IN THE SUPERIOR COURT OF IRWIN COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,	)	
	)	
v.	)	CRIMINAL ACTION
	)	CASE NO. 2017CR027
RYAN ALEXANDER DUKE,	)	
	)	
Defendant.	)	
	)	

DEFENDANT'S MOTION TO DECLARE
GEORGIA'S INDIGENT DEFENSE ACT UNCONSTITUTIONAL

COMES NOW Defendant, Ryan Duke ("Mr. Duke" or "Defendant"), in the above-styled case, by and through his undersigned counsel, and pursuant to the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, *Ake v. Oklahoma*, 470 U.S. 68, 105 S. Ct. 1087, 84 L. Ed. 2d 53 (1985), *Lindsey v. State*, 254 Ga. 444, 330 S.E.2d 563 (1985); *Thornton v. State*, 255 Ga. 434, 339 S.E.2d 240 (1986), *Dingler v. State*, 281 Ga. App. 721, 637 S.E.2d 120 (2006), and the Georgia Constitution, hereby respectfully moves this Honorable Court for an Order declaring O.C.G.A. § 17-12-1, et seq., Georgia's Indigent Defense Act ("Act") unconstitutional, showing the Court further as follows:

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

This case is about the disappearance and alleged murder of Tara Grinstead in 2005. No arrests were made with respect to the victim's disappearance until more than 11 years later when Mr. Duke was arrested in February 2017. The State intends to introduce two key pieces of evidence implicating Mr. Duke at trial: (1) evidence that Mr. Duke's DNA (gleaned from a very small number of skin cells) was contained on a latex glove found outside the victim's residence in 2005; and (2) evidence of two alleged statements

from Mr. Duke (one written, one oral) while he was under the influence of drugs and coercion given to investigators with the Georgia Bureau of Investigation ("GBI") in February 2017 implicating Mr. Duke in the crimes charged in this case.

It is critical to Mr. Duke's ability to evaluate and rebut these two pieces of the State's evidence that he be able to retain the services of: (1) an expert in the field of touch DNA and probabilistic genotyping software programs; (2) an expert in the area of false confessions given under the influence of drugs and duress; and (3) a psychologist for the purpose of evaluating Mr. Duke's mental health. As set forth below in the supporting Memorandum, the undersigned counsel have researched and identified appropriately qualified experts in each of these fields for retention in this case.

In addition to the need for expert witnesses, it is undisputed that the materials generated by the GBI and other law enforcement agencies during their investigation of this case have created the largest case file in the GBI's history. The file contains thousands upon thousands of pages of investigative notes, witness statements, and other documentary evidence. Hundreds (if not thousands) of individuals were interviewed during the investigation which is now in its 13th year. Dozens of witnesses will likely be called by the State and the defense at trial.

Mr. Duke's defense team consists of three attorneys who are providing their services on a *pro bono* basis. They are unable, on their own, to review all of the evidence, interview all necessary witnesses, and follow up on all reasonable avenues of defense on their own. Given the scope and breadth of the investigation and possible evidence in this case, it is essential that Mr. Duke's defense team have the use of a qualified criminal investigator to assist them with the preparation of Mr. Duke's defense.

Mr. Duke has previously been found indigent by the State of Georgia as defined in the Act as evidenced by the fact that he was provided with the services of Public Defender John Mobley's offices from February 2017 until the end of August 2018. As reflected by that finding of indigency, neither Mr. Duke (who has been incarcerated since February 2017 and was unemployed and receiving disability benefits before that) nor his family members are able to provide any meaningful monetary resources to aid in Mr. Duke's defense.

On February 28, 2019, Mr. Duke filed his *Ex Parte* Consolidated Motion for State Funding for Defense Experts and Investigator and Supporting Memorandum during an *ex parte* hearing scheduled that same day. In his Consolidated Motion and during the hearing, Mr. Duke asked this Court for state funding for: (1) an expert witness in the area of "touch" DNA and the Georgia Bureau of Investigation's new and novel TrueAllele software; (2) an expert witness in the area of false confessions; (3) a forensic psychologist; and (4) a qualified investigator. As an alternative form of relief, Mr. Duke asked this Court to appoint the Public Defender of the Tifton Judicial Circuit as co-counsel in this case so that the Public Defender could directly request the necessary funding from the state as it would in a typical case.

Prior to filing his February 28 Consolidated Motion, Mr. Duke had been diligent in seeking funding for these resources. He filed his first *ex parte* motions on these issues in November 2018. And while the necessity for some of the resources were not made known to Mr. Duke and the undersigned counsel until early 2019, prompt *ex parte* requests were made by Mr. Duke to this Court for those additional defense resources as

soon as the need became known. Mr. Duke has therefore not been dilatory in making his funding requests.

During the February 28 *ex parte* hearing, the undersigned counsel argued the issues raised in Mr. Duke's Consolidated Motion and took testimony from Brandon Bullard, the General Counsel for the Georgia Public Defender Council ("GPDC"), and John Mobley, the Public Defender for the Tifton Judicial Circuit on various issues pertaining to state funding for expert witnesses. This Court subsequently requested from the undersigned counsel and from Messrs. Bullard and Mobley *ex parte* supplemental briefing as to the Georgia Supreme Court's decision in *Roberts v. State*, 263 Ga. 764 (1994).

On March 11, 2019, this Court informed the undersigned counsel via e-mail that it would be denying Mr. Duke's Consolidated Motion, but stated as follows:

> [I]t is the opinion of the Court that the GPDC cannot decline to provide counsel to Mr. Duke because he has pro bono counsel or that is paid by a third party. ***So, if Mr. Duke reapplies to Mr. Mobley's office for services, declining such an application [on] that ground would violate Mr. Duke's right under the Georgia Constitution***. (emphasis added).

A copy of that e-mail is attached as *Exhibit A*. Based on the Court's e-mail, later that same day, Mr. Duke re-applied to the Public Defender for representation.[1]

This Court entered its Order on March 14, 2019, denying Mr. Duke's Consolidated Motion in its entirety. On March 15, 2019, the Public Defender formally declined the requested representation of Mr. Duke. The decision was not based on

[1] Copies of Mr. Duke's application for appointment of counsel and Mr. Mobley's letter denying Mr. Duke's application were filed previously as attachments to Mr. Duke's Consolidated Motion.

indigency; rather, "As Mr. Duke is currently represented by counsel, the application submitted on behalf of Mr. Duke is, unfortunately, denied."

Mr. Duke filed a motion seeking a certificate of immediate review of the Court's March 14, 2019 Order. The Court has not yet ruled on that motion but in light of the Court's correspondence to counsel, Mr. Duke believes the Court does not intend to grant Mr. Duke's motion seeking appellate review in advance of trial.

ARGUMENT AND CITATION OF AUTHORITIES

I. THE ACT IS UNCONSTITUTIONAL BECAUSE IT DEPRIVES MR. DUKE OF HIS RIGHT TO COUNSEL, AND, IN TURN, HIS RIGHT TO EXPERTS TO ASSIST IN HIS DEFENSE UNDER THE GEORGIA CONSTITUTION AND FIFTH, SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTIONS.

A. The Legal Framework

"Before a statute can be attacked by anyone on the ground of its unconstitutionality, he must show that its enforcement is an infringement upon his right of person or property, and that such infringement results from the unconstitutional feature of the statute upon which he bases his attack." *Bryant v. Prior Tire Co.,* 230 Ga. 137, 138, 196 S.E.2d 14, 15 (1973)(quotations and citations omitted). "He must show that the alleged unconstitutional feature of the statute injures him, and so operates as to deprive him of rights protected by the Constitution of this State or by the Constitution of the United States, or by both." *Id.* A facial challenge to the constitutionality of a statute requires, "that no set of circumstances exists under which the statute would be valid, i.e., that the law is unconstitutional in all of its applications, or at least that the statute lacks a plainly legitimate sweep." *State v. Jefferson*, 302 Ga. 435, 438, 807 S.E.2d 387, 390 (2017)(citing *Blevins v. Dade County Bd. of Tax Assessors*, 288 Ga. 113, 118 (3), 702 S.E.2d 145 (2010); *Bello v. State*, 300 Ga. 682, 685–686 (1), 797 S.E.2d 882 (2017)).

"An as-applied challenge addresses whether a statute is unconstitutional on the facts of a particular case or to a particular party." *Major v. State*, 301 Ga. 147, 152, 800 S.E.2d 348, 352 (2017)(citations and quotations omitted). As shown below, the Act is unconstitutional as applied because it deprives Mr. Duke and others who choose to retain pro bono counsel, their constitutional right to counsel under both the Georgia and United States Constitutions.

B. The Act Deprives Mr. Duke Of His Right To Counsel Under The Georgia Constitution.

The Georgia Constitution provides that "[n]o person shall be denied the equal protection of the laws." Ga. Const. art. I, § 1, ¶ II. Furthermore, "[e]very person charged with an offense against the laws of this state shall have the privilege and benefit of counsel. Ga. Const. art. I, § 1, ¶ XIV. The Georgia Supreme Court's decision in *Roberts v. State*, 263 Ga. 764, 438 S.E.2d 905 (1994) reinforces Mr. Duke's right to continue with his current *pro bono* counsel without waiving his right to appointment of counsel under the Act.

Roberts explained that the Georgia Constitution guarantees that, "[e]very person charged with an offense against the laws of this state shall have the privilege and benefit of counsel ..." *Id.* at 765 (citing Art. I, Sec. I, Para. XIV of the Ga. Const. of 1983). This constitutional provision "guarantees such person who is unable to employ counsel the right to have counsel appointed for him by the court...." *Roberts*, 263 Ga. at 765 (citing *Walker v. State,* 194 Ga. 727(1), 22 S.E.2d 462 (1942)). The *Roberts* Court noted that "*[u]nder current law*, this constitutional guarantee is enforceable through the trial court's statutory authority to appoint the office of the multicounty public defender pursuant to O.C.G.A. § 17–12–97(a) or through the trial court's statutory authority to

designate particular counsel pursuant to OCGA § 17–12–60(a)." *Roberts*, at 765 (emphasis added). In *Roberts*, the trial court believed it was "without legal authority" to appoint counsel to represent appellant pursuant to O.C.G.A. §§ 17–12–60(a) or 17–12–97(a) because appellant, like here, was currently being provided *pro bono* representation. *Roberts*, at 765.

Rejecting this idea, the *Roberts* Court noted that the defendant had asserted his indigence and requested the appointment of counsel to represent him, and, thus, he had denied that he had the financial ability to make his own arrangements for representation at trial. *Id.* Notably, the Court explained that because the defendant had "asserted his constitutional guarantee to counsel, [he had] invoked the trial court's legal authority to address the issue of appointment of counsel to represent him." *Id.* The Court went further to explain that it is "immaterial that appellant may presently be represented by [*pro bono* counsel] or that [*pro bono* counsel] receives compensation from sources other than [defendant]." *Id.* "The focus is not upon the current state of [defendant's] legal representation or how that representation may be funded, but upon [defendant's] constitutional right to legal representation . . . ." *Id.* If a defendant is indigent, "he is constitutionally entitled to appointment of counsel." *Id.* A defendant "does not forfeit that constitutional right simply because he has asserted it through his current legal representative." *Id.* Based on this analysis, the *Roberts* Court held that the trial court erred in concluding that it was "without legal authority" to appoint counsel for appellant. *Id.*

In the second part of the opinion, the *Roberts* Court noted that the trial court had not addressed whether it would appoint counsel from the public defender's office or his

pro bono counsel. *Id.* Before remanding the case, the Court noted that "the choice of appointed counsel is a matter governed by the trial court's sound exercise of discretion.... [but] . . . when a defendant's choice of counsel is supported by objective considerations favoring the appointment of the preferred counsel, and there are no countervailing considerations of comparable weight, it is an abuse of discretion to deny the defendant's request to appoint the counsel of his preference." *Id.* (citations omitted)

While *Roberts* was decided under a statutory scheme that pre-dates the Act, its principles apply with equal force here. First, *Roberts* made clear that Georgia's statutory scheme for appointment of counsel is simply the mechanism by which Mr. Duke's constitutional rights are enforced. Thus, "under current law", that right is enforced through the Act. Just as the trial court in *Roberts* had a right under the previous statutory scheme to ensure the defendant's constitutional right to counsel was enforced, the Court here has the same obligation under the IDA. The only difference is that the Court here now does not appoint counsel directly, but may order that GPDC do so under the Act in order to ensure that Mr. Duke's constitutional right to counsel (and thus his access to funds for expert and other assistance) is enforced.

Second, without regard to the statutory language, the *Roberts* decision made clear that an indigent defendant is entitled to have counsel appointed regardless if he is presently represented by *pro bono* counsel because the focus is on the "constitutional right to legal representation . . . ." As *Roberts* makes clear, if, as here, a defendant is indigent, "he is constitutionally entitled to appointment of counsel." *Id.* Thus, GPDC's position in this case that Mr. Duke is not an "Indigent Person" because he is currently represented by *pro bono* counsel is directly contrary to *Roberts*. The decision, therefore,

stands for the proposition that Mr. Duke, who has been declared an "Indigent Person" under the statutory definition within the Act[2] and who was previously represented by the Public Defender under the Act, is entitled to have counsel appointed under the Act regardless of whether undersigned counsel also represents Mr. Duke on a *pro bono* basis. Based on the testimony of Messrs. Bullard and Mobley, this would then entitle Mr. Duke to funding for experts under the Act as is typical in cases where the defendant is represented by a public defender. In short, as *Roberts* pointed out, Mr. Duke "does not forfeit that constitutional right simply because he has asserted it through his current legal representative."[3]

Finally, *Roberts* reinforces that the Court is ultimately responsible for ensuring that Mr. Duke's constitutional rights are enforced. This did not change with the enactment of the Act. As *Roberts* dictates, Mr. Duke does not forfeit his right to appointment of counsel simply because he has *pro bono* counsel. Accordingly, Mr. Duke is entitled to: (1) appointment of his *pro bono* counsel to represent him with all of the rights afforded him under the Act (including access to necessary funding from the

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[2] The Public Defender for this Circuit, Mr. John Mobley, acknowledged during his February 28 testimony that Mr. Duke had been previously found to be an "Indigent Person" under the Act. Mr. Duke's circumstances have not changed since that determination.

[3] The *Roberts* Court suggested (but did not decide specifically) that it would be an abuse of discretion for this Court to deny Mr. Duke's request to have his *pro bono* counsel appointed when Mr. Duke's choice of counsel is supported by "objective considerations favoring the appointment of the preferred counsel, and there are no countervailing considerations of comparable weight[.]" This approach makes common sense because *pro bono* counsel are the equivalent of a public defender, actually reduce the burdens and costs placed on the public defender, and *pro bono* counsel are qualified to represent Mr. Duke. There are no "countervailing considerations" of comparable weight to justify not permitting Mr. Duke's chosen counsel to represent him. In the instant factual scenario, which is very similar to that in *Roberts*, there is no harm in allowing Mr. Duke to proceed with his *pro bono* counsel and still receive the same funding he would receive if he was proceeding with counsel from the public defender's office.

GPDC); or (2) appointment of the public defender under the Act to assist his *pro bono* counsel so that he is afforded all of the rights and resources under the Act. Under either scenario, Mr. Duke would be entitled to request necessary funds for experts in this murder case involving, among other things, incredibly novel scientific theories and testing.

This Court seems to agree with the reasoning in *Roberts*. On March 11, 2019, this Court made clear that "GPDC cannot decline to provide counsel to Mr. Duke because he has pro bono counsel or that is paid by a third party." *See* Exhibit. A. As this Court explained, "if Mr. Duke reapplies to Mr. Mobley's office for services, declining such an application [on] that ground would violate Mr. Duke's right under the Georgia Constitution." *See* Exhibit A. As evidenced in the record, Mr. Duke, pursuant to the Court's directive, reapplied for appointment of counsel under the Act and was denied that right. Thus, according to *Roberts* and the Court's own pronouncement, Mr. Duke's constitutional right to counsel has been violated. Since the Act seemingly allows a deprivation of Mr. Duke's right to counsel, this Court should declare the Act unconstitutional as applied to Mr. Duke.

C. The Act Violates Mr. Duke's Due Process Rights Under the Fifth And Fourteenth Amendments and His Right To Counsel Under the Sixth Amendment To The United States Constitution.

Like its Georgia counterpart, the United States Constitution provides that in all criminal prosecutions, the accused shall "have the Assistance of Counsel for his defence." U.S. Const. amend. VI. The United States Supreme Court has long recognized that when "a State brings its judicial power to bear on an indigent defendant in a criminal proceeding, it must take steps to assure that the defendant has a fair opportunity to

present his defense." *Ake v. Oklahoma*, 470 U.S. 68, 76, 105 S. Ct. 1087, 1092, 84 L. Ed. 2d 53 (1985). "This elementary principle, grounded in significant part on the Fourteenth Amendment's due process guarantee of fundamental fairness, derives from the belief that justice cannot be equal where, simply as a result of his poverty, a defendant is denied the opportunity to participate meaningfully in a judicial proceeding in which his liberty is at stake." *Id.* The *Ake* Court explained,

> We recognized long ago that mere access to the courthouse doors does not by itself assure a proper functioning of the adversary process, and that a criminal trial is fundamentally unfair if the State proceeds against an indigent defendant without making certain that he has access to the raw materials integral to the building of an effective defense. Thus, while the Court has not held that a State must purchase for the indigent defendant all the assistance that his wealthier counterpart might buy, . . . it has often reaffirmed that fundamental fairness entitles indigent defendants to "an adequate opportunity to present their claims fairly within the adversary system. . . " To implement this principle, we have focused on identifying the "basic tools of an adequate defense or appeal,". . . and we have required that such tools be provided to those defendants who cannot afford to pay for them.

Ake, 470 U.S. at 77, 105 S. Ct. at 1093.

One of these basic tools is the right to have experts assist in the defense and numerous courts around the country have found that an indigent defendant is entitled to such funds even if he is represented by *pro bono* counsel at the time he seeks those funds. *See, e.g.*, *State v. Brown*, 134 P.3d 753 (indigent defendants represented by *pro bono* counsel are entitled to apply for and receive expert witness fees; where statute provides funding individuals represented by public defender, a defendant should not be forced to choose between *pro bono* representation without expert witness funding and state representation with expert witness funding) (N.M. 2006); *Ex parte Sanders*, 612 So.2d 1199 (Ala. 1993) (holding indigent defendant has right to public funds to hire expert although represented by counsel retained by family); *People v. Worthy*, 109 Cal. App. 3d

514 (Cal Ct. App. 1980) (concluding that, upon a proper showing of necessity, trial court must provide an indigent defendant expert services, without regard to whether his counsel is appointed or *pro bono*); *People v. Evans*, 648 N.E.2d 964 (Ill. 1995) (concluding that indigent defendant entitled to expert witness funding although represented by private law firm where services provided on pro bono basis); *English v. Missildine*, 311 N.W.2d 292 (Iowa 1981) (holding Sixth Amendment authority for furnishing investigative services at public expense without regard to whether indigent represented by private counsel); *State v. Jones*, 707 So. 2d 975 (La. 1998) (holding, although indigent defendant was represented by counsel retained by defendant's father, he was eligible for state-funded necessary services); *State v. Huchting*, 927 S.W.2d 411 (Mo. Ct. App. 1996) (noting retention of private counsel does not cause a defendant to forfeit his eligibility for state assistance in paying for expert witness or investigative expenses); *State v. Manning*, 560 A.2d 693 (N.J. Sup. 1989) (holding indigent defendant could not be denied state-funded expert services because he was represented by private counsel, whether counsel was *pro bono* or paid by third party); *Widdis v. Second Jud. Dist. Ct.*, 968 P.2d 1165 (Nev. 1998) (holding criminal defendant with private counsel constitutionally entitled to reasonable defense services at public expense based on defendant's showing of indigency and need for the services); *State v. Burns*, 4 P.3d 795 (Utah 2000) (holding statutory right to publicly funded expert assistance under statute could not be conditioned upon accepting court-appointed counsel in lieu of private counsel retained at father's expense); *State ex rel. Rojas v. Wilkes*, 455 S.E.2d 575 (W. Va. 1995) (holding that funds with which defendant's family retained private counsel irrelevant to defendant's right as indigent to have necessary expert assistance provided at state's expense).

The U.S. Court of Appeals for the Second Circuit in *United States v. Johnson*, 238 F.2d 565 (2d Cir. 1956), *vacated on other grounds*, 352 U.S. 565 (1957), aptly explained:

> Furnishing him with a lawyer is not enough: the best lawyer in the world cannot competently defend an accused person if the lawyer cannot obtain existing evidence crucial to the defense, *e.g.*, if the defendant cannot pay the fee of an investigator to find a pivotal missing witness or a necessary document, or that of an expert accountant or a mining engineer or chemist. It might indeed be argued that for the government to defray such expenses which the indigent accused cannot meet, is essential to that assistance of counsel which the Sixth Amendment guarantees .... In such circumstances, if the government does not supply the funds, justice is denied the poor—and represents but a upper-bracket privilege.

Id. at 572.

Here, the Act, as applied to Mr. Duke, forces Mr. Duke to choose between his Sixth Amendment right to counsel of his choice and his Sixth Amendment rights under *Ake* and its progeny to have experts to assist in martialing his defense. The Act's provisions, as written, do not expressly specify whether GPDC or the county has the obligation to provide Mr. Duke with counsel or the attendant funding for experts. As such, it is unconstitutionally vague. More importantly, however, it creates a situation, as here, where Mr. Duke has demonstrated a need for expert assistance and he has demonstrated he is indigent, but because he has the benefit of pro bono counsel's assistance, this Court and GPDC deny him those funds.

The distinction between pro bono counsel and appointed counsel under the Act is arbitrary and not tied to any compelling state interest. As evidenced by Mr. Bullard's testimony, GPDC believes it lacks statutory authority under the Act to provide funds to Mr. Duke now that he has pro bono counsel. This is direct contravention to *Roberts*, discussed *supra*, and *Ake*, because the Act deprives a similarly-situated defendant, Mr.

Duke, of his right to counsel, and, thus, his right to expert funds to assist in his defense. As a result, the Act is unconstitutional as applied to Mr. Duke.

CONCLUSION

For each of the foregoing reasons, Defendant Ryan Duke respectfully requests that the Court GRANT the instant motion and declare O.C.G.A. § 17-12-1, et seq. unconstitutional.

Respectfully submitted this 22nd day of March, 2019.

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EXHIBIT A

State v. Duke

Bill Reinhardt [Bill.Reinhardt@tiftcounty.org]

Sent: 3/11/2019 10:52 AM

To: "Ashleigh Merchant (ashleigh@merchantlawfirmpc.com)" <ashleigh@merchantlawfirmpc.com>, "john merchant (john@merchantlawfirmpc.com)" <john@merchantlawfirmpc.com>, bbullard@gapubdef.org, jmobleyesquire@yahoo.com

I am denying Defendant's Consolidated Motion for State Funding for Defense Experts and Investigator finding that while Mr. Duke certainly has a constitutional right to elect to be represented by pro bono counsel, rather than government funded, he however, when doing so, has no constitutional right to government funded experts, investigators, etc., i.e.

Also, considering the *Roberts* decision, it is the opinion of the Court that the GPDC cannot decline to provide counsel to Mr. Duke because he has pro bono counsel or that is paid by a third party. So, if Mr. Duke reapplies to Mr. Mobley's office for services, declining such an application that ground would violate Mr. Duke's right under the Georgia Constitution. If Mr. Mobley gets back in the case, he would be 1st chair defense counsel as far as the Court is concerned.

I'll get the formal order out asap, hopefully by the middle of the week.

Thank you.

Bill Reinhardt
Judge of Superior Courts
Tifton Judicial Circuit

IN THE SUPERIOR COURT OF IRWIN COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,	)	
	)	
v.	)	CRIMINAL ACTION
	)	CASE NO. 2017CR027
RYAN ALEXANDER DUKE,	)	
	)	
Defendant.	)	
	)	

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the foregoing ***DEFENDANT'S MOTION TO DECLARE GEORGIA'S INDIGENT DEFENSE ACT UNCONSTITUTIONAL*** on counsel of record by United States Mail with adequate postage affixed thereon and addressed to:

C. Paul Bowden
District Attorney, Tift Judicial Circuit
P.O. Box 1252
Tifton, Georgia 31793-1252

In addition, undersigned counsel has delivered a true and correct .pdf copy the foregoing motion by e-mail to *pbowden@pacga.org, jhart@pacga.org,* and *brigby@pacga.org.*

This 22nd day of March, 2019.

THE MERCHANT LAW FIRM, P.C.

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