NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
Appellee	:	
v.	:	
DARRELL MACK	:	
Appellant	:	No. 2723 EDA 2016

Appeal from the PCRA Order August 19, 2016
In the Court of Common Pleas of Philadelphia County
Criminal Division at No(s): CP-51-CR-0002453-2007

BEFORE: GANTMAN, P.J., STABILE, J., and FITZGERALD, J.*

MEMORANDUM BY GANTMAN, P.J.: **FILED JULY 26, 2017**

Appellant, Darrell Mack, appeals from the order of the Philadelphia County Court of Common Pleas, which denied his first petition brought pursuant to the Post Conviction Relief Act ("PCRA").[1] We affirm.

This Court previously set forth most of the relevant facts of this case as follows:

> On April 23, 2006, at 11:18 p.m., police responded to a radio call about a shooting at 45th and Laird Streets in Philadelphia. Police found 19-year-old Brian Woolfolk ["Victim"] lying on the ground and bleeding from his head. A bicycle was next to his body. Medics pronounced…[V]ictim dead at the scene. He had been shot four times: in the head, in each shoulder, and in his left buttock. Ballistic evidence recovered from the street

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[1] 42 Pa.C.S.A. §§ 9541-9546.

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*Former Justice specially assigned to the Superior Court.

> and…[V]ictim's body were determined to be .38/357 caliber and all fired from the same weapon.
>
> As a result of their investigation into the shooting, the police obtained an arrest warrant for Appellant on October 20, 2006. The next day, [the police] executed the arrest warrant, and obtained and executed a search warrant for Appellant's home. There, the police recovered a cell phone, Appellant's social security card, and a used shooting range paper target. A ballistics expert determined that the bullet holes in the paper target were consistent with the bullets used to kill…[V]ictim. …
>
> A neighbor, Ms. Bates, testified at trial that she witnessed Appellant (whom she knew as "Dirty D") approach…[V]ictim and talk with him. Appellant rifled through…[V]ictim's pockets. When…[V]ictim dismounted his bike, Ms. Bates heard gunshots. She ran out of her house, saw…[V]ictim lying in the street, and screamed "Dirty D just shot him." Another neighbor, Ms. Calloway, told detectives that she heard gunshots on April 23rd while she was in bed. She saw Ms. Bates outside screaming, "Dirty D just shot him." Ms. Calloway also stated that she had seen Appellant carrying something that looked like a gun prior to the shooting. At trial, however, Ms. Calloway denied seeing Appellant with a gun. The Commonwealth introduced her prior [inconsistent] statement through the testimony of Detective Morton.
>
> * * *

Commonwealth v. Mack, No. 545 EDA 2009, unpublished memorandum at 1-3 (Pa.Super. filed September 24, 2012).

The next witness, Walter Williams, sent the police a letter from prison and claimed to have information about Victim's murder. When interviewed, Mr. Williams told the police that he saw Victim sitting on his bike talking to Appellant at 45th and Laird Street, heard gunshots several seconds later, and saw Appellant going through Victim's pockets while Victim was lying on the

ground. Mr. Williams also said he saw Appellant holding a gun in his hand. At trial, Mr. Williams recanted his statement. The Commonwealth asked Mr. Williams if anyone approached him about this case before trial, and Mr. Williams said an investigator questioned Mr. Williams at his house. The Commonwealth introduced Mr. Williams' prior inconsistent statement through the testimony of Detective Morton. Detective Morton said he contacted Mr. Williams about testifying at Appellant's trial, and Mr. Williams indicated he was concerned about his family's safety and his well-being. During closing arguments, the prosecutor addressed Mr. Williams' recanted statement:

> What else is interesting? They talk about this investigator coming out, Walter Williams told us about, that an investigator from the defense came out to him and he signed a statement for them. He says in that statement, he says to you: "They are on my porch at my house," at an address they keep repeating wasn't the address he gave to police.
>
> **They are not doing anything wrong, I don't mean to suggest that, by interviewing witnesses.**
>
> He moved away from his old address and people are coming to this house and asking him: "I am working for [Appellant] and I want to know: What did you see on that night?
>
> Walter Williams is: "Oh, my God. I am at a new house and they still found me and they want me to say what I knew about that night."
>
> He doesn't say: "I lied to the police about the violation of parole." He says: "I don't know [Appellant]. I have nothing to do with this, nothing to do with this case" because [Mr. Williams] is panicking.

> [Mr. Williams] has a guy on his porch who found him, sought him out and still asking him about this case. Walter Williams is scared to death, just as he told Detective Morton; he is afraid. He doesn't want to put his life at stake. He wanted to tell the police originally what happened. When push comes to shove, it's his life as opposed to [Victim's] life, who is already dead.

(N.T. Trial, 10/29/08, at 17-18) (emphasis added).[2]

Procedurally, a jury convicted Appellant on October 29, 2008, of first degree murder, robbery, and firearms not to be carried without a license. The court sentenced Appellant on January 29, 2009, to life imprisonment for the murder conviction, a consecutive term of five (5) to ten (10) years' imprisonment for the robbery conviction, and a consecutive term of three and a half (3½) to seven (7) years' imprisonment for the firearms conviction. This Court affirmed the judgment of sentence on September 12, 2012, and our Supreme Court denied allowance of appeal on May 13, 2013. Appellant did not seek further direct review, and his judgment of sentence became final on August 11, 2013.

Appellant timely filed a *pro se* PCRA petition on May 2, 2014. The PCRA court appointed counsel, who subsequently filed an amended PCRA petition and supporting brief on November 9, 2015. On May 3, 2016, the Commonwealth filed a motion to dismiss Appellant's PCRA petition. The

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[2] We observe there are three separate transcripts for October 29, 2008. The relevant transcript begins with the prosecutor's closing arguments.

PCRA court issued notice on July 15, 2016, of its intent to dismiss Appellant's PCRA petition pursuant to Pa.R.Crim.P. 907. Appellant did not respond. The PCRA court denied relief on August 19, 2016. On August 22, 2016, Appellant timely filed a notice of appeal. The PCRA court ordered Appellant on August 31, 2016, to file a concise statement of errors complained of on appeal per Pa.R.A.P. 1925(b). Appellant timely complied on September 8, 2016.

Appellant raises two issues for our review:

> [WHETHER] APPELLATE COUNSEL WAS INEFFECTIVE FOR FAILING TO RAISE ON APPEAL A CLAIM THAT THE PROSECUTOR ENGAGED IN PROSECUTORIAL MISCONDUCT WHEN SHE MADE AN ARGUMENT FROM WHICH THE JURY COULD INFER THAT [APPELLANT] THREATENED WITNESSES[?]
>
> [WHETHER] TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT TO A CLOSING COMMENT MADE BY THE PROSECUTOR REGARDING WHAT MAY HAVE OCCURRED TO THE MURDER WEAPON[?]

(Appellant's Brief at 7).

Our standard of review of a grant or denial of a PCRA petition is limited to examining whether the evidence of record supports the court's determination and whether its decision is free of legal error. ***Commonwealth v. Conway***, 14 A.3d 101 (Pa.Super. 2011), *appeal denied*, 612 Pa. 687, 29 A.3d 795 (2011). This Court grants great deference to the findings of the PCRA court if the record contains any support for those findings. ***Commonwealth v. Boyd***, 923 A.2d 513 (Pa.Super. 2007), *appeal*

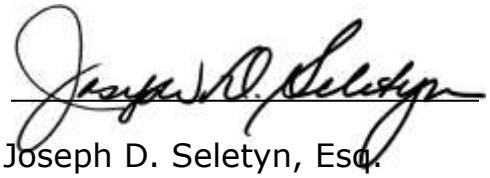
denied, 593 Pa. 754, 932 A.2d 74 (2007). We exercise *de novo* review over the PCRA court's legal conclusions. ***Commonwealth v. Spotz,*** 610 Pa. 17, 44, 18 A.3d 244, 259 (2011).

After a thorough review of the record, the briefs of the parties, the applicable law, and the well-reasoned opinion of the Honorable George W. Overton, we conclude Appellant's issues merit no relief. The PCRA court opinion comprehensively discusses and properly disposes of the questions presented. (***See*** PCRA Court Opinion, filed November 4, 2016, at 3-10) (finding: **(1)** viewed in context, prosecutor's comment did not imply Appellant threatened witness (Mr. Williams) to prevent him from testifying; rather, prosecutor suggested witness recanted portions of his original statement at trial and refused to admit that he had spoken with police because witness panicked; prosecutor argued witness feared implications of being involved with Appellant's case; witness told police he feared for safety of himself and his family; prosecutor gave jury possible explanation for witness' partial recantation; prosecutor's statement was proper; **(2)** in his closing argument, trial counsel emphasized that police did not find gun and/or bullets in Appellant's home; it was proper for prosecutor to respond by saying it was no surprise that Appellant did not retain possession of murder weapon because there was six-month gap in time between incident in April 2006 and Appellant's arrest in October 2006; prosecutor suggested explanation for why police did not find murder weapon in Appellant's home

and highlighted that police found shooting range target with holes consistent with ammunition police found at scene of incident and in Victim's body; prosecutor's statements were proper; because his claims lack arguable merit, Appellant failed to carry his burden under the ***Strickland*** test for ineffective assistance of counsel). Accordingly, we affirm.

Order affirmed.

Judgment Entered.



Joseph D. Seletyn, Esq.
Prothonotary

Date: 7/26/2017

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION

COMMON WEALTH OF PENNSYLVANIA	:	CP-51-CR-0002453-2007
v.	:	
DARRELL MACK	:	2723 EDA 2016

OPINION

OVERTON, J.

Darrell Mack (*hereinafter* "Appellant") appeared before this Court on October 20 and 27-29, 2008 for motions in limine and a jury trial. Following the trial, Appellant was found guilty of murder in the first degree, robbery, a first degree felony and violation of 6106 of the Uniform Firearm Act, a third degree felony. Appellant was sentenced to a mandatory sentence of life without the possibility of parole on the charge of murder in the first degree. On the charge of robbery, the Court imposed a concurrent sentence of five to ten years incarceration. The Court imposed a consecutive sentence of three-and-a-half to seven years incarceration on the charge of Violation of the Uniform Firearm Act (VUFA)-Section 6106.

PROCEDURAL HISTORY[1]

1. Appellant filed a Notice of Appeal on February 17, 2009. The Notice of Appeal contained a request for the Notes of Testimony from the pre-trial motions and the jury trial (October 20 and 27-29, 2008).
2. On March 3, 2009, this Court issued an order pursuant to Pa.R.A.P. 1925 for counsel to file a Statement of Matters Complained of on Appeal (*hereinafter* "Statement") by March 24, 2009, or risk waiver of all issues on appeal.
3. On March 10, 2009, Appellant filed a Request for Extension of Time to File a Statement of Matters Upon Receipt of All Notes of Testimony.
4. On March 11, 2009, this Court denied the Appellant's Request for an Extension of Time.
5. On March 24, 2009, Appellant filed a Statement pursuant to Pa.R.A.P. 1925(b).
6. The Notes of Testimony from the suppression hearing and jury trial were transcribed and uploaded to the Court Reporting System on June 29, 2009.
7. On August 21, 2009, the Court filed a 1925(a) Opinion.
8. Appelant filed a Petition to Vacate the Briefing Schedule and Remand for Completion of the Record and the Superior Court granted the petition on October 28, 2009.
9. Appellant filed a Supplemental Statement of Errors on August 11, 2011.
10. On September 24, 2012, the Superior Court affirmed judgment of sentence.
11. On May 13, 2013, the Supreme Court denied allowance of appeal.

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[1] For a complete recitation of facts, this Court references the Opinion filed by this Court on August 21, 2009.

12. On May 2, 2014, Appellant filed a pro se PCRA Petition

13. Counsel was appointed and on November 9, 2015, an Amended PCRA Petition was filed.

14. On August 19, 2016, this Court dismissed Appellant's PCRA petition as without merit.

15. On August 22, 2016, Appellant filed an appeal to the Superior Court.

16. On August 31, 2016, this PCRA Court issued a 1925(b) Order for Statement of Matters Complained of on Appeal.

DISCUSSION

In a Supplemental Statement of Matters Complained of Appeal, Appellant raised the following claims:

1. The Lower Court dismissed the Defendant's Amended PCRA Petition without a hearing on August 19, 2016.

2. Appellate counsel was ineffective for failing to raise on appeal a claim that the prosecutor engaged in prosecutorial misconduct when she made an argument from which the jury could infer that Appellant threatened witnesses. More specifically, the prosecutor engaged in prosecutorial misconduct when she argued the following:

> He has a guy on his porch who found him, sought him out, and still asking him about this case. Walter Williams is scared to death, just as he told Detective Morton; he is afraid. He doesn't want to put his life at stake. He wanted to tell the police originally what happened. When push comes to shove, it's his life as opposed to Brian Wollfolk's life, who is already dead.

(N.T. 10/29/01, 18).

It is Appellant's position that appellate counsel should have raised on appeal a claim alleging that the remark amounted to prosecutorial misconduct and entitled Appellant to a new trial because it permitted the jury to infer that Appellant had threatened Mr. Williams in an effort to prevent him from testifying even though there was no evidence that the Appellant did so. It

should be noted that an objection was lodged by trial counsel which was overruled by the Lower Court. (N.T. 10/29/08, 18).

3. Trial counsel was ineffective for failing to object to a closing argument made by the prosecutor regarding what may have occurred to the murder weapon. More specifically, petitioner submits that trial counsel was ineffective for failing to object when the prosecutor argued that Petitioner disposed of or destroyed the murder weapon. An objection should have been proffered because the record was devoid of any evidence to support it and thus, the remark did not constitute a fair inference from the evidence.

These claims are without merit.

A. The Court Was Not Required to Hold A Hearing When It Found Appellant's Claims to Be Without Merit

Appellant states that this Court should have held a PCRA hearing before dismissing Appellant's PCRA petition. This claim is without merit.

With respect to ineffective assistance of counsel claims, an evidentiary hearing is only required if it is clear that "the allegation lacks arguable merit; an objectively reasonable basis designed to effectuate appellant's interests existed for counsel's motions or inactions; or appellant was not prejudiced by the alleged error by counsel, then an evidentiary hearing is unnecessary." *Commonwealth v. Clemmons*, 479 A.2d 955, 957 (Pa. 1984). Accordingly, the court can deny a petition without a hearing if it determines the claims raised are without merit and would not entitle the appellant to post-conviction collateral relief. *See Commonwealth v. Granberry,* 644 A.2d 204 (Pa. Super. Ct. 1994); *Commonwealth v. Brimage*, 580 A.2d 877, 881 (Pa. 1990); Pa. R.Crim. P. 907.

In the instant case, as further explained below, the Court found that Appellant's claims were without merit and would not entitle him to post-conviction collateral relief.

Consequently, the Court was not required to hold a hearing. *Id.* The Court then dismissed Appellant's PCRA Petition as "without merit" on August 19, 2016. (08/19/16 Order). Therefore, this claim is without merit.

B. Appellate Counsel Was Not Ineffective For Failing to Raise a Prosecutorial Misconduct Claim

Appellant claims that appellate counsel should have raised prosecutorial conduct for statements made during the prosecution's closing argument. This claim is without merit.

"[T]he test for counsel ineffectiveness is the same under both the Pennsylvania and federal Constitutions: it is the performance and prejudice test set forth in *Strickland v. Washington,* 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984)." *Commonwealth v. Spotz*, 870 A.2d 822, 829 (Pa. 2005). Counsel is presumed to be effective. *Commonwealth v. Lesko*, 15 A.3d 345, 380 (Pa. 2011). In order to prove deficient performance, a person challenging a conviction must show that "counsel's representation fell below an objective standard of reasonableness." *Harrington v. Richter*, 562 U.S. 86, 104 (2011) (quoting *Strickland*, 466 U.S. at 688). More specifically, deficient performance requires a showing that: (1) the appellant's underlying claim is of arguable merit; (2) the particular course of conduct pursued by counsel did not have a reasonable basis designed to effectuate the appellant's interests; and (3) the counsel's ineffectiveness prejudiced the appellant. *Commonwealth v. Pierce,* 786 A.2d 203, 213 (Pa. 2001);

Commonwealth v. Kimball, 724 A.2d 326, 333 (Pa. 1999). The standard for judging counsel's representation is a most deferential one. *Harrington,* 562 U.S. at 105.

A failure to satisfy any prong of the test for ineffectiveness will require rejection of the claim. *Commonwealth v. Spotz,* 870 A.2d 822, 829-30 (Pa. 2005). Courts are not required to analyze the elements of an ineffective claim in any particular order of priority; instead, if a claim fails under any necessary element of the *Strickland* test, the court may proceed to that element first. *Lesko,* 15 A. 3d at 374. If the person challenging the conviction fails to demonstrate that counsel's act or omission adversely affected the outcome of the proceedings, the ineffectiveness claim should be dismissed at the outset, and the court need not first determine whether the challenger has satisfied the first and second prongs of the *Strickland* test. *Commonwealth v. Albrecht,* 720 A.2d 93, 701 (Pa. 1998).

In reviewing claims of prosecutorial misconduct, a court must focus on whether the defendant was deprived of a fair trial and whether the defendant was deprived of a perfect trial. *Commonwealth v. Kemp,* 753 A.2d 1278, 1282 (Pa. 2000) (citing *Commonwealth v. LaCava,* 666 A.2d 221, 231 (Pa. 1995). A prosecutor's statement's to the jury do not constitute reversible error unless the unavoidable effect would be to prejudice the jury, forming in their minds a fixed bias and hostility towards the defendant that such they could not weigh the evidence and render a true verdict. *Commonwealth v. Paddy,* 800 A.2d 294, 316 (Pa. 2002).

As trials are adversarial proceedings, the prosecution, like the defense, must be allowed reasonable latitude in advocating its case to the jury. *Id.* Prosecutors are permitted to refer to the evidence, to argue all reasonable inferences from that evidence,

and to present their arguments with logical force, vigor and "oratorical flair." *Commonwealth v. Rollins*, 738 A.2d 435, 445 (Pa. 1999); *Commonwealth v. Gwynn*, 723 A.2d 143, 151 (Pa. 1998). Consequently, not every intemperate or uncalled for remark by a prosecutor mandates a new trial. *Commonwealth v. Robinson*, 864, A.2d 460, 517 (Pa. 2004). Furthermore, when the court instructs the jury that arguments of counsel are not evidence and that the jury is the finder of fact, this cures any improper prejudice that may have resulted from a prosecutor's comments; *Id.* at 519; *Commonwealth v. Stokes*, 839 A.2d 226, 233 (Pa. 2003); *Commonwealth v. Jones*, 811 A.2d 994, 1006 (Pa. 2002).

In the instant case, Appellant did not show that appellate counsel failed to preserve a claim that would have been meritorious. Appellant asserts that the prosecutor inferred that Appellant threatened witnesses. (1925(b) Statement at ¶ 2). However, the prosecutor's statements that Appellant cites must be viewed in context.[2] The prosecutor's comments did not imply that Appellant threatened Walter Williams in an

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[2] The prosecutor stated in her closing statement:

What else is interesting? They talk about this investigator coming out, Walter Williams told us about, that an investigator from the defense came out to him and he signed a statement for them. He says in that statement, he says to you: "They are on my porch at my house," at an address they keep repeating wasn't the address he gave to police.

They are not doing anything wrong, I don't mean to suggest that, by interviewing witnesses.

He moved away from his old address and people are coming to this house and asking him: "I am working for Darrell Mack and I want to know: What did you see on that night?" Walter Williams is: "Oh, my God. I am at a new hose and they still found me and they want me to say what I knew about that night."

He doesn't say: "I lied to the police about the violation of parole." He says: "I don't know Darrell Mack. I have nothing to do with this, nothing to do with this case" because he is panicking.

He has a guy on his porch who found him, sought him out and still asking him about this case. Walter Williams is scared to death, just as he told Detective Morton: he is afraid. He doesn't want to put his life at stake. He wanted to tell the police originally what happened. When push comes to shove, its his life as opposed to Brian Woolfolk's life, who is already dead.

(N.T. 02/29/08 [date listed in error, from 10/19/08 hearing], 17:11-18:17).

attempt to prevent him from testifying. The prosecutor was suggesting to the jury that Mr. Williams may have recanted portions of his original statement at trial and refused to admit that he had spoken to the police a month before trial because he panicked. The prosecutor argued that Mr. Williams was afraid of the implications of being involved with the case and that he had told Detective Morton that he was afraid of the safety of himself and his family if he testified. (N.T. 10/28/08, 76:24-25). The prosecutor in the instant case was trying to give the jury a possible reason for Mr. Williams' partial recantation. The Court finds that the prosecutor's statements were proper. Had appellate counsel raised this prosecutorial misconduct claim on appeal, it would not have been meritorious. Appellant failed to meet his burden under the *Strickland* test. Therefore, this claim is without merit.

C. Trial Counsel Was Not Ineffective for Failing to Object to the Prosecutor's Closing Argument

Appellant claims that trial counsel should have objected to statements made during the prosecution's closing argument. This claim is without merit.

To prove an ineffective assistance of counsel claim, a person challenging a conviction must show that "counsel's representation fell below an objective standard of reasonableness." *Harrington*, 562 U.S. at 104. Again, the standard for judging counsel's representation is a most deferential one. *Id.* at 105. It is well-settled that prosecutors may fairly respond to arguments made by the defense. *Commonwealth v. Carson*, 913 A.2d 220, 237 (Pa. 2006); *Commonwealth v. Cox*, 728 A.d 923, 932 (Pa. 1999); Commonwealth v. Sattazahn, 631 A.2d 597, 610 (Pa. 1993); *Commonwealth v. Parente*,

440 A.2d 549, 553 (Pa. Super. Ct. 1982 (when a prosecutor merely responds to the arguments raised by defense counsel "there can be no doubt that such conduct was proper").

In the instant case, in trial counsel's closing argument, he emphasized that the police never found ballistics evidence when searching the home. He argued, "What is important, and I submit you should consider this as better evidence in the case, not that they found a target, but what they didn't find. They didn't find any ballistic evidence. They didn't find bullets, they didn't find a gun." (N.T. 10/29/08, 54-55). As a result, it was not improper for the prosecutor to respond to this assertion by arguing that there was a six-month gap between the victim's shooting on April 23, 2006 and Appellant's arrest on October 21, 2006 and that it was not surprising that Appellant had not retained possession of the murder weapon.[3] The prosecutor suggested an explanation for why the police did not find a murder weapon in Appellant's home six months after the shooting

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[3] The prosecutor stated in her closing argument:

They say: "This doesn't mean anything, the target." And then they say no gun was found. If we didn't go in and search, what would they be saying then? We would find a target with bullet holes, bullet holes consistent with the same gun that killed Brian Woolfolk.

Would you not want that presented to you because it could fit other guns or is it significant, not a coincidence when witnesses say to you, Annette Bates, and Walter Williams says in his prior statement: "I saw this man holding a gun," and it shot the bullets that the ballistician told you were from a 38 and 357.

The day he is arrested we find a target with holes consistent with that same gun. Again, corroborative evidence. You decide how much weight to give to it, but corroborative evidence he used that gun.

No gun was found six months after the crime in defendant's house because the gun was destroyed or gotten rid of, but isn't this the kind of thing that you are likely to forget, that the defendant who is feeling guilty about what happened, conceal the evidence of his crime, he knows enough: "I got rid of the gun, rid of the bullets," but isn't it likely that this target, something like this is something he forgot to get rid of, never thinking he would be in this position that he was in Court and that would be gathered by police.

(N.T. 02/29/08 [date listed in error, from 10/19/08 hearing], 20:5-21:12).

and highlighted that the police did find a shooting range target with holes consistent with the same gun that shot the victim. The prosecutor's statements were proper.

Judging trial counsel's actions deferentially, because the prosecutor's closing remarks were in response to defense counsel's assertions in his closing argument, the Court finds that it was reasonable that trial counsel did not object to these statements. Furthermore, Appellant was not prejudiced by the prosecutor's closing statement because the Court instructed the jury that "the statements that will be made to you are not evidence." (N.T. 10/29/08, 36:22-23). Appellant failed to meet his burden under the *Strickland* test. Therefore, this claim is without merit.

CONCLUSION

In light of the foregoing, this Court's dismissal of Appellant's PCRA petition should be **AFFIRMED**.

BY THE COURT:

DATE: 11/4/14

GEORGE W. OVERTON J.

Commonwealth v. Darrell Mack
CP-51-CR-0002453-2007

PROOF OF SERVICE

I hereby certify that I am this day serving the foregoing Court Order upon the persons, and in the manner indicated below, which service satisfies the requirements of Pa.R.Crim.P. 114:

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11/4/16
Date

George W. Overton, J.