IN THE UTAH SUPREME COURT

THE SALT LAKE TRIBUNE and its reporter, MATTHEW PIPER,
Plaintiff and Appellee,

v. **Case No. 20180601-SC**

The UTAH STATE RECORDS COMMITTEE,
Defendant, and
BRIGHAM YOUNG UNIVERSITY,
Intervenor and Appellant.

BRIEF *AMICI CURIAE* OF THE BRECHNER CENTER FOR FREEDOM OF INFORMATION, STUDENT PRESS LAW CENTER, KPCW, THE *DAILY HERALD*, THE *STANDARD EXAMINER*, KSTU-FOX 13, THE ASSOCIATED PRESS, THE NATIONAL FREEDOM OF INFORMATION COALITION, THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, AND THE SOCIETY OF PROFESSIONAL JOURNALISTS IN SUPPORT OF PLAINTIFF-APPELLEE

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STATEMENT OF INTEREST

The Brechner Center for Freedom of Information is located at the University of Florida College of Journalism and Communications, where for 42 years the Center's legal staff has served as a source of research and expertise about the law of access to information. The Brechner Center regularly publishes scholarly research about the public's rights under open-government laws, responds to media inquiries about the workings of public-records statutes, and conducts educational programming to inform citizens about their access rights.

The Student Press Law Center ("SPLC") is a non-profit, non-partisan organization that, since 1974, has been the nation's only legal assistance agency devoted to educating high school and college journalists about the rights and responsibilities embodied in the First Amendment. As such, its legal staff regularly assists in resolving disputes about access to records and informs students of their rights under public records laws.

KPCW is a public radio station in Park City, Utah that has served its listeners with local news and information since it began broadcasting in 1980. KPCW dedicates five hours each day to in-depth reporting on local news, including reporting on government, politics, and crime.

The *Daily Herald* is a daily newspaper based in Provo, Utah. The *Daily Herald*'s reporting has a strong focus on news and events in Utah County and

central Utah. Among other things, the *Daily Herald* covers news related to the BYU Police Department and crime in Utah County.

The *Standard Examiner* is a daily print and online newspaper published in Ogden, Utah. The paper reports on both local and national news, including in-depth reporting on local crime and police operations.

KSTU-FOX 13 is a Fox-affiliated television station based in Salt Lake City, Utah. KSTU dedicates dozens of hours each week to covering local Utah news, including reporting on crime in Provo, as well as operations of the BYU Police Department.

The Associated Press is a U.S.-based not-for-profit news agency which reports on international, national, and local news. The AP's news reports are published and republished by more than one thousand newspapers and broadcasters, and over half the world's population sees the AP's content every day.

The National Freedom of Information Coalition ("NFOIC") is a nonprofit organization that works to raise public awareness about the importance of transparency and to protect the public's right to open government. The NFOIC awards grants to its affiliated state- and region-based freedom of information organizations for their work in fostering, educating, and advocating for open, transparent government.

The Reporters Committee for Freedom of the Press ("RCFP") is an unincorporated nonprofit association. The Reporters Committee was founded by leading journalists and media lawyers in 1970 in response to an unprecedented wave of government subpoenas forcing reporters to name confidential sources. Today, its attorneys provide *pro bono* legal representation, *amicus curiae* support, and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists.

The Society of Professional Journalists ("SPJ") is dedicated to improving and protecting journalism. Founded in 1909 as Sigma Delta Chi, SPJ promotes the free flow of information vital to a well-informed citizenry, works to inspire and educate the next generation of journalists, and protects First Amendment guarantees of freedom of speech and press.

STATEMENT OF THE ISSUES

Whether a private university that maintains a state-certified police agency delegated to exercise state law-enforcement authority must adhere to Utah's Government Records Access and Management Act ("GRAMA") for purposes of public access to the records of policing activity, as any similarly situated state, county or city police agency would.

STATEMENT OF THE CASE

This case arises out of a request by journalists at the *Salt Lake Tribune* to inspect law enforcement records maintained by the police department at Brigham Young University ("BYU" or the "University"). The records concern a highly publicized case of great public concern that raises questions about the University's use of governmentally delegated police power. BYU refused to honor the request, arguing that its police department is exempt from the requirements of GRAMA. The District Court disagreed and ordered the BYU police department to make the records available, concluding that the Police Department is a governmental entity when discharging state-delegated policing authority and therefore must honor requests for its law enforcement records. This appeal followed.

SUMMARY OF ARGUMENT

As the District Court correctly held, the Brigham Young University Police Department is, in law and in fact, a governmental entity when discharging law enforcement duties. The exercise of police power is the archetype of a governmental function. The power to use deadly force and to take away people's freedom under color of state law uniquely belongs to the state. When the state deputizes private entities to carry out that essential function, the function does not lose its "governmental" identity.

The public's need for complete and reliable information about how law enforcement agencies perform their duties is obvious and undeniable. This is why the state Government Records Access and Management Act ("GRAMA") has always been interpreted to afford the public access to crime reports created by police officers and similar law-enforcement records that enable people both to keep watch over law-enforcement agencies and also to take precautions to keep themselves safe.

The Police BYU Police Department owes its existence to the state, is heavily regulated by the state, and is performing a core governmental function that -- but-for its existence -- the state would be obligated to perform. GRAMA consequently entitles the public to review the Department's records as would be the case at any state, county or city police agency in Utah. To hold otherwise would create unaccountable "secret police" cloaked with state authority, without any of the transparency duties that must accompany that authority. Having sought and accepted state arrest powers, BYU cannot be heard to complain when asked to be accountable for how those powers are used. Although the Utah legislature recently has clarified that, prospectively, BYU police records will be accessible to the public, it remains important for this Court to uphold the principle recognized below: That core public-safety functions may not be delegated to private entities in a way that frustrates public oversight.

ARGUMENT

I. The Public and Press Need Timely, Accurate Information About the Activities of Campus Police

When a citizen reports a crime to a law enforcement agency, that report creates a paper trail that allows for public accountability and oversight. The importance of public access to information about crimes and arrests is so well understood that the law of every state, including Utah, provides for disclosure of the salient details about each incident reported to police, even if those involved might prefer to keep the information secret. The position urged by the University in this case would produce the intolerable result of police exercising state arrest powers to enforce state laws under state oversight, behind closed doors. Communities need information from and about law enforcement agencies to make informed decisions, including about what precautions to take to keep themselves safe from crime in a specific neighborhood or at particular school.

Access to police records is essential to informed media coverage of crime and police activity. Reporters use records from law enforcement agencies every day to better inform the public about trends in crime happening in their communities and about whether government officials are doing their jobs diligently. For example, the *Star Tribune* of Minneapolis was named a finalist for the 2019 Pulitzer Prize for a series of reports, "Denied Justice," documenting how

the local district attorney's office failed to prosecute cases of sexual assault, outraging the victims who came forward to report. *See* Brandon Stahl *et al.*, "When rape is reported and nothing happens," *The Star Tribune*, July 22, 2018. As the lead editor on that series of stories wrote: "This project would have been impossible without public access to law enforcement investigative reports."[1] New Jersey's *Asbury Park Press* relied on police records to build a 19-part series that exhaustively documents how the state's fragmented police oversight system regularly allowed known lawbreaking officers to remain on the job, with tragic consequences, a series recognized with a 2019 Silver Gavel Award from the American Bar Association. *See* Andrew Ford *et al.*, "Protecting the Shield," *Asbury Park Press*, Jan. 22, 2018. The informative level of detail that journalists were able to provide in these acclaimed public-service stories, and many more like them, is made possible only by complete access to police records.

Campus police are increasingly doing essential public-safety work in ways indistinguishable from that of city or county police. *See* John Mura & Sheryl Gay Stolberg, "Samuel DuBose's Death in Cincinnati Points to Off-Campus Power of College Police," *The New York Times*, July 31, 2015 (quoting Justice Department

[1] *See* MaryJo Webster, *"Denied Justice": Change-making investigative reporting, made possible by access to law enforcement records*, Medium.com, June 4, 2019, *available at* https://medium.com/@frankbrechner/denied-justice-change-making-investigative-reporting-made-possible-by-access-to-law-ee1036b3b9f.

statistics showing 92 percent of state colleges and 38 percent of private campuses have police officers, and about 90 percent of those police departments have the power to patrol and make arrests off campus). Indeed, it is common for campus police to enter into "mutual-aid agreements" with local city or county police so that the officers can act interchangeably with each other, thus erasing any "line" between private and public police. *See, e.g.*, Tammy Grubb & Mark Schultz, "Chapel Hill police told 'Do not engage' with Silent Sam protesters before statue fell," *The Herald Sun*, Aug. 29, 2018 (noting that the University of North Carolina-Chapel Hill and its host city "have a mutual aid agreement for emergency situations and special events"); *Rome News-Tribune*, "GNTC gets approval for campus police force," Sept. 26, 2018 (explaining that "[u]nder these agreements, college police officers can operate off campus when requested by other agencies to assist them").

In recent years, campus officers have fatally shot people at Portland State University, Georgia Tech and the University of Cincinnati, in each instance raising serious questions about the propriety of using deadly force. *See* Eric Levenson & Artemis Moshtaghian, "Portland State University police fatally shoot man who was trying to break up a fight," CNN.com, July 3, 2018; Liam Stack, "Georgia Tech Student Leader is Shot Dead by Police," *The New York Times*, Sept. 18, 2017; Harvard Law Review, "The Shooting of Samuel DuBose: University Police Officer

Shoots and Kills Non-University-Affiliated Motorist During Off-Campus Traffic Stop," 129 HARV. L. REV. 1168 (Feb. 10, 2016). Access to public records from these police agencies, such as body-cam video, helped the public understand how and why the officers acted as they did. It is inconceivable that these types of records could be regarded as "none of the public's business" just because the officer who fired the fatal shot happened to work for a privately funded entity.

At Texas' Tarleton State University, student journalists suspected that the annual crime statistics being published by their university, as required by the federal Clery Act, were misleadingly low. They were able to use campus police reports to "audit" those statistics, demonstrating that police knew of multiple serious crimes that went uncounted and undisclosed. Only the ability to review campus police incident reports enabled these reporters to expose wrongdoing that led to a stiff federal fine. As a direct result of the journalists' reporting, the U.S. Department of Education fined Tarleton State more than $110,000 for omitting three sex offenses, 35 burglaries, 22 drug arrests and multiple other crimes from its public filings.[2]

[2] *See In re Tarleton State*, U.S. Dept. of Educ. Docket No. 09-56-SF (June 1, 2012), *available at* https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/cleryact/tarletonstateuniversity/tarletonEDresponse.pdf. *See also* Freedom of Information Foundation's Student Project Results in Record Fine, Freedom of Information Foundation of Texas blog post, Nov. 6, 2009, *available at* http://foift.org/2009/11/06/573/.

In another instance, using access to campus police reports, reporters from *The Columbus Dispatch* demonstrated that, while hazing is regularly reported at Ohio colleges, cases rarely end up being prosecuted as crimes, apparently because prosecutors decline to bring charges. Mike Wagner *et al.*, "Few charges rise from hazing cases," *The Columbus Dispatch*, May 19, 2019. As this example demonstrates, campus police reports not only enable the public to monitor the activities of universities and their police, but also help shine a light on the workings of the larger justice system, a governmental function of the highest public concern.

Crime on college campuses is a subject of intense and legitimate public concern. Not only have college campuses been the scene of horrific mass killings, but on a more routine basis, colleges are afflicted by hazing and sexual assault, with campus police often tasked with responding. *See, e.g.*, Tyler Pager, "Student Dies After Possible Hazing Episode at SUNY Buffalo," *The New York Times*, Apr. 14, 2019 (campus police involved in hazing investigation after 18-year-old fraternity pledge died of cardiac arrest); Rebecca Green *et al.*, "University of Utah Police investigating reported sexual assault on campus," Fox13now.com, Mar. 26, 2019 (public asked to call campus police with information about sexual assault reported near university library); Terrence Cullen, "Fraternity involved in LSU student death has previously had problems with hazing and drinking," *N.Y. Daily*

News, Sept. 16, 2017 (Louisiana State University campus police investigating death of 18-year-old as possible hazing). Whether campus police respond to reports of serious crimes with care and diligence -- or fail to do so -- is of great public concern regardless of who signs the officers' paychecks. *See, e.g.*, Jake New, "Student Says UNC Favored Athlete Accused of Rape," InsideHigherEd.com, Sept. 14, 2016 (describing student's allegations that campus police failed to take her rape case seriously because of favoritism toward the accused football player, and noting that two Richmond students had recently made similar accusations). While crime can happen anywhere, families have a special concern that a university campus -- where young people are sent to live away from home unsupervised for the first time -- is safe. The business of policing is the public's business, and this includes the policing of private university campuses.

II. Legislatures and Courts Have Recognized Campus Policing as a Governmental Function Requiring Public Oversight

There is no more uniquely "governmental" function than the police power, which carries with it the power to deprive citizens of their freedom and, when necessary, even to use deadly force. The notion that a state could "outsource" its most sensitive function to private actors who are immune from public accountability is without precedent or parallel in the law.

The role of police is so uniquely sensitive that the public's ability to keep watch on how police power is used rises to the level of a constitutionally protected

right. At least six federal circuits have recognized a First Amendment right to audiotape and videotape police performing their duties in public. *See Fields v. City of Phila.*, 862 F.3d 353, 355-56 (3d Cir. 2017) (enumerating, and following, cases from the First, Fifth, Seventh, Ninth and Eleventh Circuits that regard recording police activity as constitutionally protected expression). The court in *Glik v. Cunniff,* 655 F.3d 78 (1st Cir. 2011), aptly summarized the vital public interest in being informed about the way police wield their arrest powers:

> Gathering information about government officials in a form that can readily be disseminated to others serves a cardinal First Amendment interest in protecting and promoting the free discussion of governmental affairs.... This is particularly true of law enforcement officials, who are granted substantial discretion that may be misused to deprive individuals of their liberties.

655 F.3d at 82 (internal quotes, brackets and citations omitted).

The public accountability that necessarily accompanies the ultimate state power cannot be lightly "privatized away." The power to arrest is regarded in the eyes of the law as a uniquely important and sensitive one, requiring continuing public vigilance that can be exercised effectively only if the public has complete and timely information.

Several courts have recognized that the information in police incident reports is so uniquely important that the public's right of access is guaranteed not just by state statute but by the Constitution. In *Houston Chronicle Pub. Co. v. City of Houston*, a Texas court held that the First Amendment precluded an

interpretation of the state open-records law that would allow police to withhold information such as a description of each crime. As the court said there:

> The importance of these records to the press for use in the reporting of crimes of interest to the public is undisputed. ... [T]he press has an obligation to the public to inform them of police activities. In order to accomplish this it must obtain the news. When a paper can no longer obtain the news it cannot remain a successful newspaper. The Offense Reports represent a handy vehicle at a central location which enables a reporter on a criminal beat to evaluate the newsworthiness of the crime in question, the newsworthiness of the persons involved, and the effectiveness of our law enforcement agencies and ultimately our judicial processes.

531 S.W.2d 177, 180-81 (Tex. App. 1975). The court concluded that the First Amendment entitles the public to the following information from police incident reports: "the offense committed, location of the crime, identification and description of the complainant, the premises involved, the time of the occurrence, property involved, vehicles involved, description of the weather, a detailed description of the offense in question, and the names of the investigating officers." *Id.* at 187.

Similarly, in *Bauer v. Kincaid*, 750 F. Supp. 2d 575 (W.D. Mo. 1991), a federal district court held that interpreting a predecessor of the current federal student privacy statute to cover campus police reports would infringe the public's First Amendment right of access to information. The court held that the limited disclosure provided by police at Southwest Missouri State University was constitutionally inadequate, both because it denied the public essential information

about crime, and because it created a disadvantaged class of college students who are denied the same level of safety information about their communities as citizens of any other community. *See id.* at 592-93.

A growing number of states, whether by legislation or court ruling, are clarifying that public-records laws apply to police departments at private universities. The public has a statutorily guaranteed right to obtain records from private university police departments comparable to those available from state, county or city police agencies in Georgia, North Carolina, Texas, Virginia and Wisconsin,[3] as well as in Ohio by way of state Supreme Court ruling.[4]

Enactment of the Texas law followed exactly the type of case for which accountability is essential: A questionable decision to use force against a nonviolent offender. Texas Sen. John Whitmire introduced the legislation in response to Rice University's refusal to release records about why three Rice officers beat an African-American man with batons while arresting him for misdemeanor bicycle theft. Brian Rogers, "Lack of police transparency in Rice arrest angers lawmaker," *Houston Chronicle*, Dec. 2, 2013. It is inconceivable that a university could take the position that there is no public entitlement to demand

[3] *See* Ga. Code. Ann. § 20-8-7; N.C. Gen. Stat. § 74G-5.1(c); Tex. Educ. Code § 51.212(f); Va. Code Ann. § 23.1-817; Wisc. Stat. § 19.32(1).
[4] State *ex rel.* Schiffbauer v. Banaszak, 33 N.E.3d 52 (Ohio 2015).

disclosure of records even when those records are needed to determine whether police officers committed a dangerous crime.

The Connecticut Freedom of Information Commission ruled in 2008 that Yale University was required to disclose police incident reports under the same terms as any other police agency in Connecticut, because Yale officers exercised arrest authority under a state statute empowering universities to create full-fledged police forces. *In re Perrotti v. Chief Police Dept., Yale Univ.*, No. FIC 2007-370 (Conn. FOI Comm'n Feb. 13, 2008). As BYU does here, Yale argued that it was not subject to the state public-records law because it did not receive direct public funding. But the Commission did not treat the matter of government funding as conclusive. Rather, it looked to the indirect benefits that Yale received -- both generally, as a tax-exempt institution, and directly in support of its police force, including support from the local police department by way of a Mutual Aid Agreement. The Commission also found persuasive the fact that Yale police exercised full police power under a statutory grant of authority from the state. *See id.*, ¶¶ 12, 15 (noting that "law enforcement is traditionally a function of the government" and that "the police power given to the YUPD, with its accompanying power to detain and arrest, is a fundamental governmental function that is capable of having a profound impact on private individuals").

Courts have regularly held that privately employed police are "state actors" governed by the same constitutional standards as any other police when they are delegated full arrest powers. *See, e.g., Romanski v. Detroit Ent'mt, LLC*, 428 F.3d 619 (6th Cir. 2005) (private security guards licensed by the state and given plenary police powers by statute were state actors for purposes of § 1983 civil-rights claim); *Payton v. Rush-Presbyterian-St. Luke's Med. Ctr.*, 184 F.3d 623 (7th Cir. 1999) (hospital security guards commissioned under state statute as "special officers" with full police powers were state actors); *United States v. Hoffman*, 498 F.3d 879 (7th Cir. 1974) (railroad police statutorily commissioned to exercise full police powers could be convicted under statute criminalizing use of state authority to violate civil rights). It is well-accepted that police at private colleges are governed by the same legal standards that apply to police everywhere else, without exception. *See, e.g., Finger v. State*, 799 N.E.2d 528 (Ind. 2003) (police at private university in Indiana were subject to the same constitutional standards as are municipal police when exercising state-delegated police power); *Torres v. Univ. of Notre Dame*, No. 3:11-CV-209 (N.D. Ind. March 23, 2012) (same); *Sacko v. Univ. of Pa.,* No. 14-831, 2014 U.S. Dist. LEXIS 77080 (E.D. Pa. June 5, 2014) (University of Pennsylvania police are state actors subject to constitutional claims although the university is private); *Boyle v. Torres*, 756 F. Supp. 2d 983 (N.D. Ill. 2010) (police at private Illinois college were acting "under color of state law"

when they used state-delegated arrest powers, for purposes of § 1983 civil-rights claim); *Scott v. Northwestern Univ. Sch. of Law*, No. 98 CV 6614, 1999 WL 134059 (N.D. Ill. March 8, 1999) (same).

If GRAMA did not apply to police at private colleges, the public would be entitled to only the skeletal information about crime legally required by the federal Jeanne Clery Act, 20 U.S.C. § 1092(f). The Clery Act requires private colleges that receive federal funds maintain a log with a one-sentence description of any crime to which campus police respond -- far less detail than what is required of all other police agencies. Significantly, Clery Act logs need not include such information as the names of victims or witnesses, a description of the circumstances of the crime, or the employment of any arrested person, all of which could be conclusive in determining whether a crime is a newsworthy matter of public concern. Notably, Clery disclosure requirements extend not just to "police" but to any campus safety office, even an agency with no arrest powers. Were BYU's position to carry the day, citizens would be entitled to no greater information from a full-fledged police department with state-delegated arrest powers than from a "campus security" agency exercising no governmental authority. This makes no sense. Recognizing that commonsense principle, Utah's legislature recently clarified that GRAMA indisputably will apply, going forward, to the very records at issue in this case.

III. The District Court Properly Applied GRAMA to BYU Police Department Records

Utah open-government law begins with the default premise that close judgment calls must go in favor of the public's right of access. Utah Stat. § 63G-2-102(3)(e) (directing courts to "favor public access when, in the application of this act, countervailing interests are of equal weight"). The interpretation urged by the University in this case would defeat the salutary purposes of the Act and undermine its effectiveness, drawing a road map for evasion and concealment that government agencies could readily abuse.

In other states, courts have had no difficulty concluding that private corporations must abide by open-records laws if they are performing a traditional state function delegated to them by the state. "[W]hen a public entity delegates a statutorily authorized function to a private entity, the records generated by that private entity's performance of that duty become public records." *B & S Utilities v. Baskerville-Donovan, Inc.*, 988 So.2d 17, 22 (Fla. Dist. Ct. App. 2008) (requiring engineering firm that oversaw management of municipal wastewater plant to abide by Florida public records act). *See also SWB Yankees LLC v. Wintermantel*, 45 A.3d 1029 (Pa. 2012) (corporate manager of minor-league baseball park was subject to Pennsylvania's open-records act because it was "deputized as agent" of government and "performed an essential government function"); *Clarke v. Tri-Cities Animal Care & Control Shelter*, 181 P.3d 881 (Wash. App. 2008)

(corporation became "functional equivalent" of state agency for purposes of Washington's public records act, when its officers took an oath to enforce state and local animal-control laws and assumed police powers). Enabling a state government to deputize private actors to carry out core governmental functions without transparency is inimical to the history and purpose of public-records acts. North Carolina appellate judges readily discerned this danger in rejecting a city government's contention that documents prepared on behalf of the city by a private attorney were not public records:

> If an argument such as this were to prevail there would be nothing to prevent municipalities and other governmental agencies from skirting the public records disclosure requirements simply by hiring independent contractors to perform governmental tasks and to have them retain all documents in conjunction with the performance of those tasks that municipalities and agencies chose to shield from public scrutiny.

Womack Newspapers v. Town of Kitty Hawk, 639 S.E.2d 96, 105 (N.C. App. 2007).

Although there is no reason to believe in this case that Utah state government deputized the Police Department to enforce state law with the purpose of evading GRAMA, the ruling urged by the University here would invite mischief undermining the effectiveness of the Act. Were the Court to adopt the University's view of GRAMA, agencies could purposefully offload their governmental responsibilities onto contractors or self-created shell corporations with the intent of doing public business in private.

In sum, while the enactment of Senate Bill 197 (codified at Utah Stat. §§ 53-1-102(1)(c)(i)(C), 63G-2-103(11)(b)(vi)) settles the specific issue in this case prospectively, the broader legal principle at stake -- that public accountability duties follow the acceptance of delegated state authority -- remains of great importance. Consistent with Utah's tradition that GRAMA is to be interpreted broadly starting from the default presumption that records are to be made public, *Deseret News Pub. Co. v. Salt Lake County*, 182 P.3d 372, 384 (Utah 2008), the Court should reject the University's invitation to narrow the Act in a way that could place essential public-safety functions beyond public scrutiny.

CONCLUSION

For the foregoing reasons, the decision below should be affirmed and Plaintiffs-Appellees should be afforded access to the requested public records, along with all other available relief.

DATED June 28, 2019.

Randy L. Dryer
Attorney for amici curiae

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of June, 2019, true and correct copies of the attached Brief *Amici Curiae* of the Brechner Center for Freedom of Information *et al.* were sent via email to the following:

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CERTIFICATE OF COMPLIANCE

1. This brief complies with the type-volume limitation of Utah R. App. P. 24(g)(1) and 50(e) because it contains 20 pages, excluding the parts of the brief exempted by Utah R. App. P. 24(g)(2) and 50(e). This brief has been prepared using Microsoft Word in 14-point Times New Roman typeface.

2. This brief complies with the addendum requirements of Utah R. App. P. 24(a)(12) because the addendum contains a copy of:

[X] any constitutional provision, statute, rule, or regulation of central importance cited in the brief but not reproduced verbatim in the brief;

[X] the order, judgment, opinion, or decision under review and any related minute entries, findings of fact, and conclusions of law; and

[X] materials in the record that are the subject of the dispute and that are of central importance to the determination of the issues presented for review, such as challenged jury instructions, transcript pages, insurance policies, leases, search warrants, or real estate purchase contracts.

3. This brief complies with Rule 21(g).

DATED June 28, 2019.

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