

Ohio Supreme court

Case # 19-0765

Justin McElroy Movant  
- vs -

- 1 Director Gary mehr
- 2 Compact office
- 3 Chief inspector K. Rieckle
- 4 Warden Bawerman T.O.C.I.
- 5 Mr. Hernandez unit STAFF T.O.C.I.

Writ of mandamus

**FILED**  
 JUN 07 2019  
 CLERK OF COURT  
 SUPREME COURT OF OHIO

Movant pro-se  
Justin McElroy #746-614  
 Toledo correctional prison  
 P.O. Box 80033  
 2001 E Central Ave.  
 Toledo, Ohio, 43608

Defendant's 1, 2, 3,  
 1 Director  
 2 Compact office  
 3 Chief inspector Rieckle  
O.D.F.C. central office  
 770 W Broad St.  
 Columbus, Ohio, 43215

Second address for O.D.F.C.  
 O.D.F.C. central office "Secondary" <sup>New</sup>  
 4545 Fisher Rd.  
 Columbus, Ohio, 43228

Defendants  
 4-5  
 4 Bawerman  
 5 Hernandez  
 2001 E Central Ave  
 Toledo, Ohio, 43608

This is a writ Last step for relief. All stated  
 Defendants have been notified of their legal obligation to  
 uphold a court (Recommendation) and their failure to do their  
 duty has resulted in failure to protect.

**RECEIVED**  
 JUN 07 2019

I Justin McElroy pro-se Bring this Action because, O. D. P. C. STAFF Are Failing to fulfill Their obligation. "Duty" Based on Their office, position, or authority, They have failed to perform, which The Negligence could result in (physical danger) -

Facts of The case.

McElroy was found guilty in Hamilton County, of drug charges. He assisted the Government with an international drug case. He took a deal and the Ohio Attorney General requested him to be housed out of state. "McElroy" assisted the Government, did his duty. The deal was only for protection from the cartel.

He came to (CFC) prison, gave a copy of the Government order to (Martha Moore) - classification. This was (2018).

The deal was to go to P.C. until the (compact office) send's McElroy out of state. He was then moved to Toledo, P.C. while waiting.

See 'Kite' Evidence #1. Attached. Toledo's (Hernandez) Admitting He found the paperwork, (Martha Moore) never attached it to the P.C. report, NO Application in compact has been done yet. Basically classification failed to do their job and lied to McElroy. He then moved in a grievance, stay refused to respond to the grievance.

STAFF acknowledges McElroy is suppose to leave state, yet now they start the (classic) - spin move - O.D.R.C. will pass the obligation over to anyone not in the room. - (5 months later, multiple Kites) still no one filed the application to (compact office) McElroy personally wrote the compact office and C.I.I.C. He also wrote Chief Inspector Riechle, who never responds or ever does the job properly as a Chief Inspector, totally ignores a life threatening problem with a request from the court.

Hamilton County clerk, 1000 man st. cin, ohio, 45202, phone # 513-946-1000 - Faxed the report to the prison twice. - See the kite to acknowledge the second time. EX 2 #

McElroy has contacted the Chief Inspector, Warden Bowerman, Hernandez unit staff Toledo, Director Gary Mohr's Office, and sent direct letters to compact office.

As of today, NO one filed the out of state paper work. It is a security threat to have McElroy housed in O.D.R.C. At P.C. They house gang members, Active and Disruptive on Gang file in P.C.

2.

First McElroy will show multiple Kites to Explain  
The (Spin move) by staff, see EX # 3-

There IS NO reason why a life threatening situation  
should be (Spin moved) from office to office, only  
to go back to the original people, and still  
not mail one simple Application.

D.D.C. Has a method to lie, manipulate and  
avoid serious issues.

McElroy has been placed in P.C. with Gang members,  
(STG) use's (Snitch gangsters) across the state, they  
work for (STG) beat people up, run Gangs. use and  
sell Drugs, once they snitch on every prison  
yard, they come to P.C.

There behavior is not changed, they are still  
Drug addict criminals, they still work for (STG)  
when I first notified staff of my case,  
staff went to inmate (STG) snitches, to collect  
information on me.

This notified Drug addict violent active, disruptive  
Gang member's McElroy had a Bounty.

STAFF have NO respect for P.C. And The seriousness  
for P.C. McElroy. has an international Drug cartel,  
(MS)13 - And (sus 13) Gangs, have a contract on  
McElroy. SO STAFF notify There "Aryan" Gang  
Rat's And other (STB) rat's, to investigate.

Any one of them could take The contract to Kill  
me, My Family Get's watched, my belief is IF  
McElroy stay's IN Ohio, It's Not IF, But  
when someone Takes The money. to Kill him.

IS O.D.V.C. really Not Going to play There  
part as a Government body. Are They Not Going  
to respect The Request of The Government.

Should people who Assist The Government just stop.  
O.D.V.C. Can't do an easy Application to start  
The out of state move, before McElroy gets Killed.

See EX 17# Kite of names of The Government officials  
who will confirm The serious need for the out  
of state move. Prosecutor Mark Tierney, Judge Martin,  
The R.E. N.V. Agent. John Davis, All out of Hamilton  
County.

McElroy receive's Death Threats Even IN P.C. while  
STAFF refuse to Do There Duty.

(STG) official's D.J. Norris, Gillum, Friend, And too = STG people  
Are Not professional, They control The Gangs, use snitches,  
Give snitches authority, They run gangs and sell Drugs  
under the "authority" of (STG) - These same people live  
IN and out of P.C. (O.D.R.C.) IS The definition  
of (organized crime) They Refuse to DO There job,  
They Disobey Government request IN Good Faith,  
They use inmates to collect "police" information,  
They Feed information to inmates About other inmates.

They purposely place lives IN Danger, lie to inmates,  
And The unit staff, "Hernandez," or warden who IS suppose  
to correct injustice DO Nothing. Chief inspector, Director  
All ignore letters, And request. - Remedy -

McElroy Request The court to Order O.D.R.C.  
to start The Application IN The compact office,  
It's been almost 8 months. - It's crazy inmates have  
to file mandamas with The court, to get O.D.R.C.  
official's to do There job. please Direct Them  
to Fulfill The Government request to Transfer McElroy  
out of state. - Thank you And respectfully Submitted  
X Justin McKinley

### Certificate of service

one true copy mailed to clerk at 65 south Front St. IN  
Columbus Ohio, on 6 / 1 / 2019  
X Justin McKinley  
signature

AS I should I  
looked up it and  
did in fact read  
the packets with  
regularly PC and  
inhabitable transfer  
I have advised  
my boss of your  
situation and  
she will get with  
classifications  
their names when  
AS soon as  
I hear anything  
I will advise  
you.



Mr. Hernandez I spoke with you in the block

about the packet that recommended me to be  
transferred out of state, you said you would  
begin the process for me. I have some questions  
about property I can take with me all the process  
in general. I also want to know that this is

being taken seriously because I am asking  
for help and willing to do whatever to make this  
happen being that it's not safe for me to remain  
here in Ohio, I only say that cause I've

been asking staff here to inquire about this and  
have received no help up until you arrived and

verified my story. Also because the process to get  
into P.C. is so easy here in Ohio and the people  
who want me will eventually get the job done.

If I have to pay for the transfer I will because  
whatever it costs or whatever I have to do is a  
small price to pay considering what could be lost if  
I remain here. I'm not trying to make your job

harder but I have no one else to ask. I didn't  
want P.C. I'm willing to face my problems head on  
but C.F.R.s. didn't let me go to General population.

Now I'm receiving threats of people coming to P.C. to get  
me so I don't want to wait around for someone  
to sneak up on me and get me I just want what is recommended as reasonable.

Please help me get this process  
started as soon as you can.

Thank you Justin Melny

EX - #

KITE PROCEDURE

1. Check with your Sergeant or Case Manager to see if this communication can be handled without a kite.
2. Write only to the Department that handles the problem you have. Others will merely forward your kite.
3. State your problems clearly and completely and thereby get immediate attention.
4. Avoid duplication of Kites, Writing to more than one office about the same thing will not obtain any faster attention.
5. Kites are to be used only for communication between inmates and Institutional Staff and not for any other purpose.

Number:	7460614	Name:	McElroy Justin 3-21-19
Unit:	BIN19	Lock:	BIN19
		Assignment:	Barber
To: Mr. Hernandez (Unit Manager)			

RTN

FOLD HERE

CASE MANAGER	WARDEN	QUARTERMASTER	
CLASSIFICATION	DEPUTY WARDEN ADMINISTRATION/ SPECIAL SERVICES/ PROGRAMS	RECORDS	
COMMISSARY	DEPUTY WARDEN OPERATIONS	RECOVERY SERVICES	
DENTAL	INST. INSPECTOR	RECREATION	
USE HEALTH SERVICES REQUEST FORM, DRC5373 TO ACCESS DENTAL CARE	INVESTIGATOR	RELIGIOUS SERVICES	
MEDICAL	JOB COORDINATOR	UNIT MANAGER	
USE HEALTH SERVICES REQUEST FORM, DRC5373 TO ACCESS MEDICAL CARE	LIBRARY	EDUCATION	
MAJOR MENTAL HEALTH	MAIL ROOM	FOOD SERVICE	
		OTHER	





Last week we spoke and was able to get copies of the recommendations to transfer me outta state. You then told me you needed a copy of my P.S.I. before you sent the paperwork to Columbus. So I got the address to Hamilton County Clerk of Courts

1000 main St.  
Cincinnati, Oh 45202

for you to contact them I will get there phone numbers and e-mail also.

(513) - 946-1000

Already faxed them the requests

- J. Graymiller

5.8.2019

But if you have already contacted them and requested my P.S.I. then could you sign this vrite and acknowledge in a few words that it's been done as of the date you receive this vrite. Thank you

Justin McElroy

EX 2 #

KITE PROCEDURE

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Number:		Name:		Date:	
746614		McElroy Justin		5-5-19	
Unit:		Lock:		Assignment:	
BIN19		BIN19		Porter	
To: Case Manager Gajewski					

RETURN

FOLD HERE

CASE MANAGER CLASSIFICATION COMMISSARY DENTAL USE HEALTH SERVICES REQUEST FORM, DRC5373 TO ACCESS DENTAL CARE MEDICAL USE HEALTH SERVICES REQUEST FORM, DRC5373 TO ACCESS MEDICAL CARE MAJOR MENTAL HEALTH	WARDEN DEPUTY WARDEN ADMINISTRATION/ SPECIAL SERVICES/ PROGRAMS DEPUTY WARDEN OPERATIONS INST. INSPECTOR INVESTIGATOR JOB COORDINATOR LIBRARY MAIL ROOM	QUARTERMASTER RECORDS RECOVERY SERVICES RECREATION RELIGIOUS SERVICES UNIT MANAGER EDUCATION FOOD SERVICE OTHER
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I spoke with you and Mrs. McDonald over a week ago and I was told that you guys sent my outta state transfer paperwork along with the recommendations to Columbus to be reviewed. Mrs. McDonald said in front of you I would have my answer within a week, it's been that and some time and noone has showed me a answer, I don't even have proof anyone has done what they said as far as Paperwork goes it's only been claims.

An if Columbus has denied me then I need proof so I can move forward with this process. I

already spoke to my Case Manager and we got copies of the judges, prosecutor, an Agents recommendations to have me serve my time in another state an he's gonna send it to Columbus too but you and Mrs. McDonald said that has already been done so I need to get their answers in writing to move forward if that's the case. Thank you

Justin McElroy

3 # 17

Noted



1. Check with your Sergeant or Case Manager to see if this communication can be handled without a kite.
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KITE PROCEDURE

Number:	Name:	Date:
746614	Meg Elyon Justin	5-5-19
Unit:	Assignment:	
B1019	B1019 Porter	
To: Unit Manager Hernandez		

RW

FOLD HERE

- |  |  |                               |
|--|--|-------------------------------|
| CASE MANAGER   | WARDEN   | QUARTERMASTER                 |
| CLASSIFICATION   | DEPUTY WARDEN ADMINISTRATION/SPECIAL SERVICES/PROGRAMS | RECORDS                       |
| COMMISSARY   | DEPUTY WARDEN OPERATIONS                               | RECOVERY SERVICES             |
| DENTAL   | INST. INSPECTOR  | RECREATION                    |
| USE HEALTH SERVICES REQUEST FORM, DRC5373 TO ACCESS DENTAL CARE  | INVESTIGATOR   | RELIGIOUS SERVICES            |
| MEDICAL  | JOB COORDINATOR  | UNIT MANAGER <u>Hernandez</u> |
| USE HEALTH SERVICES REQUEST FORM, DRC5373 TO ACCESS MEDICAL CARE | LIBRARY  | EDUCATION                     |
| MAJOR MENTAL HEALTH  | MAIL ROOM  | FOOD SERVICE                  |
|  |  | OTHER _____                   |

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KITE PROCEDURE

EX #4

you told me to put in a  
kite an you would help me  
get outta state i was told  
at C.R.C. to sign P.C. papers  
until they could get to it  
by a woman, i think she is  
a case manager there My  
Judge an the Head prosecutor  
of my county plus the Narcotics  
agents along with a attorney  
General or something sent  
a couple page report to them  
and recommend these things  
plus more there was a investigation  
of unlikely places i could be reached. i need help

transfer  
by Bulph  
the process  
of the  
help

KITE PROCEDURE

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Number:	746614	Name:	McElroy Justin	Date:	03-12-19
Unit:	BIN19	Lock:	BIN19	Assignment:	Barber

To: Mr. Craig Umphrey  
Case Manager

PTM

FOLD HERE

CASE MANAGER	WARDEN	QUARTERMASTER
CLASSIFICATION	DEPUTY WARDEN	RECORDS
COMMISSARY	ADMINISTRATION/ SPECIAL SERVICES/ PROGRAMS	RECOVERY SERVICES
DENTAL	DEPUTY WARDEN	RECREATION
USE HEALTH SERVICES REQUEST FORM, DRC5373 TO ACCESS DENTAL CARE	OPERATIONS	
MEDICAL	INST. INSPECTOR	RELIGIOUS SERVICES
USE HEALTH SERVICES REQUEST FORM, DRC5373 TO ACCESS MEDICAL CARE	INVESTIGATOR	UNIT MANAGER
MAJOR MENTAL HEALTH	JOB COORDINATOR	EDUCATION
	LIBRARY	FOOD SERVICE
	MAIL ROOM	OTHER



KITE PROCEDURE

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EX #5

when i got to CRC i was  
rushed to the hole immediately  
an never got to do my visit  
list an now i'm waiting to be  
transferred outa state i would  
like to correct that when you  
have time before i leave so  
i won't have no complications  
later. This one im using now  
is from a previous prison #.  
An Not Accurate!

Spike  
to you.

- Issue resolved.

- J. Graywater

3/21/19

1. Check with your Sergeant or Case Manager to see if this communication can be handled without a kite.
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KITE PROCEDURE

Number:	Name:	Date:
746°614	McElroy Justin	3-20-19
Unit:	Lock:	Assignment:
BIN19	BIN19	Barber
To: Mr. Caja Case Manager		

RETURN

FOLD HERE

CASE MANAGER

WARDEN

QUARTERMASTER

CLASSIFICATION

DEPUTY WARDEN ADMINISTRATION/SPECIAL SERVICES/PROGRAMS

RECORDS

COMMISSARY

DEPUTY WARDEN OPERATIONS

RECOVERY SERVICES

DENTAL  
USE HEALTH SERVICES  
REQUEST FORM, DRC5373  
TO ACCESS DENTAL CARE

INST. INSPECTOR

RECREATION

MEDICAL

RELIGIOUS SERVICES

USE HEALTH SERVICES  
REQUEST FORM, DRC5373  
TO ACCESS MEDICAL  
CARE

INVESTIGATOR

UNIT MANAGER

LIBRARY

JOB COORDINATOR

EDUCATION

MAJOR MENTAL  
HEALTH

MAIL ROOM

FOOD SERVICE

OTHER

1. Check with your Sergeant or Case Manager to see if this communication can be handled without a kite.
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KITE PROCEDURE





I will advise  
as soon as I  
hear something back.

f

#6  
史

I spoke with you over a week ago and you told me the recommendations sent by my judge my prosecutor and the Atty General along with the RENU Agents was sent to Columbus and that I would have my answer within a week it's been a week plus some and I spoke with my case manager and we got copies of the recommendations too and he's gonna put it in for me too through Columbus. But everyone of you are saying the checks in the mail and I have no proof of anyone actually doing any work beyond claims which is what I've been receiving since I've arrived in prison. How if your the boss of the people who are suppose to be working for me and am receiving almost no help from and you can't do anything for me then who can? And if everyone's doing their part then where is the profit cause I need some so I can move forward.

Justin McElroy

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KITE PROCEDURE

Number:	Name:	Date:
746614	McElroy Justin	5-5-19
Unit:	Lock:	Assignment:
BIN19	BIN19	Porter
To:	Ms. McElroy Justin	

FOLD HERE

CASE MANAGER	WARDEN	QUARTERMASTER
CLASSIFICATION	DEPUTY WARDEN ADMINISTRATION/SPECIAL SERVICES/PROGRAMS	RECORDS
COMMISSARY	DEPUTY WARDEN OPERATIONS	RECOVERY SERVICES
DENTAL USE HEALTH SERVICES REQUEST FORM, DRC5373 TO ACCESS DENTAL CARE	INST. INSPECTOR	RECREATION
MEDICAL USE HEALTH SERVICES REQUEST FORM, DRC5373 TO ACCESS MEDICAL CARE	INVESTIGATOR	RELIGIOUS SERVICES
MAJOR MENTAL HEALTH	JOB COORDINATOR	UNIT MANAGER
	LIBRARY	EDUCATION
	MAIL ROOM	FOOD SERVICE
		OTHER

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KITE PROCEDURE

I will check  
w/ Mr Hernandez from  
currently notes from  
CRA State PG at TOC  
held for placement  
about interstate  
Networking

I came to ODRC Aug. 15<sup>th</sup> an upon my arrival

I was put in T.P.U. At the request of my Judge

the head prosecutor of Hamilton County the Revue agents

and signed off by the Atty General that I be transferred

out-of-state to do my time, there was a lady at

C.R.C. who said the paperwork was started and

that it may take months to happen but it was in

the process and I should sign P.C. papers and go there

until they come get me so I did but I spoke to

case manager Brown and he was of no help then I

went to partner my unit manager and he said I was

visiting them finally we got a new case manager

and Unit manager Caya & Hernandez and Caya

is not very helpful but Hernandez has said he

contacted you and that you were contacting classifications

he was already confirmed the validity of my story

with C.R.C. and that they received the paperwork but

no action has been taken and this so-called P.C.

here at T.O.C.I. is too easy to get into. I've spoke to

everyone I can think of I've work informals, Grievances

everything I'm running in circles I'm not remaining here

in Ohio cause sooner than later the Card that is after me

will get me back here I feel like my life is worth more

than the handful of paperwork that needs done to get me

out of here. I can explain everything in more depth if you

come see me, Justin Maloney

my prosecutor's name is Mark Tierney

my Judge's name is Martin

The R.E.N.U. Agent is John Davis

and I have proof that people know where I'm at and are

threatening coming into P.C.

Plus there is money on my head so it's only a matter of time.

EX 7 #

KITE PROCEDURE

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Number:	Name:	Date:
7460614	McElroy, Justin	4-20-19
Unit:	Lock:	Assignment:
B1N19	B1N19	Porter
To: UMC McDonald RETURN		

FOLD HERE

KITE PROCEDURE

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CASE MANAGER	WARDEN	QUARTERMASTER
CLASSIFICATION	DEPUTY WARDEN ADMINISTRATION/SPECIAL SERVICES/PROGRAMS	RECORDS
COMMISSARY	DEPUTY WARDEN OPERATIONS	RECOVERY SERVICES
DENTAL	INST. INSPECTOR	RECREATION
USE HEALTH SERVICES REQUEST FORM, DRC5373 TO ACCESS DENTAL CARE	INVESTIGATOR	RELIGIOUS SERVICES
MEDICAL	JOB COORDINATOR	UNIT MANAGER
USE HEALTH SERVICES REQUEST FORM, DRC5373 TO ACCESS MEDICAL CARE	LIBRARY	EDUCATION
MAJOR MENTAL HEALTH	MAIL ROOM	FOOD SERVICE
		OTHER

It will speak with the  
one about this  
If you are being threatened  
you need to report who is  
doing it as soon as it happens

IX # 8

I came to ODRC Aug. 15<sup>th</sup> 2012 and My Judge - Martin  
of Hamilton County and prosecutor Mark Tierney plus  
P.E.M.U. Agent John Davis made a recommendation  
that was signed off by the Atty General that I serve  
my time out-of-state. Upon arrival I was taken to  
Ips at CRC and told by a lady there that my  
transfer paperwork would be started and that I should  
sign P.C. papers to go there and wait till they come  
and get me cause the process could take months.  
Well I've been here and been inquiring about it  
I started asking case manager Brown he was no help  
then Unit manager Parker he told me I was lying  
now we got Caga as our case manager and Hernandez  
as our unit Manager he validated my story with  
CRC. a month ago he said he notified M.E. McDonald  
and she was getting with Classification but I haven't heard  
anything Sir the Castel has located me and sending threats  
saying there comin back here to get me and you know as well  
as I do that this is not P.Co and I can't remain in Ohio  
no longer I need to be removed after this State yesterday I'm  
not asking for a favor my life is on the line and it seems as  
though a minor amount of paperwork being done by staff is outweighing  
the concern for my life my claims have been validated I never  
requested P.Co I was told it was a temporary situation for  
a greater goal of serving my time out of state

If you can see to it this recommendation is followed  
through with me and my family will appreciate it  
I've notified everyone I can including you now  
from informals, Grievance's and letters now cause  
I cannot use our 'gay' cause none will fix it. Thank you  
Mulin M...

# RETURN

Number: 746614		Name: McEneaney, Justin		Date: 4-20-19
Unit: BIN19		Lock: BIN19		Assignment: Porter
To: Warden				

## KITE PROCEDURE

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CASE MANAGER	WARDEN	QUARTERMASTER
CLASSIFICATION	DEPUTY WARDEN ADMINISTRATION/SPECIAL SERVICES/PROGRAMS	RECORDS
COMMISSARY	DEPUTY WARDEN OPERATIONS	RECOVERY SERVICES
DENTAL USE HEALTH SERVICES REQUEST FORM, DRC5373 TO ACCESS DENTAL CARE	INST. INSPECTOR	RECREATION
MEDICAL USE HEALTH SERVICES REQUEST FORM, DRC5373 TO ACCESS MEDICAL CARE	INVESTIGATOR	RELIGIOUS SERVICES
MAJOR MENTAL HEALTH	JOB COORDINATOR	UNIT MANAGER
	LIBRARY	EDUCATION
	MAIL ROOM	FOOD SERVICE
		OTHER

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3. State your problems clearly and completely and thereby get immediate attention.
4. Avoid duplication of Kites, Writing to more than one office about the same thing will not obtain any faster attention.
5. Kites are to be used only for communication between inmates and Institutional Staff and not for any other purpose.

PORTER CORRECTIONAL

2019 APR 22 A 7 49

INMATE'S OFFICE



# Response to Kite

Inmate Name: <b>McElroy</b>	
Number: <b>746-614</b>	Lock/Unit: <b>B1/N/21T</b>
From: <b>Mr. Caja for Mr. Brown</b>	
Regarding Your Kite of (Date): <b>2-25-19</b>	

I will get back with you on your PC concerns – there are some process that I am not sure on at this point.

Signature:
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DRC 4180 (Rev. 06/04)

EX #9