No. _____

IN THE SUPREME COURT OF THE UNITED STATES

BOBBY CHARLES PURCELL, Petitioner

vs.

STATE OF ARIZONA, Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE ARIZONA COURT OF APPEALS

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED FOR REVIEW

In *Miller v. Alabama*, this Court held that mandatory sentences of life without parole imposed on a juvenile homicide offender violate the Eighth Amendment. 132 S. Ct. 2455, 2469 (2012). In *Montgomery v. Louisiana*, this Court reiterated that if the judge has discretion to impose such a sentence under state law, the Eighth Amendment requires a sentencing judge to find that a crime reflects "permanent incorrigibility" or "irreparable corruption" before imposing that sentence. 136 S. Ct. 718, 734 (2016) (citing *Miller*, 132 S. Ct. at 2469).

Here, Mr. Purcell's life-without-parole sentence was not mandatory, because the state sought the death penalty and the judge found him eligible for that sentence under Arizona's former capital sentencing procedure, *see Walton v. Arizona*, 497 U.S. 639 (1990). When the court below reviewed Mr. Purcell's *Miller*-based challenge to his sentence, it upheld the sentence as satisfying the Eighth Amendment's requirements. In so doing, it relied on the reasons that the sentencing judge gave for not imposing a death sentence. At the time of its ruling, the court below did not have the benefit of this Court's decision in *Montgomery*.

This case thus presents the following two questions:

1. Is a sentencing judge's exercise of discretion not to impose a death sentence the functional equivalent of the findings required under *Montgomery* to impose a sentence of life without parole on a juvenile offender?

2. If not, should this Court vacate the decision of the Arizona Court of Appeals and remand for further consideration in light of *Montgomery*?

PARTIES TO THE PROCEEDING

The parties to the proceeding are listed on the cover of this petition.

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In *Montgomery v. Louisiana*, this Court clarified that, where a life-without-parole sentence is not mandatory for a juvenile homicide offender under state law, the Eighth Amendment forbids a judge from imposing that sentence without finding that the crime reflects "permanent incorrigibility" or "irreparable corruption." 136 S. Ct. 718, 734 (2016) (citing *Miller v. Alabama*, 132 S. Ct. 2455, 2469 (2012)). Because the Arizona state courts did not have the benefit of this Court's decision in *Montgomery* when they rejected his *Miller* claim, petitioner Bobby Purcell now asks this Court to grant his petition for certiorari, vacate the decision of the Arizona Court of Appeals, and remand his case to that court for further consideration in light of *Montgomery*.

DECISIONS BELOW

The opinions below are unreported. The memorandum decision of the Arizona Court of Appeals, which is the subject of this petition, is included in the appendix at A-1. The decisions of the Maricopa County Superior Court, which were the subject of review by the court below, are included at A-4 and A-7.

STATEMENT OF JURISDICTION

The Arizona Court of Appeals entered the order that is the subject of this petition on May 21, 2015. (A-1) The Arizona Supreme Court denied a timely filed petition for discretionary review (A-58) on January 5, 2016. (A-76) This petition is timely under Rule 13.1. This Court has jurisdiction under 28 U.S.C. § 1257(a).

PROVISIONS OF LAW INVOLVED

Eighth Amendment to the U.S. Constitution:

> Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

STATEMENT OF THE CASE

On June 18, 1998, the day before his 17th birthday, a grand jury in Maricopa County, Arizona, indicted Mr. Purcell on two counts of first-degree premeditated murder, in violation of Ariz. Rev. Stat. § 13-1105(A); nine counts of attempted premeditated first-degree murder, in violation of Ariz. Rev. Stat. §§ 13-1001 and -1105(A); one count of aggravated assault, in violation of Ariz. Rev. Stat. § 13-1204(A)(2); and one count of misconduct involving weapons, in violation of Ariz. Rev. Stat. § 13-3102. The alleged crimes occurred two weeks earlier.

The state sought the death penalty, which was a constitutionally authorized punishment at the time. *See Stanford v. Kentucky*, 492 U.S. 361 (1989). On June 21, 1999, a jury convicted Mr. Purcell of all 13 counts in the indictment. Under Arizona's capital sentencing procedure in effect at the time, *see Walton v. Arizona*, 497 U.S. 639 (1990), a judge sitting without a jury found that the state had proved one aggravating factor—that of multiple murders committed on the same occasion (A-78), *see* Ariz. Rev. Stat. § 13-703(F)(8) (1998)—and thus that Mr. Purcell was eligible for the death penalty.* The judge found one statutory mitigating factor, the

* The sentencing judge said that "by its guilty verdicts on counts 1 and 2, the jury has, in effect, found this aggravating circumstance beyond a reasonable doubt." (A-79) This is not a correct statement of Arizona law, for the multiple-murders

fact that Mr. Purcell was 16 years old at the time of the crime. (A-80) *See* Ariz. Rev. Stat. § 13-703(G)(5) (1998) (listing "[t]he defendant's age" as a mitigating factor in a death-penalty case). The judge also found two nonstatutory mitigating factors—lack of family support (A-81 to A-83); and the likelihood that Mr. Purcell would "do well in the structured environment of a prison and that he possesses the capacity to be meaningfully rehabilitated" (A-83). The judge added, "The defense has not proved by a preponderance of the evidence that defendant is likely to be rehabilitated." (A-83)

The judge chose not to impose the death penalty. At the time of the murders, the judge wrote, Mr. Purcell was "a dangerous and pitiless child, one devoid of empathy or compassion for others, made that way by parental rejection, abandonment and abuse. Defendant was a child who simply had no adult in his life who was willing or able to make Bobby Purcell's welfare a priority. By virtue of his

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aggravating factor "is only properly applicable when there is evidence that all the killings took place during a continuous course of criminal conduct," meaning "that there was a 'temporal, spatial, and motivational relationship between the capital homicide and the collateral'" homicide. *State v. Tucker*, 68 P.3d 110, 122 (Ariz. 2003) (quoting *State v. Rogovich*, 932 P.2d 794, 801 (Ariz. 1997); *State v. Lavers*, 814 P.2d 333, 350 (Ariz. 1991)) (internal quotation marks and alterations omitted). The sentencing judge observed that the "evidence at trial proved that [Mr. Purcell] pointed his shotgun at a group of teenagers who were standing in the front yard of a home on a residential street" and "fired one round of double-ought buckshot at the group," killing two of the teenagers. (A-79) In the wake of this Court's decision in *Ring v. Arizona* (*Ring II*), 536 U.S. 584 (2002), in which this Court required that aggravating factors that supported eligibility for a death sentence be submitted to a jury and proven beyond a reasonable doubt, the failure to submit the multiple-murders aggravating factor to a jury in Mr. Purcell's case likely was harmless error. *Cf. State v. Armstrong*, 93 P.3d 1076, 1079–80 (Ariz. 2004); *State v. Dann*, 79 P.3d 58, 60–61 (Ariz. 2003); *State v. Nordstrom*, 77 P.3d 40, 44–45 (Ariz. 2003); *State v. Prasertphong*, 76 P.3d 438, 442 (Ariz. 2003); *Tucker*, 68 P.3d at 122; *State v. Ring* (*Ring III*), 65 P.3d 915, 941–42 (Ariz. 2003).

upbringing, defendant had no one to turn to for help and by virtue of his age, he had no reason to know how troubled he was or how to deal with his enormous psychological problems. Virtually no sixteen year old could cope with such problems on his own." (A-84 to A-85) The judge concluded, "[B]ecause defendant committed two aggravated murders, because he is an extreme danger to the community, and because he has no real commitment to better himself, the most severe non-capital sentence available to this court will be imposed." (A-85) The judge imposed consecutive sentences of natural life on the first-degree-murder counts and concurrent sentences on the remaining counts, the longest of which was 15 years.

The Arizona Court of Appeals affirmed Mr. Purcell's sentence on direct review. *See State v. Purcell*, 18 P.3d 113 (Ariz. Ct. App. 2001). The Arizona Supreme Court denied discretionary review of that ruling on October 3, 2001. It does not appear that Mr. Purcell sought direct review in this Court. His convictions and sentences thus became final at the earliest on January 2, 2002, when the time for filing a petition for certiorari expired.

On June 20, 2013, Mr. Purcell filed two *pro se* notices of postconviction relief and a *pro se* petition for postconviction relief with the Maricopa County Superior Court. (A-9 to A-37) Among other claims, he asserted that his sentences were unconstitutional under *Miller v. Alabama*, 132 S. Ct. 2455 (2012). The court did not appoint counsel for Mr. Purcell. *Cf. State v. Valencia*, Nos. 2 CA-CR 2015-0151-PR, 2 CA-CR 2015-0182-PR, 2016 WL 1203414, at *1 ¶ 4 (Ariz. Ct. App. Mar. 28, 2016)

(noting that the court had previously vacated a summary dismissal of a *Miller* claim because the superior court had not appointed counsel for the petitioner).

On July 8, 2013, the superior court summarily rejected Mr. Purcell's *Miller* claim. It did so because a sentence of natural life was not mandatory under Arizona law and because "the age of the defendant was specifically cited during the sentencing as a mitigating factor that was sufficiently substantial to call for leniency." (A-5) On July 30, the court issued an order upon *sua sponte* reconsideration that assumed *arguendo* that *Miller* applied retroactively but repeated the previous reasons for rejecting Mr. Purcell's *Miller* claim. (A-7 to A-8) The superior court did not mention the possibility that the sentencing judge could have sentenced Mr. Purcell to death.

Mr. Purcell obtained leave to file an untimely *pro se* petition for review with the Arizona Court of Appeals (A-38) and did so on August 28, 2013. (A-39 to A-57) His petition for review raised his *Miller* claim, as well as a claim that a sentence of life without parole for a juvenile homicide offender categorically violated the Eighth Amendment. (A-40)

On May 21, 2015, the Arizona Court of Appeals rejected Mr. Purcell's *Miller* claim in a reasoned decision. The court assumed *arguendo* that *Miller* applied retroactively to Mr. Purcell's case. But it affirmed the superior court's denial of relief. Without mentioning the possibility that the sentencing judge could have imposed a death sentence, the court below said that, under Arizona law, Mr. Purcell's sentences of life without parole were not mandatory. (A-3) It then

concluded that the sentencing judge took into account "how children are different" and thereby complied with *Miller*:

> [I]n its determination of the appropriate sentences, the trial court found Purcell was a "child" at the time of the murders; that by virtue of his age, Purcell "had no reason to know how troubled he was or how to deal with his enormous psychological problems[,]" and "[v]irtually no sixteen year old could cope with such problems on his own." Finally, the court found Purcell's age and lack of family support were "sufficiently substantial [mitigating factors] to call for leniency." Therefore, the court took into account "how children are different" and Purcell's sentence to natural life complied with *Miller*. *See Miller*, 132 S. Ct. at 2469.
>
> (A-3)

The Arizona Court of Appeals declined to consider Mr. Purcell's alternate claim that his life-without-parole sentences were categorically barred under the Eighth Amendment because he did not present the claim to the superior court. (A-3)

On June 15, 2015, Mr. Purcell filed a timely *pro se* petition for discretionary review with the Arizona Supreme Court, in which he again pressed his *Miller* claim. (A-58 to A-75) On January 5, 2016, that court denied Mr. Purcell's petition without comment. (A-76)

REASONS FOR GRANTING REVIEW

The sentencing judge did not find that Mr. Purcell's crime reflects "permanent incorrigibility" or "irreparable corruption." This Court's intervening decision in *Montgomery* confirms that such a finding from a sentencing judge is a constitutional requirement under *Miller* for imposing a life-without-parole sentence on a juvenile. *See* 136 S. Ct. at 734. The court below nevertheless concluded that the sentencing judge complied with *Miller*'s constitutional requirements in imposing the

life-without-parole sentence in this case. Thus the *Montgomery* decision is an "intervening development" that the court below "did not fully consider." *Lawrence v. Chater*, 516 U.S. 163, 167 (1996) (per curiam). Moreover, in light of a recent published opinion from another panel of the Arizona Court of Appeals,* the decision below likely "rests upon a premise that the lower court would reject if given the opportunity for further consideration." *Id.* Directing the court below to reconsider its treatment of Mr. Purcell's *Miller* claim in light of *Montgomery* would give that court another opportunity to examine the record in light of this Court's recent decision, which issued three weeks *after* the Arizona Supreme Court denied discretionary review in his case. For these reasons, Mr. Purcell respectfully asks the Court to grant certiorari, vacate the decision of the Arizona Court of Appeals, and remand this case to that court for further consideration in light of *Montgomery*. *See Lawrence*, 516 U.S. at 171 (citing *Robinson v. Story*, 469 U.S. 1081 (1984)).

1. *Montgomery* has clarified that, under *Miller*, a sentencing judge may not impose a life-without-parole sentence on a juvenile offender without a finding of permanent incorrigibility or irreparable corruption.

In *Miller*, this Court held that imposing a sentence of life without parole on a juvenile homicide offender violated the Eighth Amendment. *See* 132 S. Ct. at 2469.

* Although the decision below and this published opinion come from different divisions of the Arizona Court of Appeals, that court by statute "operate[s] in three-judge panels or departments of a single court, regardless of the division in which the department is located." *State v. Patterson*, 218 P.3d 1031, 1034 (Ariz. Ct. App. 2009). There is no horizontal *stare decisis* within the court—a decision of one division does not bind the other, *see Martinez v. Cardwell*, 542 P.2d 1133, 1136 (Ariz. Ct. App. 1975), nor are later panels of the same division bound by an earlier decision of that panel, *see Neil B. McGinnis Equip. Co. v. Henson*, 406 P.2d 409, 412 (Ariz. Ct. App. 1965).

Such mandatory sentences prevent a sentencing judge from considering, as a matter of law, a juvenile's "chronological age and its hallmark features—among them, immaturity, impetuosity, and failure to appreciate risks and consequences." *Id.* at 2468. By disregarding these features, along with other factors such as a "brutal or dysfunctional" home environment, diminished capacity to navigate the criminal justice system and assist defense counsel, and the possibility of rehabilitation, *see id.*, a sentencing judge operating in a regime of mandatory sentencing runs too great a risk of imposing a constitutionally disproportionate sentence of life without parole, *see id.* at 2469. Mandatory life-without-parole sentencing schemes violate the Eighth Amendment, therefore, because they forbid sentencing judges from taking account of these mitigating circumstances in all circumstances. *See id.*

While in *Miller* this Court did not forbid a sentencing judge from imposing a life-without-parole sentence on a juvenile homicide offender, it did say that "appropriate occasions for sentencing juveniles to this harshest possible penalty will be uncommon." *Id.* Where, as here, sentencing judges have discretion to choose a sentence that carries the possibility of parole, the judge must "take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison." *Id.* Although the cases in *Miller* both involved a mandatory sentencing scheme, the Court's reasoning for holding those sentences unconstitutional suggests that the Court in *Miller* wanted to impose an express constitutional requirement that a sentencing judge consider those factors on

the record before imposing a sentence of life without parole on a juvenile convicted of a homicide crime.

Three and a half years later, in *Montgomery*, this Court made explicit the suggestion it advanced in *Miller*. After holding that state courts were required to give retroactive effect to *Miller*, *see* 136 S. Ct. at 729, the Court in *Montgomery* said that *Miller* meant that "[e]ven if a court considers a child's age before sentencing him or her to a lifetime in prison, that sentence still violates the Eighth Amendment for a child whose crime reflects '"unfortunate yet transient immaturity."' 136 S. Ct. at 734. In *Montgomery* this Court reaffirmed that children's generally "diminished culpability and greater prospects for reform" will require sentences that carry the possibility of parole in all but the rarest of cases. *Id.* at 733–34. Thus, according to *Montgomery*, the Court's decision in "*Miller* did bar life without parole… for all but the rarest of juvenile offenders, those whose crimes reflect permanent incorrigibility." *Id.* at 734.

2. The court below treated the sentencing judge's decision not to impose a death sentence as the functional equivalent of the required finding under *Montgomery* when there was no legal basis to do so.

Notwithstanding the rationale of *Miller*, the court below rejected Mr. Purcell's challenge to his sentence. In so doing, that court turned the principles underlying *Miller*'s constitutional holding upside down, in two interrelated ways.

First, the court below lost sight of the fact that one of the sentences that the judge could have imposed was the *death penalty*. Because the judge had found a statutory aggravating factor, making Mr. Purcell eligible for such a sentence, *see*

State v. Ring (*Ring I*), 25 P.3d 1139, 1151 (Ariz. 2001), *aff'd on this point*, 536 U.S. 584 (2002), the judge was required to impose a death sentence unless he found "mitigating circumstances sufficiently substantial to call for leniency," Ariz. Rev. Stat. § 13-703(E) (1998). At the time Mr. Purcell was sentenced, Arizona law was clear that the fact that he was under the age of 18 at the time of the crime was not, by itself, a mitigating factor that was sufficiently substantial to call for leniency. *See State v. Jackson*, 918 P.2d 1038, 1048 (Ariz. 1996) (citing *State v. Bolton*, 896 P.2d 830, 854 (Ariz. 1995); *State v. Gillies*, 662 P.2d 1007, 1020 (Ariz. 1983)). Nor was a defendant's juvenile status coupled with a history of emotional and physical abuse a legal reason for imposing a sentence other than death, if the crime "does not show juvenile impulsivity." *Id.* at 1049. Only if other mitigating evidence was a "major contributing cause of" the crime did Arizona law permit the defendant's juvenile status to support a sentence other than death. *State v. Jimenez*, 799 P.2d 785, 800 (Ariz. 1990) (citing *State v. Brookover*, 601 P.2d 1322 (Ariz. 1979)).

Subsequent legal developments have undermined much of the legal basis in Arizona law for not treating a defendant's juvenile status, standing alone, as a reason not to impose the death penalty. This Court has imposed a categorical ban on executing juvenile offenders. *See Roper v. Simmons*, 543 U.S. 551 (2005). And this Court has explained that mitigating evidence need not show a causal connection to the criminal activity before it can be considered as a basis for a sentence other than death. *See Smith v. Texas*, 543 U.S. 37 (2004) (per curiam); *Tennard v. Dretke*, 542 U.S. 274 (2004). So when the court below relied on the fact

that the sentencing judge had "found Purcell's age and lack of family support [to be] sufficiently substantial to call for leniency" as a reason for finding that his sentence also complied with the requirements of *Miller* (A-3), it was treating the pre-*Simmons* exercise of discretion not to impose a death sentence as the functional equivalent of the post-*Miller* discretion to impose life without parole. But now that this Court's subsequent decisions have taken the thumb off of death's side of the scale, these markedly different discretionary choices simply cannot be fungible.

Second, in the face of evidence that this Court has consistently treated as counseling in favor of imposing a sentence *other than* the available maximum, the court below conspicuously failed to explain how the record demonstrated that Mr. Purcell's crime reflected "permanent incorrigibility" or "irreparable corruption." *Montgomery*, 136 S. Ct. at 734. The sentencing judge treated Mr. Purcell's age at the time of the crime as a statutory mitigating factor. (A-80) And he treated what he called Mr. Purcell's "lack of family support" as a nonstatutory mitigating factor. (A-81) Under this broad heading, the sentencing judge considered the circumstances of Mr. Purcell's childhood—how he never knew his natural father, how his methamphetamine-addicted mother treated him as "nothing more than an after-thought and a hindrance," how his maternal grandmother (who looked after him when his mother was not around) failed to discipline him, and how (in the opinion of a testifying expert) these aspects of his childhood left him "unable to emote normally" and "filled with self-hatred" and an abiding lack of self-worth. (A-81 to A-82) This Court has consistently regarded this kind of evidence as mitigating, in the

sense that it supports a sentence *other than* the available maximum. *See Rompilla v. Beard*, 545 U.S. 374, 391–92 (2005); *Eddings v. Oklahoma*, 455 U.S. 102, 116 (1982). Yet the court below treated all this evidence as a reason for *affirming* the life-without-parole sentence in this case, rather than a reason for setting that sentence aside.

In light of this Court's focus in *Miller* and *Montgomery* on how most juveniles should not be sentenced to life without parole, the conclusion of the court below that the sentencing judge took into account "how children are different" (A-3) defies explanation. The circumstances of Mr. Purcell's childhood made him "more vulnerable… to negative influences and outside pressures, including from [his] family and peers," and gave him "limited control over [his] own environment." *Miller*, 132 S. Ct. at 2464 (quoting *Roper v. Simmons*, 543 U.S. 551, 569 (2005)). Under this Court's traditional conception of mitigating evidence, the evidence on which the sentencing judge relied here should have led the court below to grant relief. "Their own vulnerability and comparative lack of control over their immediate surroundings mean juveniles have a greater claim than adults to be forgiven for failing to escape negative influences in their whole environment." *Simmons*, 543 U.S. at 570 (citing *Stanford v. Kentucky*, 492 U.S. 361, 395 (1989) (Brennan, J., dissenting)). Yet the court below utterly disregarded the mitigating value of this evidence, effectively treating the sentencing judge's decision not to impose the death penalty as a reason for upholding the life-without-parole sentence that Mr. Purcell ultimately received. Conflating these discretionary sentencing

decisions in this way was constitutional error, as this Court has recently clarified in *Montgomery*.

3. The lower courts, including the Arizona Court of Appeals, have already begun to treat *Montgomery* as a definitive expression of the constitutional requirements for a life-without-parole sentence where state law does not make such a sentence mandatory.

In the two scant months that have passed since *Montgomery* was decided, the lower state and federal courts have begun to view *Montgomery* as requiring a finding of permanent incorrigibility or irreparable corruption in order to comply with *Miller*'s constitutional holding. The Georgia Supreme Court has viewed *Montgomery* as requiring a "specific determination that [a juvenile homicide offender] is *irreparably corrupt*" before imposing a sentence of life without parole. *Veal v. State*, No. S15A1721, 2016 WL 1085360, at *9 (Ga. Mar. 21, 2016). And when *Montgomery* implicitly overruled the Colorado Supreme Court's conclusion that *Miller* did not apply retroactively, the Colorado Court of Appeals ruled that *Miller* required an individualized determination, based on evidence specific to a particular defendant, regarding whether life without parole was an appropriate sentence. *See People v. Wilder*, No. 12CA0066, 2016 WL 736122, at *2 ¶ 12 (Colo. Ct. App. Feb. 25, 2016).

Relying on *Montgomery*, the lower courts have begun to scrutinize the record to see if the sentencing judge made the required finding before imposing a life-without-parole sentence, and granting postconviction relief in cases where the record is silent on this point. The Illinois Appellate Court has instructed that postconviction courts entertaining *Miller* claims must grant relief if the "record

affirmatively shows that the trial court failed to comprehend and apply" the *Miller* factors "in imposing a discretionary sentence of natural life without the possibility of parole" on a juvenile homicide offender. *People v. Nieto*, No. 1-12-1604, 2016 WL 1165717, at *9 ¶ 49 (Ill. App. Ct. Mar. 23, 2016). The United States Court of Appeals for the Seventh Circuit has also so held. *See McKinley v. Butler*, 809 F.3d 908, 910–11 (7th Cir. 2016). And just one week ago, in light of *Montgomery*, another panel of the Arizona Court of Appeals granted postconviction relief to two Arizona state prisoners seeking relief under *Miller* because their respective sentencing judges had not found that the crimes reflected "permanent incorrigibility." *State v. Valencia*, Nos. 2 CA-CR 2015-0151-PR, 2 CA-CR 2015-0182-PR, 2016 WL 1203414, at *4 ¶ 16 (Ariz. Ct. App. Mar. 28, 2016) (citing *Montgomery*, 136 S. Ct. at 734–35; *State v. Steelman*, 585 P.2d 1213, 1232 (Ariz. 1978)).

Finally, both *Miller* and *Montgomery* emphasized that "appropriate occasions for sentencing juveniles to this harshest possible penalty" of life without parole "will be uncommon." *Montgomery*, 136 S. Ct. at 733–34 (quoting *Miller*, 132 S. Ct. at 2469). But in Arizona, as an empirical matter, sentences of life without parole imposed on juvenile homicide offenders do not appear to be uncommon. After studying information provided to it by the Arizona Department of Corrections, the Arizona Justice Project observed that 71 juveniles have been sentenced for first-degree murder committed after January 1, 1994. Of these cases, 33 of them—over 45%—received sentences of life without parole. Such sentences are thus hardly uncommon in Arizona.

CONCLUSION

The petition for writ of certiorari should be granted, the decision of the Arizona Court of Appeals should be vacated, and this case should be remanded for further proceedings in light of *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016).

Respectfully submitted: April 4, 2016.

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