IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 12-30529

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GERARD DUGUE,

Defendant-Appellant

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

UNITED STATES' PETITION FOR PANEL REHEARING FOR THE LIMITED PURPOSE OF MODIFYING ITS OPINION

INTRODUCTION

Pursuant to Rule 40, Federal Rules of Appellate Procedure, and Circuit Rule 40, the United States respectfully petitions the Court for panel rehearing for modification of certain limited, non-dispositive statements set forth in this Court's August 9, 2012, published opinion in this matter. *United States* v. *Dugue*, No. 12-30529, 2012 WL 3217964 (Aug. 9, 2012) (Slip Op.). The United States respectfully submits this pleading to bring to the Court's attention facts that this Court may have overlooked or misapprehended in reaching its decision, Federal

Rule of Appellate Procedure 40(a)(2), and to seek deletion of the second paragraph of this Court's Discussion section characterizing the prosecutor's actions and describing the events that led to the district court's decision to grant a mistrial.

As demonstrated below, the Court's factual summary of the prosecutor's actions and description of the events leading up to the mistrial, which are non-dispositive of the issue presented in the appeal, are not supported by the record as a whole. Specifically, the Court's description overlooks the fact that, before the prosecutor made the comment that led to the mistrial, she attempted to lay a foundation for impeachment and verbally requested permission from the district court to proceed. This Court's summary also overlooks the district court's acknowledgment that the prosecutor's error was unintentional and was based on a miscommunication. Therefore, the United States respectfully requests that this Court delete the paragraph describing the prosecutor's actions as "overreaching and unprofessional." Slip Op. 4. The requested deletion would not alter this Court's resolution of the issue on appeal, but would correct a misapprehension of the facts. Fed. R. App. P. 40(a)(2).

RELEVANT BACKGROUND

Defendant Gerard Dugue and five other New Orleans police officers were charged in a 27-count indictment for their respective roles following an officer-involved shooting on the Danziger Bridge in New Orleans on September 4, 2005,

in the wake of Hurricane Katrina. USCA5 41-72. On January 19, 2011, the district court severed the trial of defendant from that of his co-defendants. USCA5 486-487.

Before defendant's trial, the government noted its intent to introduce, pursuant to Federal Rule of Evidence 404(b), information about prior cases in which defendant had allegedly helped cover up police misconduct. R. 376 at 3-5. One of the cases involved defendant's investigation into the death of Raymond Robair, a civilian who died at the hands of other police officers. R. 376 at 4. On June 3, 2011, the district court granted defendant's motion to exclude the 404(b) evidence. R. 443 at 7.

Months later, as Dugue's trial approached, the government filed a comprehensive list of potential trial exhibits, which included a two-page excerpt from the investigative report defendant had written in the Robair case. The Robair report contained Dugue's observations about inconsistencies in statements given by civilian eyewitnesses to the beating of Robair, and also documented reasons to doubt the credibility of those eyewitnesses. The government intended to offer the excerpt to prove that Dugue had previously filed a report in which he noted and questioned witness statements that he deemed inconsistent or incredible. The government did not intend to offer evidence of Dugue's role in covering up police misconduct in the Robair investigation; rather, it intended to establish that Dugue

"knew better than to submit a report in which key witnesses provided inconsistent accounts, and in which the defendant did not note or question those inconsistencies." R. 950 at 3-4. Dugue moved to preclude admission of the excerpt. R. 949. The Friday before trial, the district court, having considered the motions filed by both parties, ruled that, "[o]n the present showing made" and considering the prior Rule 404(b) ruling, the two-page Robair report excerpt would be excluded as unduly prejudicial. R. 952. The court's order, however, allowed for the possibility that evidence of defendant's prior investigations might be admitted at trial upon "a strong showing of admissibility." R. 952 at 1.

Dugue was tried before a jury beginning January 23, 2012. USCA5 2078. The government presented its case without any reference to the Robair investigation, the conclusions in the Robair report, or defendant's involvement in any other police-misconduct investigation. The government rested its case on January 26, 2012 (USCA5 2912), and defendant began introducing evidence that same date (USCA5 2913). On January 27, 2012, defendant testified in his defense, thereby placing his credibility at issue (USCA5 3052-3157).

Under cross-examination, Dugue acknowledged that there was a cover-up of the events that took place on the bridge (see, *e.g.*, USCA5 3160-3161), but denied knowledge of, or participation in, that cover-up (see, *e.g.*, USCA5 3157). Dugue admitted, however, that some witnesses' statements in his report were in direct

conflict with one another (see, *e.g.*, USCA5 3241) and that he did not document the concerns or suspicions he had about some of the witnesses' statements (USCA5 3317, 3319).

When the government challenged defendant's representation in his report of a particular potential witness, whose account of events, if believed, would have been favorable to the police officers' defense, Dugue admitted that he thought the witness was not credible; that he failed to include in his report his concerns about the witness's credibility; and that he had affirmatively included in his report information received from the witness's employer vouching for the witness's credibility. USCA5 3329-3336. When asked why he did not include his concerns about the witness's credibility, Dugue suggested that his job was simply to document in his report what people told him, rather than to comment on credibility. USCA5 3334-3335 (Q: Did you document – because you just document what you get, right, your job is to put it in the report to document, right? A: Yes.).

When asked if he ever, in a report, offered an opinion on witness credibility, Dugue answered that he "may have," but that he could not definitively recall if he had ever done so. USCA5 3336-3337. When pressed, Dugue testified that he "possibly" had done so, but he said, "I don't know, I can't tell you one [report] right now." USCA5 3337. He then affirmed for a second time that he could not think of a report in which he had done so: "I can't name any right now." USCA5

3337. At that point, believing that a sufficient record had been laid for impeachment with the Robair report, the prosecutor asked the court, "May I help him remember?" and the district court responded, "Go ahead." USCA5 3337. The prosecutor then turned to co-counsel and said, "Get me Robair," asking for the Robair file so that she could proceed with the impeachment. USCA5 3337; see also R. 798 at 9-10 (quoting more fully the cross-examination laying a foundation for impeachment).

Defense counsel objected (USCA5 3337) and the district court ruled that the report was inadmissible, per its earlier orders (USCA5 3338). The prosecutor, believing that she had just laid a foundation for impeachment, asked, "It's 404(b) at this point?" USCA5 3338. The district court sustained the objection (USCA5 3338), and the prosecutor moved on from the point and continued cross-examination on other matters. The prosecutor did not ask a single question about Robair, and never attempted to introduce any portion of the Robair report. USCA5 3338-3343.

Later, after testimony for that day had concluded, defense counsel moved for a mistrial based on the prosecutor having said the name "Robair" to co-counsel in asking for the file.[1] USCA5 3344-3345. The prosecutor, explaining why she had

[1] The pleadings on this issue, and the colloquy in the district court, focused (as was appropriate for resolution of a mistrial motion), on the potential for

(continued…)

asked her co-counsel for the Robair file, argued that she believed that she had laid the proper foundation to impeach defendant with evidence that he had, in fact, written a report in which he questioned the credibility of witnesses (USCA5 3345-3346, 3348-3349, 3352-3360); that she had not understood the court's pretrial orders to cover impeachment evidence (USCA5 3352-3353); and that she believed she had obtained permission from the court (USCA5 3346-3347).

As noted above, the government's request for permission to "help [Dugue] remember," and the Court's instruction to "[g]o ahead," were both done verbally, as reflected in the official court transcript. USCA5 3337. The transcript also reflects that the prosecutor did not make her request to co-counsel ("Get me Robair") until after attempting to lay a foundation for using the Robair report excerpt for impeachment, and until after seeking permission from the court to "help [Dugue] remember." USCA5 3337. This portion of the record thus supports the prosecutor's explanation that she requested the Robair file pursuant to a good faith belief that she had the court's permission to use the evidence for the specific

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(…continued)
prejudice stemming from the fact that the jury might have heard the prosecutor say the name "Robair" when asking for a file from co-counsel. However, the pretrial motions addressing the admissibility of evidence regarding the Robair investigation had not addressed the possibility of prejudice caused by the word itself, and the pretrial orders addressed the exclusion of the Rule 404(b) and documentary evidence, rather than a prohibition on the mention of the name "Robair." R. 443, 952.

purpose of impeaching the defendant. The government agrees that it would have been better practice for the prosecutor to have approached the bench and to have explicitly requested permission to use the Robair report excerpt for impeachment. However, as the district court noted, the prosecutor's conduct in asking her co-counsel for the Robair file was due to a misunderstanding rather than an intentional violation of any court order. USCA5 3353.

When the motion for a mistrial was later argued in court -- some time later, after cross-examination had resumed and the trial had ended for the day -- the prosecutor forgot that her interaction with the court had taken place out-loud. Accordingly, when the prosecutor explained her conviction that she had acted with the court's permission, she referred not to her verbal exchange with the court, but to a nonverbal exchange that accompanied it. USCA5 3347. Her response apparently led the district court likewise to assume that the exchange between them had been nonverbal, and therefore the record of the mistrial colloquy, viewed out of context, could create the misimpression that the government intended to use excluded evidence based solely on a misreading of the court's body language.[2]

[2] In an effort to explain her belief that the district court had approved the impeachment, the prosecutor said: "I looked at you and I raised my eyebrows and you nodded your head. And I - ." USCA5 3347. The district court then said, "Does that mean that you asked me to use evidence that I excluded?" and the prosecutor responded, "Yes, I understood that, your Honor, when I - ." USCA5

(continued…)

However, the prosecutor's belief that she had permission to impeach Dugue is supported by the record, which reveals that the court had in fact given her verbal permission to "[g]o ahead," which she had interpreted as permission to proceed with impeachment. USCA5 3337.

Throughout the hearing, the prosecutor apologized repeatedly for not having approached the bench and for having inadvertently misinterpreted the judge's response. USCA5 3347-3350, 3353-3354, 3356, 3362. The district court accepted the apology, finding no intentional misconduct on the part of the prosecutor, even though, at that point in the proceeding, neither the prosecutor nor the district court recalled that the communication between them had been verbal as well as nonverbal. In addition to accepting the prosecutor's apology (USCA5 3348: "I accept your apology because I think I know you well enough to know that you're a fine prosecutor."; USCA5 3362: "I am fine with your apology, Ms. Bernstein, I have a lot of respect for you as a prosecutor and I accept your apology."), the district court accepted the prosecutor's explanation for having misinterpreted the court's actions (USCA5 3353: "[I]f there is a miscommunication, I certainly will accept your explanation that it wasn't intentional."). The court, however, "[r]egretfully" granted defense counsel's motion for a mistrial. USCA5 3366.

(…continued)
3347. The Court then reprimanded government counsel for attempting to read the Court's body language, and the prosecutor immediately apologized.

Defendant moved to dismiss the indictment on double jeopardy grounds (R. 766), which the district court denied (R.E. Exh. C). In its decision, the district court noted the prosecutor's "sincere explanation and apology" for her actions, and noted that the mistrial had been granted "in an abundance of caution." R.E. Exh. C at 2-3.

ARGUMENT

The United States seeks deletion of that portion of the Court's published opinion characterizing the prosecutor's conduct as "overreaching and unprofessional" and her actions as "unacceptable." Slip Op. 4. This characterization of the prosecutor's conduct, when viewed in the context of the record as a whole and when considered along with the district court's own characterization of the prosecutor's actions, suggests that this Court may have "overlooked or misapprehended" certain facts, Federal Rule of Appellate Procedure 40(a)(2), and is ultimately unnecessary for disposition of the issue on appeal.

The prosecutor, aware of the court's orders, attempted to comply with those orders by laying a foundation to admit the evidence for impeachment purposes. Doing so was consistent with the Supreme Court's and this Court's precedents. See, *e.g.*, *Brooks* v. *Tennessee*, 406 U.S. 605, 609 (1972) ("[A] defendant's choice to take the stand carries with it serious risks of impeachment and cross-

examination; it may open the door to otherwise inadmissible evidence which is damaging to his case, including, now, the use of some confessions for impeachment purposes that would be excluded from the [government's] case in chief because of constitutional defects.") (internal citations and quotations marks omitted); *Charles* v. *Thaler*, 629 F.3d 494, 503 (5th Cir. 2011) ("Otherwise inadmissible hearsay evidence may be offered to impeach the defendant on a topic to which he has opened the door."). Moreover, the prosecutor did not rely solely upon a nonverbal cue from the court when seeking to question the defendant about the report excerpt (see Slip Op. 4); rather, as the transcript makes clear, the prosecutor attempted to lay a foundation for impeachment and then sought verbal permission from the court to question the defendant about the evidence (USCA5 3337: "May I help him remember?"), receiving what she believed was permission to do so (USCA5 3337: "Go ahead.").

It quickly became clear that the prosecutor had misunderstood the court's assent, and that the court had not intended to permit questioning about the Robair report. Thus, no question was ever asked regarding the excluded evidence. Although the district court granted a mistrial, "out of an abundance of caution," the court did not find the prosecutor's actions to be "overreaching and unprofessional." Slip Op. 4. Rather, the district court stated on the record that the court "kn[e]w [the prosecutor] well enough to know that [she is] a fine prosecutor" (USCA5

3348); that the court had "a lot of respect for [her] as a prosecutor" (USCA5 3362); and that the court recognized that there had been a "miscommunication" between them (USCA5 3353). The district court also described the prosecutor's explanation for her actions (*i.e.*, that she was attempting to introduce the evidence for impeachment purposes, believing that she had the court's permission to do so) as "sincere." R.E. Exh. C at 2-3. In evaluating an allegation of misconduct, this Court generally gives great deference to a district court's assessment of the prosecutor's intent. See, *e.g.*, *United States* v. *El-Mezain*, 664 F.3d 467, 562 (5th Cir. 2011) (noting, in evaluating an allegation that retrial was barred because of prosecutorial misconduct, that this Court "may not disturb the district court's factual finding that the prosecution did not deliberately submit the non-admitted exhibits to the jury unless that finding was clearly erroneous"), petition for cert. pending, Nos. 11-1390, 11-10437 (filed May 17, 2012). The government agrees with the Court's reminder (Slip Op. 4) that prosecutors should approach the bench to discuss matters subject to a pretrial order to avoid similar misunderstandings in future cases. However, the government respectfully submits that the Court's reference to the prosecutor's conduct as "overreaching and unprofessional" is inconsistent with the record, including the statements of the district court. The government therefore requests that this reference be stricken from the opinion.

The second paragraph of the Discussion section included on page four of the slip opinion overlooks some of the significant facts and events leading up to the district court's decision, as well as certain statements made on the record by the district court. Deleting that paragraph would render the opinion more consistent with the entirety of the record and the statements of the district court. Deleting the paragraph would not alter this Court's disposition of the appeal because, as this Court explained, the issue on appeal "does not hinge on the prosecutor's conduct, but rather on the factual findings of the district court." Slip. Op. 4. The second paragraph of the Discussion section is therefore unnecessary to this Court's holding.

CONCLUSION

For the reasons stated, the government respectfully requests that this Court delete the second paragraph of the Discussion section set forth in its August 9, 2012, published decision.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on August 21, 2012, I electronically filed the foregoing UNITED STATES' PETITION FOR PANEL REHEARING FOR THE LIMITED PURPOSE OF MODIFYING ITS OPINION with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system.

I certify that Michael Hill, counsel for defendant, is a registered CM/ECF user and that service to him will be accomplished by the appellate CM/ECF system. Furthermore, when the Court requests hard copies of this petition to be mailed, I will also mail, via First Class Mail, hard copies of the petition to the following counsel of record:

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s/Angela M. Miller
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CERTIFICATE OF COMPLIANCE

I certify, pursuant to Federal Rules of Appellate Procedure 40(b) and 32(c)(2), that the attached UNITED STATES' PETITION FOR PANEL REHEARING FOR THE LIMITED PURPOSE OF MODIFYING ITS OPINION:

(1) does not exceed 15 pages;

(2) complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Word 2007, in 14-point Times New Roman font; and,

(3) has been scanned for viruses using Trend Micro Office Scan (version 8.0) and is free from viruses.

Dated: August 21, 2012

s/Angela M. Miller
ANGELA M. MILLER
Attorney

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit
FILED
August 9, 2012
Lyle W. Cayce
Clerk

No. 12-30529

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

GERARD DUGUE

Defendant - Appellant

Appeal from the United States District Court
for the Eastern District of Louisiana

Before REAVLEY, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:

Gerard Dugue was charged with participating in the cover-up of the Danzinger Bridge shootings in New Orleans following Hurricane Katrina, and brought to trial in early 2012. Near the conclusion of his trial, the prosecutor violated two pre-trial rulings on motions in limine that prohibited her from mentioning the case involving the death of Raymond Robair. Dugue sought and was granted a mistrial. Dugue further moved to bar retrial on the basis of

double jeopardy. The district court denied the motion to bar retrial and Dugue appeals. We AFFIRM the ruling of the district court.

FACTS AND PROCEEDINGS

Dugue was a police investigator who worked on a number of high profile cases. His indictment related to his Danzinger Bridge investigation, but he had also previously investigated the unrelated Raymond Robair police misconduct incident in which Robair died while in police custody. The two New Orleans Police Department officers who held Robair were ultimately convicted in 2011 for their misconduct. Dugue was never charged with any wrongdoing in the Robair case.

Prior to trial, the district judge excluded evidence related to Robair under Federal Rule of Evidence 404(b). When the government later filed its exhibit list, Dugue's police investigation report in the Robair case was included. Dugue moved to exclude the report from evidence and the court granted the motion. Dugue's trial took place from January 23-27, 2012 and ended in a mistrial. The district court granted the mistrial because the prosecutor mentioned the Robair case while cross-examining Dugue. The prosecutor claimed that, by raising his eyebrow and nodding his head, the district judge had given her permission to introduce the Robair case. The district judge disagreed and granted a mistrial so that the mention of the Robair case would not bias the jury against Dugue.

Following the mistrial, the district court rejected Dugue's motion to bar retrial on the basis of double jeopardy, citing *Oregon v. Kennedy*, 456 U.S. 667 (1982), for the proposition that double jeopardy bars retrial when the prosecutor's conduct was intended to 'goad' the defendant into moving for a mistrial. The court then concluded that the prosecutor did not intend to cause a mistrial:

> Applying these principles to the facts and circumstances at hand, and having carefully considered all of the parties' arguments in

> their memoranda, including Defendant's arguments regarding the Government's pre-trial, during trial, and post-trial conduct, the Court is not persuaded that, in saying "Get me Robair" in front of the jury, prosecutor Barbara Bernstein sought to cause Defendant to seek a mistrial. At a minimum, the Court notes, as reflected by the transcript, the Government's vigorous opposition to Defendant's request for a mistrial and Ms. Bernstein's apparently sincere explanation and apology to the Court for her actions. The Court nonetheless granted Defendant's motion in an abundance of caution, and as a prophylactic measure taken prudently to avoid a potentially serious issue raised on appeal or by post-conviction application.

Record Excerpts of Defendant-Appellant Exhibit C at 2-3, *United States v. Dugue*, No. 12-30529 (5th Cir. July 2, 2012).

Dugue timely appealed and this court expedited the appeal. Retrial before the district court is scheduled to commence October 29, 2012.

STANDARD OF REVIEW

This court reviews findings of fact by the district court for clear error. *United States v. Campbell*, 544 F.3d 577, 581 (5th Cir. 2008). *See also United States v. Fields*, 72 F.3d 1200, 1209 (5th Cir. 1996) ("We review this double jeopardy claim de novo, although the district court's factual findings are accepted unless clearly erroneous.").

DISCUSSION

Dugue argues that the district court erred in finding that the prosecutor did not intend to cause a mistrial by mentioning the Robair case after the district court had clearly instructed the government not to bring up the Robair case. He alleges that "[w]here a Government attorney acts with reckless disregard for the Orders of the Court, under circumstances where only a mistrial can cure the resultant prejudice, the intent to cause a mistrial can be inferred." This court has never adopted such a per se rule and we question whether such

a rule would be sufficient to show that the district court clearly erred. Instead, we have followed the Supreme Court's ruling in *Kennedy*.

> In *Kennedy*, the Court made it clear that prosecutorial misconduct alone is not sufficient for a retrial to result in a double jeopardy violation: "Prosecutorial conduct that might be viewed as harassment or overreaching, even if sufficient to justify a mistrial on defendant's motion, therefore, does not bar retrial absent intent on the part of the prosecutor to subvert the protections afforded by the Double Jeopardy Clause." Retrial is not barred even where the prosecution engages in "intentional misconduct that seriously prejudices the defendant." Once the court determines that the prosecutor's conduct was not intended to terminate the trial, "that is the end of the matter for purposes of the Double Jeopardy Clause of the Fifth Amendment. . . ."

United States v. Wharton, 320 F.3d 526, 531-32 (5th Cir. 2003) (internal citations omitted). For Dugue to obtain retrial, he would need to prove that Bernstein's "get me Robair" request was *intended* to cause a mistrial—a factual determination.

The prosecutor displayed overreaching and unprofessional conduct in ignoring the district court's two orders not to discuss the Robair case. Her excuse, that the judge's head nod in response to her raised eyebrow implied permission to introduce previously excluded evidence, is certainly unacceptable. Trial counsel would be wise to heed the judge's advice:

> Don't try to read my eyebrows, come up here and ask me. We have had how many bench conferences in this case and in the other case? Don't you realize to come up here and have a bench conference when you're about to approach something that is the subject of my ruling?

The prosecutor's improper behavior offers a reminder that attorneys should hew closely to the orders excluding evidence and seek clear permission when they are approaching those topics at a later point in trial.

The disposition of Dugue's motion, however, does not hinge on the prosecutor's conduct, but rather on the factual findings of the district court.

Dugue's failure to cite any concrete evidence of the government's clear intent to goad him into seeking a mistrial, coupled with the district court's factual finding that the government's improper actions were not intended to create a mistrial, provide insufficient basis for this court to find clear error.

CONCLUSION

Dugue cannot show that the district court clearly erred in finding that the prosecutor did not intend to cause a mistrial when she said "get me Robiar." In the absence of such a showing, we affirm the judgment of the district court denying the motion to bar retrial.

United States Court of Appeals

FIFTH CIRCUIT
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August 09, 2012

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing or Rehearing En Banc

No. 12-30529, USA v. Gerard Dugue
USDC No. 2:10-CR-204-6

Enclosed is a copy of the court's decision. The court has entered judgment under FED. R. APP. P. 36. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

FED. R. APP. P. 39 through 41, and 5TH CIR. RULES 35, 39, and 41 govern costs, rehearings, and mandates. **5TH CIR. RULES 35 and 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following FED. R. APP. P. 40 and 5TH CIR. R. 35 for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

Direct Criminal Appeals. 5TH CIR. R. 41 provides that a motion for a stay of mandate under FED. R. APP. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases. If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under FED. R. APP. P. 41. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

Sincerely,

LYLE W. CAYCE, Clerk

By: Joseph M Armato
Joseph M. Armato, Deputy Clerk
504-310-7651

Enclosure(s)
Ms. Barbara Bernstein
Mr. Michael Warren Hill
Mr. Claude John Kelly III
Ms. Angela Macdonald Miller
Ms. Jessica Dunsay Silver