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TOPICS FOR TODAY:

- Changing a child's name
- Lawyers' Interesting Actions
- Recusal Orders
- Continuing Trial
- Carrington Review
- Discoverable Material
- Specific technicalities
- Substantial Non-Compliance
- First Amendment in Juvenile Court
- DCS' Overwork = TPR defense
- Right reason / wrong ground
- Crazy Clients
- Disestablishing the father
- Caring for the Child does not equal abandonment
- Establishing the father
- Affirmative Defenses
- Best Interest is still a defense
- Siblings don't have standing
- Using the trial court's order

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Ferguson vs. Traughber, 2024 Tenn. App. LEXIS 285 (Tenn. Ct. App. July 2, 2024)

SUMMARY:

Father wished to change his son's surname to his own due to personal and cultural perceptions. Reversed by COA because did not delve into best interest analysis

POSITIONS:

Parent's Attorney

- Amount of proof required to justify a name change is not insubstantial. Law does not presume a child should have father's surname
- Burden of proof lies on petitioner and they must get past that hurdle prior to shifting burden

Guardian ad Litem

- Look to Barabas factors: (1) child's preference; (2) effect on child's relationship with parents; (3) amount of time child has with current name; (4) degree of community respect for name; degree of embarrassment due to current or new name

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Reguli vs. Anderson, 2024 Tenn. App. LEXIS 176 (Tenn. Ct. App. April 22, 2024)

SUMMARY:

Attorney files public records request and cites to 6th Circuit opinion; however, attorney fails to include a full copy of the opinion and instead includes 4 pages from the slip copy

Trial court enters Rule 11 sanctions due to attorney's failure to include entire 6th Circuit Opinion AND attorney's purpose was improper

COA reverses sanctions finding preemptively sanctioning speech without knowing what respondent would do is not allowable

POSITIONS:

Parent's Attorney

- Remember that Tennessee Public Records Act is available for many purposes, but you must have a reason for submitting the request

Guardian ad Litem

- Beware that some people may wish to obtain records regarding the children that you are representing. If so, there are statutes that require confidentiality, but make sure the judge is aware of them.

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State vs. Reguli, 2024 Tenn. Crim. App. LEXIS 102 (Tenn. Crim. Ct. App. March 4, 2024)

SUMMARY:

DCS files petition for removal and mother absconds with children eventually staying with her attorney. TBI issues amber alert and children and mother found at attorney's home

Attorney indicted and found guilty for custodial interference

COA reverses finding that custodial interference must involve interference with visitation order and not custody order

POSITIONS:

Parent's Attorney

- ?????

Guardian ad Litem

- Parents' actions should be taken into consideration regarding best interest of the child
- In many cases, the GAL could argue that subjecting children to police forcing themselves into the house could be a part of the best interest analysis

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Giro vs. Wilburn, 2024 Tenn. App. LEXIS 341 (Tenn. Ct. App. Aug. 7, 2024)

SUMMARY:

Defendant attorney files case in support of his position, but footnote showing that case is a memorandum opinion and cannot be cited is redacted / missing

Trial court relies upon case cited and case is appealed

COA reverses discovering for the first time that the case relied upon was altered and remands to trial court to reanalyze case

POSITIONS:

Parent's Attorney

- Always review the cases that you cite and make sure that they are accurate. Remember that you cannot cite to a memorandum opinion

Guardian ad Litem

- Always review the cases that are cited by opposing counsel and cite check them.

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Loring Justice vs. Nelson, 2024 Tenn. App. LEXIS 275 (Tenn. Ct. App. Jun 26, 2024)

SUMMARY:

Respondent mother in ongoing custody battle asked for Rule 11 sanctions due to claims that father's actions constituted abusive civil action and were not warranted by any existing law or by any reasonable extension, modification or reversal of existing law

Court of Appeals upholds finding of Rule 11 sanctions

POSITIONS:

Parent's Attorney

- Beware of Rule 11 Sanctions. They can be placed against not only your client, but you personally!

Guardian ad Litem

- Make the argument in the trial court that there is no basis for the other side's legal argument and make sure that you abide by Rule 11. A letter must be sent and procedures must be followed for Rule 11 to apply

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Hastings vs. Hastings, 2024 Tenn. App. LEXIS 147 (Tenn. Ct. App. Apr. 5, 2024)

SUMMARY:

Judge denies recusal motion from the bench and continues to make decisions regarding other issues prior to written order on recusal motion.

Court of Appeals upholds judge's decision; however, it states the better procedure would have been to enter separate recusal order and then move forward with orders on other issues

POSITIONS:

Parent's Attorney

- As soon as the recusal issue is decided, you must offer an order as soon as possible for appellate purposes

Guardian ad Litem

- You must also make sure that the recusal order is entered as soon as possible. You do not want to have a reversal of a recusal which would void all further orders after the recusal issue is presented.

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In re Dezeray H., 2024 Tenn. App. LEXIS 214 (Tenn. Ct. App. May 14, 2024)

SUMMARY:

DCS alleges many grounds including Abandonment by Failure to Provide a Suitable Home.

Mother previously found to have committed severe child abuse; therefore, DCS relieved of reasonable efforts

COA reverses finding reasonable efforts are required for this ground whether DCS is relieved or not

POSITIONS:

Parent's Attorney

- Always look at reasonable efforts even when DCS has been relieved and your client committed severe abuse

Guardian ad Litem

- Always make a record regarding reasonable efforts. The burden is on the petitioner to show reasonable efforts were made for the ground of abandonment for failure to provide a suitable home

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In re Ember H., 2024 Tenn. App. LEXIS 80 (Tenn. Ct. App. Feb. 28, 2024)

SUMMARY:

Respondent's counsel asked for a continuance claiming that a new witness was necessary and the witness was unavailable. Respondent's counsel did not say significance of witness and did not provide witness & exhibit list.

COA upholds denial of continuance

POSITIONS:

Parent's Attorney

- If you have a witness, make sure that the record reflects who, what, when, where, and why of the witness' testimony and the significance of the testimony

Guardian ad Litem

- Ask why this witness was not subpoenaed and/or made available and what is the significance of this witness and how it is relevant to these proceedings. **MAKE A RECORD!**

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In re Kaitlyn D., 2024 Tenn. App. LEXIS 108 (Tenn. Ct. App. March 11, 2024)

SUMMARY:

Trial court found seven (7) grounds for termination and mother appealed but did not raise any of the grounds instead arguing best interest.

COA reverses some of the grounds based upon "Carrington Review"

POSITIONS:

Parent's Attorney

- Under Carrington, even if you don't raise it, the COA may raise it for you...that does not mean you should be incompetent

Guardian ad Litem

- Always try to review any of the possible issues even if the Appellant did not raise them. The COA may very well ask you about them during oral argument

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Collins vs. Harrison, 2024 Tenn. App. LEXIS 182 (Tenn. Ct. App. Apr. 24, 2024)

SUMMARY:

Mother files petition for modification of child support.

Mother issues discovery regarding father's inheritance and income received from investments

Trial court denies mother's discovery requests and awards GAL fees against mother

COA reverses finding discovery was relevant for child support and reverses GAL assessment of fees

POSITIONS:

Parent's Attorney

- Look to Rule 26 to determine what is relevant. Remember that if it can lead to something that is relevant, it is relevant

Guardian ad Litem

- GAL fees are generally discretionary to the trial judge. In this case, the mother alleged abuse by the father, but he was not indicted. The COA reasoned that the mere fact that he was not indicted does not indicate that the mother should not have filed the petition.
- Good luck collecting...

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In re Jack C.L., 2024 Tenn. App. LEXIS 223 (Tenn. Ct. App. May 22, 2024)

SUMMARY:

Petitioner alleged abandonment by incarcerated parent.

Unfortunately, the record does not show when the father was actually incarcerated and the trial court did not specify which dates it was using to make this determination.

COA reverses due to lack of specific dates in record and in order

POSITIONS:

Parent's Attorney

- This seems to be a good example of a parent's failure to answer questions providing a defense considering the trial court must be extremely specific with dates in TPR proceedings

Guardian ad Litem

- When questioning the parent, you must be specific with dates. Obtain the records of incarceration which are the best records considering the parent may not remember or may not wish to remember

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In re Allison, 2024 Tenn. App. LEXIS 205 (Tenn. Ct. App. May 8, 2024)

SUMMARY:

DCS alleges multiple grounds including failure to substantially comply with permanency plan

COA reverses finding that although mother failed to provide proof of housing and employment, she made significant efforts in addressing her drug abuse and mental health issues and has completed most responsibilities related to these concerns

POSITIONS:

Parent's Attorney

- Always ask which concerns are the most significant and don't allow the Department to say "they are all significant"
- Look to the reason that the children came into custody and whether the parent has addressed those concerns

Guardian ad Litem

- Make a record showing the lack of efforts by the parent to address the concerns in the permanency plan and argue which concerns are really the most significant

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Malone vs. Rose, 2024 Tenn. App. LEXIS 127 (Tenn. Ct. App. March 26, 2024)

SUMMARY:

Trial court restrained grandparent (nonparty) from speaking with child about allegations and litigation

Court of Appeals reverses finding non-party witness must be provided notice, a hearing, and a specific finding demonstrating harm to child

POSITIONS:

Parent's Attorney

- The court cannot use its own personal reasoning and bias in its order to force a gag order on a non-party

Guardian ad Litem

- Everyone knows that it is harmful to a child to speak about litigation; however, you must make a showing in the record why it is harmful and provide a hearing to the non-party witness
- The fact that everyone knows is not enough to show specific harm to the child under a first amendment analysis

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In re Evandor C., 2024 Tenn. App. LEXIS 63 (Tenn. Ct. App. Feb. 20, 2024)

SUMMARY:

Parents were severe drug abusers; however, DCS had not done any screens on the parents in two years and DCS had not visited the parents' home to determine its current condition

COA reverses ground of persistence of conditions

POSITIONS:

Parent's Attorney

- If the Department is not asking for it, it might be in your client's best interest to not volunteer
- Be careful that if DCS asks for it as part of their investigation, this ground is still very much alive
- Review what opportunities DCS had to obtain this information, yet failed to obtain it

Guardian ad Litem

- Review with the case worker the efforts made to obtain the screens or visit with the parents' home

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In re Logan F., 2024 WL 3534932 (Tenn. Ct. App. July 25, 2024)

SUMMARY:

Father incarcerated in the four months prior to filing of petition

- a. Allegation of abandonment reversed due to incarceration

POSITIONS:

Parent's Attorney

- Look at specific abandonment ground pled. Court of Appeals stated that 36-1-102(1)(A)(i) was not proper, but 36-1-102(1)(A)(iv) would apply
- Determine when your client was incarcerated

Guardian ad Litem

- Create timeline of incarceration and failure to pay
- If the wrong ground is alleged, you may wish to file your own petition

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In re Cartier H., 2023 WL 7158076 (Tenn. Ct. App. Oct. 31, 2023)

SUMMARY:

Children removed due to mother's committal due to mental health issues. TPR filed alleging (1) abandonment due to failure to provide suitable home; (2) mental incompetence; (3) persistence of conditions; and (4) failure to manifest. COA upholds mental health allegations due to mother's own behaviors at trial & multiple mental health hospitalizations; reverses and remands because trial court did not consider best interest factors that could help mother

POSITIONS:

Parent's Attorney

- Try to keep your client under control in trial (if possible)
- When going through the best interest factors, go through every one even if they do not seem relevant

Guardian ad Litem

- Make sure that you make a record of the parents' behaviors at trial. You will need it on appeal.

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In re Kamdyn H., 2024 Tenn. App. LEXIS 73 (Tenn. Ct. App. Feb. 22, 2024)

SUMMARY:

Mother had long history of psychotic episodes, delusions and recurring hospitalizations

DCS does not present any expert testimony at trial

COA upholds TPR finding that expert testimony is not required to provide mental incompetence and record shows mother's inability to care for children

POSITIONS:

Parent's Attorney

- Mother made an interesting argument under ADA claiming that she could care for children with help
- This did not work, but it could work in other cases involving other disabilities such as blindness

Guardian ad Litem

- Make sure the record reflects mother's behavior during the court proceeding. If the record doesn't find it, it didn't happen

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In re James T., 2023 WL 5624587 (Tenn. Ct. App. Aug. 31, 2023)

SUMMARY:

Foster mother files TPR and learns that father is not the father. She therefore files a Petition to Disestablish.

COA finds that if foster parent can have standing to terminate, they have standing to disestablish paternity

COA found that disestablishment could not occur through mistake considering neither parent believed father was actual father, BUT it could occur through fraud considering parents were committing fraud on state and foster mother considering she expended funds to terminate his rights

POSITIONS:

Parent's Attorney

- This is a very good case to review regarding the methods to disestablish paternity if that is needed. The methods include both fraud and mistake which are analyzed thoroughly

Guardian ad Litem

- If the father is not the real father, you may wish to disestablish him using this case

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In re Rori H., 2024 Tenn. App. LEXIS 160 (Tenn. Ct. App. April 16, 2024)

SUMMARY:

Father files petition to establish paternity and emergency custody. On the same day, the grandfather also filed a petition for emergency custody and granted to grandparents. A few weeks later, grandparents file petition for termination / adoption.

COA reverses finding of abandonment due to the fact that father was caring for child during four months although not paying the bills

POSITIONS:

Parent's Attorney

- This is a good case if you can show that your client was living with or caring for the child during the four months preceding the petition

Guardian ad Litem

- You must examine the full extent that the parent was caring for the child during the four months. This case leaves a possible window if the parent cannot show they were truly caring for the child

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In re Isaiah F., 2024 WL 1765247 (Tenn. Ct. App. April 24, 2024)

SUMMARY:

Child born positive for drugs and alleged parents found using drugs in hospital parking lot.

Mother presents new man one year later who claims that he is the father. This man contacts the clerk's office, the DCS office and the mother's attorney stating that he is the father.

TPR filed and trial court finds father was not willful in failing to establish

COA reverses finding willfulness is not a necessary element under punitive father statute

POSITIONS:

Parent's Attorney

- If your client believes he is the father, you need to file a petition immediately to establish paternity or a TPR may be in his future

Guardian ad Litem

- Remember that willfulness is not an excuse for failure to establish under the statute. In this case, the father failed to establish for one year which was plenty of time to file a petition

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In re Bentley E., 2024 Tenn. App. LEXIS 320 (Tenn. Ct. App. July 25, 2024)

SUMMARY:

Mother alleged abandonment due to failure to visit. Father admitted that he had not visited; however, grandfather testified that mother would not allow the father to have meaningful visitation

COA reverses TPR finding that father met his burden of showing that failure to visit was not willful.

POSITIONS:

Parent's Attorney

- This is a good example of overcoming the burden of showing the willfulness aspect of failure to visit
- If you have a good witness that can show the other party's actions, make sure that s/he testifies

Guardian ad Litem

- You must speak with the petitioner and child if possible to determine how visitation went and what offers were made to the other side regarding visitation
- If there were no offers or if the visitation was hindered by the petitioner, the case may be dismissed

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In re Chance B., 2024 WL 764015 (Tenn. Ct. App. Feb. 26, 2024)

SUMMARY:

Mother loses custody and father and step mother eventually move to Montana. They try to terminate there and it is denied. They return to Clarksville where they petition again.

TPR granted and on appeal, one of the children turns 18. COA finds case is not moot.

Mother claimed willfulness due to lack of visitation, but trial court did not look at circumstances outside the 4 months. Reversed

Mother did not raise affirmative defense for failure to pay child support; affirmed

Trial court used new best interest factors despite the fact the petition was filed prior to April 22, 2021. Affirmed

POSITIONS:

Parent's Attorney

- You are allowed to go outside the four months prior to the petition regarding allegations of abandonment and the affirmative defense

Guardian ad Litem

- Remember that if willfulness is not raised as a defense, it is waived per this case

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In re Maycee M., 2024 Tenn. App. LEXIS 66 (Tenn. Ct. App. Feb. 20, 2024)

SUMMARY:

Mothe claimed affirmative defense against abandonment claiming that she was unable to work during the four months preceding the filing of the petition

COA upholds finding that mother failed to prove affirmative defense

POSITIONS:

Parent's Attorney

- This is a good example where you need to prepare your client for the defense. Mother's testimony contradicted her own testimony and that of her husband

Guardian ad Litem

- When cross examining the parents, make sure that you catch them on the contradictions and make a record of the contradictions. Not everything is as evident to you on appeal.

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In re Justin N., 2023 WL 8272174 (Tenn. Ct. App. Nov. 30, 2023)

SUMMARY:

Father lost custody to grandparents who filed TPR.

Father raised affirmative defense considering he was 6 hours away, but he still never called. Affirmed.

COA found interference must be "significant restrain or interference"

Failure to manifest reversed because trial court did not make findings regarding all necessary prongs—(1) failure to manifest an ability to take custody & (2) risk of harm to children if custody returned

POSITIONS:

Parent's Attorney

- Something more than claims of interference must be raised for affirmative defense. Specific examples of substantial interference must be shown

Guardian ad Litem

- Make sure that all prongs on failure to manifest are met
 - (1) failure to manifest an ability to assume custody;
 - (2) risk of harm to children if custody is returned

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In re Brooklyn M., 2024 WL 65218 (Tenn. Ct. App. Jan 5, 2024)

SUMMARY:

Mother disappeared leaving child with aunt. Father petitioned for custody and granted; however, trial court reserved mother's position.

Step mother owned "gentlemen's relaxation club" in which men would receive massages from women dressed in bikinis grossing over \$500k / year.

Mother did not raise affirmative defense; therefore waived

Trial court and COA found best interest factors did not favor termination

POSITIONS:

Parent's Attorney

- This is a good case to review best interest analysis defense. Even if the grounds exist, you may still win on best interest

Guardian ad Litem

- Some best interest factors may weigh heavier than others. You must still go through every best interest factor and use your strengths to support your position and try to negate the weaknesses

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In re Royalty Y., 2024 Tenn. App. LEXIS 204 (Tenn. Ct. App. May 8, 2024)

SUMMARY:

Child was in DCS custody for 28 months encompassing almost its entire life. DCS makes multiple allegations of grounds in TPR including abandonment.

Mother raises willfulness as an affirmative defense in Answer.

COA reverses abandonment due to no analysis regarding affirmative defense

POSITIONS:

Parent's Attorney

- If abandonment is alleged, you **MUST** raise willfulness as an affirmative defense, or it is waived
- The burden is on you, therefore, you must present some evidence regarding willfulness

Guardian ad Litem

- Make sure that the final order includes findings of fact regarding the willfulness defense if that is raised in the Respondent's Answer.

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In re Skylith, 2023 WL 6546538 (Tenn. Ct. App. Oct. 9, 2023)

SUMMARY:

Grandparents filed TPR, but also filed a Motion to Amend to include new grounds one year later.

COA found that 4 months is prior to order granting motion to amend rather than motion to amend itself.

Concurring opinion by Usman points out that this allows the respondents to repent while waiting for the court to enter an order granting the motion to amend

POSITIONS:

Parent's Attorney

- If a motion to amend is filed, this allows a window wherein your client may be able to “repent” and fix the new grounds alleged in the amended petition

Guardian ad Litem

- If new grounds are made in an amended petition, you must have the motion heard as soon as possible and prepare an order immediately allowing for the new grounds

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In re Lila F., 2024 Tenn. App. LEXIS 148 (Tenn. Ct. App. April 5, 2024)

SUMMARY:

Mother's counsel moved to withdraw on the day of trial claiming that mother failed to attend appointments and her failure to appear for trial

COA reversed finding this was not a good enough reason to allow withdraw on the day of trial

POSITIONS:

Parent's Attorney

- Remember that there are two types of withdraw under Rule 8—mandatory and permissive. If it is mandatory, you must make a record. If it is permissive, you probably are stuck

Guardian ad Litem

- You must inquire of the reason for the withdraw and whether the respondent is notified of the withdraw. This is one of many cases that have been reversed due to allowing an attorney to withdraw with no good reason

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In re Daxleigh F., 2024 Tenn. App. LEXIS 87 (Tenn. Ct. App. Feb. 29, 2024)

SUMMARY:

Mother in Louisiana during second day of trial and mother's counsel asks for continuance.

Continuance denied and trial goes forward granting petition

COA upholds finding that mother attended first two days of trial and knew about third day of trial, but chose to not attend.

POSITIONS:

Parent's Attorney

- Unless your client is dying or has a very significant issue, you should try to get them to court

Guardian ad Litem

- You must question the reasoning why the respondent is not able to attend the trial and make a record of that reasoning for appellate purposes.

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In re Kamahri W., 2024 Tenn. App. LEXIS 121 (Tenn. Ct. App. March 22, 2024)

SUMMARY:

DCS alleges multiple grounds for termination including abandonment due to failure to provide a suitable home.

COA reverses ground due to the fact that the statute requires an Order of Removal or the dependency and neglect petition and neither was included in the record

POSITIONS:

Parent's Attorney

- The record is everything. Make sure that you are making a good record and if the other side is not, do not help them.
- If DCS is alleging abandonment for failure to provide a suitable home, they must include either the Order of Removal or the D/N Petition

Guardian ad Litem

- Always look at the statute and make sure the record contains all the elements. If it doesn't make it part of the record

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State vs. Ruzicka, 2024 Tenn. Crim App. LEXIS 312 (Tenn. Crim. Ct. App. July 12, 2024)

SUMMARY:

Defendant convicted of rape of a child.

Defendant challenges (1) whether forensic interview met admissibility requirements of 24-7-123; (2) whether the trial court should have admitted forensic interview after child testified; (3) whether the victim was incompetent to testify and thus unavailable for cross-examination

Court of Appeals upholds trial court's findings

POSITIONS:

Parent's Attorney

- The forensic interview is very much the crux of the petition in many cases; It must be challenged in every way possible

Guardian ad Litem

- Prepare for the fact that your client may testify. Cross examination was denied in this case, but that is not always the case and a competency hearing must be had in order to make that determination

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In re Blake V, 2023 WL 7325662 (Tenn. Ct. App. Nov. 7, 2023)

SUMMARY:

Mother and father divorced and father entered agreement to surrender his parental rights if mother waived child support arrearage

Trial court finds agreement void ab initio considering it violated public policy and dismissed petition

Father argued in COA that mother did not have standing considering she may not unilaterally terminate unless specific circumstances. COA agreed.

COA further stated that father may not surrender his rights to other parent—only prospective adoptive parent, department or licensed child-placing agency

POSITIONS:

Parent's Attorney

- Trial court used the idea of a mutual mistake regarding the father's failure to pay child support as an affirmative defense to abandonment.

Guardian ad Litem

- You must look at all the circumstances surrounding the parties and how they arrived at this case. Don't assume that they will be telling you the truth. Instead, you must conduct your own independent investigation.

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Arnold vs. Witt, 2024 Tenn. App. LEXIS 305 (Tenn. Ct. App. July 18, 2024)

SUMMARY:

Adult half-siblings petitioned for visitation with their half-siblings who were minors.

Father of minor children moved to dismiss asserting that the siblings did not have standing

Trial court granted motion and COA upheld

POSITIONS:

Parent's Attorney

- Siblings are not included in any statute or law allowing for visitation

Guardian ad Litem

- Although it might be in the children's best interest, standing is a prerequisite to filing any petition

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In re Rayden R., 2024 Tenn. App. LEXIS 226 (Tenn. Ct. App. May 23, 2024)

SUMMARY:

Mother failed to file her notice of appeal within 30 days

Court of Appeals dismisses her petition

This is a memorandum opinion

POSITIONS:

Parent's Attorney

- Simply because an Order is entered on March 25, 2024 does not mean that the appeal is due on April 25, 2024.
- Some months are longer than others

Guardian ad Litem

- Count the number of days to determine if the appeal was timely filed. In this case, the GAL filed a Motion to Dismiss in the COA and it was granted

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In re Christabell B., 2023 Tenn. App. LEXIS 489 (Tenn. Ct. App. Nov. 22, 2023)

SUMMARY:

Trial court enters default judgment on mother for failure to file an Answer.

COA reverses on ground of abandonment because record did not show elements

POSITIONS:

Parent's Attorney

- This case was reversed because trial court did not make specific finding of fact regarding time period for abandonment. Remember that the COA is extremely specific and technical when it comes to the time frame of these grounds

Guardian ad Litem

- Always make sure the record and final order include specific references to dates needed to show grounds. If they are not contained in the record, they do not exist

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In re Neveah W., 2024 Tenn. App. LEXIS 185 (Tenn. Ct. App. Apr. 25, 2024)

SUMMARY:

Mother previously committed severe child abuse and she did not appeal in timely fashion; therefore res judicata

Trial court provided analysis; however, it was included in one singular analysis rather than separate analysis

COA reversed ground of wanton disregard because it could not discern which part of final order included analysis on this ground

POSITIONS:

Parent's Attorney

- Always look to the final order regarding grounds and whether there is a proper analysis for grounds and best interest. This is the number one reason COA is reversing TPRs

Guardian ad Litem

- Always determine if there is a separate analysis for each ground and each best interest factor. Even if repetitive, you do not want the case to be reversed and have to retry the case.

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THANK YOU

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