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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

LEROY SILVA,

Defendant and Appellant.

E077925

(Super. Ct. No. INF1901348)

OPINION

APPEAL from the Superior Court of Riverside County. Dale R. Wells, Judge.

Affirmed and remanded with directions.

Robert Jason Booher, under appointment by the Court of Appeal, for Defendant and Appellant.

Rob Bonta, Attorney General, Lance E. Winters, Chief Assistant Attorney General, Charles C. Ragland, Assistant Attorney General, Robin Urbanski and Juliet W. Park, Deputy Attorneys General, for Plaintiff and Respondent.

I.

INTRODUCTION

Defendant and appellant Leroy Silva hit two pedestrians while he was driving under the influence of alcohol. One of the victims died and the other suffered serious injuries. A jury convicted him of second degree murder, two counts of leaving the scene of an accident, and other offenses, and the trial court sentenced him to a determinate term of seven years and an indeterminate sentence of 15 years to life.

Defendant contends (1) the trial court improperly denied his motion for acquittal on the second degree murder charge, (2) erroneously admitted his statements to law enforcement in violation of his *Miranda* rights, and (3) erroneously refused to give the jury his requested pinpoint instruction, (4) the prosecutor committed misconduct, and that (5) these errors cumulatively require reversal of his convictions. Defendant also contends, and the People concede, that one of his convictions for leaving the scene of an accident should be stricken and the abstract of judgment must be corrected. We affirm the judgment of conviction and remand for the trial court to strike one of defendant's convictions for leaving the scene of an accident and resentence defendant.

II.

FACTUAL AND PROCEDURAL BACKGROUND

Around 7:50 p.m., Cony Clark and Moira W. were crossing the street in a crosswalk. Surveillance footage showed a car roll through a stop sign, accelerate in the intersection, hit Clark and Moira W., and eventually leave the scene. Clark died from her

injuries and Moira W. was hospitalized for a week, followed by a one-month stay in a rehabilitation home.

Within minutes, Officer Matt Crampton, who was nearby, was dispatched to the scene. While on his way to the scene, Officer Crampton saw a vehicle that matched the description of the vehicle that hit the victims. Officer Crampton noticed that the car's driver side mirror and windshield were broken. He turned on his lights to initiate a traffic stop, but the driver continued driving for about a minute, turned onto the next street, and ended up parking at an apartment complex.

Officer Crampton parked behind the car, got out, and approached defendant, who was the only person in the car. Officer Crampton noticed the windshield appeared cracked due to "some sort of impact" and observed damage on the grill, including possibly flesh stuck in the grill. He asked defendant if he had been in a collision, and he said yes. Defendant explained that he had initially stopped, but then "left because other people were around."

Officer Ronnie Jones responded to the scene shortly afterward. When he approached defendant, he smelled alcohol on defendant's breath and noticed that his eyes were bloodshot. Officer Jones asked defendant a series of questions, which included questions about what had happened to defendant's car, where the collision occurred, and whether he had drunk any alcohol. Defendant said he had hit a woman with his car and had stopped to see if she was okay, but he left the scene because people were around and he knew he was "in trouble." Defendant then admitted that he had drunk two eight-ounce

drinks, the last of which was about 30 minutes before Officer Crampton approached him. He acknowledged that he “shouldn’t have been driving.”

Officer Jones conducted a series of field sobriety tests (FSTs), and defendant failed several of them. Defendant, who was 84 years old at the time, appeared to be hard of hearing and had trouble following Officer Jones’s instructions and demonstrations on how to perform the FSTs. Officer Jones decided to arrest defendant given that the circumstances suggested that defendant had been drunk driving when he hit the victims and fled the scene. Officer Jones put defendant under arrest and advised him of his *Miranda* rights.

Around 9:00 p.m., about 70 minutes after the collision, a blood test was performed on defendant. The test revealed that defendant had a blood alcohol content (BAC) of .085.

Around midnight, Officer Jennifer Calleros interviewed defendant at the police station. She began the interview by advising defendant of his *Miranda* rights, but he chose to speak with her. Defendant said that he had a drink and decided to drive to the casino to get something to eat. When driving away from the casino, he heard “a thump,” pulled over, got out of his car, and noticed a woman laying on the ground. He decided to leave the scene and drive home because he had had a drink and “didn’t wanna get into more trouble.”

When Officer Calleros asked defendant if he had felt the effects of the alcohol, he responded, “. . . I get old and . . . I know that I can’t drink, you know [W]hen I go to parties and stuff, I let somebody else drive.” He thought he was fine to drive, however, in part because he only had to drive a few blocks to get home. He knew that he should have stayed at the scene but got scared and fled, which he described as “the dumbest thing I ever did.”

Defendant then stated that he had a prior driving under the influence (DUI) conviction and that he completed DUI classes as part of his sentence. He acknowledged that “you just can’t drink and drive” and that “you have to eat.”

Defendant was charged with second degree murder of Clark (Pen. Code,¹ § 187, subd. (a); count 1), driving under the influence causing bodily injury to Moira W. (Veh. Code, § 23153, subd. (a); count 2), driving under the influence over 0.08 percent causing bodily injury to Moira W. (Veh. Code, § 23153, subd. (b); count 3), and two counts of leaving the scene of an accident (Veh. Code, § 20001, subd. (a); counts 4 & 5). The People alleged as to counts 2 and 3 that defendant personally inflicted great bodily injury upon Moira W. and Clark (§§ 12022.7, subd. (a), 1192.7, subd. (c)(8)).

A jury convicted defendant of all charges and found the great bodily injury enhancements true. The trial court sentenced defendant to a determinate term of seven years for the two leaving the scene of an accident convictions and one great bodily injury

¹ Unless otherwise indicated, all further statutory references are to the Penal Code.

enhancement to run concurrently with an indeterminate sentence of 15 years to life for the second degree murder conviction.

III.

DISCUSSION

A. Motion for Judgment of Acquittal on the Second Degree Murder Charge

After the prosecution's case-in-chief, defendant moved for a judgment of acquittal on the second degree murder charge under section 1118.1.² Defendant contends the trial court erroneously denied the motion. We disagree.

When the prosecution fails to make a sufficient prima facie showing in its case-in-chief that the defendant is guilty of a charge, the defendant may move for acquittal on the charge under section 1118.1. (*People v. Belton* (1979) 23 Cal.3d 516, 520.) "Review of the denial of a section 1118.1 motion made at the close of a prosecutor's case-in-chief focuses on the state of the evidence as it stood at that point. [Citation.]" (*People v. Houston* (2012) 54 Cal.4th 1186, 1215.) "The standard applied by the trial court under section 1118.1 in ruling on a motion for judgment of acquittal is the same as the standard applied by an appellate court in reviewing the sufficiency of the evidence to support a conviction. [Citation.]" (*People v. Whisenhunt* (2008) 44 Cal.4th 174, 200.) We

² Section 1118.1 states in relevant part: "In a case tried before a jury, the court on motion of the defendant or on its own motion, at the close of the evidence on either side and before the case is submitted to the jury for decision, shall order the entry of a judgment of acquittal of one or more of the offenses charged in the accusatory pleading if the evidence then before the court is insufficient to sustain a conviction of such offense or offenses on appeal."

therefore must determine whether the prosecution presented substantial evidence in its case-in-chief from which a reasonable jury could find defendant guilty of second degree murder. (*People v. Houston, supra*, at p. 1215.)

Murder is the unlawful killing of a human with malice aforethought. (§ 187, subd. (a).) Malice may be express or implied in a second degree murder. (§ 188.) Defendant acted with implied malice if “(1) [he] intentionally committed an act; (2) the natural and probable consequences of that act were dangerous to human life; (3) at the time [the defendant] acted, he knew his act was dangerous to human life; and (4) he deliberately acted with conscious disregard for human life.” (*People v. Navarette* (2016) 4 Cal.App.5th 829, 843-844; see also CALCRIM No. 502.)

A defendant may be convicted of second degree murder under an implied malice theory for hitting and killing someone while drunk driving, also informally known as a *Watson* murder,³ if the defendant “know[s] the hazards of drunk driving, drives a vehicle while intoxicated[,] and proximately causes the death of another.” (*People v. Batchelor* (2014) 229 Cal.App.4th 1102, 1112, disapproved on other grounds as stated in *People v. Hicks* (2017) 4 Cal.5th 203, 213-214.) Cases affirming *Watson* murder convictions have generally relied on four factors: ““(1) blood-alcohol level above the .08 percent legal limit; (2) a predrinking intent to drive; (3) knowledge of the hazards of driving while intoxicated; and (4) highly dangerous driving.”” (*People v. Wolfe* (2018) 20 Cal.App.5th

³ *People v. Watson* (1981) 30 Cal.3d 290 (*Watson*).

673, 683 (*Wolfe*.) These factors, however, are not exhaustive and they need not all be present. (*Ibid.*)

All four factors are present in this case. First, defendant's BAC was .085 about an hour after the collision. Second, defendant stated during his interview with Officer Calleros that he usually lets someone else drive when he drinks, but he decided to drive to the bar, drink alcohol, and drive home. This shows he had a predrinking intent to drive. (See *Watson, supra*, 30 Cal.3d at p. 300 [defendant demonstrated predrinking intent to drive because he "had driven his car to the establishment where he had been drinking, and he must have known that he would have to drive it later"].) Third, defendant knew the hazards of drunk driving. He told Officer Calleros that he knew he should not have been driving. He also had two previous DUI conviction. As part of his sentenced, he completed DUI classes and signed a "*Watson* advisement," which stated that he could be charged with murder if he killed someone while driving drunk. (See *People v. Murray* (1990) 225 Cal.App.3d 734, 746 [attendance at DUI education programs supported inference the defendant knew of the risks of driving while intoxicated]; *Wolfe, supra*, 20 Cal.App.5th at p. 423 [jury reasonably inferred defendant knew of the "possible lethal consequences" of driving drunk from defendant's signing *Watson* advisement].) Fourth, the jury could reasonably find that defendant's driving was highly dangerous given that he rolled through a stop sign, accelerated in the intersection, and hit two pedestrians in the crosswalk so hard that he damaged the driver's side mirror and cracked the windshield. A jury could reasonably conclude that defendant's failure to

stop at an intersection and colliding with two victims in a crosswalk “qualif[ied] as ‘highly dangerous’ driving, particularly given the dangerous consequences, as unfortunately demonstrated by [Clark’s] death” and Moira W.’s serious injuries. (*Wolfe, supra*, 20 Cal.App.5th at p. 684.)

Finally, defendant admitted to Officer Calleros that he knew he had hit someone with his car and saw her lying on the ground, but he fled the scene because he had been drinking and knew he was “in trouble.” This further supports a finding that defendant acted with conscious disregard for human life, or implied malice. (See *Wolfe, supra*, 20 Cal.App.5th at p. 683.)

In short, the prosecution presented substantial evidence that defendant acted with implied malice and was guilty of second degree murder. The trial court thus properly denied his section 1111.8 motion for acquittal on that charge.

B. Statements to Officers Crampton and Jones

Defendant contends the trial court erroneously admitted his statements to Officers Crampton and Jones at the apartment complex. In his view, he was in custody immediately upon Officer Crampton’s arrival and thus the officers had to advise him of his *Miranda* rights. But because they did not do so, defendant argues his statements to them were inadmissible because they were obtained in violation of his *Miranda* rights. He thus argues his second degree murder conviction should be reversed.

We assume without deciding that defendant is correct that his statements to Officers Crampton and Jones should have been excluded as impermissibly obtained in violation of his *Miranda* rights. Even so, the admission of his statements was harmless beyond a reasonable doubt because the evidence of defendant's guilt was overwhelming. (See *People v. Cunningham* (2001) 25 Cal.4th 926, 994; *People v. Villasenor* (2015) 242 Cal.App.4th 42, 69.)

To begin with, defendant's statements to Officer Calleros, which he made after she advised him of his *Miranda* rights, were highly incriminating. He told Officer Calleros that he had had a drink before driving away from the casino and that he heard a "thump" and noticed a woman lying on the ground. He admitted that he fled the scene because he had been drinking and "didn't wanna get into more trouble."

Defendant then told Officer Calleros he usually lets others drive when he drinks, but he thought he was okay to drive that night because he only had to drive a few blocks to get home. He admitted that he knew he should have stayed at the scene of the accident, but he got scared and fled, which was the "dumbest thing" he had ever done. He also told Officer Calleros that he had taken DUI classes because of a DUI conviction, which taught him that "you just can't drink and drive." In short, defendant unambiguously told Officer Calleros that he had been drinking before he hit someone with his car and fled the scene because he knew he should not be driving drunk.

Defendant's statements to Officer Calleros, his .085 BAC an hour or so after the collision, his highly dangerous driving and flight from the scene, and his two prior DUI convictions provided exceptionally strong evidence that defendant acted with implied malice when he struck the victims while driving drunk. As a result, we conclude any error from the admission of his statements to Officers Crampton and Jones was harmless beyond a reasonable doubt.

C. Pinpoint Instruction

Defendant requested that the trial court give the following pinpoint instruction to the jury: ““The state of mind of a person who acts with conscious disregard for human life is, “I know my conduct is dangerous to others, but I don't care if someone is hurt or killed.” It is a subjective mental state in that you must find the defendant actually appreciated the risk of his actions at the time he acted.”” Defendant argued this instruction was necessary to clarify for the jury that implied malice contains a subjective element that the defendant recognizes his actions were dangerous to human life. The trial court denied defendant's request and did not give the instruction. After reviewing the issue independently, we find no error. (*People v. Waidla* (2000) 22 Cal.4th 690, 733.)

As the trial court correctly observed, CALCRIM No. 520, as given to the jury, accurately and sufficiently defined implied malice. The instruction said: “The defendant had *implied malice* if: [¶] 1. He intentionally committed the act; [¶] 2. The natural and probable consequences of the act were dangerous to human life; 3. At the time he acted, *he knew* his act was dangerous to human life; [¶] AND [¶] 4. *He deliberately* acted

with conscious disregard for human life.” The instruction then explained that malice aforethought “is a mental state that must be formed before the act that causes death is committed.”

CALCRIM No. 520 thus conveyed the same principle as defendant’s proposed pinpoint instruction that implied malice is “a subjective mental state” where the “defendant actually appreciated the risk of his actions at the time he acted.” Because defendant’s requested instruction would have been duplicative of CALCRIM No. 520, the trial court did not err in refusing to give the instruction. (See *People v. Bolden* (2002) 29 Cal.4th 515, 558 [trial court may decline to give duplicative instruction].)

Defendant argues the instruction was necessary to explain the difference between implied malice and gross negligence. But his proposed instruction did not accurately define gross negligence. “A person acts with gross negligence when: 1. He or she acts in a reckless way that creates a high risk of death or great bodily injury; AND 2. A reasonable person would have known that acting in that way would create such a risk.” (CALCRIM No. 590.) This is an objective standard. (See *Watson, supra*, 30 Cal.3d at pp. 296-297.) Defendant’s proposed instruction, however, conveyed only a subjective standard, and did not explain the difference between implied malice and gross negligence. The trial court properly found the defendant’s proposed instruction duplicative of CALCRIM No. 520 and thus unnecessary to give to the jury. (See *People v. Bolden, supra*, 29 Cal.4th at p. 558.) As a result, the trial court did not err by refusing to give defendant’s proposed pinpoint instruction to the jury.

D. Prosecutorial Misconduct

During her rebuttal, the prosecutor argued: “He has been told that this act is dangerous. We all know this act is dangerous. The act is driving impaired. He knew it was dangerous. He did it anyways. That is what is required for implied malice murder. That is it. None of this, I’m contemplating at this moment, I’m going to kill somebody with this. That is not implied malice. When you break it down, the act is impaired driving. It’s known that it’s dangerous, he knows that it’s dangerous, and he did it anyways.”

The prosecutor later argued in her rebuttal: “This was his third chance to not do this. He didn’t have just one. He had two. He had elevated [*sic*] classes. He went to MADD. He was given explicit warning[s] and to say that he thought he could be okay to drive is offensive. That’s not the standard. It doesn’t matter if he thought he was okay to drive. The standard is, was he impaired? Did he drive impaired? Did he know it was dangerous, and did he do it anyway? It[] doesn’t matter if he thought it was okay, that’s not the standard.”

Defendant contends the prosecutor committed misconduct by arguing implied malice requires only that defendant knew the act was “dangerous,” and not “dangerous to human life,” and that the prosecution need not prove that he “contemplated the specific, and significant, risks that his actions involved.”

The People contend defendant forfeited the issue by failing to object. (See *People v. Samayoa* (1997) 15 Cal.4th 795, 841-842.) Defendant argues the issue is reviewable because any objection would have been futile and, in the alternative, his counsel was ineffective for failing to object. We need not resolve either issue because we reject defendant's arguments on the merits and conclude any error was harmless.

A prosecutor has “wide latitude during argument. The argument may be vigorous as long as it amounts to fair comment on the evidence, which can include reasonable inferences, or deductions to be drawn therefrom.” (*People v. Wharton* (1991) 53 Cal.3d 522, 567.) We do not look to isolated words or phrases, but rather “must view the statements in the context of the argument as a whole.” (*People v. Dennis* (1998) 17 Cal.4th 468, 522.) So when a defendant alleges prosecutorial misconduct based on the prosecutor's closing argument, the defendant must show that in the context of the whole argument and the instructions given, there was a reasonable likelihood the jury understood or applied the complained-of comments in an improper or erroneous manner. (*People v. Centeno* (2014) 60 Cal.4th 659, 667.) “If the challenged comments, viewed in context, ‘would have been taken by a juror to state or imply nothing harmful, [then] they obviously cannot be deemed objectionable.’ [Citation.]” (*People v. Cortez* (2016) 63 Cal.4th 101, 130.)

A prosecutor's misconduct violates California law if it involves the use of deceptive or reprehensible methods to attempt to persuade either the court or the jury. (*People v. Tully* (2012) 54 Cal.4th 952, 1009-1010.) Prosecutorial misconduct that

violates state law warrants reversal only when it is reasonably probable that a result more favorable to the defendant would have occurred had the prosecutor refrained from the untoward conduct. (*People v. Milner* (1988) 45 Cal.3d 227, 245; see *People v. Crew* (2003) 31 Cal.4th 822, 839.)

We review de novo a defendant's claim of prosecutorial misconduct. (*People v. Uribe* (2011) 199 Cal.App.4th 836, 860.) "In conducting this inquiry, we "do not lightly infer" that the jury drew the most damaging rather than the least damaging meaning from the prosecutor's statements.'" (*People v. Brown* (2003) 31 Cal.4th 518, 553-554.) We presume, in the absence of evidence to the contrary, that the jury understands and follows instructions from the trial court. (*People v. Fauber* (1992) 2 Cal.4th 792, 823.) We also presume that jurors treat the court's instructions as statements of law, and the arguments of the prosecutor as words spoken by an advocate in an attempt to persuade. (*People v. Thornton* (2007) 41 Cal.4th 391, 441.)

Although the prosecutor only said "dangerous," not "dangerous to human life" in her challenged rebuttal statements, she repeatedly stated throughout her closing argument that the standard is "dangerous to human life." She argued to the jury that "it is extremely dangerous to human life to drive while under the influence of alcohol." Later in her closing argument, she argued that defendant "intentionally committed an act, the natural and probable consequences of the act is dangerous to human life. He knew it was dangerous to human life, and he deliberately acted with conscious disregard for human life." The prosecutor continued: "[t]he natural and probable consequences to driving

impaired is dangerous to human life. There is no requirement for this case that he be warned that driving under the influence is dangerous to human life. . . . It is well known driving a vehicle under the influence is dangerous to human life.” The prosecutor later argued, “To say that he didn’t know that his actions were dangerous to human . . . life is offensive.” Given the prosecutor’s repeated emphasis on the dangerous-to-human-life standard, it is not reasonably likely that the jury interpreted the prosecutor’s challenged rebuttal statements as arguing that defendant acted with implied malice if his actions were merely dangerous, not dangerous to human life.

The prosecutor likewise did not commit misconduct when she argued “[i]t doesn’t matter if he thought he was okay to drive. The standard is, was he impaired? Did he drive impaired? Did he know it was dangerous, and did he do it anyway? It[] doesn’t matter if he thought it was okay, that’s not the standard.” When viewed in the context of the prosecutor’s overall argument, this argument accurately stated the law of implied malice, which “requires a defendant’s awareness of engaging in conduct that endangers the life of another—no more, and no less.” (*People v. Knoller* (2007) 41 Cal.4th 139, 143; see also *People v. Nieto Benitez* (1992) 4 Cal.4th 91, 110 [“Even if the act results in a death that is accidental . . . , the circumstances surrounding the act may evince implied malice,” fn. omitted].)

It is not reasonably probable that the jury construed the prosecutor’s argument as suggesting that the jury could find defendant acted with implied malice by finding that he contemplated the risks when he drove drunk. As the prosecutor argued during her

closing argument, the jury had to determine whether defendant drove drunk even though he knew it was dangerous to human life. The prosecutor argued, “[h]e has explicitly been told it is dangerous. . . . He was told the consequences. During his statement, he acknowledged he went to classes once a week for a year. He shows he appreciates this danger in his statements.” “He knew it was dangerous, we talked about that. The act was conscious disregard. He knew it was dangerous and he did it anyways because in his mind, a couple of blocks was worth the risk. In his mind, what could possibly happen in a couple of blocks? He made the choice to drive home that night. . . . He knows he can call a friend because he tells you he’s done that before.”

We cannot “lightly infer” that the jury drew the “most damaging” meaning from the prosecutor’s challenged arguments, and we do not do so here. (*People v. Howard* (1992) 1 Cal.4th 1132, 1192.) When viewed as a whole, the prosecutor’s arguments show that she correctly argued that defendant acted with implied malice if, among other things, he appreciated that driving drunk was dangerous to human life.

In any event, the trial court properly instructed the jury on murder, malice aforethought, and implied malice. The court also told the jury to base their decision on the evidence and the law and instructions as given to them by the court. We presume the jury followed this instruction, which was “sufficient to dispel any potential confusion raised by the prosecutor’s argument.” (*People v. Barnett* (1998) 17 Cal.4th 1044, 1157; *People v. Cortez, supra*, 63 Cal.4th at pp. 131-132.)

Finally, even if the prosecutor committed misconduct, any error was harmless under any standard given the overwhelming evidence of defendant's guilt, as outlined above.

E. Cumulative Error

Defendant argues that even if the multiple alleged errors explained above do not individually warrant reversal, their cumulative effect does. (See *People v. Cunningham*, *supra*, 25 Cal.4th at p. 1009]“[A] series of trial errors, though independently harmless, may in some circumstances rise by accretion to the level of reversible and prejudicial error.”]) We disagree.

We have assumed one error (the admission of defendant's statements to the responding officers), which was harmless, while rejecting defendant's remaining claims of error. As a result, there was no cumulative error. (*People v. Reed* (2018) 4 Cal.5th 989, 1018 [“Because we have found but one error—which was harmless—there is no prejudice to cumulate.”].)

F. Striking One Leaving the Scene of an Accident Conviction

Defendant was convicted of two counts (counts 4 & 5) of leaving the scene of an accident in violation of Vehicle Code section 20001, subdivision (a), based on his flight from the scene of the collision. The trial court sentenced defendant to a concurrent term of two years for each count.

The parties agree, as do we, that defendant could be convicted of only one count of leaving the scene of an accident because he fled only one accident scene. (See *People v. Campbell* (2017) 12 Cal.App.5th 666, 674; *People v. Newton* (2007) 155 Cal.App.4th 1000, 1003-1005; *People v. Calles* (2012) 209 Cal.App.4th 1200, 1217.) We therefore agree with the parties that one of the convictions must be stricken.

Defendant asks us to remand the matter for the trial court to decide which count to strike and to resentence him. The People do not object. We agree a remand is appropriate. We therefore remand the matter for the trial court to strike one of defendant's convictions for leaving the scene of an accident and resentence defendant accordingly.

G. Abstract of Judgment

The abstract of judgment incorrectly says that defendant was convicted of first degree murder, not second degree murder. The parties agree, as do we, that the trial court should correct the abstract of judgment on remand. We thus direct the trial court on remand to correct the abstract of judgment to accurately reflect defendant's conviction for second degree murder.

IV.

DISPOSITION

The judgment of conviction is affirmed. Defendant's sentence is vacated and the matter is remanded with directions the trial court strike count 4 or 5 and resentence defendant accordingly. After the trial court resentsences defendant, the clerk of the

superior court is directed to prepare a new abstract of judgment reflecting that defendant was convicted of second degree murder, not first degree murder, and forward a certified copy of the abstract to the Department of Corrections and Rehabilitation.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

CODRINGTON
J.

We concur:

RAMIREZ
P. J.

SLOUGH
J.