IN THE SUPREME COURT OF FLORIDA

CASE NO.: SC02-2191
Lower Tribunal No.: 86-6123-CF

GROVER REED,

Appellant

v.

STATE OF FLORIDA

Appellee.

ON APPEAL FROM THE CIRCUIT COURT
OF THE FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL COUNTY, STATE OF FLORIDA

REPLY BRIEF OF APPELLANT

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ISSUE II: INEFFECTIVENESS IN FAILING TO USE A HAIR EXPERT

In its Answer Brief, the State argues –in essence-- that trial counsel was not ineffective in failing to used a defense hair-type expert because (1) the Defendant "admitted guilt" and because (2) the hair-type expert witness would have offered nothing more than everyday, lay testimony about how loose hairs can drift and be transported among household items.

With regard to its argument that the Defendant "admitted guilt," the State ignores the proclamations of innocence which are contained in the Defendant's "handwritten waiver form." That handwritten waiver form is referred to by the trial court in its order denying the subject post-conviction motion. (R3, p. 532 and

Supplemental Record 1, p. 15-17). In it, the Defendant stated the following:

> 2. I am Grover Reed, the defendant in 1st Degree Murder case in Duval Co., Fla. Cs# 86-6123 CF Div. W.
>
> 3. Throughout this case both publicly and privately and in all conversations with my attorney I have constantly maintained my complete innocence of all these charges.
>
> * * *
>
> 4. On February 27, 1986 I was never at or near the residence of Betty Oerman, the victim in this case.
>
> * * *
>
> 7. I have refused to allow my attorney to assert or put forward any defense which assumes or implies I murdered Betty Oermann.
>
> * * *
>
> 14. I have advised y attorney that although I understand his advice I will not plead guilty because I am not guilty.
>
> (Supplemental Record 1, p. 15-17)

The State's reliance on Gudinas v. State, 816 So.2d 1095, 1102 (Fla. 2002) is misplaced. The Defendant in the subject case, unlike the defendant in Gudinas, has never said anything indicative of guilt.

With regard to hair-type expert testimony, the trial court did indeed say the following in its order denying the subject post-conviction motion:

> Furthermore, Dr. Nute's (evidentiary) hearing testimony really failed to offer anything about hair, shedding hairs, or the transference of shedding hairs that would not already be known by an experienced criminal defense lawyer.

(R3, p. 518-0519, quoted at p. 20 of State's Reply Brief)

With the 20-20 vision of hindsight, Dr. Dale Nute's evidentiary hearing testimony about the way loose hairs can float about and be transferred within a household may seem obvious now. However, at the time of trial, the Defendant's trial counsel apparently failed to understand and call the jury's attention to the mobility of stray hairs. Indeed, Defendant's trial counsel failed to present any evidence or make any jury argument whatsoever regarding to the mobility of loose hairs. This effectively allowed the State's hair-type expert to testify, without further explanation, that hairs resembling the Defendant's hairs had been found on the victim's body as well as on a baseball cap said to belong to the Defendant. (TT 666-670).

The Defendant lived permissibly as a guest in the victim's home, until told to move out approximately two months before the murder. TT 372-373, 375, 385-387. Defendant's trial counsel failed to demonstrate that the hairs were likely deposited earlier, when the Defendant lived permissibly in the victim's house. Under the circumstances, the only conceivable explanation for trial counsel's failure to present evidence or argument regarding likely non-criminal explanations for the hair was a complete failure to recognize the hair-mobility issue. If Defendant's trial counsel had consulted with a hair expert of his own, he would have been alerted to how easily hairs can drift and get transferred from one place to another.

Then, defense counsel would have been prepared to presented such evidence and argument at trial.

The failure to use an expert can warrant reversal of a conviction where it results in counsel failing to adequately investigate, prepare and serve as the government's adversary. Osborne v. Shillinger, 861 F.2d 612, 625 (10th Cir. 1988) and United States v. Chronic, 466 U.S. 648, 666 (1984). Relief is warranted.

ISSUE III: INEFFECTIVENESS IN FAILING TO USE A BLOOD-TYPE EXPERT

With regard to the State's comment that "It is not deficient performance to decline to investigate the scientific evidence of guilt when the client admits his guilt" (Answer Brief, p. 24) the Defendant and incorporates all of the argument and evidence he has set forth in Issue II above, as to how the Defendant did *not* admit guilt.

The State points out (at pages 24-27 of its Answer Brief) that the blood-type expert called by the defendant called at the post-conviction motion evidentiary hearing essentially agreed with the prosecution's expert's claim that the Defendant fell within the 56-57% of all males who could have contributed the semen found in the victim. The State further argues that a defense blood-type expert (serologist) could have done little more than offer non-expert lawyering tips to Defendant's trial counsel. "Dr. Nute is a serology expert, not an attorney." (Answer Brief, p. 29). The State misses the point. Actually, it was the State's unchallenged

characterization of the blood-type evidence that was so damaging to the defense.

The State's final question to State blood-type expert Paul Doleman produced the following response:

> Q: What conclusion were you able to draw with reference to the findings of H antigenic activity as it relates to the defendant?
>
> A: Having determined the blood type and the secretor status of Betty Oermann and having determined that blood type and secretor status of Grover Reed and having determined that H antigenic activity was present on the vaginal swab, the seminal fluid and spermatozoa were present on the vaginal swab, I am able to make a determination that Grover Reed falls into the population, the male population, that could have had intercourse with Betty Oermann.
>
> (Trial Transcript, p. 638)

This testimony seems to confirm, with absolute certainty, that the Defendant is positively and absolutely a member of that subset of males who could have contributed the semen found in the victim. By contrast, the serologist that the Defendant called to testify at the post-conviction motion evidentiary (Dr. Dale Nute) explained that the test was flawed and unreliable because it could not discern as to whether the blood-type indicator (antigen) identified from the vaginal swab came from victim's vaginal secretions or the assailant's semen. R5, p. 815-818. By failing to alert the jury to this flaw in the test, Defendant's trial counsel was ineffective.

The State includes the following argument in its Answer Brief:

> Furthermore his (Dr. Dale Nute's) criticism of the assumption that the antigen activity came from the vaginal fluid, is unwarranted. This is exactly the assumption the NRC (National Research Council) recommends being made in DNA mixture case. Often in rape cases, the DNA evidence is a mixture of the perpetrator's semen and the victim's fluids, the widely accepted method of dealing with such mixtures is to type the victim and then subtract her DNA type from the DNA results. In other words, such an assumption is standard practice.

(State's Answer Brief, p. 28)

This "argument" is actually completely unfounded expert testimony and is objected to as such. There was no admissible evidence in support of this proposition presented either at the Defendant's jury trial or at the hearing on the subject motion for post-conviction relief. Indeed, the trial court noted, in the order now being appealed, that "At the time of the trial in this cause, **clearly pre-DNA**, the analysis of blood and semen was, at best, based on general observations." R4, p. 519, (emphasis appellant's). In other words, at the pre-DNA times involved in the subject case, there was no way to tell whether the blood-type indicator came from the male assailant or the female victim. If Defendant's trial counsel had followed the lead of the State and utilized a blood-type expert of his own, the jury would have been apprized of this test flaw and would have attributed less weight to the blood-type evidence. In failing to use an expert to understand and explain this shortcoming of the test to the jury, Defendant's trial counsel failed to function as

the government's adversary. Osborne v. Shillinger, 861 F.2d 612, 625 (10th Cir. 1988). Denying a defendant the assistance of expert witnesses violates the defendant's due process rights. Ake v Oklahoma, 470 U.S. 68, 105 S.Ct. 1087, 84 L.Ed. 2d 53 (1985). Relief is warranted.

ISSUE IV: INEFFECTIVENESS IN FAILING TO USE A FINGERPRINT EXPERT

One of the key pieces of evidence that the State used against the Defendant at trial was the Defendant's fingerprint which was found on one of the victim's personal checks that Detective J.D. Miller discovered in the victim's yard. Detective J.D. Miller conducted the initial crime scene investigation on the evening of the murder, February 27, 1986. TT 416. He found some of the victim's checks in the victim's back yard. TT 435-436.

At trial, State fingerprint expert Bruce Scott testified that ninhydrin was used to "develop" a fingerprint on one of the checks. TT 685-686. He also testified that the fast, deep-purple reaction indicated him that the fingerprint was fresh, no more than 10 days old. TT 687. He added that the strong ninhydrin chemical reaction indicated that the person who left the print had been perspiring heavily. TT 687. Finally, he testified that this print matched a sample taken from the Defendant. TT694-695. This created the impression that the nervous, sweaty Defendant took the victim's check at the time of the murder, long after the Defendant ceased living

with the victim as an invited guest.

In his subject motion for post-conviction relief, the Defendant alleged that he received ineffective assistance of counsel because his trial counsel failed to consult with and present the testimony of a defense fingerprint expert. R1, p. 53-76. The Defendant presented expert testimony and argument at the post-conviction motion evidentiary hearing which debunked as pseudo-science Bruce Scott's claim that he could tell the age or sweatiness of the fingerprint based on the speed and intensity of the ninhydrin reaction. R5, p. 873-889.

In its Answer Brief, even State appears to concede that there is no merit to Bruce Scott's claim that the fingerprint on the check was fresh and sweaty. (State's Answer Brief, p. 33-35). The State argues, however, that the circumstance of the police finding the victim's checks and wallet outside of the victim's house shortly after the murder effectively "date" the fingerprint as occurring at the time of the murder. (State's Answer Brief, p. 35). This argument might have some persuasive force if it weren't for the fact that the Defendant lived permissibly as a guest in the victim's house up until two months before the murder, and likely handled some of the victim's belongings with the victim's consent. TT 372-373, 375, 385-387.

State fingerprint expert Bruce Scott's testimony about how the defendant's fingerprint that was found on the check was fresh and sweaty devastated the

defense. This testimony was allowed to stand completely unchallenged and completely uncontradicted by any defense fingerprint expert. The failure to utilize defense expert witnesses is a valid basis for post-conviction relief grounded on ineffective assistance of counsel. Lawrence v. State, 831 So.2d 121 (Fla. 2002). Relief is in order.

ISSUE V: INEFFECTIVENESS IN FAILING TO PRESENT AN ALIBI DEFENSE

In its Answer Brief, the State argues that the Defendant " . . . may not sign a statement saying that he has no alibi at trial and then raise an ineffectiveness claim against trial counsel for failing to present an alibi defense. " (State's Answer Brief, p. 39). In support of this argument, the State quotes the following portion of the Defendant's handwritten waiver form:

> 9. Although my attorney and I have discussed calling certain witnesses I believe that no *witness* could establish an alibi for me and no witness could contribute evidence which was not available either through my own testimony, if I testify, or through the State's own witnesses.
>
> (State's Answer Brief, p. 39, quoting Supplemental Record 1, p. 16; italicization added by Defendant)

This court's attention is directed to the use of the singular form of the word "witness" in the above expression. The Defendant was simply acknowledging his understanding that no one, single witness could singlehandedly establish the alibi.

Such an interpretation of this "waiver" form makes even more sense considering

the words "and no witness could contribute evidence which was not available either through my own testimony, if I testify, or through the State's own witnesses." Defendant appears to be acknowledging that the alibi defense would have to be developed by either the State's own witnesses and perhaps the Defendant himself. In other words, this paragraph indicates that the alibi is supported by only limited evidence. This paragraph does not indicate that an alibi defense will not be presented.

Interpreting this paragraph as an acknowledgment that defense counsel would be relying on the State's own trial witnesses and perhaps the Defendant's own testimony in proving the alibi also makes sense when one considers that the State did indeed call sufficient trial witnesses for the defense to establish at least a rudimentary alibi defense. As noted in pages 38 through 41 of the Defendant's Initial Brief, Irvin Oermann, Debra Hipp, Lisa Smith, Mike Shelburne, Mark Rainey and Detective J.D. Warren were all called by the State to testify at trial. The testimony of these prosecution witnesses could have –and should have– been used by Defendant's trial counsel to show that the Defendant was out fighting and contending with a broken-down car, and was nowhere near the victim, at the time of the murder. In addition, the Defendant was clearly following the advice of counsel when he signed this written "waiver" form. The word "advised" appears three times on it.

Defendant's trial counsel was also remiss in failing to investigate, discover and use the additional alibi witnesses and evidence identified in pages 40-53 of Appellant's Initial Brief. Defense counsel has a duty to conduct a reasonable investigation. Strickland v. Washington, 466 U.S. 668 (1984). The failure to call alibi witnesses can constitute ineffective assistance of counsel where the alibi testimony is identified and the failure to present such testimony was prejudicial. Greeson v. State, 729 So.2d 397 (Fla. 1st DCA 1998). Defendant's trial counsel was ineffective in failing to investigate, develop and present an alibi defense. For this reason, this court should grant relief.

ISSUE VI: BRADY VIOLATION FOR FAILING TO REVEAL COCAINE PROBLEMS OF STATE'S FINGERPRINT EXPERT

In its Answer Brief, the State argues that the State's failure to reveal evidence of the cocaine problems of State fingerprint expert Bruce Scott was inconsequential. The State points out that Bruce Scott's identification of the check fingerprint was separately confirmed by a second, qualified fingerprint examiner: Ernest Hamm. (Appellee's Answer Brief p. 47, 55-56).

Ernest Hamm did testify for the State at the evidentiary hearing on the subject motion for post-conviction relief. He explained that he personally confirmed that the subject fingerprint was the Defendant's at the time of the Defendant's original prosecution and again for the evidentiary hearing on Defendant's subject motion for post-conviction relief. R7, p. 1341-1346, 1349.

That is the tragedy of the State's failure to disclose the cocaine problems of Bruce Scott. The State already had in Ernest Hamm a skilled fingerprint examiner, unpressured by any cocaine problem or investigation. Mr. Hamm could have provided truthful, professional, and scientific testimony regarding the identity of the fingerprint. Instead, the State used Bruce Scott, a person the State knew had recently left employment under the pressure of a cocaine investigation and whose law-enforcement career was clearly in jeopardy.

If the State had honored its Brady obligation to disclose Bruce Scott's cocaine-related problems, the State would have undoubtedly ended up using sound, scientific testimony of Ernest Hamm instead. Even Mr. Hamm agreed, at the evidentiary hearing on Defendant's subject motion for post-conviction relief, that there is no way to date a fingerprint. R7, p. 1350. The trial court erred in failing to hold that the State's failure to disclose Bruce Scott's cocaine problems and related internal investigation violated the Defendant's due process rights and the disclosure requirements of Brady v. Maryland, 373 U.S. 83 (1963) and its progeny. Relief is called for.

ISSUE VII: INEFFECTIVENESS IN HANDLING EVIDENCE OF DEFENDANT'S NON-SECRETOR STATUS

This claim is actually a sub-claim of Issue III above. The Defendant adopts its arguments in Issue 3 with respect to this claim.

ISSUE VIII: INEFFECTIVENESS IN NOT REQUIRING

THE STATE TO PROVE CHAIN OF CUSTODY

In its Answer Brief, the State contends that the Defendant abandoned this claim at the evidentiary hearing. For the reasons stated in pages 70-74 of Appellant's Initial Brief, the Defendant did not abandon this or any other claim.

The State also argues that Defense counsel's waiver of proof of chain of custody of trace evidence was not ineffectiveness because the evidence would have ultimately been admitted into evidence anyway. (State's Answer Brief, p. 59). As noted by the State in its Answer Brief, Defendant's trial counsel stipulated to the admissibility of trace evidence, and waived proof of chain of custody as "good trial strategy . . . to enhance your credibility" with the jury. (State's Answer Brief, p. 60). As noted by the court in Occhicone v. State, 768 So.2d 1037 (Fla. 2000) " . . .strategic decisions do not constitute ineffective assistance of counsel if alternative courses have been considered and rejected and counsel's decision was reasonable under the norms of professional conduct." In the present case, trial counsel's failure to use a defense hair and blood-type experts, and trial counsel's decision not to demonstrate the mobility and unreliability of such evidence through proof of chain of custody cannot be considered reasonable under the norms of professional conduct.

ISSUE IX: INEFFECTIVENESS IN CONCEDING GUILT AND THE EXISTENCE OF AGGRAVATING CIRCUMSTANCE

Initially, the State argues that the Defendant "abandoned" this claim. For the

reasons stated in pages 70-74 of Appellant's Initial Brief, the Defendant did not abandon this or any other claim.

Additionally, the State argues that trial counsel's act of conceding guilt to the lesser offense of theft was not ineffective assistance of counsel. Defendant respectfully disagrees. In addition to the reasons stated in the Defendant's Initial Brief, counsel's ineffectiveness in conceding guilt is clarified in this court's recent decision in Nixon v. State, 29 Fla. L. Weekly S597 (July 10, 2003). In Nixon, the court stated:

> Since counsel's comments operated as a guilty plea, in order to affirm the trial court's ruling, the record must contain substantial evidence which would enable this Court to determine that Nixon did more than silently submit to counsel's strategy. There is no evidence that shows that Nixon affirmative, explicitly agreed with counsel's strategy.
>
> * * *
>
> Thus, there is no competent, substantial evidence which establishes that Nixon *affirmatively* and *explicitly* agreed to counsel's strategy. *Without a client's affirmative and explicit consent to a strategy of admitting guilt to the crime charged or a lesser included offense, counsel's duty is to "hold the State to its burden of proof by clearly articulating to the juror fact-finder that the State must establish each element of the crime charged and that a conviction can only be based upon proof beyond a reasonable doubt.*
>
> * * *
>
> Since we held in Nixon II that silent acquiescence to counsel's strategy is not sufficient, we find that Nixon must be given a new trial.

(Id., emphasis court's)

It is noteworthy that the Nixon court did not find any "waiver" of this "ineffective assistance of counsel" claim, even though Nixon did not testify at the evidentiary hearing on his post-conviction relief motion.

As indicated in the argument for Issue II above, the subject Defendant signed a detailed "waiver" form in which he repeatedly proclaimed his innocence and explicitly forbade his attorney from asserting or putting forward any defense which assumed or implied that he murdered Betty Oermann. Nevertheless, Defendant's trial counsel ignored his wishes and conceded guilt to theft. Since all of the evidence presented at trial indicated that the one person committed all of the crimes against the victim, this concession was tantamount to conceding that the Defendant committed the murder. *See* Harvey v. State, 28 Fla. L. Weekly S513 (July 3, 2003) in which the court held that conceding the existence of elements of a crime during opening argument is *per se* ineffective assistance of counsel, and is a presumed violation of the Defendant's 6th Amendment right to counsel, as stated in United States v. Cronic, 466 U.S. 648 (1984). *See also*, Smallwood v. State, 809 so. 2d 56 (Fla. 5th DCA 2002) in which the court held that conceding guilt without the defendant's permission is "per se" ineffective assistance of counsel.

ISSUE X: INEFFECTIVENESS IN NOT INVESTIGATING AND PRESENTING MITIGATION EVIDENCE

In its Answer Brief, the State argues that the Defendant's trial counsel wisely chose not to present the testimony of a psychologist because the psychologist would have testified that the Defendant had an anti-social personality disorder. (State's Answer Brief, p. 87). The psychologist that the Defendant called to testify at the evidentiary hearing on Defendant's subject motion for post-conviction relief explained that the Defendant's horrible experiences growing up *caused* the Defendant's anti-social personality disorder. R4, p. 750. The jury should have heard this. It might have evoked some sympathy and tipped the scales against a death recommendation.

The State includes, at pages 87-88 of its Answer Brief, a description of the essential feature of Antisocial Personalty Disorder from " the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV)." This material, which amounts to expert testimony, was not admitted into evidence and is now objected to by this Appellant. It should not now be considered by this reviewing court.

It is significant that the "waiver" form cited so frequently by the State says nothing about the Defendant waiving his right to have mitigation evidence developed and presented. (Supplemental R 1, p. 15-17). In Wiggins v. Smith, 16 Fla. L. Weekly Fed. S459 (Case No. 02-311, June 26, 2003) the United States Supreme Court noted that the defendant's troubled childhood history was important mitigation evidence, relevant to assessing a defendant's moral culpability,

and could have resulted in the jury returning a different sentence. Kevin Wiggins, like the Defendant in the subject case, was raised by physically, sexually and emotionally abusive parents. The Wiggins court noted that defense counsel failed to offer any evidence of the defendant's life history or family background in mitigation. The Wiggins court further noted that Wiggins' defense counsel was remiss and " . . . not in a position to make a reasonable strategic choice as to whether to focus on Wiggins' direct responsibility, the sordid details of his life history, or both, because the investigation supporting their choice was unreasonable." The Wiggins court also opined that "Given both the nature and the extent of the abuse petitioner suffered, we find there to be a reasonable probability that a competent attorney, aware of this history, would have introduced it at sentencing in an admissible form." Finally, in reversing the judgment of the United States Court of Appeals for the Fourth Circuit, the Wiggins court stated, "Had the jury been able to place petitioner's excruciating life history on the mitigating side of the scale, there is a reasonable probability that at least one juror would have struck a different balance." The court criticized trial counsel's "halfhearted mitigation case," calling the "strategic decision" to put on limited mitigation evidence as "more a post-hoc rationalization of counsel's conduct than an accurate description of their deliberations prior to sentencing. The Defendant in the subject case received the same inadequate background investigation and the same "halfhearted

mitigation case" condemned by the court in Wiggins. Relief is in order.

ISSUE XII: INEFFECTIVENESS IN FAILING TO OBJECT TO THE PROSECUTOR'S IMPROPER COMMENTS TO THE JURY

Initially, the State argues that the Defendant "abandoned" this claim. The Defendant disagrees for all of the reasons stated in pages 70-73 of Appellant's Initial Brief.

The State also argues that most of the prosecutor's comments were perfectly proper. (Appellee's Answer Brief, . 94). The Defendant respectfully disagrees. In Thomas v. State, 748 So.2d 970 (Fla. 1999) the court held that a jury argument asking the jury to show the defendant the same mercy that the defendant showed the victim is a clear example of prosecutorial misconduct which will not be tolerated by the courts. Worse still, the prosecution's repeated references to the victim's husband as a "minister" and "reverend" and the prosecution's characterization of the victim and her widowed husband as people who "lived by Christian principles" were calculated to inflame the passions of the jury. As noted by the court in Lawrence v. State, 691 So.2d 1068 (Fla. 1997), arguments which invoke religion can easily cross the boundary of proper argument and become prejudicial. In Ferrell v. State, 686 So.2d 1324 (Fla. 1996) the court admonished judges and attorneys not to discuss religious philosophy in court proceedings.

In determining whether the prosecutor's improper remarks to the jury are prejudicial, the court engages in a 2-part inquiry. The first question is whether the prosecutor's comments were calculated to inflame the jury's emotions and effect their sentencing recommendation. The second question is whether there is a reasonable possibility that the comments affected the verdict. Watts v. State, 593 So.2d 198 (Fla. 1992); Rhodes v. State, 547 So.2d 1201 Fla. 1989). In the case now before the court, there is little doubt that the prosecutor's "same mercy" argument and religious references were intended to arouse –and did indeed arouse– the passions of a jury that was already burdened with this especially gruesome and troubling case. Relief should be granted.

ISSUE XIII: CUMULATIVE ERRORS OF DEFENSE COUNSEL

The State indicates that there should be no consideration of the cumulative errors of defense counsel because there have been no individual errors of defense counsel. The Defendant respectfully disagrees. The errors of defense counsel, considered both individually and as a whole, undermine confidence in the outcome of the Defendant's trial. Relief is in order. Strickland v. Washington, 466 U.S. 668 (1984), State v. Gunsby, 670 So.2d 920 (Fla. 1996).

REMAINING ARGUMENTS

The Defendant relies on his Initial Brief as rebuttal to the remaining arguments advanced by the State. With specific regard to all of the State's contentions that

the Defendant has waived various claims by not presenting evidence or argument, the Defendant incorporates, as his argument against such waivers, all of the arguments which appear at pages 70-74 of Appellant's Initial Brief.

CONCLUSION

Based on the arguments set forth in this Reply Brief as well as in his Initial Brief, the Defendant submits that the lower court's August 28, 2002 Order on Defendant's Motion for Post-Conviction relief should be reversed.

CERTIFICATE OF SERVICE

THE UNDERSIGNED ATTORNEY HEREBY CERTIFY that a copy of this Reply has been served by U.S. Mail addressed to (1) Charmaine M. Millsaps, Assistant Attorney General, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, and to (2) Grover Reed, DC# 105661, P6201 A1, Union Correctional Institution, P.O. Box 221, Raiford, FL 32083-0221 on this the 28th day of August, 2003.

CERTIFICATE OF COMPLIANCE WITH FONT REQUIREMENTS

The undersigned counsel for Appellant certifies that this Reply Brief has been prepared on WordPerfect® 8.0 word processing software using Times New Roman 14 font.

Respectfully submitted,

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