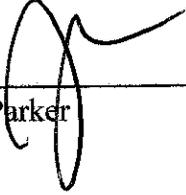


Proof of Service

A copy of the foregoing Notice of Appeal was served on William Mason, Cuyahoga County Prosecutor, 1200 Ontario Street, Justice Center-9th Floor, Cleveland, Ohio 44113 this ^{22nd} day September 2011.

John P. Parker

A handwritten signature in black ink, consisting of a large, stylized 'J' and 'P' followed by a horizontal line extending to the right.

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IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
CLERK OF COURT
CUYAHOGA COUNTY

STATE OF OHIO)	CASE NO. CR-09-530885
)	
Plaintiff,)	JUDGE DICK AMBROSE
)	
-vs.-)	
)	ORDER SETTING CAP FOR
ANTHONY SOWELL)	<u>PAYMENT OF ATTORNEY FEES</u>
Defendant.)	

{11} Prior Orders of this Court have approved the payment of assigned counsel fees on an interim basis and at the State Public Defender Rate of \$95/hr. for assigned counsel in capital murder cases. This is significantly higher than the local rate for assigned counsel (\$60/hr.) in death penalty cases. Prior to this time, no caps on the total fees to be paid to assigned counsel have been set by the Court. However, the State Public Defender maximum for two attorneys assigned to defend an indigent person accused of a capital crime is \$75,000.00. The comparable cap, or maximum, in Cuyahoga County for two attorneys assigned to indigent defense in a capital case is \$25,000.00.

{12} This is an unusual case, even by capital case standards, in that it involved allegations of the aggravated murder of 11 women and charges of attempted murder and sexual assault against three other women. The task of organizing and presenting a defense for the man accused of these crimes, the defendant, Anthony Sowell, is a formidable one indeed. In consideration of these circumstances, the Court has provided counsel with all necessary resources to

provide defendant with a "high-quality" defense. Throughout this case, the Court has approved necessary funding for defense counsel to retain: an investigator; a mental health expert; a neuropsychological expert; a forensic examiner; a crime scene expert; a military records expert; a forensic pathologist; as well as multiple mitigation investigators and experts. In addition, defense counsel have had the benefit of retaining a full-time paralegal, to relieve them of the burden of gathering, reviewing, summarizing and indexing voluminous records used during the pre-trial and trial process. Counsel has also had the assistance of up to four individuals to review approximately 2,000 hours of surveillance videos from around the crime scene, which has spared them the time for such a review.

{13} Due to the unique nature of this case, both lead counsel and co-counsel for defendant have received extraordinary fees in excess of the caps for assigned counsel in death penalty cases as stated above. Extraordinary fees are appropriate where, because of extraordinarily complex issues, multiple offenses, lengthy trial or other factors, warrant compensation at a rate that exceeds the maximums established by local or state governments. Through the time of this entry, Lead counsel, John Parker, has been paid \$71,880.06 and co-counsel, Rufus Sims has been compensated \$29,025.35, a total of \$100,905.41.

{14} By agreeing to accept cases by assignment, attorneys understand that they will not be compensated at the same rate as attorneys who are retained by clients with the ability to pay for representation. They also understand and accept the fact that they are unlikely to be paid for all of the time they spend on a case. This is due to the limitations of public funding mechanisms for indigent defendants. It therefore becomes part of the attorney's contribution and commitment to serve the interests of justice and the public good, to accept less than full consideration for their efforts on assigned counsel cases.

{15} In light of these principles and in consideration and fairness to all attorneys who accept indigent defense work in this County, the Court is capping attorney fees to be paid in this case at \$150,000 or twice the Public Defender maximum. Submission of all invoices is subject to the requirements of Local Rule 33. The above cap does not apply to necessary expenses that are incurred and are properly submitted to the Court.

IT IS SO ORDERED!

DATE: 8/11/11



JUDGE DICK AMBROSE



70247111

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

THE STATE OF OHIO
Plaintiff

ANTHONY SOWELL
Defendant

Case No: CR-09-530885-A

Judge: DICK AMBROSE

INDICT: 2903.01 AGGRAVATED MURDER /FMS /CCS /SMS
/SVPS /NPC /RVOS
2903.01 AGGRAVATED MURDER /FMS /CCS /SMS
/SVPS /NPC /RVOS
2905.01 KIDNAPPING /NPC /RVOS /SMS /SVPS
ADDITIONAL COUNTS...

JOURNAL ENTRY

IT IS HEREBY ORDERED THAT JOHN P. PARKER, ESQ., HERETOFORE ASSIGNED AS COUNSEL FOR THE DEFENDANT IN THIS CAUSE, BE ALLOWED \$12,682.18 (\$587.39 FOR POSTAGE (UPS) AND PHONE (1800-CONFERENCE), \$65.80 FOR MEDICAL/GOVERNMENT RECORDS, \$521.00 AIRLINE TICKET (WITNESS) AND \$33.40 FOR STAPLES) FOR SERVICES SO RENDERED.

IT IS ORDERED THAT THE COURT CERTIFY SAID AMOUNT TO THE FISCAL OFFICER AND THE COUNTY EXECUTIVE FOR ALLOWANCE AND PAYMENT.

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Judge Signature

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IN THE COURT OF COMMON PLEAS CUYAHOGA COUNTY, OHIO

THE STATE OF OHIO
Plaintiff

ANTHONY SOWELL
Defendant

Case No: CR-09-530885-A

Judge: DICK AMBROSE

INDICT: 2903.01 AGGRAVATED MURDER /FMS /CCS /SMS
/SVPS /NPC /RVOS
2903.01 AGGRAVATED MURDER /FMS /CCS /SMS
/SVPS /NPC /RVOS
2905.01 KIDNAPPING /NPC /RVOS /SMS /SVPS
ADDITIONAL COUNTS...

JOURNAL ENTRY

SENTENCING HEARING HELD ON 8/12/11 WITH MODIFICATION OF SENTENCE AS TO COUNTS 69,72,73,74,76,78,79,80,82 AND 84 OCCURRING ON 8/30/11. THIS JOURNAL REPRESENTS THE COURT'S FINAL ENTRY OF CONVICTION.

DEFENDANT IN COURT. COUNSEL JOHN P PARKER AND RUFUS SIMS PRESENT. PROSECUTING ATTORNEY(S) RICHARD BOMBICK, PINKEY CARR AND LAUREN BELL PRESENT. COURT REPORTER TRACY VARGO PRESENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF AGGRAVATED MURDER 2903.01 A, WITH FELONY MURDER SPECIFICATIONS (1-2)(2929.04(A)(7)), COURSE OF CONDUCT SPECIFICATIONS (3-15)(2929.04(A)(5)), AND SEXUAL MOTIVATION SPECIFICATION (16) (2941.147), AS CHARGED IN COUNT(S) 1, 7, 13, 19, 25, 31, 43, 49, 55, 61 OF THE INDICTMENT. THE COURT FOUND THE DEFENDANT GUILTY OF SEXUAL VIOLENT PREDATOR SPECIFICATIONS (2941.148), NOTICE OF PRIOR CONVICTION, AND REPEAT VIOLENT OFFENDER SPECIFICATIONS (2941.149), AS CHARGED IN COUNT(S) 1, 7, 13, 19, 25, 31, 43, 49, 55, 61 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF AGGRAVATED MURDER 2903.01 B, WITH FELONY MURDER SPECIFICATIONS (1-2)(2929.04(A)(7)), COURSE OF CONDUCT SPECIFICATIONS (3-15)(2929.04(A)(5)), AND SEXUAL MOTIVATION SPECIFICATION (16) (2941.147), AS CHARGED IN COUNT(S) 2, 8, 14, 20, 26, 32, 44, 50, 56, 62 OF THE INDICTMENT. THE COURT FOUND THE DEFENDANT GUILTY OF SEXUAL VIOLENT PREDATOR SPECIFICATIONS (2941.148), NOTICE OF PRIOR CONVICTION, AND REPEAT VIOLENT OFFENDER SPECIFICATIONS (2941.149), AS CHARGED IN COUNT(S) 2, 8, 14, 20, 26, 32, 44, 50, 56, 62 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF KIDNAPPING 2905.01 A(3) F1, WITH SEXUAL MOTIVATION SPECIFICATION (2941.147), IN COUNT(S) 3, 9, 15, 21, 27, 33, 45, 51, 57, 63, 68, 74, 81 OF THE INDICTMENT. THE COURT FOUND THE DEFENDANT GUILTY OF SEXUAL VIOLENT PREDATOR SPECIFICATIONS (2941.148), NOTICE OF PRIOR CONVICTION, AND REPEAT VIOLENT OFFENDER SPECIFICATIONS (2941.149), AS CHARGED IN COUNT(S) 3, 9, 15, 21, 27, 33, 45, 51, 57, 63, 68, 74, 81 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF KIDNAPPING 2905.01 A(4) F1, WITH SEXUAL MOTIVATION SPECIFICATION (2941.147), AS CHARGED IN COUNT(S) 4, 10, 16, 22, 28, 34, 46, 52, 58, 64, 67, 75, 80 OF THE INDICTMENT. THE COURT FOUND THE DEFENDANT GUILTY OF SEXUAL VIOLENT PREDATOR SPECIFICATIONS (2941.148), NOTICE OF PRIOR CONVICTION, AND REPEAT VIOLENT OFFENDER SPECIFICATIONS (2941.149), AS CHARGED IN COUNT(S) 4, 10, 16, 22, 28, 34, 46, 52, 58, 64, 67, 75, 80 OF THE INDICTMENT.

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ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF OFFENSES AGAINST HUMAN CORPSE 2927.01 B F5, AS CHARGED IN COUNT(S) 5, 11, 17, 23, 29, 35, 41, 47, 53, 59, 65 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF TAMPERING WITH EVIDENCE 2921.12 A(1) F3, AS CHARGED IN COUNT(S) 6, 12, 18, 24, 30, 36, 42, 48, 54, 60, 66 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF AGGRAVATED MURDER 2903.01 A, WITH COURSE OF CONDUCT SPECIFICATIONS (3-15)(2929.04(A)(S)), UNDER COUNT(S) 37 OF THE INDICTMENT. PURSUANT TO CRIMINAL RULE 29, THE COURT DISMISSED FELONY MURDER SPECIFICATIONS (1-2) AND SEXUAL MOTIVATION SPECIFICATION (16)(2941.147), AS CHARGED ON COUNT(S) 37 OF THE INDICTMENT.

THE COURT FOUND THE DEFENDANT GUILTY OF SEXUAL VIOLENT PREDATOR SPECIFICATION (2941.148), NOTICE OF PRIOR CONVICTION, AND REPEAT VIOLENT OFFENDER SPECIFICATION (2941.149), AS CHARGED IN COUNT(S) 37 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF ATTEMPTED, MURDER 2923.02/2903.02 A F1, WITH SEXUAL MOTIVATION SPECIFICATION (2941.147), IN COUNT(S) 69, 76, 82 OF THE INDICTMENT.

THE COURT FOUND THE DEFENDANT GUILTY OF SEXUAL VIOLENT PREDATOR SPECIFICATIONS (2941.148), NOTICE OF PRIOR CONVICTION, AND REPEAT VIOLENT OFFENDER SPECIFICATIONS (2941.149), AS CHARGED IN COUNT(S) 69, 76, 82 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF FELONIOUS ASSAULT 2903.11 A(1) F1, WITH SEXUAL MOTIVATION SPECIFICATION (2941.147), IN COUNT(S) 70, 77, 83 OF THE INDICTMENT. THE COURT FOUND THE DEFENDANT GUILTY OF SEXUAL VIOLENT PREDATOR SPECIFICATIONS (2941.148), NOTICE OF PRIOR CONVICTION, AND REPEAT VIOLENT OFFENDER SPECIFICATIONS (2941.149), AS CHARGED IN COUNT(S) 70, 77, 83 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF FELONIOUS ASSAULT 2903.11 A(2) F1, WITH SEXUAL MOTIVATION SPECIFICATION (2941.147), IN COUNT(S) 71 OF THE INDICTMENT. THE COURT FOUND THE DEFENDANT GUILTY OF SEXUAL VIOLENT PREDATOR SPECIFICATION (2941.148), NOTICE OF PRIOR CONVICTION, AND REPEAT VIOLENT OFFENDER SPECIFICATION (2941.149), AS CHARGED IN COUNT(S) 71 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF RAPE 2907.02 A(2) F1, IN COUNT(S) 72, 73, 78, 79 OF THE INDICTMENT. THE COURT FOUND THE DEFENDANT GUILTY OF SEXUAL VIOLENT PREDATOR SPECIFICATIONS (2941.148), NOTICE OF PRIOR CONVICTION, AND REPEAT VIOLENT OFFENDER SPECIFICATIONS (2941.149), AS CHARGED IN COUNT(S) 72, 73, 78, 79 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF ATTEMPTED, RAPE 2923.02/2907.02 A(2) F2, IN COUNT(S) 84 OF THE INDICTMENT. THE COURT FOUND THE DEFENDANT GUILTY OF SEXUAL VIOLENT PREDATOR SPECIFICATION (2941.148), NOTICE OF PRIOR CONVICTION, AND REPEAT VIOLENT OFFENDER SPECIFICATION (2941.149), AS CHARGED IN COUNT(S) 84 OF THE INDICTMENT.

THE JURY RETURNED A VERDICT OF NOT GUILTY OF AGGRAVATED ROBBERY 2911.01 A(3), IN COUNT(S) 85 OF THE INDICTMENT.

RULE 29 WAS GRANTED AS TO COUNT(S) 38, 39, 40.

IN ACCORDANCE WITH R.C. 2941.25(A), THE STATE ELECTED TO PROCEED AT SENTENCING ON THOSE COUNTS OF

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AGGRAVATED MURDER CHARGED UNDER 2903.01(A). THEREFORE, THE COURT MERGES THE AGGRAVATED MURDER CHARGES UNDER 2903.01(B), SET FORTH IN COUNTS 2,8,14,20,26, 32,44,50,56 AND 62, INTO COUNTS 1,7,13,19,25,31,43,49,55 AND 61.

THE COURT MERGES KIDNAPPING COUNTS, 3,4,9,10,15,16,21,22,27,28,33,34, 45,46,51,52,57,58,63 AND 64, INTO CORRESPONDING AGGRAVATED MURDER CHARGES, 1,7,13,19,25,31,37,43,49,55 AND 61, FINDING THEM TO BE ALLIED OFFENSES OF SIMILAR IMPORT. THE COURT MERGES THE KIDNAPPING CHARGES IN COUNTS 67 AND 68, AND THE FELONIOUS ASSAULT CHARGES IN COUNTS 70 AND 71, WITH THE CHARGE OF ATTEMPTED MURDER IN COUNT 69, FINDING THEM TO BE ALLIED OFFENSES OF SIMILAR IMPORT. THE COURT MERGES THE KIDNAPPING CHARGE IN COUNT 75 WITH THE KIDNAPPING CHARGE IN COUNT 74; THE FELONIOUS ASSAULT IN COUNT 77 WITH THE ATTEMPTED MURDER IN COUNT 76; THE KIDNAPPING IN COUNT 81 WITH THE KIDNAPPING IN COUNT 80; AND THE FELONIOUS ASSAULT IN COUNT 83 WITH THE ATTEMPTED MURDER IN COUNT 82, FINDING THEM TO BE ALLIED OFFENSES OF SIMILAR IMPORT.

DEFENSE COUNSEL JOHN PARKER ADDRESSES THE COURT. PROSECUTORS RICHARD BOMBICK AND PINKEY CARR ADDRESS THE COURT, THE FOLLOWING VICTIMS/REPRESENTATIVES ADDRESS THE COURT: SHAWN MORRIS; GLADYS WADE; DONNITA CARMICHAEL; KYANA HUNT; JIM ALLEN; FLORENCE BRAY; DEBORAH WILLIAMS; DENISE HUNTER; YVONNE WILLIAMS; ADALBEN ATTERBERRY; DON SMITH; SHANISHA COLLINS; AND DOROTHY POLLARD. THE COURT CONSIDERED ALL REQUIRED FACTORS OF THE LAW. THE COURT FINDS THAT PRISON IS CONSISTENT WITH THE PURPOSES AND PRINCIPLES OF R.C. 2929.11 AND, IN ACCORDANCE WITH R.C. 2929.03 (C)(2), R.C. 2929.14 AND R.C. 2971.03(A), THE COURT IMPOSES THE FOLLOWING PRISON SENTENCES:

- COUNT 1-THE COURT IMPOSES THE SENTENCE OF DEATH.
- COUNTS 2, 3, & 4 MERGE INTO COUNT 1.
- COUNT 5-12MOS.
- COUNT 6-5YRS.
- COUNT 7-THE COURT IMPOSES THE SENTENCE OF DEATH.
- COUNTS 8, 9, & 10 MERGE INTO COUNT 7.
- COUNT 11-12 MOS.
- COUNT 12-5YRS.
- COUNT 13-THE COURT IMPOSES THE SENTENCE OF DEATH.
- COUNTS 14, 15 & 16 MERGE INTO COUNT 13.
- COUNT 17-12MOS.
- COUNT 18-5YRS.
- COUNT 19-THE COURT IMPOSES THE SENTENCE OF DEATH.
- COUNTS 20, 21, & 22 MERGE INTO COUNT 19.
- COUNT 23-12MOS.
- COUNT 24-5YRS.
- COUNT 25-THE COURT IMPOSES THE SENTENCE OF DEATH.
- COUNTS 26, 27 & 28 MERGE INTO COUNT 25.
- COUNT 29-12MOS.
- COUNT 30-5YS.
- COUNT 31-THE COURT IMPOSES THE SENTENCE OF DEATH.
- COUNTS 32, 33 & 34 MERGE INTO COUNT 31.
- COUNT 35-12MOS.
- COUNT 36-5YRS.
- COUNT 37-THE COURT IMPOSES THE SENTENCE OF DEATH.
- COUNT 41-12MOS.
- COUNT 42-5YRS.

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COUNT 43-THE COURT IMPOSES THE SENTENCE OF DEATH.
 COUNTS 44, 45 & 46 MERGE INTO COUNT 43.
 COUNT 47-12MOS.
 COUNT 48-5YRS.
 COUNT 49-THE COURT IMPOSES THE SENTENCE OF DEATH.
 COUNTS 50, 52 & 52 MERGE INTO COUNT 49.
 COUNT 53-12MOS.
 COUNT 54-5YRS.
 COUNT 55-THE COURT IMPOSES THE SENTENCE OF DEATH.
 COUNTS 56, 57 & 58 MERGE INTO COUNT 55.
 COUNT 59-12MOS.
 COUNT 60-5YRS.
 COUNT 61-THE COURT IMPOSES THE SENTENCE OF DEATH.
 COUNTS 62, 63 & 64 MERGE INTO COUNT 61.
 COUNT 65-12MOS.
 COUNT 66-5YRS.
 COUNT 69-10YRS TO LIFE
 COUNTS 67, 68 & 70, 71 MERGE INTO COUNT 69.
 COUNT 72-10YRS. TO LIFE
 COUNT 73-10YRS. TO LIFE
 COUNT 74-10YRS. TO LIFE
 COUNT 75-MERGES INTO COUNT 74
 COUNT 76-10YRS. TO LIFE
 COUNT 77-MERGES INTO COUNT 76
 COUNT 78-10YRS. TO LIFE
 COUNT 79-10YRS. TO LIFE
 COUNT 80-10YRS. TO LIFE
 COUNT 81-MERGES INTO COUNT 80
 COUNT 82-10YRS. TO LIFE
 COUNT 83-MERGES INTO COUNT 82
 COUNT 84-8 YRS. TO LIFE

COUNTS 1, 7, 13, 19, 25, 31, 43, 49, 55, 61 ARE TO RUN CONCURRENT TO ONE ANOTHER. ALL REMAINING COUNTS ARE TO RUN CONSECUTIVE AS THE COURT FINDS THAT CONSECUTIVE SENTENCES ARE NECESSARY TO PROTECT THE PUBLIC AND TO PUNISH THE OFFENDER, GIVEN THE FACT THAT MULTIPLE OFFENSES WERE COMMITTED AS PART OF A COURSE OF CONDUCT. THE COURT ALSO FINDS THAT THE HARM CAUSED WAS SO GREAT THAT NO SINGLE PRISON TERM FOR THE OFFENSES WOULD ADEQUATELY PUNISH THE OFFENDER.

POST RELEASE CONTROL IS PART OF THIS PRISON SENTENCE FOR 3 YEARS, AT THE DISCRETION OF THE ADULT PAROLE AUTHORITY, FOR COUNTS 5, 6, 11, 12, 17, 18, 23, 24, 29, 30, 35, 36, 41, 42, 47, 48, 53, 54, 59, 60, 65 AND 66 UNDER R.C. 2967.28. DEFENDANT ADVISED THAT IF POST RELEASE CONTROL SUPERVISION IS IMPOSED FOLLOWING HIS RELEASE FROM PRISON AND IF HE VIOLATES THAT SUPERVISION OR CONDITION OF POST RELEASE CONTROL, THE PAROLE BOARD MAY IMPOSE A PRISON TERM OF UP TO ONE-HALF OF THE STATED PRISON TERM ORIGINALLY IMPOSED UPON THE OFFENDER.

FOR ALL REMAINING COUNTS FOR WHICH DEFENDANT WAS SENTENCED TO A TERM OF LIFE IMPRISONMENT, DEFENDANT IS SUBJECT TO PAROLE AS PROVIDED UNDER R.C. 2967.13.

THE COURT SETS 10/29/2012 AS THE DATE OF EXECUTION ON COUNTS 1, 7, 13, 19, 25, 31, 37, 43, 49, 55 AND 61.

DEFENDANT TO RECEIVE 650 DAYS JAIL CREDIT TO DATE.
 DEFENDANT DECLARED INDIGENT.

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COSTS WAIVED.
DEFENDANT ADVISED OF APPEAL RIGHTS.
DEFENDANT INDIGENT, COURT APPOINTS THOMAS REIN AND JEFFRY KELLEHER AS COUNSEL ON APPEAL.
TRANSCRIPT AT STATE'S EXPENSE.
DEFENDANT REMANDED.
SHERIFF ORDERED TO TRANSPORT DEFENDANT ANTHONY SOWELL, DOB: 08/19/1959, GENDER: MALE, RACE:
BLACK.

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Judge Signature

08/30/2011

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