68939-8

68939-8

NO. 68939-8-I

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,

Respondent,

v.

JEFFREY BEASLEY,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR KING COUNTY

The Honorable James Cayce, Judge

BRIEF OF APPELLANT

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A. ASSIGNMENT OF ERROR

Each pertinent "to convict" instruction erroneously stated the jury had a "duty to return a verdict of guilty" if it found that all of the elements of robbery had been proved beyond a reasonable doubt.[1] CP 56, 58.

Issue Pertaining to Assignment of Error

In a criminal trial, is a defendant's right to a jury trial violated where the "to convict" instruction informs the jury it has a ***duty*** to return a verdict of guilty if it finds the elements have been proven beyond a reasonable doubt, when such a duty does not exist under the state or federal Constitutions, and in fact such a statement contradicts the jury's right under any circumstances to return a verdict of not guilty?

B. STATEMENT OF THE CASE

1. Substantive Facts

In the late evening hours of March 10, 2011, Laren Trelstad was gambling at Freddie's Casino in Renton, and doing relatively well. He was also drinking and eventually decided to call his friend Tyneaka Jones

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[1] Appellant recognizes that this court rejected the arguments raised here in its decision in State v. Meggyesy, 90 Wn. App. 693, 958 P.2d 319, review denied, 136 Wn.2d 1028 (1998), abrogated on other grounds, State v. Recuenco, 154 Wn.2d 156, 110 P.3d 188 (2005). Counsel respectfully contends Meggyesy was incorrectly decided. Because appellant must include a Gunwall analysis or risk waiver of the issue, the Meggyesy argument is included in its entirety.

because he felt he was too drunk to drive and he wanted Jones to drive him home. 5RP 61-65. Although he was a little unclear as to how much money he had after he was done gambling, he believed he had several thousand dollars in cash by the time he left Freddie's later in the evening. 5RP 61-69, 83-84.[2]

Jones got a ride to the casino and when he arrived he found Trelstad at a card table. Jones sat down and began gambling as well. Shortly after Jones arrived, Bobby Beasley and Tremain Chalmers sat down at the table and began playing. Jones and Trelstad were both interested in getting to know Chalmers better and began talking with her. Bobby, who Chalmers said was her brother, left the table and came back several times, sometimes whispering in Chalmers' ear. At some point Bobby left the casino and did not return. 3RP 109-18.

After playing cards for a while at Freddie's, Jones and Trelstad decided to go to the Snoqualmie Casino and invited Chalmers to come along. Chalmers agreed to go but said Bobby had taken her car, which had her identification and other belongings in it, so they had to meet up with him first. After speaking with Bobby they arranged to meet so

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[2] Appellant cites to the report of proceedings as follows: 1RP – May 3, 9, 2012; 2RP – May 7, 14, 2012; 3RP – May 15, 16, 2012; 4RP – May 17, 21, 2012; 5RP – May 22-24, 2012; 6RP – June 19, 2012.

Chalmers could get her belongings; the plan also involved Bobby coming with them to the casino. 3RP 119-20.

The three then got into Trelstad's car, with Jones driving, Trelstad in the passenger seat, and Chalmers in back. They went to a nearby apartment complex, pulled in, and Bobby arrived in Chalmer's car, a white Malibu with deeply tinted windows, which he parked behind Trelstad's car. 3RP 123-24. Chalmers got out of Trelstad's car and went back to the Malibu. With her she had a small piece of marijuana, which Jones had asked her to give to Bobby. 4RP 137.

As Chalmers walked back to the Malibu, Bobby got out of the Malibu. She gave Bobby the piece of marijuana and stayed at the Malibu. Another man then got out of the Malibu, and Bobby and the other man went towards Trelstad's car. 4RP 137-38. Chalmers testified that at the time she did not recognize the second man. 4RP 138.

While Chalmers was going back to the Malibu, Trelstad got out of his car to relieve himself by the side of the car. Because the car door was open, Jones was a witness to Trelstad's urination and turned his head away to give his friend some privacy. At that moment Bobby walked up from behind, opened the car door, put a gun to Jones' head, and demanded their money. Trelstad, once he saw Bobby and the second man come up to the car and realized what was happening, took off running. While Bobby had

the gun pointed at Jones, the second man went to the passenger side and gathered up Trelstad's winnings, which Trelstad had left on the car floor. The second man also went through items in the back seat area, which included some of Jones' belongings that were on the back seat. Bobby demanded the money Jones had in his pockets. After Jones gave it to him, Bobby and the second man went back to the Malibu. 3RP 124-30. Jones claimed he had $3,500 in cash that night, and that Bobby took all of it. 3RP 150. Jones also testified that he had a bag of marijuana in his bag in the back of the car, and that was taken as well. After the Malibu drove away, Jones decided to follow it. 3RP 137-38.

Chalmers claimed at trial that she did not know about the robbery until Bobby and the second man came back to the Malibu, even though she had seen Trelstad run away and "knew something wasn't quite right."[3] 4RP 139-41. Chalmers claimed that when Bobby and the second man came back to the Malibu, Bobby pushed her into the front passenger seat and he and the second man got in, with the second man driving and Bobby sitting in the back. 4RP 141-42.

The second man then drove away, driving at regular speed in the beginning. Jones testified he began following them, and once they

[3] Chalmers did not know Trelstad's real name and referred to him as "Alex" during the trial.

realized he was behind them they sped up. Jones was talking to the police on his cell phone during this time and followed the Malibu for several minutes at high speed through the streets of Renton. A Renton police officer responded to Jones' call and soon located the cars, after which Jones stopped his pursuit and went back to look for Trelstad, who he eventually found. 3RP 131-33.

A King County police helicopter also responded to the call and began following the Malibu, which came to a stop when it crashed into a rock embankment in front of a house, causing the airbags to deploy. Officer Keith Potter in the helicopter saw three people get out of the car and run along the side of the house, which they entered through the rear. 3RP 77. Officer Steven Rice, who was driving the Renton patrol car, testified that when he arrived at the house he saw the car stopped against the embankment and saw three unidentifiable people running towards the house and up the side of it, though he did not see them enter the house. 3RP 61.

Other officers soon arrived and took up positions around the house. The officers began using their public address systems to instruct the people inside the house to come out. Chalmers and Bobby soon came outside and the officers took them into custody. 3RP 26-27, 44-45. Eventually the SWAT unit arrived and began relieving the officers and

taking up positions around the house. After they used flash bombs, tear gas and a device to blow off the door, two more people came out of the house. 3RP 190. Those people were identified as Jeffrey Beasley and Danitra Powell. 3RP 61, 200, 211.

The house and the Malibu were searched. The officers found a Gucci bag in the car that contained approximately a half pound of marijuana in a plastic bag; Jones testified the Gucci bag and the marijuana were his and that he had a medical marijuana prescription allowing him to possess the marijuana. 3RP 137-38. Bobby's gun was also found in the car. 4RP 67-68. Although a small amount of money was found in the car and the house, the amount was nowhere near the amount of money Jones and Trelstad claimed they had. 4RP 116-17.

The primary witness against Jeffrey was Chalmers, who gave a false name and false identification to the police after her arrest (3RP 95), and offered inconsistent statements about her ability to identify Jeffrey. Shortly after she was arrested for her participation in the events, she told the detectives she did not know who was the other man in the car that night. 4RP 181-83; 5RP 54. She later claimed that she had seen Jeffrey before, and eventually identified him after being shown a photo montage. 4RP 162, 207; Ex. 62. She also identified him in court as the driver of the

Malibu. 4RP 149. However, neither Jones nor Trelstad identified Jeffrey Beasley as Bobby's accomplice. 3RP 139-40; 5RP 79-80.

The airbags of the car were examined for DNA evidence linking Jeffrey to either of the airbags. Jeffrey was excluded from any of the samples taken of the passenger-side airbag, and the DNA results were inconclusive as to the driver's side airbag. 5RP 121.

Jeffrey did not testify at trial. During closing argument, the defense argued that the state had failed to prove that Jeffrey was the man who assisted Bobby with the robbery that night, and that Chalmers only identified Jeffrey to deflect suspicion from herself. 5RP 168-69.

Court's Instruction 16 and 17 instructed the jury as follows with respect to each alleged count of robbery:

> If you find from the evidence that all of these elements have been proved beyond a reasonable doubt, then it will be your ***duty*** to return a verdict of guilty as to [this count].

CP 56, 58 (emphasis added).

2. Procedural Facts

Jeffrey was arraigned March 31, 2011 and originally charged with one count of First Degree Robbery and a firearm enhancement. CP 1-14.

Trial took place from May 3-24, 2012 before the Honorable Jim Cayce. The state amended the information at trial to add a second count

of First Degree Robbery, also with a firearm enhancement. CP 23-24. On May 24th the jury found Jeffrey guilty of both counts of robbery and also found that he was armed with a firearm during the crimes. CP 33-36. His sentencing hearing took place on June 19th and he was sentenced to 291 months in prison. CP 65-73.

C. ARGUMENT

INTRODUCTION

> We recognize . . . the undisputed power of the jury to acquit, even if its verdict is contrary to the law as given by the judge and contrary to the evidence . . . If the jury feels that the law under which the defendant is accused is unjust, or that exigent circumstances justified the actions of the accused, or for any reason which appeals to their logic or passion, the jury has the power to acquit, and the courts must abide by that decision.

United States v. Moylan, 417 F.2d 1002, 1006 (4th Cir. 1969), cert. denied, 397 U.S. 910 (1970). See also, State v. Primrose, 32 Wn. App. 1, 4, 645 P.2d 714 (1982) (court recognizes "the jury's prerogative to acquit against the evidence, sometimes referred to as the jury's pardon or veto power"); State v. Salazar, 59 Wn. App. 202, 211, 796 P.2d 773 (1990) (relying on jury's "constitutional prerogative to acquit" as basis for upholding admission of evidence).

> ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

U. S. Const. Amend. 6.

> In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law

U.S. Const. Amend. 7.

Thomas Jefferson wrote of the importance of the right to jury trial in a letter to Thomas Paine in 1789: "I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution." The Papers of Thomas Jefferson, Vol. 15, p. 269 (Princeton Univ. Press, 1958).

In criminal trials, the right to jury trial is fundamental to the American system of justice. It is thus further guaranteed by the due process clauses of the Fifth and Fourteenth Amendments. Duncan v. Louisiana, 391 U.S. 145, 156, 88 S. Ct. 1444, 20 L. Ed. 2d 491 (1968); Pasco v. Mace, 98 Wn.2d 87, 94, 653 P.2d 618 (1982).

Trial by jury was not only a valued right of persons accused of crime, but was also an allocation of political power to the citizenry.

> [T]he jury trial provisions in the Federal and State Constitutions reflect a fundamental decision about the exercise of official power -- a reluctance to entrust plenary powers over the life and liberty of the citizen to one judge or to a group of judges. Fear of unchecked power, so typical of our State and Federal Governments in other respects, found expression in the criminal law in this insistence upon community participation in the determination of guilt or innocence.

Duncan v. Louisiana, 391 U.S. at 156.[5] Informing the jury that it has a ***duty*** under any circumstances to find a criminal defendant guilty is a substantial interference in a defendant's right to have a jury trial free of any coercion. There is no support for such a duty in the United States Constitution and this court should accordingly hold that the "to convict" jury instructions given in this case violated Jeffrey's right to a jury trial.

b. Washington Constitution

In State v. Gunwall, 106 Wn.2d 54, 720 P.2d 808 (1986) the Washington Supreme Court identified the following nonexclusive neutral factors as being relevant in determining whether the Washington State Constitution should be considered as extending broader rights to its citizens than the United States Constitution: "(1) the textual language; (2) differences in the texts; (3) constitutional history; (4) preexisting state law;

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[5] In Sofie v. Fibreboard Corp., the majority saw this allocation of political power to the citizens as a limit on the power of the legislature. 112 Wn.2d 636, 650-53, 771 P.2d 711, 780 P.2d 260 (1989). Two of the dissenting members of the court acknowledged the allocation of power, but interpreted it rather as a limit on the power of the judiciary. Sofie, 112 Wn.2d at 676 (Callow, C.J., joined by Dolliver, J., dissenting).

(5) structural differences; and (6) matters of particular state or local concern." 106 Wn.2d at 58. Analyzing those factors and others, it is apparent that the Washington Constitution provides even more protection of the right to jury trial than does the Federal Constitution.

i. Textual Language.

The drafters of our state constitution not only granted the right to a jury trial, Wash. Const. Art. 1, § 22; they expressly stated "The right of trial by jury shall remain ***inviolate***. . ." Wash. Const. Art. 1, § 21 (emphasis added).

> The term "inviolate" connotes deserving of the highest protection . . . . Applied to the right to trial by jury, this language indicates that the right must remain the essential component of our legal system that it has always been. For such a right to remain inviolate, it must not diminish over time and must be protected from all assault to its essential guarantees.

Sofie v. Fibreboard Corp., 112 Wn.2d 636, 656, 771 P.2d 711 (1989). Article 1, section 21 "preserves the right [to jury trial] as it existed in the territory at the time of its adoption." Pasco v. Mace, 98 Wn.2d at 96; State v. Strasburg, 60 Wash. 106, 115, 110 P. 1020 (1910). The right to trial by jury "should be continued unimpaired and inviolate." Strasburg, 60 Wash. at 115.

The difference in language suggests the drafters meant something different from the federal Bill of Rights. See Hon. Robert F. Utter,

Freedom and Diversity in a Federal System: Perspectives on State Constitutions and the Washington Declaration of Rights, 7 U. Puget Sound L. Rev. 491, 515 (1984) (referred to below as "Utter").

The framers added other constitutional protections to this right. A court is not permitted to convey to the jury its own impression of the evidence. Wash. Const. Art. 4, § 16.[6] Even a witness may not invade the province of the jury. State v. Black, 109 Wn.2d 336, 350, 745 P.2d 12 (1987). The right to jury trial is also protected by the due process clause of Article I, Section 3.

Although this Court in Meggyesy may have been correct when it found there is no specific constitutional language that addresses this precise issue, what language there is indicates the right to a jury trial is so fundamental that ***any*** infringement violates the state constitution.

ii. State Constitutional and Common Law History.

Washington based its Declaration of Rights on the Bills of Rights of other states, which relied on common law and not the federal constitution. This difference supports an independent reading of the Washington Constitution.

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[6] "Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law."

iii. Preexisting state law.

Because article I, section 21, "preserves the right [to jury trial] as it existed in the territory at the time of its adoption," it is helpful to look at the preexisting state law. Sofie, 112 Wn.2d at 645; Pasco, 98 Wn.2d at 96. In Leonard v. Territory, the Supreme Court reversed a murder conviction and set out in some detail the jury instructions given in the case. 2 Wash. Terr. 381, 7 Pac. 872 (1885). The language of those instructions provide a view of the law before the adoption of the Constitution:

> If you find the facts necessary to establish the guilt of defendant proven to the certainty above stated, then you may find him guilty of such a degree of crime as the facts so found show him to have committed; but if you do not find such facts so proven, then you must acquit.

Leonard, 2 Wash. Terr. at 399 (emphasis added).

The courts thus acknowledged, and incorporated into the jury instructions, the threshold requirement that each element be proved beyond a reasonable doubt to permit a conviction, but that any reasonable doubt required an acquittal. Because this was the law regarding the scope of the jury's authority at the time of the adoption of the Constitution, it was incorporated into Const. art. 1, § 21, and remains inviolate. Sofie, 112 Wn.2d at 656; Pasco, 98 Wn.2d at 93, 96.

In Meggyesy this court attempted to distinguish Leonard on the basis that the Leonard court "simply quoted the relevant instruction. . . ."

Meggyesy, 90 Wn. App. at 703. However, at the time the Constitution was adopted, courts properly instructed juries using the permissive "may" as opposed to the current practice of requiring the jury to make a finding of guilt.

iv. Differences in Federal and State Constitutions' Structure.

State constitutions were originally intended to be the primary devices to protect individual rights, with the United States Constitution a secondary layer of protection. Utter, supra, 7 U. Puget Sound L. Rev. at 497; Utter & Pitler, "Presenting a State Constitutional Argument: Comment on Theory and Technique," 20 Ind. L. Rev. 637, 636 (1987). Accordingly, state constitutions were intended to give broader protection than the federal constitution. It is evident, therefore, that the "inviolate" Washington right to trial by jury was more extensive than that which was protected by the federal constitution when it was adopted in 1789. Pasco, 98 Wn.2d at 99.

v. Matters of Particular State Interest or Local Concern.

Criminal law is a local matter. State v. Russell, 125 Wn.2d 24, 61, 882 P.2d 747 (1994), cert. denied, 514 U.S. 1129 (1995). There is no need for national uniformity in criminal law. Until the Fourteenth Amendment was interpreted to apply the U.S. Bill of Rights in state court proceedings,

all matters of criminal procedure were considered a matter of state law. See, e.g., Gideon v. Wainwright, 372 U.S. 335, 83 S. Ct. 792, 9 L. Ed. 2d 799 (1963); State v. Gibbons, 118 Wash. 171, 203 P. 390 (1922).

vi. Jury's Power to Acquit.

A court may never direct a verdict of guilty in a criminal case. United States v. Garaway, 425 F.2d 185 (9th Cir. 1970) (directed verdict of guilty improper even where no issues of fact are in dispute); State v. Holmes, 68 Wash. 7, 12-13, 122 Pac. 345 (1912). If a court improperly withdraws a particular issue from the jury's consideration, such can result in the defendant being denied the right to a jury trial. United States v. Gaudin, 515 U.S. 506, 115 S. Ct. 2310, 132 L. Ed. 2d 444 (1995) (improper to withdraw issue of "materiality" of false statement from jury's consideration).

The constitutional protections against double jeopardy also protect the right to a jury trial by prohibiting a retrial after a verdict of acquittal. U.S. Const. amend. 5; Wash. Const. Art. I, § 9.[7] A jury verdict of not guilty is thus non-reviewable.

Also well established is "the principle of noncoercion of jurors," established in Bushell's Case, Vaughan 135, 124 Eng. Rep. 1006 (1671).

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[7] "No person shall be . . . twice put in jeopardy for the same offense."

Edward Bushell was a juror in the prosecution of William Penn for unlawful assembly and disturbing the peace. When the jury refused to convict, the court fined the jurors for disregarding the evidence and the court's instructions. Bushell was imprisoned for refusing to pay the fine. In issuing a writ of habeas corpus for his release, Chief Justice Vaughan declared that judges could neither punish nor threaten to punish jurors for their verdicts. See generally Alschuler & Deiss, A Brief History of the Criminal Jury in the United States, 61 U. Chi. L.Rev. 867, 912-13 (1994).

If there is no ability to review a jury verdict of acquittal, no authority to direct a guilty verdict, and no authority to coerce a jury in its decision, there can be no "duty to return a verdict of guilty." There is no authority in law that suggests such a duty, and in fact the authority is to the contrary:

> We recognize, as appellants urge, the undisputed power of the jury to acquit, even if its verdict is contrary to the law as given by the judge and contrary to the evidence. . . . If the jury feels that the law under which the defendant is accused is unjust, or that exigent circumstances justified the actions of the accused, or for any reason which appeals to their logic or passion, the jury has the power to acquit, and the courts must abide by that decision.

Moylan, 417 F.2d at 1006. See also, Primrose, 32 Wn. App. 1at 4; Salazar, 59 Wn. App. at 211.

This is not to say there is a right to instruct a jury that it may disregard the law in reaching its verdict. See, e.g., United States v.

Powell, 955 F.2d 1206, 1213 (9th Cir. 1991) (reversing conviction on other grounds). However, if the court may not tell the jury it can disregard the law, it is at least equally wrong for the court to direct the jury that it has a duty to return a verdict of guilty if it finds certain facts to be proved.

vii. Scope of Jury's Role re: Fact and Law.

Although a jury may not strictly determine what the law is, it does have a role in applying the law of the case that goes beyond mere fact-finding. In Gaudin, the Court rejected limiting the jury's role to merely finding facts. Gaudin, 515 U.S. at 514-15. It did so because historically the jury's role has never been so limited: "[O]ur decision in no way undermined the historical and constitutionally guaranteed right of a criminal defendant to demand that the jury decide guilt or innocence on every issue, which includes application of the law to the facts." Gaudin, 515 U.S. at 514.

Prof. Wigmore described the roles of the law and the jury in our system:

> Law and Justice are from time to time inevitably in conflict. That is because law is a general rule (even the stated exceptions to the rules are general exceptions); while justice is the fairness of this precise case under all its circumstances. And as a rule of law only takes account of broadly typical conditions, and is aimed at average results, law and justice every so often do not coincide. . . . We want justice, and we think we are going to get it through "the law" and when we do not, we blame the law. Now this is where the jury comes in. The jury, in the privacy of its

> retirement, adjusts the general rule of law to the justice of the particular case. Thus the odium of inflexible rules of law is avoided, and popular satisfaction is preserved. . . . That is what a jury trial does. It supplies that flexibility of legal rules which is essential to justice and popular contentment. . . . The jury, and the secrecy of the jury room, are the indispensable elements in popular justice.

John H. Wigmore, "A Program for the Trial of a Jury," 12 Am. Jud. Soc. 166 (1929).

Furthermore, if such a "duty" to convict existed, the law lacks any method of enforcing it. If a jury acquits, the case is over, the charge dismissed, and there is no further review – even if the facts objectively viewed establish guilt beyond a reasonable doubt. In contrast, if a jury convicts when the evidence is insufficient, the court has a legally enforceable duty to reverse the conviction or enter a judgment of acquittal notwithstanding the verdict. Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979); State v. Green, 94 Wn.2d 216, 616 P.2d 628 (1980); State v. Carlson, 65 Wn. App. 153, 828 P.2d 30, review denied, 119 Wn.2d 1022 (1992).

Thus, a legal "threshold" exists before a jury may convict. A guilty verdict in a case that does not meet this evidentiary threshold is contrary to law and will be reversed. The "duty" to return a verdict of not guilty, therefore, is genuine and enforceable by law. A jury must return a verdict of not guilty if there is a reasonable doubt; however, it may return a

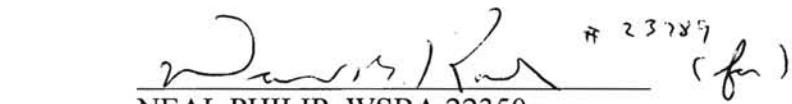
verdict of guilty if, and only if, it finds every element proven beyond a reasonable doubt.

The instructions given in Beasley's case did not contain a correct statement of the law under the Washington Constitution. They provided a level of coercion for the jury to return a guilty verdict. When the trial court instructed the jury it had a duty to return a verdict of guilty based merely on finding certain facts, the court took away from the jury its constitutional authority to apply the law to the facts to reach its verdict. The instructions creating a "duty" to return a verdict of guilty were an incorrect statement of law and violated Beasley's right to a jury trial.

D. CONCLUSION

The trial court's "to convict" instructions, which created a "duty" to return a verdict of guilty, incorrectly stated the law and violated Jeffrey Beasley's right to a jury trial. This court should reverse his convictions.

Respectfully Submitted,



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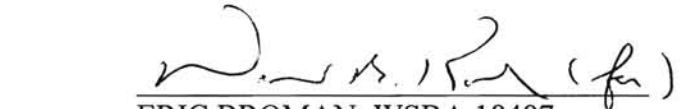

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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON	)	
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Respondent,	)	
	)	
v.	)	COA NO. 68939-8-I
	)	
JEFFREY BEASLEY,	)	
	)	
Appellant.	)	

DECLARATION OF SERVICE

I, PATRICK MAYOVSKY, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

THAT ON THE 13TH DAY OF DECEMBER 2013, I CAUSED A TRUE AND CORRECT COPY OF THE **BRIEF OF APPELLANT** TO BE SERVED ON THE PARTY / PARTIES DESIGNATED BELOW BY DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

[X] JEFFREY BEASLEY
DOC NO. 747382
STAFFORD CREEK CORRECTIONS CENTER
191 CONSTANTINE WAY
ABERDEEN, WA 98520

SIGNED IN SEATTLE WASHINGTON, THIS 13TH DAY OF DECEMBER 2013.

X Patrick Mayovsky