

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

-v-

KEVIN DESHAWN SYKES,

Defendant.

Case No. 02-003223-01-FC  
Hon. Patricia Perez Fresard

**OPINION AND ORDER**

At a session of said Court,  
held in the City of Detroit,  
County of Wayne, State of Michigan  
on 04/07/2026  
PRESENT: Hon. Patricia Perez Fresard  
Circuit Court Judge

Pending before the Court is Defendant’s amended motion for a new trial or, in the alternative, his successive motion for relief from judgment. For the reasons described herein, the Court will deny the motion.

**Background**

Defendant was convicted by a jury of two counts of assault with intent to commit murder, MCL 750.83, felon in possession of a firearm, MCL 750.224f, and possession of a firearm during the commission of a felony, MCL 750.227b. He was sentenced as a habitual offender, second offense, MCL 769.10, to concurrent prison terms of thirty-nine to seventy years for each of the assault convictions and two to seven years for the felon in possession of a firearm conviction, and to a consecutive two-year term for the felony-firearm conviction.

The factual background out of which his convictions arose was accurately described in an opinion and order denying Defendant's petition for habeas corpus, *Sykes v Wolfenbarger*, ED Mich Docket No. 2:06-CV-12146 (Sept. 30, 2009), *aff'd*, 448 F. App'x 563 (6th Cir. 2011):

Petitioner's conviction arose from the shooting and wounding of a police officer who was responding to a police run at Page's Palace, a bar located in the City of Detroit. At approximately 1:45 a.m., after hearing a radio dispatch about a man with a gun at Page's Palace, Lieutenant Vicki Yost responded in plain clothes in a semi-marked vehicle. Upon arriving on the scene, she saw that Officer Frank Senter and Officer Collier were already on the scene outside of their vehicle with their weapons drawn. Lieutenant Yost exited her vehicle, noticed a man with an assault rifle down his pant leg, announced her presence, and shouted for him to drop the weapon. The man proceeded to raise the assault rifle and fired off several shots, one of which hit Lieutenant Yost in her right leg. She was subsequently rushed to Detroit Receiving Hospital and treated for her injury. The man, later identified in a photo array line-up as Petitioner, fled the scene.

Petitioner's defense was one of misidentification. He presented evidence to show the jury that he was not the shooter. Despite this defense, the jury found Petitioner guilty of the above referenced offenses. As part of Petitioner's appeal of right, he filed a motion with the Michigan Court of Appeals for an evidentiary hearing regarding the ineffectiveness of his trial attorney. Petitioner claimed that his attorney failed to present an alibi defense. It was Petitioner's defense that he was with his friend, Dawnetha Washington (i.e., "Nickie") in Clarksburg, West Virginia at the time of the shooting. The Michigan Court of Appeals granted Petitioner's motion, and the issue was remanded for an evidentiary hearing before the trial court. At the conclusion of the hearing, the trial court found that Petitioner's trial attorney acted reasonably in his efforts to locate and produce Ms. Washington. Therefore, Petitioner's motion for a new trial based on the ineffectiveness of his trial attorney was denied.

Defendant filed a direct appeal with the Michigan Court of Appeals. On appeal, he raised the following claims: (1) Was Defendant denied a fundamentally fair trial by the prosecutor's misconduct; (2) Was Defendant deprived of his right to effective assistance of counsel when his trial attorney failed to (a) investigate and produce an alibi witness, (b) seek suppression of a suggestive out-of-court identification procedure, (c) object to an erroneous and prejudicial jury instruction, (d) object to prosecutorial misconduct, and (e) object to the inaccurate scoring of the guidelines, resulting in a sentence outside the appropriate guideline range; (3) Was Defendant

denied a fair trial and his right of confrontation when the officer in charge was allowed to testify through hearsay that other suspects had been eliminated, which also constituted an impermissible opinion regarding the defendant's guilt; (4) Was Defendant denied a fair trial when the jury was instructed that an element of the charge of felon in possession was that he had been convicted of felonious assault, when the parties had previously stipulated to Defendant's prior felony conviction; (5) Was Defendant denied due process and a fair trial when the trial court gave a coercive and erroneous felony firearm instruction; (6) Was Defendant deprived of a fair and impartial jury when the trial court refused to excuse a juror who had expressed concern for her safety when a person, allegedly connected to the Defendant, approached and spoke to another juror outside the court room; (7) Was Defendant denied due process of law at his sentencing when his sentencing was based on the inaccurate scoring of two offense variables resulting in a sentence imposed outside the appropriate guideline range; and (8) Did the cumulative effect of the errors deprive Defendant of a fair trial under the state and federal Constitutions.

The Michigan Court of Appeals affirmed Defendant's convictions. *People v Sykes*, unpublished *per curiam* opinion of the Michigan Court of Appeals, Docket No. 245256 (Sept.21, 2004). Petitioner filed an application for leave to appeal in the Michigan Supreme Court, which was denied. *People v Sykes*, 472 Mich. 917; 696 NW2d 721 (2005) (table). In 2009, Defendant filed a petition for habeas relief, which was denied. *Sykes v Wolfenbarger*, ED Mich Docket No. 2:06-CV-12146 (Sept. 30, 2009), *aff'd*, 448 F. App'x 563 (6th Cir. 2011). Thereafter, in 2016, Defendant filed a motion for relief from judgment, citing newly discovered evidence in the form of an affidavit from Masada King, who confessed to the crime in his affidavit, and an affidavit from Felicia Dyer, who attested that she identified King as the man with the gun at Page's Palace, and lied during her trial testimony when she stated that she could not identify that person. The

Court denied the motion for relief from judgment, and its ruling was affirmed on appeal. *People v Sykes*, 503 Mich 945; 922 NW2d 342 (2019) (Mem).

In the successive motion for relief from judgment pending before the Court, Defendant argues that he is entitled to relief from judgment based on newly discovered evidence. More specifically, Defendant argues that he has discovered evidence of a Brady violation. In addition, Defendant cites newly discovered affidavits of various individuals, and argues that these affidavits support his theory of misidentification. Defendant contends that he is actually innocent. Citing *Lafler v Cooper*, 566 U.S. 156, 171, 132 S.Ct. 1376, 182 L. Ed. 2d 398 (2012), he also argues that he is entitled to resentencing because he refused a plea offer on the bad advice of trial counsel. Defendant also raises arguments regarding the scoring of offense variables and the constitutionality of sentencing guidelines in the wake of *People v Posey*. For the reasons described below, the Court disagrees that relief from judgment is warranted in this case.

#### **Standard of Review**

MCR 6.502(G) states in pertinent part: "...that regardless of whether a defendant has previously filed a motion for relief from judgment, after August 1, 1995, one and only one motion for relief from judgment may be filed with regard to a conviction." The only exception to this rule is under subrule (G)(2), which states that "a defendant may file a second or subsequent motion based on a retroactive change in the law that occurred after the first motion for relief from judgment or a claim of new evidence that was not discovered before the first motion." MCR 6.502(G)(2). The court shall refer a successive motion to the judge to whom the case is assigned for a determination of whether the motion is within one of the exceptions. MCR 6.502 (G)(2)(c).

MCR 6.502(G)(2) refers only to "a claim of new evidence that was not discovered before the first such motion." *People v Swain*, 499 Mich 920; 878 NW2d 476 (2016). As such, Defendant

need only show that the evidence was not discovered before the filing of his first motion for relief from judgment. *See People v Swain*, 499 Mich 920; 878 NW2d 476 (2016) (“*Cress* does not apply to the procedural threshold of MCR 6.502(G)(2)”). After a trial court has determined that the successive motion falls within one of the two exceptions contained in MCR 6.502(G)(2), the “good cause” and “actual prejudice” requirements of MCR 6.508(D)(3) become relevant. *People v Swain*, 288 Mich App 609, 628; 794 NW2d 92 (2010). As a result, defendant has to establish “actual prejudice,” which requires a showing that “but for the alleged error, the defendant would have had a reasonably likely chance of acquittal.” MCR 6.508(D)(3)(b)(i).

In the present case, defendant’s motion for relief from judgment is based, at least in part, on newly discovered evidence. Therefore, it falls within one of the exceptions set forth in MCR 6.502(G)(2), and the Court must analyze whether the “good cause” and “actual prejudice” requirements of MCR 6.508(D)(3) have been met.

## **Discussion**

### **I. Allegation of *Brady* Violation**

Defendant alleges that a police report by Officer Wendy Collier was suppressed, in violation of *Brady v Maryland*, 373 US 83; 83 S Ct 1194 (1963). Defendant characterizes Officer Collier’s statement as giving “a different account of the incident in stark contrast to her partner, Officer Senter, who identified Mr. Sykes as the culprit.” In her statement, Officer Collier describes arriving at the scene and then taking cover as shots were fired. She stated that in the process of taking cover, she broke her fourth finger on her right hand, and that her partner took her to the hospital for treatment.

A *Brady* violation warrants a new trial when the prosecution suppresses evidence that is favorable to the defense and material to guilt or punishment, regardless of whether substantial

credible evidence remains to support the conviction. The materiality standard requires showing a “reasonable probability” that disclosure would have produced a different result, meaning the suppressed evidence must “undermine confidence in the outcome.” *People v Christian*, 510 Mich. 52; 987 NW2d 29 (2022); *People v Chenault*, 495 Mich. 142; 845 NW2d 731 (2014). To prevail on an alleged *Brady* violation, a defendant must demonstrate (1) suppression by the prosecution, (2) the evidence’s favorability, and (3) materiality. *Chenault, supra* at 150.

The materiality analysis represents the most critical and complex aspect of *Brady* jurisprudence. To establish materiality, a defendant must show “there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different.” *Id.*; *U.S. v. Bagley*, 473 U.S. 667 (1985). However, the Supreme Court has clarified that this standard means “a probability sufficient to undermine confidence in the outcome,” not that the defendant must demonstrate that “the evidence if disclosed probably would have resulted in acquittal.” The question courts must answer is “whether in its absence he received a fair trial, understood as a trial resulting in a verdict worthy of confidence.” *Kyles v Whitley*, 514 U.S. 419 (1995).

In the present case, Defendant’s claim that Officer Collier’s report was suppressed appears to be based on speculation. Nevertheless, even assuming her report was suppressed, it is neither favorable to Defendant nor material. Defendant argues that Officer Collier’s report contradicted Officer Senter’s testimony at trial. However, Collier’s report and Senter’s testimony were not inconsistent. While Collier described breaking her finger, and being taken for treatment by Senter, her report did not offer any timeframe for when Senter took her to the hospital. At trial, Senter’s testimony addressed lending aid to Lt. Yost and then seeing Defendant at a BP gas station while driving, about 15 minutes after the shooting. Defendant’s argument that Collier’s report impeaches

Officer Senter's testimony or undermines his credibility has no basis in fact. Defendant has failed to demonstrate a *Brady* violation that warrants relief from judgment.

Defendant attempts to undermine Senter's credibility by presenting evidence that in 2011, Senter entered a plea of guilty with respect to uttering and publishing, forgery, and false pretenses. In addition, Defendant cites the affidavit of Sarah E. Hunter, an attorney who represented a different defendant in an unrelated case, in support of the allegation that the DPD creates a "miscellaneous file" in each case as a means of withholding evidence. However, Senter's conviction several years after Defendant's trial, and Ms. Hunter's statements regarding her experience in a completely unrelated matter, have no connection to the motion at issue.

## **II. Newly Discovered Evidence**

Defendant contends that newly discovered evidence in the form of an affidavit from Richard Davis casts doubt on the prosecution's version of events leading to the shooting and bolsters Masada King's confession.

Michigan's Supreme Court has determined for a new trial to be granted on the basis of newly discovered evidence, a defendant must show that: (1) "the evidence itself, not merely its materiality, was newly discovered;" (2) "the newly discovered evidence was not cumulative;" (3) "the party could not, using reasonable diligence, have discovered and produced the evidence at trial;" and (4) the new evidence makes a different result probable on retrial. *People v Cress*, 468 Mich 678; 664 NW2d 174 (2003). In *People v Johnson*, 502 Mich 541; 918 NW2d 676 (2018), the Michigan Supreme Court clarified the appropriate standard for consideration of newly discovered evidence. The *Johnson* Court instructed trial courts to use the proper perspective when making credibility rulings if the testimony was not, on its face, inconceivable. Specifically, the Court said that "if a witness is not patently incredible, a trial court's credibility determination must bear in

mind what a reasonable juror might make of the testimony, and not what the trial court itself might decide, were it the ultimate factfinder.” *Id* at 566-67.

In his affidavit, Mr. Davis states that he saw Mr. King at Page’s Palace, and that shots erupted shortly after Mr. King left. While Defendant contends that this corroborates Mr. King’s affidavit, it does not make a different result likely on retrial, given the identification of Defendant as the shooter. Therefore, even assuming a reasonable juror found Mr. Davis’ affidavit credible, given that he was not a witness to the incident, his affidavit is unlikely to make a different result probable on retrial.

Regarding the affidavit of Masada King, who claims to be the perpetrator of the crime, Defendant acknowledges that King’s affidavit is not newly discovered evidence, and was presented with a previous motion for relief from judgment. Defendant argues that although that previous motion for relief from judgment was denied, it was denied in error, because the Court relied on its own credibility determination regarding King’s affidavit. In fact, in its June 17, 2016, opinion, the Court specifically found that “the affidavits do not make a different result probable on retrial,” given “the inherently suspect nature of the affidavits, together with *the failure of the facts in the affidavits to address key facts at issue in the case...*” (emphasis added). Regardless, even assuming the Court judged the credibility of King’s affidavit in its previous opinion, no reasonable juror would find King’s affidavit credible, because it only includes descriptions that could be gleaned from the case file and evidence presented at trial. For example, King claims that he was approached by a woman at the bar, and describes ducking behind the door while pumping gas (something Defendant now suggests Senter lied about). In sum, the Court concludes that the affidavits of Richard Davis and Masada King would not make a different result probable on retrial.

### III. Purported Impeachment Evidence

Defendant argues that he is entitled to a new trial based on newly discovered impeachment evidence, namely, the affidavits of Teddy Davis, Tyrone Deshawn Moore, Tyrone Michel Moore, Lashawn Vines, and Officer Senter's convictions for crimes involving dishonesty.

Impeachment evidence may be grounds for a new trial if it satisfies the four-part test set forth in *People v Cress, supra*. A material, exculpatory connection must exist between the newly discovered evidence and significantly important evidence presented at trial. It may be of a general character and need not contradict specific testimony at trial. Also, the evidence must make a different result probable on retrial. *People v Grissom*, 492 Mich 296, 299–300; 821 NW2d 50, 52 (2012).

Here, the affidavit of Teddy Davis does not make a different result probable on retrial, given that it consists of inadmissible hearsay and speculation. In his affidavit, Mr. Davis speculates that he “cannot imagine that Kevin Sykes would have been hanging out at Adonis Davis’s house on the night of the Page’s Palace shooting,” given that Adonis had told Mr. Davis numerous times that he hated Kevin Sykes. He further states that Adonis told him he never actually witnessed the shooting. Because Mr. Davis’ affidavit is speculation and hearsay, it would not make a different result probable on retrial.

With respect to Tyrone Deshawn Moore and Tyrone Michel Moore, Defendant has not clearly articulated how their affidavits would make a different result on retrial, even taken together with Defendant’s other newly discovered evidence. Tyrone Deshawn Moore states that he was at Page’s Place in December, 2001, but never heard or saw any shooting. He recalls being questioned by police about the shooting at Page’s Place in January, 2002, but denies that he gave or signed any statement. He suggests that perhaps the police forged his signature on a statement, which was

signed “Tyrone Moore.” However, his affidavit does not describe the purported statement to the police, and he acknowledges that he never testified at Defendant’s trial. In light of the foregoing, Defendant has failed to demonstrate a material, exculpatory connection between Tyrone Deshawn Moore’s affidavit and significantly important evidence presented at trial.

Additionally, Tyrone Deshawn Moore merely speculates that his signature was forged; because the statement was signed “Tyrone Moore,” it is possible that another person named Tyrone Moore gave a statement. Defendant has provided the affidavit of another “Tyrone Moore,” Tyrone Michel Moore, who denies all knowledge of the event, but it is possible that a Tyrone Moore other than Tyrone Michel Moore or Tyrone Deshawn Moore gave a statement. Regardless, because Defendant has failed to demonstrate a material, exculpatory connection between significantly important evidence presented at trial and the affidavits of Tyrone Deshawn Moore and Tyrone Michel Moore, or show that the affidavits would make a different result probable on retrial, Defendant’s aforementioned newly discovered evidence does not warrant relief from judgment.

Turning to the affidavit of Lashawn Vines, in her affidavit, Ms. Vines asserts that she and Defendant were in a relationship and lived together with her three children in West Virginia in 2001. Ms. Vines states that she and Defendant spent her birthday together in West Virginia on December 22, 2001, and he was in West Virginia up until the time he got arrested in early 2002. Ms. Vines states that she did not testify on Defendant’s behalf about his whereabouts because Child Protective Services threatened to take her children away from her if she continued to encounter Defendant or the criminal proceedings. Notably, Defendant acknowledges that Ms. Vines’ affidavit does not meet the definition of newly discovered evidence. He argues that it should nevertheless be considered “holistically” with other evidence. But even taking Ms. Vines’ affidavit into account does not establish that Defendant is entitled to relief from judgment. Ms. Vines’

affidavit would not make a different result probable on re-trial, given that Defendant's defense at trial was not that he was with Ms. Vines, but was instead that he was with his friend, Dawnetha Washington, at the time of the shooting.

#### **IV. Actual Innocence**

Defendant argues that he is entitled to relief based on actual innocence. For all of the reasons described in this opinion, Defendant has not demonstrated that it is more likely than not that no reasonable juror would have found him guilty. Eyewitnesses identified Defendant as the shooter. Defendants' newly discovered evidence would not make a different result probable on retrial. In sum, the Court is not convinced that there is a significant possibility that Defendant is innocent of the crime.

#### **V. Request for Relief Under MCL 770.1**

Defendant claims that he is actually innocent, and argues that relief is available to him under MCL 770.1. More specifically, Defendant argues that justice was not done because appellate counsel rendered ineffective assistance for failing to investigate and discover the newly discovered impeachment evidence on direct appeal. As previously described herein, Defendant has failed to establish that he is entitled to relief from judgment on the basis of newly discovered evidence. appellate counsel did not fall below the standard of *Strickland v Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984), by failing to claim that trial counsel was ineffective. An attorney does not render ineffective assistance by failing to raise meritless claims. *People v Reed*, 449 Mich 375, 402; 535 NW2d 496, 509 (1995). For the same reasons, Defendant has failed to show that an evidentiary hearing is warranted.

## VI. Arguments Regarding Plea Offer

Defendant argues that he is entitled to avail himself of a plea offer to a reduced charge he allegedly declined on the legally erroneous advice of his trial counsel.

A defendant seeking relief from judgment based on ineffective assistance of counsel related to bad advice on plea offers must satisfy the *Strickland* standard as adopted by Michigan courts. *People v Pickens*, 446 Mich 298; 521 NW2d 797 (1994). To establish ineffective assistance, a defendant must prove two elements: (1) that counsel's performance fell below an objective standard of reasonableness, and (2) actual prejudice from the deficient performance. *People v White*, 331 Mich App 144; 951 NW2d 106 (2020). For plea-related claims specifically, Michigan has adopted the four-part prejudice test from *Lafler v Cooper*, 566 U.S. 156, 171, 132 S.Ct. 1376, 182 L. Ed. 2d 398 (2012), requiring defendants to show they would have accepted the plea offer, the prosecution would not have withdrawn it, the trial court would have accepted it, and the resulting conviction or sentence would have been less severe than what was actually imposed. *People v Walker*, 328 Mich App 429; 938 NW2d 31 (2019).

With respect to defense counsel providing plea advice, counsel must properly advise defendants regarding “the nature of the charges or the consequences of the guilty plea” and the “possible defenses to the charges to which the defendant is pleading guilty,” enabling defendants to have “the ability to make an intelligent and informed choice from among his alternative courses of action.” *People v White*, 331 Mich App 144; 951 NW2d 106 (2020). However, several categories of conduct do not constitute deficient performance under Michigan law. Significantly, Michigan courts have held that “it is per se not ineffective for counsel to refrain from seeking to admit perjured testimony; indeed, counsel is obligated to prevent a client from committing perjury of which counsel is aware.” *Id.* Thus, when a defendant maintains their innocence, counsel may

properly advise against accepting plea agreements that would require a defendant to admit guilt to crimes they claim they did not commit.

The prejudice analysis in plea-related ineffective assistance cases requires a fact-specific inquiry into what would have occurred with competent advice. Courts examine whether defendants have established “a reasonable probability that the plea offer would have been presented to the court (i.e., that the defendant would have accepted the plea and the prosecution would not have withdrawn it in light of intervening circumstances)” along with the other *Lafler* requirements. *See People v White*, 331 Mich App 144; 951 NW2d 106 (2020). Courts consider defendants’ statements and conduct throughout the proceedings to assess whether they would have accepted plea offers. In *People v White*, the court found no prejudice where the defendant “was disinclined to plead guilty to a felony he maintained he did not commit when such a plea would result in serving a prison sentence.” The court reasoned that defendants who consistently maintain innocence may not have accepted plea agreements requiring admissions of guilt. *Id.* The trial court's likely response to proposed plea agreements also factors into the prejudice analysis. Michigan courts must consider whether “the trial court could have established, to its satisfaction, a factual basis for a guilty plea” under MCR 6.302(D)(1).

In the present case, even assuming a plea offer was provided, as alleged by Defendant, and trial counsel advised Defendant against accepting it, Defendant has failed to establish that trial counsel was deficient, where Defendant alleged innocence. Trial counsel could not advise Defendant to perjure himself, and the trial judge would not have accepted the plea agreement due to insufficient factual basis. In light of the foregoing, Defendant is not entitled to relief from judgment on the basis of advice trial counsel gave regarding a plea offer.

## VII. Scoring of Offense Variables

Defendant argues that he is entitled to resentencing because “several offense variables were incorrectly scored,” resulting in inflated sentencing guidelines. As described below, this argument lacks merit.

Defendant notes that the Court of Appeals acknowledged that OV19 was improperly scored, but declined to grant resentencing because the guidelines range was unaffected. Defendant contends that information obtained through a FOIA request shows that OV2 was also inaccurately scored, because the firearms report in the case establishes that a short-barreled gun or rifle was not used in the commission of the crime. Upon review, the Court agrees that OV2 was scored incorrectly, because there is no evidence a short-barreled firearm was used. However, scoring OV2 correctly has no effect on the sentencing guidelines range.

Defendant argues that OV6 was a judicially found fact, because the issue of premeditation was never submitted to the jury. Defendant previously raised this argument in his appeal of right, and it was rejected. The Court of Appeals stated:

Thus, we reject defendant's claim that a score based on a finding of premeditation is inconsistent with the jury's verdict. Further, in light of the evidence indicating that, after the police announced their presence, defendant lifted his rifle, aimed, and fired several times, we agree that the evidence supports the trial court's conclusion that defendant acted with premeditation. Therefore, the trial court did not err in scoring fifty points for OV 6.

With respect to Defendant's argument that PRV 3 was inaccurately scored because he only had one adjudication, Defendant is mistaken. Defendant had two juvenile adjudications – one for armed robbery, and one for assault with intent to do great bodily harm less than murder. Therefore, PRV 3 was correctly scored.

**VIII. Constitutionality of Sentencing Guidelines**

Defendant acknowledges that he previously asserted on direct appeal that his sentence was invalid because of guideline scoring errors, but that the Court of Appeals rejected his arguments because the guidelines range was unaffected. Defendant maintains that he is entitled to a resentencing pursuant to the Michigan Supreme Court’s decision in *People v Posey*, 512 Mich 317; 1 NW3d 101 (2023), in which the Court held that within-guidelines sentences are subject to review for reasonableness on appeal. However, *Posey* does not support Defendant’s argument that the Court should revisit the Court of Appeals’ 2004 decision in his case. This is not an appeal, but is instead a successive motion for relief from judgment.

**Conclusion**

For all of the reasons stated herein, Defendant has failed to demonstrate that he is entitled to a new trial under MCL 770. 1. For the same reasons, Defendant has also failed to establish that he is entitled to relief from judgment or an evidentiary hearing, as Defendant has failed to establish good cause and prejudice as required under MCR 6.508. Accordingly, IT IS HEREBY ORDERED that Defendant’s motion for relief from judgment or a new trial is DENIED.

04/07/2026 *Patricia Perez Fresard*  
Hon. Patricia Perez Fresard  
Circuit Court Judge

**PROOF OF SERVICE**

*I certify that a copy of the above instrument was served upon the attorneys of record and/or self-represented parties in the above case by mailing it to the attorneys and/or parties at the business address as disclosed by the pleadings of record, with prepaid postage on \_\_\_\_\_.*

Name \_\_\_\_\_