in Rabun could find no articulable secular purpose largely because the solitary Roman cross was universally regarded as a purely religious symbol. Similarly, the isolated menorah in City Park conveys no articulable secular purpose and as such creates the impermissible appearance of fusing Church and State

in direct contravention of the Establishment Clause.

The Oregon Supreme Court found that a local municipality violated the Establishment Clause by issuing a building permit for the erection of a large Roman cross on city-park property. Lowe v. City of Eugene, 463 P.2d 360 (Or. 1969), cert. denied, 397 U.S. 1042 (1970). The decisive factor for the court was the fact that the cross was to be displayed on government property. "Public land cannot be set apart for the permanent display of an essentially religious symbol when the display connotes government sponsorship." Id. at 363.

Following the logic of the Oregon Supreme Court, the menorah in Danburg's City Park, also allowed to stand by government permit, must be found to frustrate the Establishment clause. The use of public property for a large and readily visible display of a Jewish religious symbol creates the impression of state sponsorship of the underlying religious beliefs associated with the symbol.

The City of Birmingham was prohibited from displaying a Christian nativity scene on public property. The creche, without the presence of other secular holiday decorations, "had [t]he direct and immediate effect" of endorsing a particular religion. ACLU v. City of Birmingham, 791 F.2d 1561, 1567 (6th Cir. 1986), cert. denied, 479 U.S. 939 (1986).

The message in all of these cases is singular and direct: the use of government property to display unattended, solitary religious symbols amounts to government promotion of the

religious beliefs associated with the particular symbol. The result is always the same: such merging of government sponsorship with religious speech is violative of the Establishment Clause.

Thus, the menorah in City Park, in stark and isolated contrast to either the creche in Lynch or the menorah in Allegheny, avails itself of the imprimatur borne by government land and powerfully reinforces the message that the city endorses the tenets of Judaism.

II. THE COURT OF APPEALS ERRED IN RELIANCE UPON CITY PARK AS A PUBLIC FORUM TO JUSTIFY THE MENORAH'S DISPLAY.

The court of appeals correctly characterizes City Park as a public forum and Petitioner does not challenge the holding that, as symbolic speech, the menorah is entitled to full First Amendment protection. Danburg, 1 F.3d at 4. Moreover, the court of appeals properly recognizes that "[c]ontent restrictions will be upheld only when the exclusion is necessary to serve a compelling state interest and the exclusion is narrowly drawn to achieve that interest." Id. The court of appeals has committed error, however, in its conclusion that the menorah display does not violate the Establishment Clause thereby precluding any justification of content restrictions.

A. DISTINGUISHING GOVERNMENT PROPERTY AS A PUBLIC FORUM IS NOT DISPOSITIVE IN AN ESTABLISHMENT CLAUSE ANALYSIS.

In order to determine whether or not the menorah violated the Establishment Clause the court of appeals focused on the second prong of the Lemon test as amplified by Lynch "as the decisive question." Danburg, 1 F.3d at 6. In answering this

question, the court of appeals quite erroneously considers City Park's status as a public forum to be the dispositive factor in determining whether or not the menorah endorses religion "in the eyes of the reasonable observer." Id.

The better view is put forth by the fourth circuit in Smith v. County of Albemarle, 895 F.2d 953 (4th Cir. 1990), cert. denied, 111 S.Ct. 74 (1990). In that case a solitary creche displayed on the front lawn of the County Office Building with no other secular decorations was held to be violative of the Establishment Clause. The court noted that "whether the lawn is or is not a public forum is not dispositive. The critical gauge of any such content-related speech restriction is whether the overall context and nature of the restricted display conveys the impermissible message of governmental endorsement of religion." Id. at 958.

The Court of Appeals strays from the teachings of Lynch and Allegheny by over emphasizing the public forum. In both Lynch and Allegheny it was the context in which the displays appeared that determined whether or not the challenged government activity endorsed religion. Following the logic of this Court, it seems clear that context in which the menorah appears in City Park is one which endorses religion. The menorah stands in total isolation on government land with no other secularizing components to diminish the message that the City of Danburg endorses Judaism.

1. THE COURT OF APPEALS' CRITICISM OF THE DISTRICT COURT'S RELIANCE ON ALLEGHENY IS ERRONEOUS

In furtherance of its public forum argument, the court of appeals dismisses the district court's reliance on Allegheny. In a footnote to the majority opinion of Allegheny, Justice Blackmun indicates that the steps of the courthouse were not a public forum. Allegheny, 492 U.S. at 600, n. 50. From this, the court of appeals revises the holding of Allegheny by stating: "[i]t is important to note, however, that the court specifically stated when holding the creche to be unconstitutional that the stairs of the courthouse were not a public forum." Danburg, 1 F.3d at 9.

The court of appeals would have this Court believe that Allegheny was decided on the issue of whether or not the Grand Staircase of the courthouse was a public forum. This is clear error. Allegheny, like Lynch before it, was decided primarily by analyzing the context in which the religious symbols appeared and whether or not such context had the effect of government endorsement of religion. Such being the case, the district court's reliance on Allegheny is well-reasoned, notwithstanding the logic of the court of appeals.

In a further stretch, the court of appeals then goes on to conclude "that if the stairs had been a public forum, a different analysis would be appropriate and possibly a different outcome." Danburg, 1 F.3d at 9. Nothing in Justice Blackmun's opinion implies that if the stairs had been a public forum the Allegheny decision would have come out differently. Nor does it follow that the first supposition necessarily leads to the second.

Moreover, it seems quite improbable that the holding of a leading Supreme Court opinion dealing with the Establishment Clause would be tucked away in a single footnote.

B. THE COURT OF APPEALS FAILS TO RECOGNIZE THE CRITICAL DISTINCTION BETWEEN UNATTENDED, SEMI-PERMANENT RELIGIOUS OBJECTS AND TRANSITORY RELIGIOUS SPEAKERS.

To further its flawed public forum argument, the court of appeals misapplies the holding of Widmar v. Vincent, 454 U.S. 263 (1981). The Widmar decision does not, contrary to the court of appeals' holding, stand for the proposition that, merely because an area is designated a public forum, religious groups may engage in symbolic speech without restriction as to content. If such were the case, "the public forum doctrine would swallow up the Establishment Clause." Kaplan v. City of Burlington, 891 F.2d 1024, 1029 (2d Cir. 1989), cert. denied, 496 U.S. 926 (1990).

Widmar permitted religiously oriented student groups to utilize the facilities of a state university. Concluding that any religious benefits in allowing such activity would be minimal the Court held that "an open forum in a public university does not confer any imprimatur of state approval on religious sects or practices." Widmar, 454 U.S. at 274. Such a holding surprises no one since Widmar involved a university setting where open discourse and philosophical debate are not only expected but encouraged.

For the court of appeals to extract the right of a religious organization to display a symbol of their faith in a public park from the right of students to use public university buildings for

religious discussion, stretches Widmar beyond all recognition. Student use of an unused university classroom for religious speech is protected by the First Amendment because no reasonable person could view such activity as a government endorsement of religion. However, the solitary display of a large and brightly lit Jewish menorah on public property might reasonably be seen as government endorsement of Judaism and thus would not be protected.

A key distinction to be made between Widmar and the case at bar is the fact that once the university students have completed exercising their free speech activities they leave the public forum the way they found it: bereft of religious symbols or propaganda. Not so the case of the JCC. Their symbolic speech, eight days in duration, carries with it, not only the religious message of Chanukah, but the risk of perceived government endorsement implicit in displaying an isolated and unattended menorah in a public park.

In O'Hair v. Andrus, 613 F.2d 931 (D.C. Cir. 1979) the court refused to enjoin Pope John Paul II from celebrating an outdoor Catholic Mass on the National Mall. In finding that such use of federal property did not endorse the Catholic faith, the court noted the only message being conveyed was the "approval of the principal of freedom of demonstration." Id. at 936.

The students in Widmar and the Pope celebrating Mass with the multitudes can be viewed in the same light on two premises. First they are both transitory, live speakers. Upon completion

of the Mass, the Pope left and the large altar was removed. No religious trappings of the Catholic Church were left behind. The same was true in Widmar. When the students departed, the only thing left was an empty classroom. Additionally, neither activity continues on for days at a time.

Secondly, any member of the public coming upon the scene of either the students or the Pope celebrating Mass would reasonably conclude the speakers had no association with the government. The reason for this is clear: public speakers can personally explain the context in which they appear. Unfortunately, the menorah in City Park is neither transitory nor capable of explaining away any perceived government endorsement.

C. THE COURT OF APPEALS' RELIANCE ON MCCREARY IS MISPLACED IN VIEW OF CURRENT CASELAW SUPPORTING THE DISTRICT COURT'S HOLDING.

The court of appeals, attempting to support its public forum argument, mistakenly relies on McCreary v. Stone, 739 F.2d 716 (2d Cir. 1984), aff'd by an equally divided Court sub nom. Board of Trustees v. McCreary, 471 U.S. 83 (1985), as "a case more directly on point." Danburg, 1 F.3d at 8. In McCreary a privately supported nativity creche displayed in a public park was held not to violate the Establishment Clause "holding that the First Amendment does not permit discrimination against private speech in a traditional public forum based on the religious content of the speech." Id.

It's important to note that United States Supreme Court affirmed McCreary in a four to four split decision. Petitioner

maintains that this tenuous decision no longer carries substantial precedent in view of this Court's subsequent holding in Allegheny.

Moreover, in Kaplan v. City of Burlington, 891 F.2d 1024 (2d Cir. 1989), the Court of Appeals for the Second Circuit distanced itself considerably from its prior holding in McCreary. Comparing the factual similarities between McCreary and Kaplan, the court noted: "We are aware that appellees would have a much stronger case were it not for Allegheny, because of our own court's decision five years ago in McCreary." Kaplan, 891 F.2d at 1027. Though the issue was the same in McCreary and Kaplan, the second circuit reached the opposite conclusion in the latter and noted "that McCreary is not dispositive here." Id.

Kaplan, factually similar to the case at bar, involves the Chanukah display of an unattended, solitary menorah in a public park in close proximity to government buildings. Kaplan v. City of Burlington, 891 F.2d 1024 (2nd Cir. 1989).

Like Danburg's City Park, Burlington's "City Hall Park is a traditional public forum, and is frequently used by members of the public for a wide variety of social, artistic, commercial, and political events, including fund raising." Id. at 1026. Similar to Danburg's park, none of the other uses of Burlington's park involved displaying "an unattended, solitary religious symbol." Id. Additionally, Burlington's City Hall Park is bordered by buildings whose sole purpose is governmental, as is the case with the buildings on the perimeter of Danburg's park.

The menorah in Kaplan was sixteen feet high compared with JCC's which measured twenty-two feet. Finally, similar to the sign posted by the JCC, the Burlington park menorah was accompanied by a disclaimer sign stating: "Happy Chanukah" and "Sponsored by: Lubavitch of Vermont." Id.

The court's rationale in striking down the menorah as a violation of the Establishment Clause is salient: "As we see it, Allegheny teaches that the display of a menorah on government property in this case conveys a message of government endorsement of religion. . . ." Kaplan, 891 F.2d at 1028.

Given the strikingly similar facts of Kaplan with the case at bar, and Kaplan's correct reliance on Allegheny; Petitioner asserts the JCC's display of a solitary and unattended Jewish menorah in City Park violates the letter and spirit of the Establishment Clause.

CONCLUSION

For the reasons set forth above, Petitioner respectfully requests this Court to reverse the ruling of the court of appeals.

Respectfully submitted,

289-66-4245
Counsel for Petitioner