Michael K. Jeanes, Clerk of Court
*** Filed ***
08/19/2015 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2015-000249-001 DT 08/18/2015

CLERK OF THE COURT
THE HON. CRANE MCCLENNEN J. Eaton
Deputy

STATE OF ARIZONA GARY L SHUPE
v.
ADAM MARK REIHER (001) CAMERON A MORGAN

PHX CITY MUNICIPAL COURT
PHX MUNICIPAL PRESIDING JUDGE
REMAND DESK-LCA-CCC

RECORD APPEAL RULING / REMAND

Lower Court Case Number 13327–169001.

Defendant-Appellant Adam Mark Reiher (Defendant) was charged in Phoenix Municipal Court with driving under the influence. Defendant contends the trial court abused its discretion in determining his consent to the blood test was voluntary. This Court has addressed the issue of voluntariness of the consent in the following cases:

State v. Turner, LC 2014–000215 (Oct. 9, 2014).
Chmura v. Arizona DOT, LC 2013–000189 (Oct. 10, 2014).
State v. O'Connell, LC 2014–000293 (Nov. 26, 2014).
State v. McKnight, LC 2014–000326 (Dec. 4, 2014).
State v. Okken, LC 2014–000426 (Jan. 30, 2015).
State v. Papke, LC 2014–000562 (Mar. 26, 2015).
State v. Kildare, LC 2015–000059 (Apr. 7, 2015).
State v. Bowser, LC 2015–000216 (Jul. 16, 2015)
State v. Ciampa, LC 2015–000247 (Jul. 16, 2015).

For the following reasons, this Court affirms the judgment and sentence imposed.

I. FACTUAL BACKGROUND.

On November 23, 2013, Defendant was cited for driving under the influence, A.R.S. § 28–1381(A)(1) & (A)(2); driving under the extreme influence, A.R.S. § 28–1382(A)(1) & (A)(2) (0.15 or more and 0.20 or more); speed greater than reasonable and prudent, A.R.S. § 28–701(A); failure to drive in one lane, A.R.S. § 28–729(1); and no proof of insurance, A.R.S. § 28–4135(C). On September 9, 2014, Defendant's attorney filed a Motion To Suppress contending Defendant's consent to take the blood test was not voluntary and that the Implied Consent Law was unconstitutional.

At the hearing on Defendant's Motion To Suppress, Officer Michael David McGillis testified he was working in the DUI van on November 23, 2013. (R.T. of Sep. 29, 2014, at 6.) Officer Chase had arrested Defendant for driving under the influence and at 12:44 a.m. brought him to the DUI van. (*Id.* at 7.) Officer McGillis read to Defendant the *Miranda* warnings and the Admin Per Se/Implied Consent Affidavit as follows:

> Arizona law requires you to submit to and successfully complete tests of breath, blood or other bodily substance as chosen by law enforcement officer to determine alcohol concentration or drug content. The law enforcement officer may require you to submit to two or more tests. You are required to successfully complete each of the tests.
>
> If the test results are not available or indicate alcohol concentration is 0.08 or above or indicate any drug defined in Arizona Revised Statute 13–3401 or its metabolite without a valid prescription, Arizona driving privileges may be suspended—or will be suspended for not less than 90 consecutive days.
>
> If you refuse to submit or do not successfully complete the specified tests, your Arizona driving privileges will be suspended for 1 year or 12 months or for 2 years if there's a prior implied consent refusal within the last 84 months, on your record.
>
> Will you submit to the specified test?

(R.T. of Sep. 29, 2014, at 8–9, 13.) At that time, Defendant was not handcuffed and said he did not want to talk to an attorney. (*Id.* at 14–15.) Officer McGillis also told Defendant that, if the test showed his BAC was less than 0.08, his license would not be suspended. (*Id.* at 17–18.) Defendant agreed to submit to the test and signed the consent form. (*Id.* at 9–10, 16–17.) Defendant did not hesitate or give any indication he was unsure what to do. (*Id.* at 10–11.)

Defendant testified and said he agreed with Officer McGillis's testimony. (R.T. of Sep. 29, 2014, at 19.) For various reasons, Defendant said he felt he had no choice in this matter. (*Id.* at 20.) He said he knew that, if he took the test and it showed a BAC of 0.08 or higher, he could lose his license for 90 days. (*Id.* at 21.) He also knew that, if he took the test and it showed a BAC of less than 0.08, he would not lose his license. (*Id.* at 24.) Defendant made no claim that his BAC of over three times the legal limit had any effect on his ability to make rational choices.

After hearing arguments from the attorneys, the trial court denied Defendant's Motion To Suppress. (R.T. of Sep. 29, 2014, at 35.) Defendant's attorney then said Defendant would submit the matter on the record. (*Id.* at 35, 40, 42–43.) That included the Report on the Examination of Physical Evidence, which showed Defendant's BAC was 0.247. (Plaintiff's Exhibit 1, last page.) The trial court found Defendant guilty of Counts 1 and 4, dismissed Counts 2 and 3 as lesser-included offenses, and imposed sentence. (*Id.* at 43–48.) On that same day, Defendant filed a timely notice of appeal. This Court has jurisdiction pursuant to ARIZ. CONST. Art. 6, § 16, and A.R.S. § 12–124(A).

II. ISSUE: DID THE TRIAL COURT ABUSE ITS DISCRETION IN FINDING DEFENDANT'S CONSENT WAS VOLUNTARY.

A. *Did the trial court abuse its discretion in determining Defendant's consent was voluntary in the legal sense.*

Defendant contends the trial court abused its discretion in finding his consent was not voluntary in the legal sense. A resolution of this issue depends on whether Arizona's Implied Consent Law is constitutional.

1. *Is Arizona's Implied Consent Law constitutional.* Defendant contends Arizona's Implied Consent Law is not constitutional because it forces a defendant to surrender the Fourth Amendment rights. In *Campbell v. Superior Court* (*White*), 106 Ariz. 542, 479 P.2d 685 (1971), the Arizona Supreme Court upheld the constitutionality of Arizona's Implied Consent Law, former A.R.S. § 28–691 [now A.R.S. § 28–1321]. In *State v. Valenzuela*, 237 Ariz. 307, 350 P.3d 811, (Ct. App. 2015), *pet. for rev. filed* Jun. 25, 2015, CR–15–0222–PR, the Arizona Court of Appeals addressed the issue of voluntariness under Arizona's Implied Consent Law, but did not address the constitutionality of the statute. *Valenzuela* at ¶ 34. In *Campbell* (*White*), the Arizona Supreme Court first held Arizona's Implied Consent Law was a reasonable regulation:

> In Arizona the use of the highways of this state is a right which all qualified citizens possess subject to reasonable regulation under the police power of the sovereign.
>
> . . . .
>
> The purpose of the Implied Consent Law is to remove from the highways of this state drivers who are a menace to themselves and to others because they operate a motor vehicle while under the influence of intoxicating liquor.
>
> . . . .
>
> Even though Arizona's Implied Consent Law seeks to achieve a legitimate legislative purpose, the question remains whether the means are reasonable. More specifically, is it reasonable under the circumstances to require a person to submit to a chemical test of his blood, breath or urine if arrested for driving while intoxicated or face a six months suspension of his driver's license. We are of the opinion that it is.
>
> . . . .
>
> Clearly, upon the basis of the above cited authority, the breathalyzer test is a reasonable means for achieving the goals of the legislature. We believe that it is also reasonable to suspend the driver's license of a person who refuses to submit to the tests provided for in the Implied Consent Law.

106 Ariz. at 545–47, 479 P.2d at 688–90. The court next held Arizona's Implied Consent Law did not violate the Fifth Amendment privilege against self-incrimination or the Sixth Amendment right to counsel. 106 Ariz. at 548–50, 479 P.2d at 691–93. And finally, the court held Arizona's Implied Consent Law did not violate the Fourth Amendment:

> Respondent's final contention is that the Implied Consent Law violates the Fourth Amendment of the United States Constitution. We find no merit in this argument in light of the holding in *Schmerber v. State of California.*

106 Ariz. at 554, 479 P.2d at 697 (citations omitted). The Arizona Supreme Court has thus held Arizona's Implied Consent Law is constitutional.

In 2010, the Arizona Supreme Court was presented with the opportunity to modify or overrule *Campbell* (*White*), but chose not to do so:

> Other limits of our decision also merit comment. Our holding reflects the requirements of A.R.S. § 28–1321; because we resolve this case as a matter of statutory interpretation, we need not address any constitutional issues raised by *Carrillo. Cf. South Dakota*

> *v. Neville* (stating that under *Schmerber v. California*, a state may "force a person suspected of driving while intoxicated to submit to a blood alcohol test"); *Campbell* (rejecting Fourth Amendment challenge to implied consent law as meritless in light of *Schmerber*).

Carrillo v. Houser, 224 Ariz. 463, 232 P.3d 1245, ¶ 21 (2010) (citations and footnotes omitted). Later, in *State v. Butler* (*Tyler B.*), 232 Ariz. 84, 302 P.3d 609 (2013), the Arizona Supreme Court addressed the issue of the voluntariness of the consent under A.R.S. § 28–1321:

> Arizona's implied consent statute, A.R.S. § 28–1321, outlines how law enforcement officers can obtain consent to blood and breath tests from persons arrested for driving under the influence ("DUI") and provides consequences for arrestees who refuse to submit to a test. Against this backdrop, we address whether the Fourth Amendment to the United States Constitution requires that a juvenile arrestee's consent be voluntary to allow a warrantless blood draw. We hold that it does . . . .

Butler (*Tyler B.*) at ¶ 1. The court upheld the trial court's finding that the juvenile did not voluntarily consent as a factual matter, and never addressed the issue presented here, that is, whether the consequences for arrestees who refuse to submit to a test make any consent involuntary as a matter of law. *See Valenzuela* at ¶ 18. The Arizona Supreme Court thus has not overruled *Campbell* (*White*), so it therefore remains good law. As the Arizona Court of Appeals has said on numerous occasions, "We are bound by decisions of the Arizona Supreme Court and have no authority to overrule, modify, or disregard them." *State v. King*, 222 Ariz. 636, 218 P.3d 1093, ¶ 6 (Ct. App. 2009) (court of appeals felt constrained to follow *State v. Dumaine*, 162 Ariz. 392, 783 P.2d 1184 (1989)), *vac'd, State v. King,* 225 Ariz. 87, 235 P.3d 240, ¶ 12 (2010) (disapproving language in *Dumaine*); *State v. Miranda*, 198 Ariz. 426, 10 P.3d 1213, ¶¶ 8, 13 (Ct. App. 2000) (court of appeals felt constrained to follow *State v. Angle*, 149 Ariz. 478, 720 P.2d 79 (1986), rather than *State v. Cutright*, 196 Ariz. 567, 2 P.3d 657 (Ct. App. 1999), which seemingly changed the law established by the Arizona Supreme Court in *Angle*); *approved, State v. Miranda*, 200 Ariz. 67, 22 P.3d 506, ¶¶ 1, 5 (2001) (approving decision of court of appeals in *Miranda* and disapproving decision of court of appeals in *Cutright*). Similarly, this Court is bound by decisions of the Arizona Supreme Court and has no authority to overrule, modify, or disregard them. Thus, until such time as the Arizona Supreme Court modifies or vacates its decision in *Campbell* (*White*), this Court is bound by that decision holding Arizona's Implied Consent Law constitutional.

Defendant contends this Court is not bound by *Campbell* (*White*) because of the recent opinion of the United States Supreme Court in *Missouri v. McNeely*, 133 S. Ct. 1552 (2013). Defendant reasons that (1) *Campbell* (*White*) relied on *Schmerber v. California*, 384 U.S. 757 (1966), (2) *McNeely* undercut that part of *Schmerber* upon which *Campbell* (*White*) relied, thus (3) *Campbell* (*White*) is no longer good law. For three reasons, this Court does not agree with Defendant's contentions.

First, in this Court's opinion, *McNeely* did not undercut *Schmerber*. In *Schmerber*, the Court said as follows:

> The officer in the present case, however, might reasonably have believed that he was confronted with an emergency, in which the delay necessary to obtain a warrant, under the circumstances, threatened "the destruction of evidence." . . . Particularly ***in a case such as this,*** where time had to be taken to bring the accused to a hospital and to investigate the scene of the accident, there was no time to seek out a magistrate and secure a warrant. ***Given these special facts,*** we conclude that the attempt to secure evidence of blood-alcohol content ***in this case*** was an appropriate incident to petitioner's arrest.
>
> . . . .
>
> We thus conclude that ***the present record*** shows no violation of petitioner's right under the Fourth and Fourteenth Amendments to be free of unreasonable searches and seizures. It bears repeating, however, that ***we reach this judgment only on the facts of the present record.***

384 U.S. at 770–71 (emphasis added; citations omitted). In *McNeely*, the Court said as follows:

> In short, while the natural dissipation of alcohol in the blood may support a finding of exigency in a specific case, as it did in *Schmerber*, it does not do so categorically. Whether a warrantless blood test of a drunk-driving suspect is reasonable must be determined ***case by case based on the totality of the circumstances.***

133 S. Ct. at 1563 (emphasis added). Because the Court determined both *Schmerber* and *McNeely* "case by case based on the totality of the circumstances," *McNeely* did not overrule or change *Schmerber*, and instead re-affirmed the reasoning used.

Second, both *Schmerber* and *McNeely* involved non-consensual searches:

> Petitioner objected to receipt of this evidence of the analysis on the ground that the blood had been withdrawn ***despite his refusal, on the advice of his counsel, to consent to the test.***

Schmerber, 384 U.S. at 759 (emphasis added).

> The question presented here is whether the natural metabolization of alcohol in the bloodstream presents a per se exigency that justifies an exception to the Fourth Amendment's warrant requirement for ***nonconsensual*** blood testing in all drunk-driving cases.

McNeely, 133 S. Ct. at 1556 (emphasis added). Because *McNeely* involved a non-consensual search, it cannot be said that it overruled *Campbell* (*White*), which involved a consensual search.

Third, *McNeely's* reasoning is based in part on the fact that all 50 states have implied consent laws:

> As an initial matter, States have a broad range of legal tools to enforce their drunk-driving laws and to secure BAC evidence without undertaking warrantless non-consensual blood draws. For example, ***all 50 States*** have adopted implied consent laws that require motorists, as a condition of operating a motor vehicle within the State, to consent to BAC testing if they are arrested or otherwise detained on suspicion of a drunk-driving offense. ***Such laws impose significant consequences when a motorist withdraws consent; typically the motorist's driver's license is immediately suspended or revoked,*** and most States allow the motorist's refusal to take a BAC test to be used as evidence against him in a subsequent criminal prosecution.

133 S. Ct. at 1566 (emphasis added; citations omitted). *See Valenzuela* at ¶ 17. As it more fully explained in *South Dakota v. Neville*:

> [T]he South Dakota statute permits a suspect to refuse the test, and indeed requires police officers to inform the suspect of his right to refuse. This permission is not without a price, however. South Dakota law authorizes the department of public safety, after providing the person who has refused the test an opportunity for a hearing, to revoke for one year both the person's license to drive and any nonresident operating privileges he may possess. Such a penalty for refusing to take a blood-alcohol test is unquestionably legitimate, assuming appropriate procedural protections.

459 U.S. 5536, 559–60 (1983). It would be strange indeed for the Court in *McNeely,* in its discussion of the constitutionality of a non-consensual search, to base its reasoning on implied consent laws, such as Arizona's Implied Consent Law, that Defendant claims are unconstitutional.

As noted above, this Court considers itself bound by the Arizona Supreme Court's opinion in *Campbell* (*White*), which held Arizona's Implied Consent Law constitutional. Unless and until such time as the Arizona Supreme Court may choose to hold that *McNeely* effectively overruled *Campbell* (*White*), this Court will follow *Campbell* (*White*) as written by the Arizona Supreme Court and proceed on the premise that Arizona's Implied Consent Law is constitutional.

2. *Does conditioning a refusal to take a BAC test on the loss of the driver's license make any consent involuntary in a legal sense.* Defendant contends conditioning his refusal to take a BAC test on the loss of the driver's license made his consent involuntary. Arizona's Implied Consent Law required Defendant to choose between either consenting to the blood test and possibly keeping his driver's license or losing it for 90 days (if his BAC was 0.08 or above), or refusing to take the blood test and losing his driver's license for 12 months. But as the United States Supreme Court has said:

> We recognize, of course, that the choice to submit or refuse to take a blood-alcohol test will not be an easy or pleasant one for a suspect to make. But the criminal process often requires suspects and defendants to make difficult choices. We hold, therefore, that a refusal to take a blood-alcohol test, after a police officer has lawfully requested it, is not an act coerced by the officer, and thus is not protected by the privilege against self-incrimination.

Neville, 459 U.S. at 564 (citations omitted). This Court acknowledges that *Neville* addressed a Fifth Amendment issue and the present discussion involves a Fourth Amendment issue, but as the Court has said, "The values protected by the Fourth Amendment thus substantially overlap those the Fifth Amendment helps to protect." *Schmerber,* 384 U.S. at 767. The Arizona Court of Appeals recently followed essentially this same reasoning and held the consequence of losing the driver's license for 12 months did not make the consent involuntary as a matter of law. *Valenzuela* at ¶¶ 11–35.

Defendant cites *Bumper v. North Carolina,* 391 U.S. 543 (1968), for the proposition that "consent cannot be voluntary when it is obtained under threat of the loss of a valid property interest, namely the right to drive, or submission to asserted legal authority." (Appellant's Opening Brief at 8.) In *Bumper,* the officers falsely told the person they had a search warrant and gave her the choice between consenting to a search or having them search pursuant to this (nonexistent) warrant. In that situation, the Court held as follows:

> The issue thus presented is whether a search can be justified as lawful on the basis of consent when that "consent" has been given only after the official conducting the search has asserted that he possesses a warrant. We hold that there can be no consent under such circumstances.
>
> When a prosecutor seeks to rely upon consent to justify the lawfulness of a search, he has the burden of proving that the consent was, in fact, freely and voluntarily given. This burden cannot be discharged by showing no more than acquiescence to a claim of lawful authority. A search conducted in reliance upon a warrant cannot later be justified on the basis of consent if it turns out that the ***warrant was invalid.*** The result can be no different when it turns out that the State does not even attempt to rely upon the validity of the warrant, or ***fails to show that there was, in fact, any warrant at all.***

391 U.S. at 548–50 (emphasis added, footnotes omitted). It thus appears from *Bumper* that "consent cannot be voluntary when it is obtained . . . [by] submission to asserted [non-existent] legal authority." (Appellant's Opening Brief at 8.) *Bumper* thus does not stand for the proposition that (a) if the officers (1) have a ***valid*** search warrant, (2) tell the person they have a search warrant, (3) ask the person if they may search the premises; and (b) the person consents to the search, that consent would be involuntary. *See Valenzuela* at ¶¶ 11–13.

As discussed above, *Neville* holds giving a person the choice between two lawful alternatives does not make the resulting choice involuntary, even if the choice is difficult. Conversely, *Bumper* holds that giving a person the choice between a lawful alternative and an unlawful alternative does make the resulting choice involuntary. Thus, if the officer gave the person the choice to submit to a blood draw or to submit to being beaten with rubber hoses, the choice to submit to the blood draw would be involuntary in the legal sense. But as discussed above, Arizona's Implied Consent Law requires the suspension of the driver's license for 12 months if the person refuses to take the BAC test, and the Arizona Supreme Court has held that statute is constitutional. This Court therefore concludes that, because a state may permissibly require a person arrested for driving under the influence to choose between two lawful alternatives (either taking a blood test or losing their driver's license for 12 months), that choice is not involuntary in the legal sense. Thus, the trial court correctly denied Defendant's Motion To Suppress. *See Valenzuela* at ¶¶ 11–15.

3. *Do other factors make Defendant's consent involuntary.* Defendant presents additional arguments and cites additional authority in support of his contention that his consent was legally involuntary. He cites *Schneckloth v. Bustamonte*, 412 U.S. 218 (1973), in which the Court rejected the position of the 9th Circuit that the police must advise a suspect of the right to refuse a search before the consent could be considered voluntary, and held instead such an advisement was not necessary:

> Similar considerations lead us to agree with the courts of California that the question whether a consent to a search was in fact "voluntary" or was the product of duress or coercion, express or implied, is a question of fact to be determined from the totality of all the circumstances. While knowledge of the right to refuse consent is one factor to be taken into account, the government need not establish such knowledge as the *sine qua non* of an effective consent.

412 U.S. at 227. Defendant therefore did not need to know he could refuse the blood draw for his consent to be voluntary. Moreover, Defendant knew he could refuse. The admonition Officer McGillis read to Defendant told him the choices were either (1) submit to the blood test and face a possible loss of driver's license for 90 days or (2) refuse to submit to the blood test and face a loss of driver's license for 12 months. (R.T. of Sep. 29, 2014, at 13.) Defendant testified he then chose to take the blood test. (*Id.* at 20–21.) Thus, under the totality of the circumstances, Defendant's consent was voluntary.

Finally, Defendant contends his consent was not voluntary because the form Officer McGillis read to him did not comply with Arizona law. Arizona has already rejected this argument:

> Next, Defendant contends that the trial court erred by allowing the arresting officer to testify regarding the exact wording of the implied consent warning that was read to Defendant on the night of his DUI arrest. Defendant argues that the warning misstated the law . . . .
>
> Preliminarily, we note that a licensed driver does not have an unfettered right to refuse to take a blood alcohol test or breath test upon the request of a law enforcement officer. Although he may refuse the request, the refusal has consequences. Defendant does not dispute that the law provides a penalty for such refusal.
>
> The remainder of Defendant's argument is similarly semantical. He claims that the introductory phrase in the implied consent affidavit read at trial misstates the law. That statement reads: "Arizona law *requires* you to submit to and successfully complete a test or tests chosen by the law enforcement officer to determine the alcohol concentration or drug concentration." Defendant claims that pursuant to A.R.S. section 28–691(B) this implied consent affidavit misstates the law because the statute does not "require" a person to submit to a test. Instead, the statute states that "a violator *shall be requested* to submit to and successfully complete any test or tests prescribed." Therefore, Defendant contends the law provides that a person is not required to submit to a test, he is merely requested to do so.
>
> . . . .
>
> In *Campbell v. Superior Court,* the supreme court examined the constitutional validity of the implied consent law under the state's police power. In *Campbell*, the court reaffirmed the legitimacy of the legislative purpose underlying this law—that is, to remove drivers from the highway "who are a menace to themselves and to others because they operate a motor vehicle while under the influence of intoxicating liquor." The court therefore held that it is "reasonable *to require* a person to submit to a chemical test of his blood, breath or urine if arrested for driving while intoxicated or face six months suspension of his driver's license."
>
> The implied consent warning read to Defendant and read at trial does not misstate the law; therefore, no error was committed by the trial court's admission into evidence of the warning which was read verbatim.

State v. Brito, 183 Ariz. 535, 538–39, 905 P.2d 544, 547–48 (Ct. App. 1995) (emphasis original; citations and footnote omitted). *Accord*, *Valenzuela* at ¶ 16.

B. *Did the trial court abuse its discretion in determining Defendant's consent was voluntary in the factual sense.*

In *Butler* (*Tyler B.*), the Arizona Supreme Court held voluntariness is a question of fact, and the appellate court reviews the trial court's voluntariness finding for an abuse of discretion. *Butler* (*Tyler B.*) at ¶ 19. In *Carrillo,* the Arizona Supreme Court held Arizona's Implied Consent Law, A.R.S. § 28–1321, "does not authorize law enforcement officers to administer the test without a warrant unless the arrestee expressly agrees to the test." *Carrillo* at ¶ 1. The court then elaborated further:

> The statute requires that an arrestee "expressly agree" to warrantless testing. "Expressly," as we have noted in another context, means "in direct or unmistakable terms" and not merely implied or left to inference. Failing to actively resist or vocally object to a test does not itself constitute express agreement. Instead, to satisfy the statutory requirement, the arrestee must unequivocally manifest assent to the testing by words or conduct.

Carrillo at ¶ 19 (citations omitted). In the present case, Officer McGillis asked Defendant if he was willing to do the test, and Defendant said yes. (R.T. of Sep. 29, 2014, at 9, 10–11, 16–17.) Defendant admitted he agreed to take the test. (*Id.* at 20–21.) The record shows Defendant's conduct satisfied the "expressly agree" requirement of *Carrillo,* thus the trial court did not abuse its discretion in finding Defendant's consent was voluntary and in denying Defendant's Motion To Suppress.

III. CONCLUSION.

Based on the foregoing, this Court concludes the trial court did not abuse its discretion in denying Defendant's Motion To Suppress.

IT IS THEREFORE ORDERED affirming the judgment and sentence of the Phoenix Municipal Court.

IT IS FURTHER ORDERED remanding this matter to the Phoenix Municipal Court for all further appropriate proceedings.

IT IS FURTHER ORDERED signing this minute entry as a formal Order of the Court.

/s/ Crane McClennen
THE HON. CRANE MCCLENNEN
JUDGE OF THE SUPERIOR COURT 081820151330•

NOTICE: LC cases are not under the e-file system. As a result, when a party files a document, the system does not generate a courtesy copy for the Judge. Therefore, you will have to deliver to the Judge a conformed courtesy copy of any filings.