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IN THE SUPREME COURT OF OHIO

DONALD CASTER **University of Cincinnati College of Law** **P.O. Box 210040** **Cincinnati, OH 45221** **Relator,** **v.** **CITY OF COLUMBUS, OHIO** **90 West Broad Street** **Columbus, OH 43215,** **and** **KIMBERLEY JACOBS, CHIEF,** **COLUMBUS DIVISION OF POLICE** **120 Marconi Boulevard** **Columbus, OH 43215** **Respondents.**	:	**Case No. 14-1621** **Original Action in Mandamus**

BRIEF OF THE INNOCENCE NETWORK AS *AMICUS CURIAE* IN SUPPORT OF RELATOR DONALD CASTER

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INTERESTS OF AMICUS CURIAE

The Innocence Network is an affiliation of organizations dedicated to providing pro bono legal and investigative services to individuals seeking to prove innocence of crimes for which they have been convicted and working to redress the causes of wrongful convictions. With its organizations located across the United States, including two in Ohio — the Ohio Innocence Project and the Wrongful Convictions Project, Office of the Ohio Public Defender — and around the world, the Innocence Network is interested in ensuring that its organizations have robust access to public records in order to pursue their important work.

SUMMARY OF ARGUMENT

A wrongful conviction is a miscarriage of justice. In most cases, it means that an innocent person is deprived of liberty and that a guilty person remains free. In addressing wrongful convictions, the organizations in the Innocence Network do important work.

In order to do this work, Innocence Network organizations rely on access to public records. Through public records, Innocence Network organizations find meritorious cases and weed out frivolous ones. Public records allow Innocence Network organizations to find new evidence and exonerate the wrongfully convicted. Innocence Network organizations also use public records to analyze the criminal justice system, isolate problems, and advocate for reforms.

The Supreme Court, then, should reject arguments that would restrict Innocence Network organizations from having meaningful access to public records.

STATEMENT OF THE CASE[1]

This case is about access to public records in Ohio for Innocence Network organizations and similar organizations. It arose when Donald Caster, an attorney with the Ohio Innocence

[1] All facts taken from Caster's Memorandum in Support of Original Writ of Mandamus.

Project, requested from the City of Columbus and the Columbus police[2] public records related to Adam Saleh. Convicted of murdering Julie Popovich, Saleh is currently incarcerated. He contends that he is innocent and could be exonerated if the Ohio Innocence Project takes his case. As the Ohio Innocence Project routinely does, Caster requested the records in order to assess Saleh's claims of innocence. Neither Caster nor the Ohio Innocence Project represents Saleh. They have no attorney-client relationship. Depending on its evaluation, the Ohio Innocence Project may never pursue Saleh's case further. The City of Columbus denied Caster's request.

ARGUMENT

I. Protecting the Innocent Is Central to the Rule of Law.

Protecting the innocent is imperative. For centuries, Ohio courts have recognized that "[i]t is in truth better that ninety-nine guilty persons should escape than that one innocent man should be convicted." *Silver v. State*, 17 Ohio 365, 369 (1848). The organizations in the Innocence Network exist to protect the innocent by seeking to find and vindicate the wrongfully convicted and by studying wrongful convictions and advocating for changes to the criminal justice system to prevent them in the future.

Despite the weight our legal tradition places on protecting the innocent, the advent of DNA evidence[3] and the rise of organizations dedicated to proving claims of innocence have

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[2] The brief will refer to the City of Columbus and relevant police officials simply as the City of Columbus.

[3] While DNA evidence provided the impetus for many Innocence Network organizations, non-DNA-based exonerations now exceed DNA-based exoneration by a factor of nearly five to one. *See* National Registry of Exonerations, *Exonerations in 2014* at 2 (Jan. 27, 2015), *available at* https://www.law.umich.edu/special/exoneration/Documents/Exonerations_in_2014_report.pdf.

revealed numerous wrongful convictions. From January 1989 through the first half of June 2015, there have been at least[4] 1,615 exonerations.[5]

II. The Goal of the Ohio Public Records Act Is Consistent with Protecting the Innocent.

Consistent with the goal of protecting the innocent, Ohio has long recognized the importance of access to public records in ensuring open government and accountability. "[P]ublic records are the people's records," the Ohio Supreme Court held in 1960, and "the officials in whose custody they happen to be are merely trustees for the people." *State ex rel. Patterson v. Ayers*, 171 Ohio St. 369, 371, 171 N.E. 2d 508, 509 (1960). Under the Ohio Public Records Act (Public Records Act), once a request is made, with limited exceptions, officials must prepare and make available "all public records responsive to the request[.]" Ohio Rev. Code Ann. § 149.43(B)(1). The public record cannot be limited or conditioned based on the requester's identity or intended use "[u]nless specifically required or authorized by state or federal law[.]" *Id.* § 149.43(B)(4).

"[I]nherent in R.C. 149.43 is the fundamental policy of promoting open government, not restricting it." *State ex rel. Miami Student v. Miami Univ.*, 79 Ohio St. 3d 168, 171, 680 N.E.2d 956, 9591 (1997); *see also State ex rel. Gannett Satellite Info. Network, Inc. v. Petro*, 80 Ohio St. 3d 261, 264, 685 N.E.2d 1223, 1227 (1997) ("The purpose of Ohio's Public Records Act, R.C.

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[4] The National Registry of Exonerations defines "exoneration" conservatively. The Registry only counts formal decisions by courts and executive officers after new evidence was discovered. Samuel R. Gross & Michael Shaffer, National Registry of Exonerations, *Exonerations in the United States, 1989–2012* at 7 (June 2012), *available at* https://www.law.umich.edu/special/exoneration/Documents/exonerations_us_1989_2012_full_report.pdf. These numbers also "do not include any case in which there is an official determination that the defendant is not guilty of the charges in the original conviction but did play some role in the crime and may be guilty of a lesser crime that involved the same conduct." *Id.*

[5] *See* National Registry of Exonerations, *About the Registry*, *available at* https://www.law.umich.edu/special/exoneration/Pages/about.aspx (accessed June 15, 2015).

149.43, is to expose government activity to public scrutiny which is absolutely essential to the proper working of a democracy."). Thus, the Public Records Act "is to be construed liberally in favor of broad access, and any doubt is to be resolved in favor of disclosure of public records." *State ex rel. Gannett Satellite Info. Network, Inc. v. Shirley*, 78 Ohio St. 3d 400, 401, 678 N.E.2d 557, 559 (1997) (per curiam); *see also State ex rel. Cincinnati Post v. Schwikert*, 38 Ohio St. 3d 170, 173, 527 N.E.2d 1230, 1232 (1988) ("[T]he law's public purpose requires a broad construction of the provisions defining public records. Because the law is intended to benefit the public through access to records, [Ohio] court[s] ha[ve] resolved doubts in favor of disclosure."); *State ex rel. Miami Student*, 79 Ohio St. 3d at 172, 680 N.E.2d at 959 (observing that the Public Records Act was designed "to foster openness and to encourage the free flow of information where it is not prohibited by law").

Open government allows independent parties to identify mistakes, such as wrongful convictions. Exposing and remedying wrongful convictions is one of the most important forms of government accountability and scrutiny.

III. Organizations in the Innocence Network Cannot Function Effectively Without Robust Access to Public Records.

The work of the organizations of the Innocence Network goes hand-in-hand with the purpose of the Public Records Act. And to perform their important work, Innocence Network organizations (and others with similar goals) rely on access to public records. For instance, earlier this year the Wisconsin Innocence Project (WIP) convinced officials to exonerate Mario Vasquez, who was wrongfully convicted in 1998 of molesting a little girl cared for by his sister-in-law. Based in part on police records obtained through a public records request, the WIP developed evidence showing that police ignored a more compelling suspect — the little girl's uncle — and improperly interviewed the then-four year old. WIP convinced the prosecutors to

agree to a new trial, and the prosecutors subsequently dismissed the charges.[6] As discussed further, Innocence Network organizations rely on public records to find and pursue meritorious cases (like Vasquez's), to screen out frivolous ones, and to advocate public policy reforms to protect the innocent.

A. Innocence Network Organizations Rely on Access to Public Records to Investigate Innocence Claims.

In investigating claims of innocence, organizations in the Innocence Network rely on public records in two important ways.

1. Innocence Network Organizations Use Public Records to Screen Out Frivolous or Weak Claims of Innocence.

Public records are essential to screening claims of innocence. The demand for services from Innocence Network organizations is high. Organizations in the Innocence Network annually receive thousands of requests for assistance from prisoners claiming innocence, but the organizations only pursue a fraction of the cases.[7] Thus Innocence Network organizations use public records to aid finding and prioritizing meritorious cases. For example, starting in 2007, using public records, the Ohio Innocence Project (OIP) and *The Columbus Dispatch* compiled case files on all inmates in Ohio who had sought DNA testing in their cases but had been denied.[8] After reviewing the 313 cases, OIP and *The Columbus Dispatch* chose the thirty most

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[6] *See* National Registry of Exonerations, *Mario Vasquez* (Feb. 12, 2015), *available at* https://www.law.umich.edu/special/exoneration/pages/casedetail.aspx?caseid=4637.

[7] *See, e.g.*, The Innocence Project, *Frequently Asked Questions* (organization receives more than 3,000 requests annually, evaluates 6,000-8,000 at any given time, but pursues fewer than 300 active cases), *available at* http://www.innocenceproject.org/faqs (accessed June 10, 2015).

[8] *See* Mike Wagner & Geoff Dutton, *Pursuit of Justice: Private Lab Offers Free DNA Tests in 30 Cases*, The Columbus Dispatch (Jan. 31, 2008), http://www.dispatch.com/content/stories/local/2008/01/31/dna5.html.

compelling, and OIP renewed DNA testing requests in each. Of these thirty, five have been exonerated to date.

Like all Innocence Network organizations, OIP is selective in pursuing cases, seeking only to bring the most meritorious ones. Since its founding in 2003, OIP has received more than 8,000 requests from inmates for assistance. Many supported their claims with allegations of specific facts showing innocence. But OIP has taken the position that innocence can be proven in fewer than thirty cases. Thus, OIP pursues less than 0.4 percent of the cases presented to it.[9] To date, OIP has helped release twenty-two individuals on ground of innocence. Combined, these innocents served more than 380 years in prison. Access to public records is essential to this screening process, resulting in OIP's ability to prioritize meritorious cases.

2. Innocence Network Organizations Use Public Records to Exonerate the Wrongfully Convicted.

Access to public records also plays an important role in exonerating the innocent. Two recent cases in Ohio illustrate this point.

a) Public Records Were Essential to Securing Eugene Johnson, Derrick Wheatt, and Laurese Glover a New Trial.

On March 26, 2015, nineteen years after their conviction for murder, the Cuyahoga County Court ordered a new trial for Eugene Johnson, Derrick Wheatt, and Laurese Glover and ordered them released pending their new trial. Johnson, Wheatt, and Glover were convicted based on the testimony of a single witness and a test that purported to show gun powder residue on Wheatt's and Johnson's clothing. Through the Public Records Act, however, OIP was able to learn of additional witnesses — with a better vantage point than the prosecution's sole witness.

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[9] *See also* Ohio Innocence Project, *Annual Review* at 15 (2011), *available at* http://law.uc.edu/sites/default/files/OIP-AnnualReview-v8.pdf.

The testimony of these additional witnesses not only ruled out Johnson, Wheatt, or Glover as the shooter, but also positively identified the shooter as someone else recognized by the witnesses. In violation of the law, these witnesses were never disclosed to the defense. Moreover, the information provided in the response to the Public Records Act request revealed that, post-conviction, the prosecutors stymied an earlier attempt to access the records. The prosecutors sent a letter to the police department instructing it not to respond to a Public Records Act request. Had the information been released then, in 1998, Johnson, Wheatt, and Glover could have potentially received a new trial and been exonerated seventeen years earlier. Instead, they languished in prison until March 2015.[10]

b) Public Records Helped Exonerate Ricky Jackson, Wiley Bridgeman, and Ronnie Bridgeman.

On November 18, 2014, Ricky Jackson, Wiley Bridgeman, and Ronnie Bridgeman were exonerated for a murder they did not commit. Having served nearly forty years in prison for the wrongful conviction, Jackson is the longest-serving person to be exonerated in United States history. (Combined, the three spent more than one hundred years in prison.) Jackson and the Bridgeman brothers were convicted for a 1975 murder based on the testimony of a then-twelve-year-old boy. The boy recanted years later as an adult, saying that he had never witnessed the crime, that he was trying to be helpful to the police, and that, when he wanted to tell the truth, he

[10] Nick Swartsell, *Free at Last, Free for Now*, City Beat (Apr. 15, 2015), http://citybeat.com/cincinnati/article-32558-free_at_last_free_fo.html; Sherry English, Ohio Innocence Project, *OIP Nets another Triple Win; Defendants to be Freed After 18 Years in Prison* (Mar. 26, 2015), *available at* http://www.uc.edu/news/NR.aspx?id=21441; Associated Press, *Three Face New Trials over 1995 Slaying After Prosecutor "Suppressed Evidence,"* The Guardian (Mar. 26, 2015), http://www.theguardian.com/us-news/2015/mar/26/cleveland-three-new-trials-1995-slaying-prosecutor-suppressed-evidence.

was threatened by the police. Access to public records was crucial for OIP in piecing together the truth over nearly a decade.[11]

Access to public records, then, is vital to Innocence Network organizations' ability to exonerate the wrongfully convicted, like Johnson, Wheatt, Glover, Jackson, and the Bridgemans. The Public Records Act allows OIP and the Wrongful Convictions Project at the Ohio Public Defender Office to identify cases where there was evidence available for DNA testing, false or fabricated claims, false confessions, inconsistent police statements, possible witness misidentification, unreliable informant testimony, police or prosecutorial misconduct, and other indications of the possibility of actual innocence. It also allows OIP to allocate resources and persuade inmates not to pursue frivolous claims. Without robust access to public records and the close vetting it allows, there is a danger of more frivolous claims but fewer exonerations of the truly innocent.

B. Innocence Network Organizations Rely on Access to Public Records to Advocate for Criminal Justice Reforms.

In addition to seeking to vindicate the wrongfully convicted, Innocence Network organizations also study exonerations and advocate for criminal justice reforms to prevent future wrongful convictions. In the past eighteen months, Vermont,[12] Illinois,[13] New Jersey,[14] and Washington[15] have adopted reforms advocated by Innocence Network organizations.

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[11] Ohio Innocence Project, *OIP Gets Triple Exoneration in Death Penalty Case; Longest-Serving Person to be Exonerated in U.S. History Set Free*, *available at* http://www.law.uc.edu/oip/ricky-jackson (accessed June 10, 2015); Cynthia McFadden et al., *Ohio Men Wrongly Convicted of Murder After 39 Years Released* (Nov. 21, 2014), http://www.nbcnews.com/news/crime-courts/ohio-men-wrongly-convicted-murder-after-39-years-released-n253356; John Caniglia, *A Free Man: Ricky Jackson To Leave Prison 39 Years After a Boy's Lie Helped Put Him Behind Bars*, The Plain Dealer (Nov. 19, 2014), http://www.cleveland.com/court-justice/index.ssf/2014/11/a_free_man_ricky_jackson_to_le.html#incart_river.

[12] *See* Innocence Project, *VT Governor to Sign into Law New Wrongful Conviction Reforms* (June 16, 2014) (law requiring blind administration of photo line ups and electronic recordings of (continued…)

Access to public records is often essential to these reforms. For instance, records kept by the Chicago Police Department and Joliet Police Department on witness identification were important for advocating for reforms to protect against witness misidentification. *See Nat'l Ass'n of Criminal Defense Lawyers v. Chi. Police Dep't*, 924 N.E.2d 564, 577 (Ill. App. Ct. 2010) (noting public importance of access to public records). Access to the public records allowed Innocence Network organizations and others to find methodological flaws in an official study purporting to show that the traditional witness lineup was more effective than a double-blind, sequential photographic lineup.[16] Innocence Network organizations and others have advocated, and continue to advocate, for reforms on this issue.[17]

In Ohio, the joint investigation by OIP and *The Columbus Dispatch*, which started with public records, uncovered major problems with Ohio's existing DNA testing policy, including the fact that law enforcement officially frequently destroyed DNA evidence. This ultimately led

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interrogations for violent crimes), *available at* http://www.innocenceproject.org/news-events-exonerations/press-releases/vt-governor-to-sign-into-law-new-wrongful-conviction-reforms.

[13] Steve Mills, *New Law to Help Inmates Prove Innocence with DNA Tests*, Chi. Tribune, (June 23, 2014) (DNA access reform), http://www.chicagotribune.com/news/ct-dna-guilty-pleas-met-20140623-story.html.

[14] Matt Friedman, *Innocent N.J. Inmates to Get More Compensation Under New Law Signed by Chris Christie*, NJ.com (Dec. 27, 2013) (increased compensation for the wrongfully convicted), http://www.nj.com/politics/index.ssf/2013/12/innocent_nj_inmates_to_get_more_compensation_under_new_law_signed_by_chris_christie.html.

[15] University of Washington School of Law, *Washington Governor Signs IPNW-Sponsored DNA Bill into Law* (May 18, 2015), *available at* https://www.law.washington.edu/News/Articles/Default.aspx?YR=2015&ID=IPNW.

[16] *See* Nancy Steblay, *A Second Look at the Illinois Pilot Program: The Evanston Data*, The Champion (June 2011) (analysis of data from Evanston Police Department, which complied with FOIA request), *available at* http://www.nacdl.org/WorkArea/DownloadAsset.aspx?id=21939.

[17] *See, e.g.*, Innocence Project, *Eyewitness Misidentification* (noting the prevalence of witness misidentification and reforms adopted in fourteen states and various major cities, including Boston, Dallas, Philadelphia, and San Francisco), *available at* http://www.innocenceproject.org/causes-wrongful-conviction/eyewitness-misidentification (accessed June 10, 2015).

to the passage of a new law mandating, among other things, that biological evidence in murder and sexual-assault cases be preserved long term where the defendant maintains his innocence. *See* Jim Siegel, *Ohio's New DNA Law Called Model*, The Columbus Dispatch 1B (Apr. 6, 2010). The law also reformed suspect line-up techniques to help minimize witness misidentification. *Id.*

IV. The Supreme Court Should Clarify the Law to Ensure that Innocence Network Organizations Can Access Public Records.

Because our legal system places such a premium on protecting the innocent, and since robust access to public records, especially police records such as witness statements, is critical to the work of Innocence Network organizations, the Supreme Court should ensure that the law gives Innocence Network organizations the access they need.

A. Innocence Network Organizations Could Not Function Effectively If the Supreme Court Accepts the Position Taken by the City of Columbus.

The position taken by the City of Columbus would cripple Innocence Network organizations' ability to do their work. The City of Columbus offers two justifications for denying OIP's public records request. First, that OIP is acting as an agent for Saleh, thus OIP must comply with the Public Record Act's heightened requirements for inmates. *See* City of Columbus' Mot. for J. on the Pleadings 5–6. Second, that the police investigative records at issue are all confidential law enforcement records and thus exempt from the Public Records Act. The City of Columbus contends that under *State ex rel. Steckman v. Jackson*, 70 Ohio St. 3d 420, 639 N.E.2d 83 (1994), it can withhold these records until all criminal proceedings — including potential future post-conviction proceedings — are complete. *See* City of Columbus' Mot. for J. on the Pleadings 7–13.

1. Holding that OIP Is Acting as Saleh's Agent Would Severely Hamper OIP's and Other Innocence Network Organizations' Ability to Screen Cases.

On the first rationale, if the Supreme Court finds that OIP is acting as an inmate's agent in requesting public records as part of an initial screening process, then OIP will be severely hampered in its ability to use public records as part of its screening process.

First, requiring OIP to seek permission from the sentencing judge would be impractical. OIP screens thousands of cases, but only brings a select few. OIP's limited resources would be further strained if it was required go through the added step of seeking a judge's permission for each record.

Second, at this stage in the process, OIP lacks an attorney-client relationship with the incarcerated person. It would be inappropriate for OIP to approach a judge to seek the record on the inmate's behalf without representing the inmate.

Third, once reviewing the record, OIP often decides not to pursue the inmate's case and may even act contrary to the inmate's interests if the inmate is a potential alternative suspect for another inmate's true innocence claim. Holding that OIP is acting for the inmate would put OIP in an untenable position.

This result would make it more difficult for OIP to select meritorious cases, for the truly innocent to be vindicated, and for the Ohio court system to distinguish between frivolous and meritorious cases.

2. Accepting the City of Columbus's Reading of *Steckman* Would Impair Innocence Network Organizations' Ability to Operate in Ohio.

On the second rationale, if the Supreme Court accepts that under *Steckman*, criminal records such as witness statements can never be released under the Public Records Act so long as there is the potential for a post-conviction proceeding, then OIP and other Innocence Network

organizations will be effectively foreclosed from accessing the most relevant and important public records. All the negative consequences for screening cases would follow, but more than that, OIP and other Innocence Network organizations would be severely handicapped in operating effectively in Ohio at all. Without access to the very type of public records at issue here, Johnson, Wheatt, and Glover likely never would have received a second trial because OIP likely never would have discovered the existence of the two additional witnesses. Thus, the consequence of accepting the City of Columbus's justification is almost certainly that truly innocent, wrongfully convicted individuals will remain in prison and never be exonerated.

In addition to being unjust, the City of Columbus's position would lead to a particularly absurd result given that *Steckman*'s rationale has been completely hollowed out. In *Steckman*, the Supreme Court noted it had "the opportunity to meet head-on the continuing and ever-increasing problem of the use (and attempted use) of R.C. 149.43 (public records law) as a vehicle to obtain records from law enforcement officials and the contents of the files of prosecutors in pending criminal cases." *Steckman*, 70 Ohio St. 3d at 421, 639 N.E.2d at 85. This use of the Public Records Act was a problem because it was an attempt to circumvent then-Criminal Rule 16's limited discovery and transform Ohio criminal proceedings into full discovery ones. "Suffice it to say," the Supreme Court noted, "that [Crim. R. 16] does *not* provide for what is often called 'full,' 'complete,' or 'open file' discovery." 70 Ohio St. 3d at 428, 639 N.E.2d at 89 (emphasis in original).

In 2010, however, the Supreme Court adopted a new Criminal Rule 16, which does allow for open discovery in criminal cases. Current criminal defendants have full access to precisely the kinds of records at issue here. Thus, under the guise of a confidential law enforcement records exception, the City of Columbus would give OIP and other Innocence Network

organizations less access to records in old, closed criminal cases than current defendants have in ongoing, active criminal cases. Since the reason for a confidential records exception is protecting confidential sources or witnesses prior to trial, as well as protecting prosecutors' stratagems, the rationale has far less relevance to post-conviction claims of true innocence than to the active cases to which it no longer applies.

B. The Rule Suggested by the City of Columbus Would Make Ohio an Outlier.

The position taken by the City of Columbus would make access to public records in Ohio for Innocence Network organizations unusually restrictive. In others states, Innocence Network organizations are generally able to obtain the public records necessary to do their work. In Maryland, for example, access to public records was essential to establishing the actual innocence of Sabein Burgess just last year. In 1995, Burgess was convicted of murdering his girlfriend, Michelle Dyson. At the trial, prosecutors contended that there were no witnesses and that Dyson's young children slept through the murder. After Burgess's conviction was upheld on appeal, another man — Charles Dorsey — confessed to the crime. Burgess attempted to get a new trial based on inadequate counsel and to introduce Dorsey's confession, but the court denied the request for a new trial. A decade later, the Mid-Atlantic Innocence Project began investigating. Through a public records request, the Mid-Atlantic Innocence Project obtained documents not previously disclosed to the defense, including police notes of an interview with Dyson's young son indicating that he was awake during the murder. The son ultimately signed an affidavit saying that he had seen two men come into the house — neither of whom was Burgess — and that Burgess only came after shots were fired and the two men fled. Based on the son's testimony, the confession of Dorsey, and expert analysis discrediting forensic evidence crucial to Burgess's original conviction, the Mid-Atlantic Innocence Project filed a petition for a

writ of actual innocence. The prosecution ultimately agreed that the conviction should be vacated, dismissed the charges, and Burgess was released in early 2014.[18]

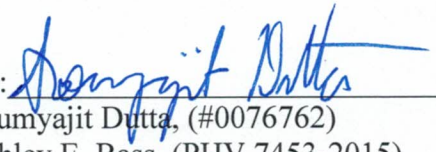
Innocence Network organizations help vindicate our criminal justice system's highest priority. Public records play an important role in the work that Innocence Network organizations do. This work is done across the country. The Supreme Court should ensure that public records remain accessible to those organizations in Ohio and that the state does not become an outlier.

CONCLUSION

In order to allow Innocence Network organizations to operate, the Supreme Court should ensure that Innocence Network organizations have robust access to the public records most important to the work they do.

June 17, 2015

Respectfully Submitted,



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[18] *See* National Registry of Exonerations, *Sabein Burgess* (Mar. 24, 2015), *available at* https://www.law.umich.edu/special/exoneration/pages/casedetail.aspx?caseid=4375.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by regular U.S. mail, postage prepaid to:

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