



STATE OF ALABAMA
ADMINISTRATIVE OFFICE OF COURTS
817 South Court Street
Montgomery, Alabama 36130

ALABAMA COURT NEWS

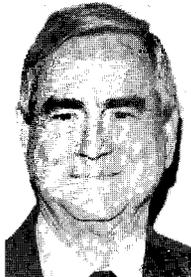
Newsletter of the Alabama Judicial System

May, 1986

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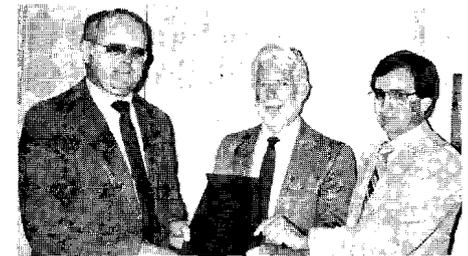
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Judge Roden with (l) Judge Gilliland and (r) Curtis Mulligan, Northwest Alabama DUI Program Director.

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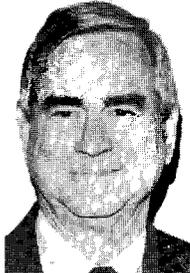
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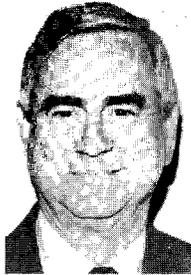
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in adding our conditional appropriation in the Senate and the members of the Second General Fund Conference Committee which left our conditional funds in the final budget," he said.

"It is most regrettable that we were not successful in obtaining sufficient absolute funding as it forebodes very difficult problems in each of our office operations. However, the decision by the Governor and the Legislature has been made; and it is my view that we must now proceed to provide the best court services possible to Alabama citizens under the funding conditions established for us by the Executive and Legislative branches of the government."

"I hope you share my opinion that we must plan and better execute a strategy both at the local level and in Montgomery which in future years will ensure adequate funding for the judicial branch of government."

Tapley said the reduced 1986-87 appropriations will necessitate the following:

1. No merit raises for court employees during FY 86-87.
2. A 34% reduction in the supply budget from \$1,805,066 to \$1,200,000.
3. A 93% reduction in the equipment budget from \$1,489,803 to \$100,000 for emergency purchases only.
4. Reduce the budget category which contains

Alabama Youth Participate In YMCA Statewide Mock Trial Competition

The 1986 YMCA Youth Judiciary program held statewide mock trial competition in Montgomery on April 4-5, 1986. Fifteen prosecution teams and 13 defense teams from Montgomery, Evergreen, Auburn, Huntsville, Birmingham, and Wetumpka participated in the competition.

Seven youth justices presided over the trials which began with preliminary rounds on Friday morning and ended with the final round on Saturday afternoon.

Jurors were subpoenaed by the youth sheriff and her deputies from participants in the YMCA Youth Legislature which is held simultaneously with the Youth Judicial program.



Associate Justice Hugh Maddox with Britt Bush of Opelika.

Supreme Court Justice Hugh Maddox, who was instrumental in establishing the program, met informally with the group prior to the competition and provided guidance to those serving as judges.

Circuit Judge Joseph D. Phelps, Montgomery, presented the awards to the winning teams at an awards ceremony on Sunday.

petit and grand juror costs by \$600,000.

5. No new positions can be created, effective immediately.

6. No judicial training and education during FY 86-87.

7. Reduction of in-state travel, wherever possible.

8. Vacancies will have to remain unfilled, wherever possible.

9. No out-of-state travel.

The Administrative Office of Courts will forward to each office a budget for supplies and forms which will include operational procedures and guidelines to conform with the FY 1986-87 budget. "These reductions will alter the way we operate and purchase

in many ways. In all likelihood, we will find it most unpleasant to operate under these necessary restrictions. I trust you know we will be supportive and cooperative to make your work as free of difficulty as possible," Tapley added.

"We do have some time to plan for next year, and I ask each of you to analyze your court office to determine if staffing and procedure changes could be made which would result in a more efficient and cost effective operation. I would be pleased to assist you as you consider possible alternative procedures and other changes which would result in cost reductions to the system."

Friends Say Farewell To "Spud" Wright

by
BOB MARTIN

[Comment by Allen L. Tapley, Administrative Director of Courts:

It is the policy of Court News to exclude by-lines on articles contributed for publication. However, because of this beautiful tribute paid to Judge Wright by Bob Martin, I have made this exception.]

It was the type of day that befitted George Herbert "Spud" Wright, Jr. The air was crisp, but not cold. Sunshine streamed down through the stately pines on the hillside overlooking Auburn High School where he was put to rest in the town he loved.

Everybody loved "Spud." If a label were ascribed to him, it would probably read: "The best liked judge in Alabama." He would have wanted no tears.

As they gathered at his graveside service April 23, many of his friends recalled another meeting only three weeks earlier to honor his achievements as a public servant and jurist.

"I'm the luckiest man alive," he told the audience gathered to honor him at the Lee County Justice Center. Spud had fought a two-year battle with cancer and it was in these two years that he demonstrated his character and courage.



Members of the Lee County Bar Association and many of Alabama's most prominent judges and lawyers honored Judge G. H. "Spud" Wright recently when he announced he was stepping down from the bench. During the hour-long ceremony, Wright was presented a portrait and a resolution commending him for his many years as prosecutor and judge. Pictured from left to right are Supreme Court Chief Justice C. C. "Bo" Torbert, Jr., Wright, and Jim Haygood, president of the local Bar Association. (Photo courtesy of Bill Harris, *The Opelika-Auburn News*)

It was, indeed, those who knew him who were the lucky ones. As Chief Justice Torbert expressed it, "We are indeed fortunate that he selected the law and the judiciary as his life's work. In so doing, he allowed us the great honor of knowing him and working with him."

His local newspaper put it this way when he announced his retirement: "... his example will be of good influence to those who follow in his footsteps."

Spud's philosophy was best stated in his own words: "Give everyone a chance to have their say. Everyone has a right to be heard -- it's the most important right we have in this country. A judge," he said, "should always base his decisions on what the law is, not what he would like it to be... and he should use common sense."

Quiet, unassuming, full of fun and life, a hard worker, a competent judge, a friend. That's how Spud will be remembered.

Municipal Judges Association To Hold Annual Conference

The annual conference of the Alabama Municipal Judges Association, to be held in conjunction with the annual meeting of the Alabama League of Municipalities, is scheduled for Saturday, May 17, 1986, at the Riverview Plaza

in Mobile, Alabama. The one-day conference is sponsored by the Administrative Office of Courts, Alabama League of Municipalities, and Alabama Municipal Judges Association.

Topics to be discussed

during the conference include Legislative updates, Judicial Inquiry Commission Opinions, Recent Court Cases, Review of Attorney General Opinions Relating to Municipal Courts, the new, revised Municipal Court Manual, and Anatomy of a Misdemeanor.

The Judiciary - - Who's Running

SUPREME COURT

Place 1 - *R. P. Almon, Montgomery
 Place 2 - *Janie L. Shores, Birmingham
 Place 3 - Francis "Brother" Hare, B'ham
 *Gorman Houston, Eufaula

COURT OF CIVIL APPEALS

Place 1 - Kenneth Ingram, Ashland

CIRCUIT JUDGES

4th Judicial Circuit

Charles A. Thigpen, Greensboro

6th Judicial Circuit

Place 1 - *Steve Wilson, Tuscaloosa

10th Judicial Circuit

Place 12 - *Roger Halcomb, Bessemer
 Place 19 - *Dan Reynolds, Bessemer
 Place 20 - *W. C. Zanaty, Birmingham
 Place 21 - *Arthur J. Hanes, Jr., B'ham
 Place 22 - *Wayne Thorn, Birmingham
 Place 23 - *Charles Najjar, Birmingham
 Place 24 - *J. Richmond Pearson, B'ham

11th Judicial Circuit

Place 3 - *Ned Michael Suttle, Florence

12th Judicial Circuit

*Sam Adams, Enterprise
 Gary L. McAliley, Enterprise

13th Judicial Circuit

Place 7 - *Robert G. Kendall, Mobile
 Place 10 - *Douglas Johnstone, Mobile

15th Judicial Circuit

Place 1 - *Bill Gordon, Montgomery
 Place 7 - *Richard H. Dorough, Mtg

20th Judicial Circuit

Place 2 - *Ron Storey, Dothan

21st Judicial Circuit

Brad Byrne, Atmore
 *Earnie White, Flomaton

22nd Judicial Circuit

Place 2 - *William H. Baldwin, Andalusia

23rd Judicial Circuit

Place 2 - *Daniel B. Banks, Jr., H'ville

26th Judicial Circuit

Place 1 - *Wayne T. Johnson, Phenix City

27th Judicial Circuit

*William D. Jetton, Guntersville

28th Judicial Circuit

Place 3 - Arthur C. Epperson, Foley
 *Tom Norton, Jr., Bay Minette

30th Judicial Circuit

Place 2 - *H. Edwin Holladay, Pell City

37th Judicial Circuit

Place 2 - Robert M. Harper, Auburn
 Margaret Young Brown, Opelika

39th Judicial Circuit

*Henry W. Blizzard, Athens

DISTRICT JUDGES

Barbour County

*William H. Robertson, Eufaula

Bullock County

*Dwight Hixon, Perote

Calhoun County

Place 3 - John W. Norton, Anniston
 *Nathaniel Owens, Anniston (Republican)
 John Thomason, Anniston
 Larry F. Warren, Anniston

Chilton County

Robert L. "Bob" Bowers, Clanton
 *Marise Mims Sandidge, Clanton

Choctaw County

Pedro Spurlock, Butler

Clarke County

*Harold L. Crow, Thomasville
 Bill Kimbrough, Thomasville

Clay County

*John E. Rochester, Ashland

Cleburne County

*Larry G. Pilgrim, Edwardsville
 Carolyn P. Casey, Heflin

Colbert County

*George E. Carpenter, Tuscumbia

Covington County

*Charles T. Morris, Andalusia

Cullman County

*J. Wilfred Tucker, Cullman
 Mark O. South, Vinemont
 Daniel B. Williams, Cullman

Dale County

Place 1 - *Val L. McGee, Ozark
 Place 2 - *Fred R. Steagall, Ozark
 Anne Laura Parker, Ozark

Dallas County

Nathaniel Walker, Selma

DeKalb County

*Robert G. Wilson, Fort Payne

Escambia County

*Gordon R. Batson, Brewton

Geneva County

*George A. Black, Geneva

Greene County

*Richard L. Osborne, Eutaw

Houston County

Place 2 - *Denny Holloway, Dothan
 Gary Maxwell, Dothan
 Brian Dowling, Dothan (Republican)

Jackson County

Ralph H. Grider, Scottsboro
 *John L. Haislip, Scottsboro
 Stephen M. Kennamer, Scottsboro

Jefferson County

Place 1 - *John H. Alsbrooks, Jr., B'ham

Place 2 - *Pete Johnson, Birmingham

Place 5 - *Gerald S. Topazi, Birmingham

Place 10 - Louis A. Borghese, Bessemer

*Ralph E. Coleman, Jr., Hueytown

Lamar County

Johnny M. Langley, Vernon
 *Bill Winston, Vernon

Lauderdale County

*Deborah Bell Passeur, Florence

Lee County

Place 1 -

Margaret Mayfield MacElvain, Opelika
 Mike Nix, Auburn
 Jim Sprayberry, Auburn
 H. K. "Kenny" Wilkes, Opelika

Limestone County

*Howard D. Burns, Athens
 George T. Craig, Athens
 Steve Croomes, Athens
 Landy Raley, Athens

Marion County

Jimmy Cashion, Hamilton
 Hugh Davis, Guin

Mobile County

Place 1 - *Lionel Layden, Mobile
 Place 2 - Mike McMaken, Mobile
 Delano "Joe" Palughi, Mobile
 Graham Gibbons, Mobile
 Frankie Fields Smith, Mobile (Independent)
 Norm Davis, Mobile (Republican)

Pickens County

Tom Woodard, Reform
 Ira B. "Benny" Colvin, Reform
 Roy Kelly, Carrollton

Russell County - Place 2

*Albert L. Johnson, Phenix City

Shelby County

*Patricia M. "Patti" Smith, Columbiana

Sumter County

*Eddie Hardaway, Jr., Livingston

Tuscaloosa County

Place 1 - Jim Guin, Tuscaloosa
 *Barbara W. Mountain, Tuscaloosa
 Place 2 - *Gay M. Lake, Jr., Tuscaloosa
 J. D. Terry, Duncanville

Walker County - Place 1

*John L. Madison, Jr., Jasper

Wilcox County

*Jo "Celeste" Pettway, Alberta.

* Incumbent

(Editor's Note: The above listing is the most accurate information available to us at press time. If you know of any additions or corrections, please call Ann Henn, 1-800-392-8077.)

Rhode Island Joins Non-Resident Violator Compact

On April 4, 1986, Rhode Island joined 34 other states and the District of Columbia as a member of the Non-resident Violator Compact. (See September 1985 *Court News*.)

The Compact provides that a nonresident receiving a traffic citation in a party state must fulfill the terms of that citation or face the possibility of license suspension in the motorist's

home state.

No violations can be accepted by Rhode Island that occurred prior to the effective date of its entry into the Compact.

Monroe Named Mobile Municipal Judge

Mobile attorney Cecil Monroe was recently sworn in as a municipal judge for the city of Mobile. Prior to his appointment, he served as city prosecutor in municipal court for 2 1/2 years.



Monroe

Monroe told approximately 175 people attending the swearing-in ceremonies that

he would deal firmly with speed-limit violations and "drinking drivers." He acknowledged driving under the influence of alcohol as "a serious vehicular offense" and stated that he supported rehabilitation and family assistance programs to combat the problem.

Monroe fills the seat on the city court formerly held by Judge William Saliba. He is the first black to serve on the municipal court in Mobile's history.

Public Employees IRA Posts Annual Percentage Rate

The Public Employees' Individual Retirement Account Fund (PEIRAF), managed by the Retirement Systems of Alabama, posted interest to member accounts in April at the Annual Percentage Rate (APR) of **13.58%** for the preceding six-month period (October 1, 1985 - March 31, 1986).

Past interest rates posted to member accounts have been as follows:

March 31, 1983 - 10.52%
 September 30, 1983 - 13.73%
 March 31, 1984 - 13.56%
 September 30, 1984 - 13.89%
 March 31, 1985 - 14.76%
 September 30, 1985 - 12.50%

Once an employee has opened a PEIRAF, contributions to the fund may be made by direct deposit or by payroll deduction. While direct deposits of contributions must be at least \$100, payroll deducted

contributions are not subject to the minimum deposit provision.

There are no current provisions for "rolling over" commercial IRA's into the PEIRAF. However, State employees may retain their commercial IRA and open a PEIRAF account, as long as contributions for a calendar year do not exceed \$2,000.00.

For information about the PEIRAF program, write to: PEIRAF, The Retirement Systems of Alabama, 135 S. Union Street, Montgomery, Alabama 36130.

Wallace C. Gibson

Retired Circuit Judge Wallace C. Gibson, 10th Judicial Circuit, died March 27, 1986, in Birmingham.

Appointed to the circuit bench in 1957, Judge Gibson served continuously until his retirement in September, 1980. He served in the Alabama House of Representatives from January 1947 until January 1951.

Judge Ford Attends National Conference On Rural Courts

Macon County District Judge Aubrey Ford, Jr., recently attended a two-part national judicial conference in Boys Town, Nebraska, addressing problems faced by rural court judges.

The National Conference of the Judiciary on Rural Courts was co-sponsored by the Rural Justice Center, North Conway, New Hampshire; the American Bar Association's National Conference on Special Court Judges; the Peter Kiewit Foundation, Omaha, Nebraska; and the National Judicial College.

Twenty-four judges from 19 states met to examine factors and conditions affecting the operation of judicial systems in rural America. The judges worked to develop a statement describing the needs of rural courts and a prescription for meeting those needs.

Judge Ford indicated that the statement developed by this conference will be sent to several national judicial, legal, and governmental organizations to establish a coalition to help resolve the problems of rural courts.

Administrative Leave

Governor Wallace has authorized administrative leave for delegates who attend the Alabama State Employees Association Convention in Birmingham on May 15 and 16, 1986. UJS employees who are delegates and who attend are authorized administrative leave.

Our Kind



Of Judge

Deer are plentiful in Chambers County, Alabama. So plentiful in fact that the limit is one per day, every day of the season. There is little excuse for anyone to poach, for the season is almost three months long. We suppose if you wanted to, you could put 90 deer away in your freezer.

So it did a little more than raise the ire of one of the Chambers County landowners when he heard shots were fired on a part of his land. He had had the bad experience of getting a cow killed the previous year. Another farmer in the county had a poacher cut his fence in one place, drive in with a four wheel drive vehicle and poach, and then drive back out in a different direction, cutting the fence again to get out. Trespassing poachers were getting to be a problem and as the landowner went back the dirt road to the farm, he saw a pickup coming out and recognized one of the occupants. Sure enough when he got back to his land, there laid a dead doe deer. He called the local warden, Bill Smith, who came out and investigated. Sure they would come back, Smith set up a surveillance on the carcass. After dark a truck came down the road and two people got out and the truck left. Sounds of butchering could be heard and then the truck came back and the two carried something back out to the truck and began to leave. Smith followed the truck and when he tried to stop it, they sped off. He gave chase and in a short time the driver lost control and ended up in the ditch. Two men exited the truck and ran. Smith took up the chase and when one got caught momentarily in a fence, he was able to identify him.

When Smith went back to the truck, he not only found four quarters of the deer, but inside the truck was the wife and three children of one of the culprits. The woman was crying hysterically. Apparently she was driving the truck for the men and was the one who lost control. Smith could not believe the man had not only endangered his

family this way, but had run off and left them all alone when the truck crashed.

The whole story was pieced out and both poachers identified and arrested. Neither were strangers to the wardens. One had been arrested previously for seven violations and the other had been arrested twice.

Possibly due to the heavy population of deer, poaching fines have not been large in the area. The two probably expected to get off light again.

But what they hadn't counted on was a hearing before District Judge Joel Holley of LaFayette, Alabama. Now, Judge Holley likes hunting and does not like poaching. He had become very tired of the trespassers who abuse landowners property and kill over the limit and out of season. He had even authored an article in the paper, urging ethical hunting practices. He was not pleased to see the two poachers before him and, like the warden, was incensed that they had allowed the wife and children to be involved.

Considering all of this and their past records as well, the Judge handed down what has to be a landmark punishment on a hunting and fishing case in Alabama and, for that matter, in a lot of states and provinces. He fined each a total of \$1,400 and put each in jail for 120 days and revoked the hunting license of one for 3 years and the other for five years. The two appealed at first, but then dropped the appeal and accepted the sentence.

From now on we would expect that when Judge Holley appeals for ethical hunting, the response will be much better. It's too bad we can't clone Judge Holley. About every warden in the U.S. and Canada would love to have him in their courtrooms! Our hats off to a fine Judge and gentleman!

(Reprinted from the 1986 winter edition of *The International Game Warden*)

Alabama Judicial College Continuing Education Programs May - September, 1986

May 17 -- League Conference for municipal court judges - Mobile

June 9 - 12 -- DUI Instructor Certification - Tuscaloosa

June 20 - 22 -- Annual Conference for clerks and registers - Gulf Shores

June 25 - 27 -- Annual Conference for juvenile court judges - Montgomery

July 10 - 11 -- Annual Conference for judicial secretaries - Guntersville

July 23 - 24 -- Annual Conference for circuit and district court judges - Gulf Shores

August 7 - 8 -- DUI In-Service Training - Montgomery

September 4 - 6 -- Appellate Judges Conference - Gulf Shores

William A. Thompson

Jefferson County Circuit Judge William A. Thompson died March 27, 1986, at the age of 58.

Judge Thompson was appointed to the 10th Judicial Circuit bench by Governor George C. Wallace in May, 1974, to fill the unexpired term of Judge Robert C. Giles. Prior to assuming the bench, he had served 13 years as Assistant City Attorney in Birmingham. Judge Thompson is survived by his wife Joyce and two sons.

How To Change Your Beneficiary

Any changes in your family status such as divorce, marriage, birth, or death may require a change in the designation of beneficiary for active members of the Employees' Retirement System. Beneficiary designations may be changed by completing a Member Information Record (RS Form 100).

To change the designation of beneficiary, complete items 1 thru 8 on the front

side of the Member Information Record and provide the required information on the reverse side. After completing the form, have your signature notarized before a Notary Public and send the form to the AOC Personnel Division.

If you have any questions concerning beneficiary designations or need a form, call the Personnel Division, 1-800-392-8077, Ext. 226 or 256.

Building

(Continued from Page 1)

chase a block of downtown property across the street from the present judicial building and donate the land to the state for construction of a new building.

Chief Justice Torbert expressed his gratitude for all who assisted in passage of the building authority legislation. "It appears we may be able to proceed soon with final planning for the building and hopefully have a new facility constructed by 1990," Torbert said.

Attempts to enact legislation to create a Judicial Building Authority date back twenty years. Legislation passed the House in 1973 but failed to pass the Senate.

In 1984, the Legislature adopted a resolution creating a joint legislature-judicial committee to study the need for a new judicial building. That committee recommended that a new facility be constructed in its report to the Legislature in 1985.

Retired Judge Sits On Other Side Of Bench

Retired Circuit Judge Eris Paul found himself on the other side of the bench on April 7 when he was selected to serve as a juror to hear a murder case in Elba.

Judge Paul was elected to the bench in the 12th Judicial Circuit on November 4, 1952. He served as a circuit judge in Coffee County until his retirement on July 31, 1976.

Amon Y. Pinkerton

Mr. Amon Y. Pinkerton, former bailiff to Circuit Judge Jack C. Riley, 32nd Judicial Circuit, died on March 2, 1986.

Mr. Pinkerton, who was 82 years old at the time of his death, was an active bailiff in Cullman until his resignation on February 14, 1986. He had served the court since 1972.

The legislation creating the authority initially passed the Senate 18-3. The final vote in the House was 69-23.

Area Judges/DUI Directors Honor Emmett N. Roden

Retired Florence Municipal Judge Emmett N. Roden was recently honored by area judges and the Northwest Council of Local Governments' DUI program at a surprise luncheon. Roden had served for more than 12 years as municipal judge for the Florence Municipal Court and was a strong advocate of the DUI program and rehabilitation.

Franklin County District Judge Joe Gilliland presented Roden with a plaque, and Angelo Trimble, Director of Municipal Court Operations for the Administrative Office of Courts, presented him with a letter of appreciation from Chief Justice C. C. Torbert, Jr.



Judge Roden with (l) Judge Gilliland and (r) Curtis Mulligan, Northwest Alabama DUI Program Director.

Two former defendants also expressed appreciation to Judge Roden for the very strong motivation they received from him to recognize their drinking problem and to **stop drinking**.

During his term in office, Judge Roden served as president of the Alabama Municipal Judges Association and was a member of the Governor's Task Force on Drunk Driving.



It Hurts Less When You Laugh



If you can't see the humor in life's little setbacks, you're probably taking yourself too seriously.

No one is immune to it. Lawrence Mintz, Ph.D., professor of American studies at the University of Maryland has a mirror on his office wall. Underneath there's a little sign that says, "This person is not to be taken too seriously."

"Humor," says Dr. Mintz, "is a way we cope with living in an imperfect world with our imperfect selves. When we can't win, the best thing to do is laugh a little."

Being able to laugh at yourself means that you have a good kind of self-esteem and that you can feel O.K. about yourself without deluding yourself that you have no faults.

Ultimately, humor is economical. Someone with a good sense of it doesn't waste energy pretending to be perfect or hiding their feelings. A sense of humor means you can roll with the punches and be productive at the same time.

From Dr. Joel Goodman, director of the Humor Project at Sagamore Institute in Saratoga Springs, New York, come these six pieces of advice on how to put more lightness in your life, how to use humor to cope with problems and be more productive in our lives.

1. Select a humorous saying to think about when you are disappointed. For example, "When life hands me lemons, I'll make lemonade." It helps you recover from small setbacks.

2. Use a signal (like play-

fully putting your thumb to your chin and wiggling your fingers) to use when you feel a family conflict brewing. It helps break tension.

3. Put some humor into your job. Like the plumber whose truck has a sign saying, "A flush beats a full house."

4. Remember that humor works better than anger. If someone's late meeting you, say something like, "I'm glad you're not running an ambulance service," instead of shouting.

5. Remember that few things are sacred or absolute, and that neither you nor anyone else knows all the answers.

6. Pick friends who aren't afraid to laugh, even at you.



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817 South Court Street
Montgomery, Alabama 36130

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COURT NEWS, newsletter of the Alabama Judicial System, is published as an informational and educational service to state judicial officials and personnel. Inquiries should be addressed to Administrative Office of Courts, 817 South Court Street, Montgomery, Alabama 36130-0101. Telephone: (205) 834-7990 or (toll-free in state) 1-800-392-8077.

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