Filed: 4/3/2023 10:44 AM

IN THE
INDIANA SUPREME COURT

No. 22A-CR-457

NICKALAS JAMES KEDROWITZ, *Appellant-Defendant*,	Appeal from the Ripley Circuit Court,
v.	No. 69C01-1909-MR-1,
STATE OF INDIANA, *Appellee-Plaintiff*.	The Honorable Ryan J. King, Judge.

STATE'S BRIEF IN OPPOSITION TO TRANSFER

THEODORE E. ROKITA
Indiana Attorney General
Attorney No. 18857-49

ELLEN H. MEILAENDER
Supervising Deputy Attorney General
Attorney No. 22468-64

OFFICE OF INDIANA ATTORNEY
GENERAL TODD ROKITA
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, Indiana 46204-2770
317-233-3548 (telephone)
Ellen.Meilaender@atg.in.gov

Counsel for Appellee

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

BRIEF IN OPPOSITION TO TRANSFER

The unanimous Court of Appeals' opinion thoroughly and correctly addressed all of Defendant's claims, and Defendant has not shown that the resolution of those issues is contrary to precedent. *Kedrowitz v. State*, 199 N.E.3d 386, No. 22A-CR-457, slip op. at 23-28, 36-41 (Ind. Ct. App. Nov. 22, 2022), *reh'g denied*. The Court of Appeals correctly rejected Defendant's challenge to the subject matter jurisdiction of the circuit court after the juvenile court validly waived its exclusive jurisdiction. Defendant's argument nullifies the unambiguous waiver statutes and fails to recognize the role they play in allocating jurisdiction and serving as the mechanism through which the conduct ceases to be deemed as a delinquent act subject to the Juvenile Code.

The Court of Appeals also correctly rejected Defendant's challenge to his sentence under Article 1, Sections 16 and 18 of the Indiana Constitution. It is Defendant's argument, not the Court of Appeals' opinion, that fundamentally departs from this Court's well-established precedent interpreting and applying those constitutional provisions, and Defendant fails to identify anything in the text, history, or prior application of those provisions that would support the doctrinal change he requests. The arguments of amici challenging the constitutionality of juvenile life without parole sentences are misplaced, as Defendant did not receive an LWOP sentence. That constitutional question would not be before the Court even if it granted transfer.

Finally, Defendant's sentence is not inappropriate. Defendant smothered to death his two-year-sister and then, three months later, after having successfully hidden his guilt from the authorities and his family, he smothered to death his eleven-month-old brother. Neither the below-advisory sentences imposed on each murder nor the aggregate 100-year sentence is an outlier when compared to the sentences imposed on other juveniles who have committed murders.

ARGUMENT

I.
Criminal courts have subject matter jurisdiction over criminal charges filed after a juvenile court has validly waived its exclusive jurisdiction over the conduct.

The Court of Appeals correctly held that criminal courts have subject matter jurisdiction over criminal charges filed after the juvenile court has waived its jurisdiction over the conduct pursuant to statute, properly finding that this Court's opinion in *State v. Neukam*, 189 N.E.3d 152 (Ind. 2022), did not lead to a different conclusion. *Kedrowitz*, slip op. at 23-28. The Court of Appeals did not reject this Court's reasoning in *Neukam*; it correctly recognized that *Neukam* was addressing a jurisdictional problem that does not exist in the waiver context. Therefore, there is no need for this Court to provide any further review of this jurisdictional issue.

All circuit and superior courts in Indiana have "original and concurrent jurisdiction" in "all criminal cases." Ind. Code §§ 33-28-1-2(a); 33-29-1-1.5(1); 33-39-1.5-2(1). The legislature has carved out part of this jurisdictional grant by generally giving juvenile courts "exclusive original jurisdiction" over all proceedings in which a child, defined in relevant part as a person under the age of 18, is alleged to have

committed a delinquent act. I.C. §§ 31-9-2-13; 31-30-1-1(1). A "delinquent act" is defined, in relevant part, as an act that would be an "offense if committed by an adult," *i.e.*, a felony or a misdemeanor. I.C. § 31-37-1-2(1); *see also* I.C. § 31-9-2-29 (defining "'[c]rime,' for purposes of the juvenile law" as "an offense for which an adult might be imprisoned or incarcerated").

But the General Assembly has never removed all circuit and superior court subject matter jurisdiction with respect to prohibited criminal conduct committed by juveniles. From the earliest inception of Indiana's juvenile system 120 years ago, the General Assembly has provided for some juvenile offenses to fall within the criminal courts' jurisdiction rather than that of the juvenile courts.[1] Under the direct file and mandatory waiver statutes, some juvenile criminal conduct is categorically removed entirely from the jurisdiction of the juvenile courts. I.C. §§ 31-30-1-4(a); 31-30-3-6; *see* I.C. § 31-30-1-2(3). Pertinent to this case, the General Assembly has also enacted multiple statutes under which the juvenile court's exclusive jurisdiction may be waived, thereby removing the barrier to the exercise of jurisdiction by the criminal court. I.C. §§ 31-30-3-2; 31-30-3-3; 31-30-3-4; 31-30-3-5. Over the course of decades, the General Assembly has significantly increased the scope of juvenile cases that may be waived to the criminal courts and has established classes of presumptive waiver that reverse the expectation of which court should exercise jurisdiction in the case. And this Court has repeatedly

[1] A detailed recitation of the history of Indiana's juvenile court jurisdiction statutes is set forth in the State's Brief of Appellee (pp. 36-38) and the amicus brief filed by the Indiana Prosecuting Attorney's Council and will not be repeated here.

affirmed the criminal convictions of juveniles following a valid waiver without ever questioning the existence of subject matter jurisdiction in the criminal court. *See* Appellee's Br. at 39-40 (collecting cases).

Defendant's argument, which focuses exclusively on the definition of a "delinquent act," disregards all of these statutes and the fundamental role they play in the allocation of jurisdiction.[2] Indeed, it does more than merely disregard the waiver statutes; it requires this Court to judicially nullify that entire chapter of the Juvenile Code. Waiver is the statutory mechanism through which the conduct is no longer statutorily-classified as a delinquent act rather than a crime. Through waiver, the juvenile court's exclusive original jurisdiction is extinguished and Indiana Code Section 31-30-1-1 ceases to be a barrier to the exercise of jurisdiction in the criminal court. Once the juvenile court has waived jurisdiction, the case is no longer governed by the Juvenile Code, and the State no longer alleges the commission of a delinquent act. It now alleges the commission of a crime and validly files that charge in a circuit or superior court possessing subject matter jurisdiction over criminal cases. The General Assembly has said that if a juvenile court waives jurisdiction, it "shall order the child held for proceedings in the court to

[2] Although the IPDC's amicus brief, which makes the same argument, asserts that it does not call into question criminal court jurisdiction over direct file cases (IPCD Amicus Br. at 18), the argument in fact does just that. The gist of this argument is that criminal conduct committed by a person under the age of 18 is defined as a delinquent act, not a crime, and thus never can fall within the criminal courts' jurisdiction. The logic of that argument is equally applicable to direct file cases. If the waiver statutes do not serve to remove the otherwise-existing statutory barrier to criminal court jurisdiction, it is hard to see by what basis the direct file statute would do so.

which the child is waived," a command that would be meaningless if the act of waiver did not reinstate jurisdiction in the criminal court, the prerequisite to any "proceedings" that would be occurring in that court. I.C. § 31-30-3-8. Indeed, the entirety of Chapter 31-30-3 is meaningless and nonsensical if the extinguishing of juvenile court jurisdiction is not understood to reinstate circuit and superior court jurisdiction over the conduct.

Neukam does not hold otherwise or require the Court to reach the conclusion that jurisdiction does not exist in the waiver context. In *Neukam*, this Court was addressing a very different jurisdictional question, one that arose in the absence of a juvenile court waiver. It addressed criminal court jurisdiction under the unique circumstances in which: a) the conduct at issue fell within the exclusive original jurisdiction of the juvenile court when it was committed; b) the juvenile court had never validly waived its exclusive jurisdiction; and, c) the juvenile court no longer possessed subject matter jurisdiction to waive because the offender was no longer a "child," and the existence of a child is a necessary prerequisite to subject matter jurisdiction of juvenile courts. *Neukam*, 189 N.E.3d at 153; *see also D.P. v. State*, 151 N.E.3d 1210, 1215-16 (Ind. 2020). The question in that case was whether the passage of time alone could convert a delinquent act into a crime. Here, however, it is not the passage of time but the statutorily-authorized mechanism of waiver that acts to remove the conduct from the delinquent act classification and reinstate jurisdiction in the criminal court.

Defendant and Amicus IPDC have misread the discussion of the waiver statutes in *Neukam*, a discussion that is, in any event, dicta and not the holding of the case. That discussion does not mandate an expansion of *Neukam*'s holding to the waiver context but instead explains why the existence of the waiver statutes did not provide criminal court jurisdiction in the non-waiver context. *See Neukam*, 151 N.E.3d at 157 (recognizing that "neither waiver nor transfer is a dispositive subject here"). *Neukam* acknowledged that "the waiver statutes allow a juvenile court to waive its exercise of jurisdiction" and that *"[t]he effect of this waiver is a criminal court may then exercise its own jurisdiction*." *Id.* (emphasis added). "But it [the juvenile court] cannot do so [waive its jurisdiction] without jurisdiction over the alleged conduct in the first place." *Id.* In other words, the point of this dicta was not that the holding of *Neukam* would also apply in the waiver context but rather that the waiver statutes were an entirely different ballgame that could not answer the question presented by the facts of *Neukam*, where no valid waiver had or could occur. In this case, the juvenile court possessed jurisdiction in the first place and validly waived that jurisdiction, thereby extinguishing the statutory jurisdictional barrier to classifying this conduct as a crime rather than a delinquent act and reinstating jurisdiction in the criminal court.

Fidelity to the same principles of separation of powers and adherence to the express text of statutes that are the bedrock of *Neukam* requires the conclusion that criminal courts possess subject matter jurisdiction when there has been a waiver of juvenile court jurisdiction. It is Defendant's argument that invites this Court to

ignore plain statutory language, disregard the clear and unambiguous intent of the General Assembly continuously expressed since the creation of the juvenile justice system, and nullify at least a chapter of the Juvenile Code. This Court should decline that invitation.

II.
Article 1, Section 16 requires sentences to be proportionate to the nature of the offense, not to the personal characteristics of the offender.

The Court of Appeals properly addressed Defendant's Article 1, Section 16 challenge to the proportionality of his sentence by looking only to the nature of his offenses, not to the personal characteristics of the offender. *Kedrowitz*, slip op. at 38-39. That decision is in accord with this Court's Section 16 precedent. Defendant still identifies nothing in the text, history, or case law interpreting Section 16's proportionality clause to show that the Court of Appeals' analysis was flawed or to justify his request for this Court to broaden Section 16 into an offender-based analysis. And neither Defendant nor the amici make any attempt to argue that a 100-year sentence is disproportionate to two separate acts of fratricide, committed months apart, in which a two-year-old child and an eleven-month-old child were each deliberately suffocated to death.

The plain, unambiguous text of Article 1, Section 16 defeats Defendant's argument: "All penalties shall be proportioned to the nature of the offense." This text does not require proportionality to the "nature of the offender" or include any other language that would bring a consideration of the personal attributes of the defendant into this analysis. *See Holcomb v. Bray*, 187 N.E.3d 1268, 1277 (Ind.

2022) (reiterating that the constitutional text in each provision must be treated with "deference, as though every word had been hammered into place"); *Sanchez v. State*, 749 N.E.2d 509, 514 (Ind. 2001) (stating that the "first line of inquiry" in any Indiana constitutional challenge "is the text of the constitution itself").

This Court has consistently interpreted Section 16 as being violated only when a criminal penalty is "not graduated and proportioned to the nature of the offense," which requires showing that it is "so severe and entirely out of proportion to the gravity of the offenses committed as to shock public sentiment and violate the judgment of a reasonable people." *See, e.g.*, *Knapp v. State*, 9 N.E.3d 1274, 1289, 1291 (Ind. 2014); *Conner v. State*, 626 N.E.2d 803, 806 (Ind. 1993); *Clark v. State*, 561 N.E.2d 759, 765-66 (Ind. 1990) (citing *Cox v. State*, 203 Ind. 544, 549, 181 N.E. 469, 472 (1932)). Thus, although Section 16 provides for proportionality review as applied to a particular defendant, *Knapp*, 9 N.E.3d at 1290, that review is still addressed only to the nature of that particular defendant's offense. *Id.* at 1289-91; *Mills v. State*, 512 N.E.2d 846, 848-48 (Ind. 1987) (stating that Section 16 "mandates" that the focus be placed on the nature of the offense); *see, e.g.*, *Ramirez v. State*, 174 N.E.3d 181, 201 (Ind. 2021) (LWOP sentence not disproportionate to the brutal murder of a toddler).

In fact, this Court has previously declined the invitation to assess the constitutionality of a sentence under Section 16 based upon personal characteristics of an offender, there the offender's "intellectual disability." *Shoun v. State*, 67 N.E.3d 635, 641 (Ind. 2017). In rejecting the Section 16 challenge in *Shoun*, this

Court did not evaluate or consider the existence or extent of Shoun's intellectual disability at all, but instead resolved the challenge by looking solely to the nature of the offenses that had been committed. *Id.* at 641-42. To require proportionality review to take into account the personal characteristics of each offender would be a vast departure from the history of Section 16's interpretation and application.

Defendant's argument seeks to blur the line between the "narrow" proportionality review under Section 16, *Knapp*, 9 N.E.3d at 1289, and the judiciary's separate, broader authority to review and revise sentences under Article 7, Sections 4 and 6 of the Indiana Constitution. In effect, he seeks to incorporate into Article 1, Section 16 the current standard, set forth in Appellate Rule 7(B), under which this Court exercises its review and revise power, a standard that explicitly includes a consideration of the character of the offender and is the context in which this Court has found the attributes of youth relevant to its sentencing analysis. But he provides no justification in the text or history of Section 16's interpretation and application for doing so, and the existence of the separate "review and revise" power renders it unnecessary to artificially distort the purpose or meaning of Section 16. It is beyond dispute that the personal characteristics of offenders are already taken into account in both the imposition and the review of sentences in Indiana.

The law professors' amicus brief asks this Court to hold that Section 16 categorically bars the imposition of LWOP sentences on juvenile offenders, but there are several fatal problems with this request. First, Defendant's transfer

petition does not argue that Section 16 categorically bars any particular sentence for any class of offenders; he argues only that Section 16 review encompasses the individual characteristics of the particular offender, which is inconsistent with claiming that Section 16 creates a categorical rule. An amicus is not permitted to raise new questions or claims that the party did not raise; an amicus must take the issues as he finds them. *Blackford v. Welborn Clinic*, 172 N.E.3d 1219, 1222 n.1 (Ind. 2021). Second, the constitutionality of LWOP sentences is not before the Court in this case. Defendant did not receive an LWOP sentence; he received a term-of-years sentence. This Court should not grant transfer to issue an advisory opinion unnecessarily addressing a constitutional question not raised by the case or argued by Defendant.

Moreover, when previously given the invitation, this Court has declined to hold that Section 16 categorically bars the imposition of a particular punishment on a particular class of offenders. It has rejected this categorical approach with respect to mentally ill offenders, *see Matheney v. State*, 833 N.E.2d 454, 456-57 (Ind. 2005) (citing *Harris v. State*, 499 N.E.2d 723, 727 (Ind. 1986)), and with respect to intellectually disabled offenders, *see Rondon v. State*, 711 N.E.2d 506, 513-14 (Ind. 1999). And in *Conley*, this Court rejected an Article 1, Section 16 challenge to the imposition of an LWOP sentence imposed on a juvenile who murdered his brother, 972 N.E.2d 864, 879-80 (Ind. 2012), a ruling incompatible with amici's claim that Section 16 categorically bars such sentences.

Finally, the reliance of Defendant and amici on the line of Eighth Amendment juvenile sentencing cases is fruitless. Under that line of cases, the imposition of a lengthy but discretionary term-of-years sentence on a juvenile murderer is constitutionally unproblematic. *See Jones v. Mississippi*, 141 S. Ct. 1307, 1315-19 (2021) (holding that the Eighth Amendment does not categorically bar discretionary LWOP sentences for juveniles who commit murder); *Wilson v. State*, 157 N.E.3d 1163, 1174-76 (Ind. 2020) (holding that the Eighth Amendment is not violated by discretionary term-of-years sentences imposed on juveniles for multiple convictions, even if alleged to be *de facto* life sentences in the aggregate). Even if this Court were to incorporate the entirety of the Eighth Amendment juvenile sentencing jurisprudence into the Section 16 analysis, Defendant still could not show that his sentence violated Section 16.

III.
Article 1, Section 18 does not apply to individual sentences.

The Court of Appeals properly rejected Defendant's argument that his sentence violated Article 1, Section 18 of the Indiana Constitution. *Kedrowitz*, slip op. at 39-40. That decision is fully in accord with this Court's Section 18 precedent and requires no further review.

Article 1, Section 18, which provides that "[t]he penal code shall be founded on the principles of reformation, and not of vindictive justice," "'is an admonition to the legislative branch of the state government and is addressed to the public policy which the legislature must follow in formulating the penal code.'" *Lowery v. State*, 478 N.E.2d 1214, 1220 (Ind. 1985) (quoting *Dillon v. State*, 454 N.E.2d 845, 852

(Ind. 1983)); *see Denson v. State*, 263 Ind. 315, 320, 330 N.E.2d 734, 737 (1975). As such, Section 18 "applies only to the penal code as a whole, not to individual sentences." *Henson v. State*, 707 N.E.2d 792, 796 (Ind. 1999); *see, e.g.*, *Garrett v. State*, 714 N.E.2d 618, 623 n.2 (Ind. 1999); *Ratliff v. Cohn*, 693 N.E.2d 530, 542 (Ind. 1998); *Lowery*, 478 N.E.2d at 1220; *Driskill v. State*, 7 Ind. 338, 342-43 (1855). Thus, a claim that a particular defendant's sentence violates Section 18 is not a cognizable claim on which relief can be granted because "particularized, individual applications" of the penal code "are not reviewable" under this provision. *Ratliff*, 693 N.E.2d at 542.

Challenges to a sentence based on its length or the age of the offender thus do not present a cognizable Section 18 claim. *See Henson*, 707 N.E.2d at 796 (rejecting a Section 18 challenge to a 100-year sentence imposed on a juvenile despite Henson's argument that it amounted to a *de facto* life sentence). "[T]he obstacle which a sentence that extends beyond normal life expectancy poses to the achievement of reformation does not violate the guarantee of [Section 18]." *Williams v. State*, 426 N.E.2d 662, 670-71 (Ind. 1981) (rejecting a Section 18 challenge to a 130-year sentence). This law is well-settled, was followed by the Court of Appeals, and requires no further discussion from this Court.

Contrary to his claim on transfer, Defendant did not purport to raise a "categorical challenge" in the Court of Appeals. He raised in the Court of Appeals, and raises in this Court, a particularized, individualized challenge by claiming that it violated Section 18's reformation mandate to impose a *de facto* life sentence on

this defendant (Appellant's Br. at 67, 70). Even if his brief were viewed as challenging the imposition of *de facto* life sentences on juveniles in general, that would still be particularized challenge to a specific application of the penal code as being insufficiently reformative in character, not a challenge that the penal code as a whole was not based on principles of reformation.

Moreover, the transfer petition does not clarify what "categorical challenge" Defendant now purports to be raising or how Indiana's justice system as a whole, which includes its juvenile justice system, allegedly "fails to place important restrictions on juvenile sentencing" (Transfer Pet. at 16). Under Indiana law, all but the most serious juvenile offenders are handled within a juvenile justice system directed toward rehabilitation. Those whom the legislature (and, in waiver cases, the juvenile court) deems deserving of placement in the adult system are not housed with adult populations and are still subject to sentencing procedures, sentencing ranges correlated to levels of offenses, and appellate review of sentences that combine to create a sentencing system consistent with the principles of reformation.

Cases such as *Ratliff* and *Hunter v. State*, 676 N.E.2d 14 (Ind. 1996), do not provide any theory under which Defendant's status as a juvenile could create a cognizable Section 18 claim. Both rejected Section 18 challenges to the offender's placement brought by juveniles who were tried and sentenced as adults and placed in adult correctional facilities. And in both cases this Court examined the history from the constitutional debates showing the framers' concern about the treatment of juvenile offenders yet concluded it did not manifest an intent for all juvenile

offenders to be treated exclusively through separate juvenile facilities, a conclusion supported by *Ratliff*'s review of the historical record in the years following the ratification of the constitution. *Ratliff*, 693 N.E.3d at 534-42; *Hunter*, 676 N.E.2d at 16-17. Neither provides any support for the contention that Section 18 is violated by the fact that a particular juvenile who committed heinous crimes was tried as an adult and received a lengthy prison sentence.

The amici law professors' reliance on *Abercrombie v. State*, 417 N.E.2d 316 (Ind. 1981), is similarly misplaced. This Court did not examine Abercrombie's specific, 100-year sentence to decide if it was consistent with the principles of reformation. Rather, in the context of addressing a Section 16 challenge, it explained why Indiana's sentencing procedures as a whole, including the availability of appellate review of sentences generally (not review specifically under Section 18), created a system that was in keeping with the principle espoused in Section 18. *Id.* at 318-19. Nothing in *Abercrombie* supports a claim that individual sentences may be reviewed for compliance with Section 18. And, again, the arguments of amici pertaining to LWOP sentences are equally misplaced in the Section 18 context, as this case does not involve an LWOP sentence.

IV.
Defendant's sentence is appropriate.

The Court of Appeals properly assessed both the nature of Defendant's offenses and his character when conducting its review of the sentence and correctly concluded that Defendant's 100-year aggregate sentence for separately killing his two-year old sister and his 11-month-old *de facto* brother was not inappropriate.

Kedrowitz, slip op. at 36-38. Defendant cannot dispute the horrific nature of these murders or the other deeply concerning evidence of his character contained in the record, including his torture and mutilation of two kittens, his physical assault of another student at school, and his threat to harm a teacher if she did not help him cheat.

Contrary to Defendant's argument, the sentence already appropriately accounts for Defendant's youth, as he received a below-advisory 50-year sentence for each murder. A 50-year sentence is not an outlier for a juvenile who committed murder, nor is a 100-year aggregate sentence an outlier for a juvenile who committed multiple murders. *See* Appellee's Br. at 64-66 (collecting cases). And these crimes are not obviously attributable to the qualities of youth. These murders were not the result of a single impulsive decision or bad choice. Each murder was committed by suffocation, which requires the continued infliction of force over the course of a few minutes, and the murders were not committed at the same time. After Defendant killed his two-year-old sister, he successfully concealed his culpability for that crime from his parents, police, his CASA, and counselors for almost three months before he killed again, this time suffocating an 11-month-old baby.

Running the sentences for those two murders consecutively was "necessary" to appropriately vindicate the separate harms inflicted on separate individuals. *Serino v. State*, 798 N.E.2d 852, 857 (Ind. 2003). This moral principle is not altered by Defendant's status as a juvenile. *See Walton v. State*, 650 N.E.2d 1134, 1137

(Ind. 1995) (agreeing that two killings "clearly support[ed] separately served consecutive sentences" for the juvenile's murder convictions in order to provide "a clear and distinct punishment for each killing" and retaining the consecutive sentences even while revising downward the individual sentences). It would be grossly inappropriate to run the sentences concurrently, imposing no greater punishment for killing a second child than would have been imposed for killing only one.

CONCLUSION

For the foregoing reasons, and for those stated more fully in the prior briefing, this Court should deny transfer.

Respectfully submitted,

THEODORE E. ROKITA
Indiana Attorney General
Attorney No. 18857-49

/s/ Ellen H. Meilaender
Ellen H. Meilaender
Supervising Deputy Attorney General
Attorney No. 22468-64

OFFICE OF INDIANA ATTORNEY GENERAL TODD ROKITA
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, Indiana 46204-2770
317-233-3548 (telephone)
Ellen.Meilaender@atg.in.gov

Counsel for Appellee

CERTIFICATE OF WORD COUNT

I verify that this Brief in Opposition to Transfer, including footnotes, contains no more than 4,200 words according to the word count function of the Microsoft Word word-processing program used to prepare this brief.

/s/ Ellen H. Meilaender
Ellen H. Meilaender

CERTIFICATE OF SERVICE

I certify that on April 3, 2023, the foregoing document was electronically filed using the Indiana E-filing System ("IEFS"). I further certify that on April 3, 2023, the foregoing was served upon opposing counsel, via IEFS, addressed as follows:

Mark K. Leeman
markleeman@leemanlaw.com

Andrea Lewis Hartung
alewishartung@macarthurjustice.org

Jennifer Joas
jjoas@madison-attorney.com

Benjamin Gunning
ben.gunning@macarthurjustice.org

/s/ Ellen H. Meilaender
Ellen H. Meilaender