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IN THE SUPREME COURT OF THE STATE OF UTAH

* *

STATE OF UTAH, :

Plaintiff/Respondent, :

-vs- : CASE NO. 18996

GEORGE B. ARCHAMBEAU, :

Defendant/Appellant. :

* *

BRIEF OF APPELLANT

* *

APPEAL FROM THE JUDGMENT OF THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT IN AND FOR SALT LAKE COUNTY, STATE OF UTAH, THE HONORABLE JAMES S. SAWAYA PRESIDING.

* *

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Clerk, Supreme Court, Utah

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IN THE SUPREME COURT OF THE STATE OF UTAH

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STATE OF UTAH, :

Plaintiff/Respondent, : CASE NO.

-vs- :

GEORGE B. ARCHAMBEAU, :

Defendant/Appellant. :

* *

BRIEF OF APPELLANT

* *

STATEMENT OF THE NATURE OF THE CASE

The Defendant, George B. Archambeau, appeals from a judgment and sentence entered against him for aggravated robbery in the Third Judicial District Court in and for Salt Lake County, State of Utah.

DISPOSITION IN THE LOWER COURT

On September 16, 1982, the Defendant was found guilty of aggravated robbery, a first degree felony, by a jury, the Honorable James F. Sawaya presiding.

RELIEF SOUGHT ON APPEAL

Defendant seeks a reversal of his conviction and an order of dismissal entered or in the alternative a remand to the Third Judicial District Court for a new trial.

STATEMENT OF FACTS

On February 5, 1981, a robbery occurred at Zion's Bank, Murray branch, State of Utah. At approximately 1:00 p.m. in the afternoon on February 5, 1981, a man entered Zion's Bank, Murray branch wearing denim blue overalls and a light blue windbreaker, and a red ski cap

over his face. Ms. Julie Terry, a bank teller for Zion's Bank, Murray branch, and a witness who testified at trial, stated that the suspect had a red ski mask over his face which made any identification of the suspect impossible. (T-16, L-1) (T-26, L 2). After the robbery, and while exiting the bank, the suspect passed a customer of the bank by the name of Robert Cosaert who testified at trial that while he was walking into the bank and opening the outer door, the suspect was coming out of an inner door. The only observation made by Mr. Cosaert was an area of the face from the bottom of the nose to the eyebrows with the remainder of the head being covered by a ski mask. (T-30). The most distinctive characteristic that Mr. Cosaert was able to observe were crow's feet around the eyes of the suspect. (T-86, L-2,3). Approximately three months later, based upon the observation of a very limited area of the suspect's face, which lasted for just a few seconds, Mr. Cosaert selected the photograph of Defendant from a photospread displayed by Detective Robinson. (T-88).

Another bank employee also made a tentative and limited observation and identification of the suspect. (T-106-123).

A former girlfriend of the Defendant testified at trial that the Defendant spoke of robbing banks and was in possession of a gun. She further testified that the Defendant displayed a photograph depicting a stack of money, however, on cross examination, the witness admitted that her testimony was, in fact, biased. (T-67, T-68).

The Defense, through the testimony of Mr. Bill Guy Mourer, who was employed as a cable foreman for Rocky Mountain Communication, presented evidence that on the date and time of the bank robbery, the Defendant was employed by Rocky Mountain Communication Company as a

cable t.v. installer. Mr. Mourer further testified that on the date and time of the bank robbery, Mr. Archambeau was working at the location of 3800 South and 4800 West installing a feed line for cable t.v. The Defendant never left the job site location at any time during the entire day. (T-171, 172, 173).

Furthermore, another defense witness, Randy Sargent, testified that in a conversation he had with his since deceased brother, Paul Watson, Mr. Watson admitted to commiting the robbery of the Zion's Bank on February 5, 1981. (T-157-167).

Therefore, based upon the limited observations the State's witnesses were able to make of the suspect, and the testimony of a biased girlfriend, the Defendant, George B. Archambeau was found guilty of the crime of aggravated robbery, a first degree felony, and was committed to the Utah State Prison.

ARGUMENT
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POINT I.

A. THE EVIDENCE ADDUCED AT TRIAL IS INSUFFICIENT AS A MATTER OF LAW TO SUPPORT APPELLANT'S CONVICTION.

It is well settled that a reviewing court has the authority to review a case on the sufficiency of the evidence. This standard of review is established in State v Wilson, 565 P.2d 66(1977), which states that:

> "In order for the Defendant to successfully challenge and overturn a verdict on the grounds of insufficiency of evidence, it must appear that upon so viewing the evidence, reasonable minds must necessarily entertain a reasonable doubt that the Defendant committed the crime." 565 P.2d at 68.

In the instant case, Appellant contends that there was sufficient evidence of Defendant being elsewhere on the date and time of the

commission of the offense and thus a reasonable doubt is raised. In State v Mecham, 456 P.2d 156(1969), the Court specifically stated that:

> "It is nevertheless the burden of the State to prove the Defendant's guilt beyond a reasonable doubt; and if the evidence of Defendant's being elsewhere is sufficient to raise a reasonable doubt as to his being involved in the crime, he should be acquitted." 456 P.2d at 158.

In the instant case, Appellant contends that the evidence before the jury, presented by the defense witness, was sufficient to raise a reasonable doubt, and the jurors should not therefore, have found Defendant guilty. The witness, who was not related to the Defendant, testified as to the whereabouts of the Defendant during the time the robbery occurred and presented documentation of his testimony in the form of Defendant's employee time card. The defense witness, Mr. Bill Guy Mourer, testified that in February of 1981, he was employed as a cable foreman for a company named Rocky Mountain Communication Company. He also testified that during the first week of February, 1981, the Defendant was a member of the work crew supervised by him. He further testified that on the day of the robbery, the Defendant worked a full eight (8) hours at an installation site some distance from the place of the robbery and that during that time the Defendant never left the site. To corroborate this testimony, the Defense introduced into evidence the time card for the Defendant.

The Appellant contends that this evidence was sufficient for acquittal. The witness, unrelated to the Appellant, produced not only testimony, but also documentation of his presence at a site, a substantial distance from the bank on the day of the robbery. The witness

further testified that none of the crew left the installation site on the day of the robbery.

Therefore, based upon the foregoing authority and facts of this case the evidence adduced at trial was insufficient to find the Defendant guilty beyond a reasonable doubt.

POINT I.

B. THE EVIDENCE ADDUCED AT TRIAL IS INSUFFICIENT AS A MATTER OF LAW TO SUPPORT APPELLANT'S CONVICTION.

Appellant contends that his conviction in large part, was obtained from the identifications made by State witnesses, Mr. Robert Cosaert and Mrs. Annette B. Cornia. Appellant further contends that the nature of their testimony at trial raised a reasonable doubt as to whether the Appellant was the person who robbed Zion's First National Bank on February 5, 1981. A number of factors in this case created a substantial likelihood of irreparable identification by the two identifying witnesses. Justice Brennan made this point in United States v Wade, 388 U.S. 218, 18L.Ed.2d 1149 (1967):

> "The vagaries of eye-witness identification are well known; the annals of criminal law are rife with instances of mistaken identification. Mr. Justice Frankfurter once said: 'What is the worth of identification testimony even when uncontradicted?' The identification of strangers is proverbially untrustworthy. The hazards of such testimony are established by a formidable number of instances in the records of English and American trials. These instances are recent, not due to the brutalities of ancient criminal procedure

The United States Supreme Court in Simmons v United States, U.S. 377 (1968) articulated the standard of reliability in context photographic arrays. This Court, in light of the due process requirements set forth in Simmons, supra, noted the two questions

be considered in evaluating a misidentification claim. In State v Wettstein, 501 P.2d 1084(Utah, 1972), the Court questioned first, whether there was justification for the procedure employed; and second, whether there is a chance that the procedure used would lead to misidentification. With regard to the second question, the following factors are to be considered; opportunity and length of time the witness had to observe the accused, the time elapsing between the incident and the identification. The facts in the present case compel the reversal of Appellant's conviction. The identification by Mr. Cosaert was based on his passing the suspect, with a ski mask covering all but the eyes and nose as the suspect left the bank. (T-93, 94). Additionally, his identification of a picture of the Appellant did not occur until two or three months after the day of the robbery. (T-88). These factors would hardly seem conducive to an accurate identification.

The identification by Mrs. Cornia was based upon seeing a man walk past a window as she was walking downstairs. (T-108,109). Ms. Cornia did not see the same man actually enter the bank. Nor, was she present on the main floor of the bank during the robbery. (T-117,118). Her identification of the man she saw walk past the window as the bank robber can hardly be considered as reliable. Based on the foregoing facts, neither of the eye-witness identifications can be considered reliable. These identifications carry with them the substantial likelihood of error, and a finding of guilt based on this testimony deprives the Appellant of due process of law.

Therefore, based upon the limited observations and identifications of the State's eye-witnesses combined with the independent corroborated alibi evidence presented on behalf of Appellant, the evidence adduced

at trial is insufficient as a matter of law to support Appellant's conviction for the reason that it appears that upon viewing the evidence reasonable minds must entertain a reasonable doubt that the Appellant committed the crime.

POINT II.

THE TRIAL COURT COMMITTED PREJUDICIAL ERROR BY REFUSING TO GIVE THE APPELLANT'S REQUESTED INSTRUCTION ON THE NATURE OF THE REQUIREMENTS FOR EYE-WITNESS IDENTIFICATION EVIDENCE.

The Defense raised at trial was that the Appellant was not the person who committed the aggravated robbery which was alleged in the information. The identification made of Appellant by Mr. Cosaert was from a photographic array two to three months after the date of the offense. (T-88). The identification of Mrs. Cornia was based upon an observation which lasted for just a few seconds and which was based upon seeing a man walk past a window as she was walking down the stairs. Mrs. Cornia did not see the suspect actually enter the bank nor was she present on the main floor of the bank during the course of the robbery. (T-117,118). As part of his defense, Appellant requested an instruction which described the nature and dangers inherent in identification evidence some factors to consider in assessing the value of identification and the burden of proof with respect the defense.[1]

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1. That instruction provided:

INSTRUCTION NO. _____

Identification testimony is an expression of belief or impression by the witness. In this case its value depends on the opportunity the witness had to observe whether or not the Defendant was the person who took personal property in the possession of Julie Terry on February 5, 1981, and to make a reliable identification later.

The trial court refused to give the instruction in full and exception was taken. (T-225).

The dangers inherent in eyewitness identification evidence have been the subject of discussion for many years. The unreliability of eyewitness identification has been well documented in the literature, and numerous law review articles have been written on the subject in recent years.[2] The commentators note that reasons for this unreliability are found in the problems that are associated with human perception and memory, both of which

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1. (continued)

In appraising the identification testimony of a witness, you should consider the following:

(1) Are you convinced that the witness had the capacity and an adequate opportunity to observe the offender?

Whether the witness had an adequate opportunity to observe the person at the time will be affected by such matters as how long or short a time was available, how far or close the witness was from the offender, how good were lighting conditions, whether the witness had an occasion to see or know the person in the past.

(2) Are you satisfied that the identification made by that witness subsequent to the event was a product of his or her own recollection? You may take into account both the strength of the identification, and the circumstances under which the identification was made.

If the identification by the witness may have been influenced by the circumstances under which the Defendant was presented to him or her for identification, you should scrutinize the identification with great care. You may also consider the length of time that lapsed between the occurrence of the crime and the next opportunity of the witness to see Defendant, as a factor bearing on the reliability of the identification.

2. Did Your Eyes Deceive You? Expert Psychological Testimony on the Unreliability of Eyewitness Identification, 29 Stan. L. Rev. 969(1977); Due Process Standards for the Admissibility of Eyewitness Identification Evidence, 26 Kan. L. Rev. 461(1978); Eyewitness Identification Evidence: Flaws and Defenses, 7 No. Ky. L. Rev. 407 (1980).

play a vital role in eyewitness identification.

In United States v Barber, 412 F.2d 517(3rd Cir.1971), the court gave a similar description of the processes involved in human observation, perception and memory. It then went on to state, with respect to eyewitness identification:

> "Eyewitness identification testimony, therefore, is an expression of a belief or impression by the witness. If there is a high degree of precision and certainty in his expression, which is consistent with any prior statements and unshaken on cross-examination, the statement of the witness may be regarded as a statement of fact. If certainty is lacking, the expression is deemed to possess an evidentiary quality of inferior rank. Thus, where the circumstances surrounding the criminal act gave limited opportunity for observation or utilization of the sensory perception, or where uncertainty is expressed by the witness himself, or exposed by a past history of the witness' statements or demonstrated by cross-examination, the statement of identity should be considered as only an expression of opinion and should be accompanied by appropriate instructions as to its sufficiency and weight. To be sure, the courts have been generous in the admission of eyewitness identifications in order to permit the jury to make its own assessment. The emphasis has been on inclusion of evidence, rather than exclusion; on credibility, rather than admissibility".(footnotes omitted) 412 F.2d at 527.

In this case, the identification evidence that was produced was one eyewitness identification and the Appellant's photograph being picked out of a group of six pictures. The selection of Appellant's photograph did not occur until two or three months after the robbery occurred. The Supreme Court of Kansas, in State v Ward 635 P.2d 1263(Kan. 1981), discussed those general problems at length which are associated with the use of eyewitness identification evidence. The court then took note of the particular problems that arise in the courtroom with that evidence.

"In spite of the great volume of articles on the subject of eyewitness testimony by legal writers and the great deal of scientific research by psychologists in recent years, the courts in this country have been slow to take the problem seriously and, until recently, have not taken effective steps to confront it. The trouble is that many judges have assumed that an 'eyeball' witness, who identifies the accused as the criminal, is the most reliable of witnesses, and, if there are any questions about the identification, the jurors, in their wisdom, are fully capable of determining the credibility of the witness without special instructions from the court. Yet cases of mistaken identification are not infrequent and the problem of misidentification has not been alleviated.

We note, for example, a 1979 unreported prosecution in Wilmington, Delaware, against Rev. Bernard T. Pagano, a Roman Catholic priest, accused of robbing six Delaware stores in the winter of 1978. At the trial, he was falsely identified by several state witnesses as the robber. After the State rested its case, the prosecution was dismissed on motion of the State because another man confessed to the crime. Closer to home is the case of Ronald Quick, who was twice tried and convicted of aggravated robbery of a liquor store in Hutchinson. At both trials two eyewitnesses positively identified defendant as the perpetrator of the crime. These two convictions were reversed for trial errors in State v Quick, 226 Kan. 308, 597 P.2d 1108(1979) 229 Kan. 117, 621 P.2d 997 (1981). The case was dismissed by the State during the third trial after another man, who looked like the defendant, confessed to the crime. 635 P.2d at 1241

After considering these cases and the literature on the subject, we have concluded that requiring trial courts to admit this type of expert evidence is not the answer to the problem. We believe that the problem can be alleviated by a proper cautionary instruction to the jury which sets forth the factors to be considered in evaluating eyewitness testimony. Such an instruction, coupled with vigorous cross-examination and persuasive argument by defense counsel dealing realistically with the shortcomings and troubl spots of the identification process, should protect the rights of the defendant and at the same time enable the courts to avoid the problems involved in the admission of expert testimony on this subject." 635 P.2d at 1243

The instruction that the Kansas court held should be given,

was that framed by the United States Court of Appeal for the District of Columbia in United States v Telfaire, 469 F.2d [illegible] (D.C. Cir., 1972). The Telfaire court described the need for such an instruction, stating:

> "The presumption of innocence that safeguards the common law system must be a premise that is realized in instruction and not merely a promise. In pursuance of that objective, we have pointed out the importance of and need for a special instruction on the key issue of identification, which emphasizes to the jury the need for finding that the circumstances of the identification are convincing beyond a reasonable doubt. This need was voiced in 1942 in McKenzie v United States, 126 F.2d 533 and it has been given vitality in our opinions of recent years -- following the Supreme Court's 1966 Wade-Gilbert v California, 388 U.S. 263, 87 S.Ct. 1951, 18 L.Ed.2d 1178 (1967), Stovall v Denno, 388 U.S. 293, trilogy focusing on the very real danger of mistaken identification as a threat to justice. We refer to our post-Wade opinions in Gregory v United States, 369 F.2d 185 (1966) and Macklin v United States, 409 F.2d 174 (1969). These opinions sought to take into account the traditional recognition that identification testimony presents special problems of reliability by stressing the importance of an identification instruction even in cases meeting the constitutional threshold of admissibility. (footnotes omitted) 469 F.2d at 555.

In State v Warren, supra, the court held that the model instruction from the Telfaire case was more appropriate than a general instruction dealing with an identification defense.[3] The Kansas court required the Telfaire instruction be given.

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3. The general instruction given in that case provided:

INSTRUCTION NO._____

"It is for you to determine the weight and credit to be given the testimony of each witness. You have a right to use that knowledge and experience which you possess in common with men in general in considering the testimony of each witness. You also may take the following factors into consideration when weighing a witness' testimony:

In Utah, the Telfaire instruction was cited with approval by Justice Stewart in his dissenting opinion in State v Malmrose, 649 P.2d 56 (Utah 1982). In that case the majority opinion did not squarely address the issue of the requirement of such an instruction. The court did not find reversible error in the trial court's refusal to give the instruction. The primary reason the court gave for that holding was that defense counsel failed to take exception to the trial court's refusal to give the instruction. The court then stated, "we have not heretofore held that such an instruction is required. We believe the giving of it should be left to the discretion of the trial court" 649 P.2d at 61. Justice Stewart wrote a dissent to that part of the court's opinion and Justice Durham concurred in that dissent.

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3. (continued)

(a) The witness' ability and opportunity to observe and know the things about which he had testified;

(b) The clarity and accuracy of the witness' memory;

(c) The witness' manner and conduct while testifying;

(d) Any interest the witness may have in the result of the trial; and

(e) The reasonableness of the witness' testimony when considered in light of all the evidence in the case; and

(f) Any bias, interest, prejudice or motive the witness may have.

If you find that any witness has wilfully testified falsely concerning any material matter, you have a right to distrust the testimony of that witness in other matters, and you may reject all or part of the testimony of that witness, or you may give it such weight as you think it deserves. You should not reject any testimony without cause." 635 P.2d at 1245.

Previously, this court had decided that it was not reversible error to give an instruction similar to that given in State v Warren, supra, State v Schaffer, 683 P.2d 1185 (Utah 1981). It is interesting to note that State v Schaffer, supra, was not even cited in the Malmrose case. In Schaffer the court did not say there was no error in refusing to give the instruction, but rather the court reasoned that because other general instructions on credibility and burden of proof were given, the jury was adequately advised on what the law was. Secondly, the court noted that there were two eyewitnesses who had abundant opportunity to observe the defendant, thus alleviating any prejudice. The court concluded that the refusal to give the instruction did not constitute "reversible error" (emphasis added) 638 P.2d at 1187.

Similarly in State v McCumber, 622 P.2d 353 (Utah 1980) the issue of the refusal to give an instruction on eyewitness identification was raised. With respect to that issue this court stated:

> "A criminal defendant is entitled to have a jury instructed on his theory of the case if there is any substantial evidence to justify such an instruction. Where, however, the requested instruction is denied, no prejudicial error occurs if it appears that the giving of the requested instruction would not have affected the outcome of the trial. Moreover, a defendant is not entitled to an instruction which is redundant or repetitive of principles enunciated in other instructions given to the jury. The principal points of defendant's proposed instruction dealt with the State's burden of proof and the factors to consider in weighing the testimony of an eyewitness. All of these factors were adequately dealt with in other instructions presented to the jury by the trial court. As a result, we cannot agree that the denial of the proposed instruction constituted reversible error." (footnote omitted) 622 P.2d at 359.

The general conclusions that can be reached about these cases are: First of all, this court has never said that such an instruc-

tion is improper and should not be given. Secondly, the court has clearly implied that under certain circumstances the identity instruction would be proper. Finally, the court in all of these cases spoke in terms of no reversible error indicating that due to the nature of the cases, even though there may have been error, there was no prejudice to the appellants.

Several other principles of Utah law which were dealt with only in passing or not mentioned at all in those cases must be discussed here. Under the law of Utah a criminal defendant is entitled to have his theory of the case presented to the jury in the form of written instructions, State v Stenbeck, 78 U. 350, 2 P. 2d 1050 (1931), State v McCumber, supra. With respect to defenses, a criminal defendant is entitled to have the jury instructed that the defense need only raise a reasonable doubt. State v Wilson, 565, P.2d 66 (Utah 1977); State v Torres, 619 P.2d 694 (Utah 1980); and State v Starks, 627 P.2d 88 (Utah 1981). The mere fact that the court gave general instructions on the presumption of innocence and burden of proof does not alleviate the prejudice in refusing to instruct the jury with respect to the defendant's burden in establishing his defense. This court has held that a jury need not

> . . . go through such a tortuous process when that result could have been achieved by giving the defendant's requested instruction, or one of that substance." State v Torres, supra at 696.

In this case there was no instruction given which explained to the jury what the defense was, nor was there any instruction given which explained to the jury what the burden of proof was with respect to a defense. The only instruction that was submitted on these issues was that which is the subject of this appeal.

Consequently, it was error not to give an instruction explaining to the jury what the defense was, and relating that portion of the evidence to the reasonable doubt standard. The policies that support the giving of the Telfaire model instruction, discussed above, are substantial and compelling. That instruction is clearly a necessary and proper one and it was error to refuse to give it to the jury.

The error in refusing to give the instruction on identification was prejudicial requiring a new trial. A criminal conviction must be reversed if there is a reasonable likelihood that the verdict would be different if the requested instruction had been given. State v Mitcheson, 560 P.2d 1120 (Utah 1977). In the present case, the principal issue at trial was the identification of the defendant as the perpetrator of the aggravated robbery. The teller never identified the appellant in court as the person who committed the offense. (T-12-36). The identification that was made of the appellant was from a photographic array that the witness observed some two to three months after the commission of the crime. (T-88). The only other identification evidence was that of Mrs. Cornia, and there was no evidence presented which proved other than by inference that the man she saw was the robber. The initial description of the robber given by Mr. Cosaert was very general. He was able to describe the clothing, height and weight of the perpetrator. The only distinguishing features he notices was that of lines around the eyes (T-83). Mr. Cosaert's opportunity to observe the robber was very limited. He stated that the robber passed him at the door and said "Excuse me." (T-93). That transaction as well as the opportunity to observe lasted only a matter of seconds. Additional

Mr. Cosaert was unaware at the time the robber passed him that he was the robber or that a robbery had taken place. (T-93,103). He would therefore, have had no reason to pay particular attention to the individual.

It is hard to imagine a case where there would be a greater need for an instruction describing what eyewitness identification evidence is, how it is to be evaluated, and the burden of proof it must meet. An instruction on how to evaluate eyewitness identification and how to weigh the evidence was necessary to inform the jury of the problems with the identification. If the instruction had been given, there is a reasonable likelihood that the verdict would have been different. Consequently, the error was prejudicial and a new trial should be ordered.

POINT III.

DEFENDANT WAS DENIED EFFECTIVE ASSISTANCE OF COUNSEL.

The Sixth and Fourteenth Amendments to the Constitution of the United States, and Article I, Section 12, the Constitution of the State of Utah, guarantees the right to counsel to an accused. State v McNicol, 554 P.2d 203 (Utah 1978) and State v Gray, 601 P.2d 918 (Utah 1979), set forth the standard to measure the constitutional right to effective assistance of counsel in Utah. In State v McNicol the court stated that:

> "This court has previously held the right of the accused to have counsel if he is not satisfied by a sham or pretense of an appearance in the record by an attorney who manifests no real concern about the interests of the accused. He is entitled to the assistance of a competent member of the Bar who shows a willingness to identify himself with the interest of the accused and presents such defenses as are available under the law and consistent with the ethics of the

profession."

In the instant case, Defendant was denied his right to effective assistance of counsel as a result of the fact that defense counsel failed to subpoena additional witnesses that were available to testify that the Appellant was at the job site on February 5, 1981. Furthermore, counsel for Appellant failed to subpoena additional witnesses which were available to testify that a Mr. Paul Watson admitted to the commission of the robbery of Zion's Bank on February 5, 1981.

Based upon the foregoing the Defendant was denied effective assistance of counsel.

CONCLUSION

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In the instant case there is insufficient evidence as a matter of law to support Appellant's conviction for the reason that in viewing the evidence adduced at trial, reasonable minds must necessarily entertain a reasonable doubt that the Defendant committed the offense charged. The defense adduced at trial, independent corroborated evidence that Appellant was on a job site at the time of the commission of the robbery. Furthermore, the identification testimony of the State's witnesses is unreliable and gives rise to an inference of reasonable doubt. Additionally, the trial court's refusal to give Defendant's requested instruction on identification testimony constituted prejudicial error under the circumstances and denied Appellant's right to due process of law. In conclusion, Appellant was denied effective assistance of counsel.

DATED this 10 day of August, 1983.

Tyrone E. Medley

TYRONE E. MEDLEY
Attorney for Appellant