

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

**TAYLOR S. BLANCHARD, individually )  
and on behalf of all other persons )  
similarly situated, )  
 )  
Plaintiffs, )**

**Civil Action No. 17-CV-124-S**

**VS.**

**ROBERT LAMPERT and  
RICK CATRON, in their  
official capacities,**

**Defendants.**

**FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

PLAINTIFF Taylor Blanchard, by and through the undersigned counsel, individually and on behalf of other similarly situated individuals, states and alleges the following.

## PRELIMINARY STATEMENT

The Wyoming Youthful Offender Act, WYO.REV.STAT. § 7-13-1001 *et seq.*, provides that the Wyoming Department of Corrections (“WDOC”) shall establish a youthful offender

program (also known as the “boot camp” program) for all persons incarcerated in any state penal institution who are serving a sentence of imprisonment for any offense other than a felony punishable by death or life imprisonment, who are under the age of twenty-five years old, and who have not previously served a term of incarceration at any state or federal adult penal institution. The Youthful Offender Act is gender neutral.<sup>1</sup> The Youthful Offender Act mandates that the participants of the youthful offender program be separated from the general prisoner population, and shall emphasize work and physical activity as a major element of the program. *Id.*

On May 8, 2017, the Ninth Judicial District Court, the Hon. Marvin Tyler presiding, sentenced Taylor Blanchard – a female – to a term of incarceration of 6-10 years, with a recommendation that she be given the opportunity to participate in the Wyoming Youthful Offender program. *See* Ex. 1, Transcript of Probation Revocation Hearing; *State v. Blanchard*, Crim. No. 1016, at 18-19; Ex. 2, Order Upon Probation Revocation/Disposition Hearing. As the sentencing court noted, Wyoming does not have a boot camp for women – only for men. Ex. 1. at 14. As such, and despite the district court’s sentence and recommendation, at the time this matter was originally filed it appeared that Ms. Blanchard (and all other women similarly situated) would never have the same opportunity as men to learn the skills offered in the program and to be released as early as the boot camp program allows. Subsequent to the filing of the original complaint, the WDOC had Ms. Blanchard transported to Florida for her to participate in a boot camp program there. She was sent there in a van that transported her to Ocala, Florida for the better part of a week. She spent each night in a different county jail, and was in shackles every day while being transported. She cried herself to sleep each night. No one told her where

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<sup>1</sup> Even though the act does contain the word “he,” it is gender neutral pursuant to Wyo.Rev.Stat. § 8-1-103.

she was going. No man has ever been subjected to such a transport to participate in Wyoming's boot camp program. Additionally, the Florida program appears to be inferior to Wyoming's boot camp program. Thus, Ms. Blanchard is still not getting the same opportunity as Wyoming's male prisoners to learn the skills offered in the Wyoming program. Additionally, a number of women at the Wyoming Women's Center ("WWC") who were eligible to participate in Wyoming's boot camp program remain in custody serving their full prison sentence. All of this violates Ms. Blanchard's, and the other women's, Equal Protection guarantees and must be rectified so women prisoners under the jurisdiction and custody of the WDOC have the same opportunities to participate in Wyoming's boot camp program as similarly situated men.

#### **JURISDICTION AND VENUE**

1. This action seeks relief pursuant to 42 U.S.C. § 1983. Accordingly, the court has jurisdiction over this action pursuant to 28 U.S.C. § 1343 (3) and (4).
2. Venue is appropriate in this Court pursuant to 28 U.S.C. § 1391(b).
3. Plaintiff Taylor Blanchard is currently serving a sentence of 6-10 years for a felony conviction in Sublette County, Wyoming. After being transported to WWC in Lusk, Wyoming, she was classified as minimum security and placed in the general population.
4. Plaintiff requested via prison grievance that she be afforded the opportunity to participate in Wyoming's Youthful Offender, or boot camp program, in accordance with her sentencing judge's recommendation because she is qualified under Wyoming's Youthful Offender Act.
5. Plaintiff was advised that her request was "non-grievable" because it is a "classification decision" and that she had to take up the issue with the "courts."

6. Subsequently, on August 16, 2017, WDOC had Plaintiff transported to Florida to participate in a boot camp program there, where she remains today.

### **CLASS ACTION**

7. Plaintiff brings this action individually and on behalf of all present and future female prisoners under the age of twenty-five and in the custody of the Wyoming Department of Corrections and/or the Wyoming Women's Center who are or will be otherwise eligible to participate in Wyoming's boot camp program, but who have been or will be denied participation due to their gender, or not considered by WDOC due to their gender.

8. Taylor Blanchard proposes to be a class representative for the class described in the preceding paragraph pursuant to Fed.R.Civ.P. Rule 23(a), (b)(1) and (b)(2) for purposes of obtaining declaratory and injunctive relief.

9. This action satisfies all four requirements of Rule 23(a) in that (1) the class is so numerous that joinder is impractical; (2) there are questions of law and fact common to the class regarding discrimination against each member of the class on the basis of her gender; (3) the claims of Ms. Blanchard are typical of the claims of the class, to wit: that Defendants are regularly and routinely discriminating against women prisoners in the custody of the WDOC and WWC on the basis of their gender by not permitting them the same opportunity as men to participate in Wyoming's Youthful Offender program; and (4) plaintiffs' counsel will fairly and adequately protect the interests of the class.

### **DEFENDANTS**

10. Defendant Robert Lampert is a citizen and resident of Wyoming. At all times material to this action, Mr. Lampert has been the Director of the WDOC. As such, he is the agency official ultimately responsible under Wyoming state law for the operation and

administration of the Wyoming Women's Center (WWC) and has a duty and obligation under Wyoming state law as well as the Equal Protection Clause in the Fourteenth Amendment to the United States Constitution, to ensure, among other things, that female prisoners under the jurisdiction of WDOC are not discriminated against on the basis of their gender.

11. Defendant Rick Catron is a citizen of Wyoming. At all times material to this action, Mr. Catron has been the Warden of the WWC. As such, he has a duty and obligation under Wyoming state law as well as the Equal Protection Clause in the Fourteenth Amendment to the United States Constitution, to ensure, among other things, that female prisoners at the WWC are not discriminated against on the basis of their gender.

12. All acts and omissions of the defendants set forth herein were done under color of state law and were performed or omitted during the scope of their employment.

13. Both defendants are sued in their official capacities only.

### **FACTUAL ALLEGATIONS**

14. The Wyoming Legislature enacted Wyoming's Youthful Offender Act in 1987. WYO.REV.STAT. §7-13-1001, *et seq.* The act is gender-neutral pursuant to WYO.REV.STAT. §8-1-103.

15. The Act mandates that the WDOC shall establish a youthful offender program ("boot camp") for *all persons* incarcerated in *any state penal institution* who are serving a sentence of imprisonment for any offense other than a felony punishable by death or life imprisonment, who are under the age of twenty-five years old, and who have not previously served a term of incarceration at any state or federal adult penal institution.

16. Plaintiff and the class she proposes to represent are *statutorily* eligible to participate in the boot camp program. Defendants, however, have arbitrarily and capriciously

added by administrative rule another criteria for eligibility: the offender must be recommended for the boot camp program by his/her sentencing court.

17. Plaintiff's sentencing judge recognized her eligibility to participate in Wyoming's Youthful Offender program and in his sentencing order recommended that she be allowed into the program.

18. On information and belief, the WDOC provides virtually all male prisoners with a similar Youthful Offender program recommendation the opportunity to attend and complete the Youthful Offender program for men in Newcastle, Wyoming.

19. Defendants' Youthful Offender program for men offers several structured opportunities for male prisoners to help them rehabilitate and succeed as productive members of society upon release and is a highly structured program.

20. The basic program lasts six to twelve months and comprises four phases. The routine day begins at 4:00 a.m. and ends at 9:00 p.m. During each day three hours are devoted to physical activity. Cognitive restructuring and educational programs are the key components. Work ethic instruction is given through a teamwork concept, as various work details are conducted throughout each day.

21. On information and belief, upon completion of the program a successful "booter" has to ask for a sentence modification from the sentencing court if the "booter" wishes to have the completion of program result in an earlier release than that ordered in the original judgment and sentence. Generally, the graduates will release to straight probation, Intensive Supervision Program (ISP), or to one of the adult community corrections centers.

22. On information and belief, WDOC made a decision soon after the Youthful Offender Act was passed in 1987 to build a male-only facility, ignoring the fact that women

have an equal right to attend the program. A facility was opened in Newcastle for 30 men. In 1999, with a federal grant of \$1,111,000 matched by 10% of state funds, the facility was expended to 56 men. The current facility comprises 12,000 square feet of housing, programming, education, medical and office space.

23. On information and belief, the Youthful Offender program for men is designed to protect the public by incarcerating young, first-time, male offenders in a program of short term, intense incarceration in a disciplined setting designed to train young offenders to cope with the complexities of modern life in a crime-free environment. WDOC attempts to attain that goal by diverting selected youthful offenders from institutional settings earlier than would have otherwise been possible, thus reducing the total term of incarceration.

24. On information and belief, the Youthful Offender program for men demonstrates to the male participants, in a logical progression of thought, that they are responsible for their behavior and have the means at their disposal to change their criminal behaviors. The program places emphasis and focus on identifying the behaviors that got the male prisoner in trouble in the first place and ways to avoid those behaviors in the future.

25. On information and belief, the Youthful Offender program for men provides a program of physical training which will result in elevated self-esteem which will increase each individual's perception of self-worth. It also provides appropriate information and materials to participants to assist them in their search for gainful employment.

26. On information and belief, the Youthful Offender program for men provides a boot camp program that emulates the military service including close order drill and rigid dress code as a means of developing self-discipline and promoting the development of esprit de corps and teamwork.

27. On information and belief, the Youthful Offender program for men selects, trains and provides staff who, by their actions, would serve as an example to young offenders and in so doing, influence behavior by reflecting the positive benefits of law-abiding behavior.

28. On information and belief, the Youthful Offender program for men has programming components including, but not limited to, grieving, anger control, stress management, goal-setting, reality clarification, thinking errors, parenting, rational emotive training, relapse prevention, individual programming and therapy when needed, and drug and alcohol programming. The program includes education, such as G.E.D. instruction and certification, seven-habits, computer keyboarding, choices, coping skills, life skills, job skills training, drug education, and family day.

29. On information and belief, the Youthful Offender program for men conducts a parent day for the parents and family of graduating boot camp participants.

30. WDOC does not have a Youthful Offender program for women.

31. Because WDOC does not have a Youthful Offender program for women, the women in the custody of the WDOC are denied the opportunities provided to men in their WDOC boot camp program and described in the foregoing paragraphs. This denial of opportunities to rehabilitate and receive an early release is based entirely on their gender.

32. Upon arrival at the WWC, Plaintiff and her counsel asked Plaintiff's counselor (Ms. Williams) whether Ms. Blanchard would be given the opportunity to participate in a Youthful Offender program.

33. Plaintiff's counselor advised that such a program was unavailable for women.

34. Plaintiff and her counsel also asked Plaintiff's counselor how she could file a grievance to allow her to participate.

35. Plaintiff's counselor advised that such a complaint was not a grievable issue, and that she would have to take it up with "the courts."

36. On June 29, 2017, Plaintiff filed a grievance asking to be given the opportunity to participate in a Youthful Offender program, specifically writing: "I understand that I have been classified as minimum custody rather than under the Youthful Offenders Act (boot camp program). I also understand that Wyoming DOC is not going to consider me for boot camp due to Wyoming not placing women in boot camps." The grievance requested that Ms. Blanchard receive "a boot camp classification within the state of Wyoming as my Judge had recommended for my sentencing." Ex. 3, Inmate Grievance Form/WDOC Form #321.

37. The following day as noted by a handwritten note at the bottom of page 1 of Ex. 3, a WWC employee, Ms. Carpenter, advised Plaintiff Blanchard that her Grievance was "rejected" and then typed on page 2: "Classification Decisions are [*sic*] non-grievable." *Id.*

38. Plaintiff has fully exhausted her administrative remedies as required by the Prison Litigation Reform Act.

39. Additionally, Plaintiff's counsel spoke with a Deputy Attorney General representing the WDOC. Plaintiff's counsel asked if the WDOC would give Ms. Blanchard the opportunity to participate in a Youthful Offender program by sending her to another state with such a program.

40. The Deputy Attorney General advised that Ms. Blanchard would not be given such an opportunity and instead would have to seek relief from her sentencing judge, or serve her 6-10 year sentence at the WWC. *Id.*

41. On August 16, 2017 the WDOC had Ms. Blanchard transported to Ocala, Florida for participation in a boot camp style program administered by the Florida Department of Corrections.

42. Prior to Ms. Blanchard's transport, she was not instructed nor advised where she was going, or that she was going to participate in a boot camp program.

43. She was transported over the majority of one week, with her hands and ankles shackled approximately 12 hours each day, spending each night in a different jail.

44. No male prisoner of the WDOC has ever been subjected to similar transportation conditions when being transported to Wyoming's male-only boot camp.

45. In Florida, Ms. Blanchard is presently participating in the Florida Department of Corrections' Basic Training Program, described in the Affidavit of Amanda Taylor, attached hereto as Exhibit 4, and the exhibits thereto.

46. The Florida program is inferior to Wyoming's boot camp program for men, in that it provides fewer rehabilitative services and programming than that provided to the men in Wyoming's male-only boot camp.

47. At present, there are numerous women in the custody of the WDOC who were eligible to participate in Wyoming's boot camp program at the time of their sentencing, but who were not given the opportunity to do so because of their gender. These women, and future women so eligible, are entitled to receive the same opportunity as male prisoners to participate in Wyoming's boot camp program.

48. WDOC officials were aware during the past 30 years that women were not given the opportunity for participation in Wyoming's boot camp program. They knew, for instance,

that there was no in-state boot camp facility for women and that they had never accepted a woman into the program.

49. Yet, Defendants took no steps to promote or facilitate the admission of women into Wyoming's boot camp program. Among the things that Defendants could have done, but did not do, to promote and facilitate the admission of women into the program are (a) construct an in-state facility for women as WDOC did for men, (b) publicly announce that women were welcome into the program, (c) notify the state public defenders that women were welcome into the program, (d) notify sentencing courts that women were welcome into the program, and (e) eliminate the requirement that offenders be recommended for the program and instead determine admission using gender-neutral criteria.

50. Instead of taking affirmative steps to promote and facilitate the admission of women into Wyoming's boot camp program, Defendants turned a blind eye to persistent gender discrimination in the operation of the program, thereby shirking their duty to operate this program in a gender-neutral manner.

51. It appears that Defendants intend to operate a gender-discriminatory boot camp program in the future, in that men will be permitted to attend the in-state facility in Newcastle but women will be shipped to out-of-state programs, even programs that are inferior to Wyoming's program for men.

52. In pleadings filed with the Court, Defendants claim that on July 18, 2017, when this lawsuit was filed, WDOC employees were attempting to locate a bed for Ms. Blanchard in a boot camp program. However, (a) there was no assurance that any such bed would be found, and (b) there was no assurance that any bed that was found would be in a program comparable to the program available for men at Newcastle.

**CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**  
**PURSUANT TO RULE 23, FED.R.CIV.P., 28 U.S.C. §§ 2201, 2202 AND 42 U.S.C. § 1983**

53. Based upon the facts set forth above, Plaintiff seeks declaratory and injunctive relief on her own behalf and on behalf of all persons similarly situated, enjoining Defendants in their official capacities (and all persons acting under their command) from refusing to give women prisoners the same opportunity to participate in Wyoming's Youthful Offender or boot camp program as provided to male prisoners in the custody of the WDOC.

54. Defendants should be ordered, among other things, to provide women with the same opportunity to participate in and complete Wyoming's Youthful Offender program as men prisoners, and to send women to an out-of-state program only if men are sent to out-of-state programs on a comparable and equitable basis, that is, such out-of-state placement should not be based on gender but rather on gender-neutral principles.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully prays that this Honorable Court will:

1. Accept jurisdiction in this case.
2. Certify the class as proposed.
3. Appoint Plaintiff as the Class Representative.
4. Recognize Plaintiff's counsel as class counsel.
5. Grant Plaintiff and the Class declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202, declaring that Defendants violated and are violating Plaintiff's equal protection rights under the Fourteenth Amendment to the United States Constitution by discriminating against women in the operation of Wyoming's boot camp program.
6. Issue preliminary and permanent injunctive relief on behalf of Plaintiff Blanchard and on behalf of the class of women she represents pursuant to Rule 65 of the Federal

Rules of Civil Procedure, ordering Defendants to immediately take all necessary and proper actions to ensure that present and future women prisoners in the custody of WDOC will be granted the opportunity to participate in an in-state boot camp program comparable to the men's program at Newcastle, or in an out-of-state program provided that placement is gender-neutral, that is, men and women are sent to out-of-state programs based on gender-neutral criteria. This requested relief necessarily requires that Defendants identify those women presently in WDOC custody who were eligible to participate in boot camp at the time of their sentencing and to admit them into Wyoming's boot camp program based on gender neutral criteria that does not require that they be recommended for the program by their sentencing court.

7. Grant such additional and further relief, including an award of attorney's fees and costs, as the Court may deem just and proper under the circumstances.

RESPECTFULLY SUBMITTED this 17th day of October 2017.



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JOHN H. ROBINSON, WSB No. 6-2828  
JAMIESON & ROBINSON, LLC  
P.O. Box 4285  
Jackson, Wyoming 83001  
(307) 733-7703  
robinsn@vcn.com

STEPHEN L. PEVAR  
AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
765 Asylum Avenue  
Hartford, Connecticut 06105  
(860) 570-9830  
pevaraclu@aol.com  
*Pro Hac Vice*

Attorneys for Plaintiffs

**Civil Action No. 17-CV-124-S**  
**United States District Court, District of Wyoming**

TAYLOR S. BLANCHARD, Individually  
and on behalf of all other persons similarly situated

versus

ROBERT LAMPERT and RICK CATRON,  
in their official capacities

**EXHIBIT TO**  
**FIRST AMENDED COMPLAINT FOR**  
**DECLARATORY AND INJUNCTIVE RELIEF**

1 IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT  
2 WITHIN AND FOR SUBLETTE COUNTY, WYOMING  
3

4 THE STATE OF WYOMING, )  
5 )  
6 Plaintiff, )  
7 vs. ) Criminal No. 1016  
8 TAYLOR STEPHANIE BLANCHARD, )  
9 )  
10 Defendant. )  
11 )

CERTIFIED  
COPY

PROBATION REVOCATION DISPOSITION  
May 8, 2017  
Monday

12 -----  
13 PROCEEDINGS WERE HAD BEFORE THE HONORABLE MARVIN TYLER  
14 JUDGE IN AND FOR THE NINTH JUDICIAL DISTRICT  
15 COUNTY OF SUBLETTE, STATE OF WYOMING  
16 -----

17 APPEARANCES

18 CLAYTON KAINER, Sublette County and Prosecuting Attorney,  
19 P.O. Box 1010, Pinedale, Wyoming, appearing on behalf of  
20 the State of Wyoming.

21  
22 JOHN LaBUDA, Public Defender's Office, P.O. Box 1240,  
23 Pinedale, Wyoming, appearing on behalf of the Defendant.  
24

25 -----  
WHEREUPON, the following proceedings were had:

## P R O C E E D I N G S

COURT: Good morning. Court is in session on May 8,  
2017. My name is Marv Tyler, I'm a district court judge  
conducting this hearing in the matter of the State of Wyoming  
versus Taylor Stephanie Blanchard. This is Case Number  
2016-1016.

I'll note for the Record the presence of counsel for the  
State, counsel for the Defendant, and the Defendant is  
present in court.

Are you under the influence of any drugs, alcohol or  
medications today affecting your ability to understand what  
we're doing in court?

DEFENDANT: No, your Honor.

COURT: Do you have any sort of a mental illness, mental  
defect, brain damage, intellectual disability, learning  
disability, physical ailment or physical injury that would  
prevent you from understanding what's happening in court?

DEFENDANT: No.

COURT: Are you satisfied with your attorney's  
representation of you?

DEFENDANT: Yes.

COURT: And you've admitted to violating your probation,  
as a result you have a right to be represented by an attorney  
and the right to appeal any errors of law committed by the  
Court. Do you have any questions about those rights?

1 DEFENDANT: No, your Honor. 10:33:04

2 COURT: If at any time during this hearing you have a 10:33:04  
3 question about your rights or how they apply to what we're 10:33:07  
4 discussing, would you get my attention so that they may be 10:33:10  
5 explained to you? 10:33:12

6 DEFENDANT: Yes, sir. 10:33:13

7 COURT: We're here for a disposition hearing, I believe, 10:33:15  
8 since the Court accepted the Defendant's admission about 10:33:19  
9 violating terms and conditions of probation. The hearing at 10:33:22  
10 which the Defendant admitted to violating probation occurred 10:33:40  
11 on April 11th and the Order Upon Initial Probation Revocation 10:33:44  
12 Hearing was filed on April 13th. Am I correct, Mr. Kainer? 10:33:49

13 MR. KAINER: Your Honor, I just looked at that order, it 10:34:05  
14 doesn't state that the factual basis was provided and that 10:34:08  
15 the Court had found a material, willful violation of 10:34:16  
16 conditions, but looking through my notes that is what we did 10:34:20  
17 at that hearing, there was a factual basis provided and the 10:34:25  
18 Court did find a material and willful violation of conditions 10:34:28  
19 and then a disposition hearing was set for a later time. I 10:34:33  
20 don't think there was any discussion, based on my notes, as 10:34:36  
21 to whether or not at that time the Defendant's probation was 10:34:39  
22 revoked. 10:34:43

23 MR. LaBUDA: Agreed. 10:34:45

24 COURT: Okay. Thank you. My notes reflect that the 10:34:51  
25 Court accepted the Defendant's admission, had the Defendant 10:34:55

1 under oath describe what occurred about violating a term of 10:35:01  
2 probation and the admission was accepted by the Court, but I 10:35:06  
3 don't think I adjudicated anything at that point and deferred 10:35:12  
4 disposition until there was an opportunity for the Defendant 10:35:17  
5 and counsel to investigate some options. That's what my 10:35:20  
6 notes reflect. Mr. Kainer, does the State have a 10:35:27  
7 recommendation on a disposition? 10:35:36

8 MR. KAINER: Yes, your Honor. May it please the Court, 10:35:39  
9 Counsel. 10:35:42

10 MR. LaBUDA: Counsel. 10:35:42

11 MR. KAINER: Your Honor, the State in this matter would 10:35:43  
12 ask that the Defendant's probation be revoked and that the 10:35:45  
13 suspended portion of the sentence be entered, that the 10:35:48  
14 Defendant receive credit for a total of 315 days which would 10:35:52  
15 include the original 267 days that was on the judgment and 10:35:57  
16 sentence. The State is asking for this based upon the 10:36:02  
17 history of this case. Looking through the file, we have a 10:36:07  
18 multitude of violations of the bond orders set by this Court, 10:36:14  
19 set by the circuit court, we have the Defendant being given 10:36:20  
20 the opportunity of probation with a pretty hefty sentence 10:36:24  
21 hanging over her head and her failure in treatment and the 10:36:30  
22 State is just concerned that there would be no probation 10:36:36  
23 conditions which this Court could set forth which would 10:36:42  
24 result in the Defendant's successful completion of probation. 10:36:49

25 COURT: Thank you. Mr. LaBuda, do you want to address 10:36:59

|    |                                                               |          |
|----|---------------------------------------------------------------|----------|
| 1  | the Court on a disposition?                                   | 10:37:01 |
| 2  | MR. LaBUDA: Yes, sir. Thank you. May it please the            | 10:37:03 |
| 3  | Court.                                                        | 10:37:06 |
| 4  | COURT: Counsel.                                               | 10:37:06 |
| 5  | MR. LaBUDA: Counsel.                                          | 10:37:08 |
| 6  | MR. KAINER: Counsel.                                          | 10:37:08 |
| 7  | MR. LaBUDA: Your Honor, just one side issue before I          | 10:37:09 |
| 8  | make my argument. We would ask the Court to consider credit   | 10:37:14 |
| 9  | for time at the treatment center in Rock Springs from October | 10:37:18 |
| 10 | 10th to March 20th. Mr. Kainer's argument actually is pretty  | 10:37:23 |
| 11 | good because my client, Taylor Blanchard, female, went to the | 10:37:31 |
| 12 | treatment center in Rock Springs, didn't do well, we don't    | 10:37:42 |
| 13 | have any ISP here in Sublette County and so Mr. Kainer is     | 10:37:45 |
| 14 | saying I don't think she would do good on probation, that she | 10:37:49 |
| 15 | needs some structure, that she needs some discipline, and so  | 10:37:53 |
| 16 | what we would ask for -- because I think he is correct and I  | 10:37:58 |
| 17 | think at her age I don't think -- and her criminal record I   | 10:38:02 |
| 18 | don't think sitting her in a prison for six to 10 years is    | 10:38:11 |
| 19 | appropriate. What we would ask for, and probably the first    | 10:38:14 |
| 20 | time this Court has heard this, we would ask for and desire a | 10:38:18 |
| 21 | recommendation for the Youthful Offender Program or Boot      | 10:38:24 |
| 22 | Camp. I realize my client is female. Normally, from what we   | 10:38:29 |
| 23 | have probably all seen, boys get to go to Boot Camp, boys     | 10:38:34 |
| 24 | that don't have -- haven't been doing well on probation, that | 10:38:38 |
| 25 | need some structure, have five to 10, six to 10, and we ask   | 10:38:44 |

1 for Boot Camp and they go and sometimes that works out well. 10:38:49  
2 If you look at the statute concerning the Youthful Offender 10:38:52  
3 Program, I think the last time I looked at it over the 10:38:57  
4 weekend it said the word "he" in it once which is with the 10:39:00  
5 gender neutral statute he means he or she. It doesn't say -- 10:39:06  
6 when the Court would read off and say, "Taylor, are you under 10:39:12  
7 25? Taylor, have you ever been to a federal or state penal 10:39:16  
8 institute?" you don't ask, "Are you male or are you female?" 10:39:19  
9 And so in a way if the Court, and I'm trying to say this 10:39:22  
10 nicely, if the Court doesn't give a recommendation of 10:39:29  
11 Youthful Offender/Boot Camp then is the Court violating my 10:39:36  
12 client's rights under the equal protection clause and the due 10:39:40  
13 process clause of the Wyoming Constitution or the United 10:39:45  
14 States Constitution or is it violating the statute when the 10:39:50  
15 statute is just -- when combined with the gender neutral 10:39:54  
16 statute says he. Again, it doesn't say, "Are you under 25? 10:39:58  
17 Are you male?" So I think if we look at the statute first I 10:40:02  
18 think it's applicable, and if one was to say, "Well, I don't 10:40:04  
19 think it's applicable because only boys go there," well, I 10:40:08  
20 think that's unconstitutional. 10:40:13

21 COURT: So what if I give a recommendation? 10:40:15

22 MR. LaBUDA: Then as you stated earlier in the Court 10:40:17  
23 hearing that we just had prior, you stated that you're the 10:40:20  
24 judicial branch and they're the executive branch and you 10:40:24  
25 can't tell them what to do, you can recommend it, and that's 10:40:27

|    |                                                               |          |
|----|---------------------------------------------------------------|----------|
| 1  | all I ask. Thank you.                                         | 10:40:30 |
| 2  | COURT: Thank you. Is there anyone who wants to address        | 10:40:32 |
| 3  | the Court on behalf of the Defendant before I give the        | 10:40:38 |
| 4  | Defendant an opportunity to do so? Ms. Hixson, go ahead.      | 10:40:40 |
| 5  | Would you come to the podium, please.                         | 10:40:44 |
| 6  | MS. HIXSON: Thank you, your Honor.                            | 10:40:54 |
| 7  | COURT: Go ahead.                                              | 10:40:56 |
| 8  | MS. HIXSON: Good morning. I just want to say a few            | 10:41:00 |
| 9  | brief things about Taylor's history just to make sure that    | 10:41:02 |
| 10 | the Court is aware of the, you know, events in this person's  | 10:41:05 |
| 11 | life that have brought her to this point. So this is Taylor   | 10:41:11 |
| 12 | Blanchard and she is 23 years old, still very young in my     | 10:41:16 |
| 13 | book. I think I met her when she was -- I met her first when  | 10:41:20 |
| 14 | she was an older teenager and at that time she had -- I'm not | 10:41:27 |
| 15 | completely clear on the facts, but she had come to Wyoming    | 10:41:34 |
| 16 | and was trying to live with her father who she had not had    | 10:41:37 |
| 17 | the opportunity to live with for years and she was already    | 10:41:40 |
| 18 | having some behavioral problems. And her father is a good     | 10:41:46 |
| 19 | man and really loves her, but it was very difficult for him   | 10:41:49 |
| 20 | to tolerate just sort of some of the independence she         | 10:41:56 |
| 21 | developed, you know, not good independence at that point      | 10:42:00 |
| 22 | because she was still pretty young. And I don't remember how  | 10:42:05 |
| 23 | that episode of treatment ended exactly, whether they moved   | 10:42:08 |
| 24 | or Taylor just left the area to live somewhere else, I'm not  | 10:42:11 |
| 25 | sure, but, you know, unfortunately it was unfinished          | 10:42:16 |

1 business. And, you know, her dad would just often get very 10:42:19  
2 -- he was like a very strict guy which she needed on the one 10:42:23  
3 hand, but I think there was some lacking in reconnecting of 10:42:28  
4 daughter and father at that time. So in the meantime I 10:42:31  
5 didn't know what all had happened for Taylor, but I just want 10:42:38  
6 to kind of recap her history from childhood as I know it or 10:42:41  
7 understand it. She was four years old when she was -- and 10:42:44  
8 I'm not exactly sure of the reason, but she was moved from 10:42:53  
9 California to Canada where she ended up living with her 10:42:55  
10 mother and her father was still in California. And Taylor 10:43:00  
11 says that she believes that her father tried many times to 10:43:06  
12 see her over that time, but that her mother wouldn't allow 10:43:11  
13 it. Her mother is a severe drug addict and has been for a 10:43:15  
14 long time. When Taylor was around 12 she said to me that she 10:43:20  
15 started to go out and help her mother get drugs and in 10:43:29  
16 explaining to me why she would do this she said, "I loved my 10:43:36  
17 mother so I had to do it for her" and it sort of left me to 10:43:39  
18 kind of guess at it because we didn't have a lot of time to 10:43:44  
19 talk about that, you know, but I imagine that, again, here is 10:43:47  
20 a child who is probably feeling like the love of her parents 10:43:50  
21 is very conditional and this is all she had and she is off in 10:43:57  
22 a foreign country away from, you know, the rest of her family 10:44:01  
23 and that's all she had to count on. I can also imagine maybe 10:44:05  
24 a child of 12 thinking, you know, my mother is going to get 10:44:10  
25 arrested and some day she is just going to go out to get 10:44:14

1 drugs and I'm never going to see her again so she decided 10:44:20  
2 somehow it was safer for her to do that. In addition at some 10:44:22  
3 point while this was going on -- and again I wasn't 10:44:26  
4 completely clear, but some man somewhere along the way, I 10:44:29  
5 don't know if it was someone she was going to get the drugs 10:44:34  
6 from, sexually abused her and I think it was something that 10:44:35  
7 she didn't really tell anyone about at that time. And, you 10:44:38  
8 know, I don't know exactly what age it was that she returned 10:44:43  
9 to the United States, but that was at least eight to 10 years 10:44:48  
10 of being kept away from her father and then she returned here 10:44:55  
11 and was with her father for that time that I know of. 10:44:59  
12 Somewhere in there she, you know, struck out on her own, I 10:45:04  
13 guess I would say, and took up with lots of different older 10:45:08  
14 people and some of them, as I think the prosecutor and your 10:45:12  
15 Honor know, were men and it looks to me that Taylor has this 10:45:17  
16 recent pattern of just not being able to keep herself from 10:45:27  
17 contacting one or more of these males that she sort of felt 10:45:30  
18 like, you know, they took her under their wing. She doesn't 10:45:34  
19 deny for a minute being involved with drugs and with bringing 10:45:38  
20 drugs into the county, you know, she is not trying to tell us 10:45:42  
21 she is an angel. I think, you know, what I assess her at is 10:45:46  
22 a very lost child with probably a bigger man addiction than 10:45:51  
23 she has drug addiction and when I looked at -- and again I 10:45:56  
24 understand I may not be fully aware of everything, but it 10:46:01  
25 looks like the violations and contempts that she has 10:46:04

1 committed during this time were mostly about making contact 10:46:08  
2 with one or more of these men in her life and I -- my sense 10:46:12  
3 or my understanding is that during this treatment program, 10:46:19  
4 which she entered in October and was removed from in March, 10:46:21  
5 that she was doing well, that she had made it through phase 10:46:26  
6 three of a four phase program. She has discussed with me a 10:46:31  
7 lot of different types of work that she did down there and 10:46:35  
8 I'm familiar with the type of work they assign and how they 10:46:38  
9 run the program and I think it's a very good program, but I 10:46:42  
10 do think that unfortunately -- I'm not sure how much 10:46:45  
11 treatment they provide for the very specific problem that 10:46:50  
12 Taylor has of just sort of not being able to feel separated 10:46:55  
13 from these sort of significant others in her life and so 10:46:59  
14 somewhere towards the end of that program she passed a note 10:47:06  
15 to a male. And again, I may have a limited understanding of 10:47:09  
16 all the things she did wrong down there, that's my 10:47:12  
17 understanding of it, and was therefore removed from the 10:47:14  
18 program. I, I hope and wish there is some sort of Boot Camp 10:47:19  
19 that would be available to a 23-year-old female because, you 10:47:26  
20 know, that would be great for her to be able to go somewhere 10:47:29  
21 in a highly disciplined and structured environment. I would 10:47:32  
22 hope then after that she would still return and continue with 10:47:36  
23 the type of treatment that we can provide her here in 10:47:41  
24 Sublette County because I'm not familiar with what type of 10:47:46  
25 treatment she might get in a Boot Camp program or some 10:47:48

1 equivalent if it was found. I, I believe that Taylor could 10:47:51  
2 succeed, I mean she could be asked to finish a residential 10:47:58  
3 program. I don't know that the one in Rock Springs would 10:48:02  
4 take her back, they have strict rules about those things. I 10:48:04  
5 think she could successfully complete the treatment court 10:48:10  
6 program here in Sublette County. We understand this other 10:48:13  
7 sort of mental health behavioral problem that she has and we 10:48:16  
8 are ready, willing and able and frequently treat people for 10:48:20  
9 more than just substance abuse at the same time because 10:48:27  
10 that's a typical problem for people and this emotional 10:48:30  
11 abandonment type of problem is extremely common and I'm more 10:48:33  
12 than qualified to help somebody with that. So I guess, your 10:48:38  
13 Honor, I just want to ask that this very young person be 10:48:42  
14 given a chance. And I understand the probation she was 10:48:51  
15 offered previously were chances, she wasn't ready for them I 10:48:53  
16 guess is what I would say, and I see Taylor Blanchard who 10:49:02  
17 appears to be more understanding of what that difficulty is 10:49:08  
18 and more ready and willing to address that. So I thank you 10:49:12  
19 for listening to me this morning. 10:49:18  
20 COURT: Thank you. Is there anyone else who wants to 10:49:21  
21 address the Court? Good morning. 10:49:25  
22 MS. ANDERSON: Good morning. I'm the Reverend Jami 10:49:28  
23 Anderson, I've been visiting with Taylor regularly at both 10:49:37  
24 times she has been a resident inmate at the jail. I agree 10:49:42  
25 with the assessment by counselor Sarah Hixson and I am very 10:49:46

1 heartened to hear that Counselor LaBuda has proposed a Boot 10:49:56  
2 Camp because I stand here appalled to think that a 23 year 10:50:01  
3 old would be benefitted by six to 10 years in a penitentiary 10:50:07  
4 and I am heartbroken that most of our penal codes are 10:50:10  
5 punitive rather than rehabilitative, so if there is any 10:50:16  
6 rehabilitation that can be offered to Taylor I appeal to the 10:50:21  
7 judge to consider it and I am really happy to hear a 10:50:24  
8 recommendation that maybe we push the envelope a little bit 10:50:29  
9 for finding solutions for young women that have had a really 10:50:32  
10 hard time to this point in her life. And I too see changes 10:50:38  
11 in Taylor from visiting her previous to her probation 10:50:42  
12 sentence in Rock Springs to the month and a half I've been 10:50:46  
13 visiting her now and I do think she is aware that the issue 10:50:48  
14 is not drugs, it's a lot of emotional issues, and I'm filled 10:50:52  
15 with hope for her but not serving time in a penitentiary. 10:50:59  
16 Thank you. 10:51:05

17 COURT: Thank you. Anyone else want to address the 10:51:06  
18 Court? Taylor, I want to tell you that I've reviewed 10:51:13  
19 everything from basically the start of the filing of the 10:51:24  
20 charges in January of 2016, every document, every pleading, 10:51:30  
21 everything that's in the court files up through today. This 10:51:34  
22 includes a letter that is dated April 11, 2017, that you 10:51:39  
23 wrote to my attention, I did review that. I'm trying to see 10:51:45  
24 the date. April 23rd. I guess it takes a while for the 10:51:55  
25 mail. I've had you in court a number of times as you know. 10:52:05

1 I think somewhere along the way I discussed with you the lack 10:52:12  
2 of options, because of things that you did or didn't do you 10:52:21  
3 were taking away options that I had, but we landed on this 10:52:27  
4 probation term that principally was aimed at providing you 10:52:33  
5 with getting treatment to try and get a hold on issues 10:52:41  
6 involving substances and whatever else you could get some 10:52:47  
7 benefit from in a rather closed environment, in other words, 10:52:52  
8 it was an in-patient treatment program in a fairly highly- 10:53:02  
9 structured environment, I think, and I believed that you 10:53:06  
10 would have benefitted immensely upon being successful in 10:53:13  
11 completing that program. The probation term required you to 10:53:21  
12 be successful; you weren't successful. It seems like the 10:53:26  
13 reason for your termination was not necessarily related to 10:53:29  
14 the reasons that you were admitted into that treatment 10:53:36  
15 program for directly, but I also believe I told you I'm not 10:53:41  
16 going to have a mini trial on what happened in treatment if 10:53:50  
17 you were not successful, I only cared about whether you were 10:53:53  
18 successful or whether you were unsuccessful although I do 10:53:56  
19 understand the description of the events that led to the 10:53:59  
20 termination. My understanding of the TC program in Rock 10:54:07  
21 Springs it's a very difficult, structured program, but that 10:54:14  
22 was, frankly, one of the very reasons that it was selected as 10:54:17  
23 part of something we expected you to be able to accomplish. 10:54:22  
24 Mr. LaBuda and Mr. Kainer have basically outlined the 10:54:29  
25 problem that I face in this case and I just want to tell you 10:54:35

1 about that. I imposed an imprisonment sentence of six to 10 10:54:39  
2 years with the Department of Corrections less 267 days off 10:54:44  
3 the maximum and minimum term of that imprisonment sentence on 10:54:48  
4 October 20th of last year. I did not require payment of a 10:54:53  
5 fine and I did not suspend any sort of a fine because the 10:55:00  
6 imprisonment sentence pretty much spoke for itself. In 10:55:08  
7 placing you on probation we were in a situation where that or 10:55:13  
8 prison were the only two options available to you and to many 10:55:20  
9 people in Sublette County especially if they're female. We 10:55:26  
10 have no intensive supervised probation program, in other 10:55:31  
11 words, there's more supervision and more monitoring and less 10:55:39  
12 freedom to those that may be given intensive supervised 10:55:45  
13 probation through the Department of Corrections Probation and 10:55:50  
14 Parole Office, we do not have that available in Sublette 10:55:52  
15 County. Teton County does, Uinta County does, Sweetwater 10:55:54  
16 County does, Fremont County does, we don't. To my knowledge 10:56:00  
17 there are no ACC programs or halfway houses that accept women 10:56:08  
18 in Wyoming, but there are three for men. In my understanding 10:56:15  
19 the Department of Corrections has no Boot Camp or Youthful 10:56:21  
20 Offender Program for women, but there is a Youthful Offender 10:56:26  
21 or Boot Camp program for men through the Department of 10:56:31  
22 Corrections in New Castle. As Mr. LaBuda somewhat explained, 10:56:34  
23 I am in the judicial branch of government, the Department of 10:56:42  
24 Corrections is in the executive branch of government, one 10:56:45  
25 branch of government cannot tell the other branch what to do 10:56:51

1 or not do, I can only give recommendations, it's up to the 10:56:54  
2 other branch of government to act or reject those 10:56:59  
3 recommendations as they will. They're in charge of operating 10:57:02  
4 their own branch, I can't do anything about that. So all I 10:57:06  
5 can do is give recommendations, that involves whether it's 10:57:10  
6 Youthful Offender Program with the defendant, whether it's an 10:57:16  
7 ACC placement, whether it's treatment programs that are 10:57:20  
8 available to the Department of Corrections. I can't tell 10:57:24  
9 them to admit anyone, I can only recommend that they do so, 10:57:27  
10 and I can only recommend to the defendant that the defendant 10:57:30  
11 take advantage of any opportunities that the Department of 10:57:34  
12 Corrections gives. So those are my options, Ms. Blanchard, 10:57:38  
13 I'm left with the options of putting you back on probation 10:57:49  
14 with no ISP, no other way to devote particular supervision 10:57:56  
15 and monitoring for things that may be beneficial to you 10:58:04  
16 overall, or to consider reimposing the imprisonment sentence 10:58:08  
17 that was suspended that placed you on probation. And Mr. 10:58:15  
18 LaBuda has asked me to consider giving a Boot Camp or 10:58:21  
19 Youthful Offender Program recommendation even though my 10:58:25  
20 belief is it cannot be acted on by the Department of 10:58:30  
21 Corrections because they don't offer such a program to women, 10:58:33  
22 so that's where I'm left. I've had many times considered if 10:58:37  
23 there are any other options that would be available I'd sure 10:58:53  
24 like to have those options with any defendant that appears in 10:58:56  
25 my court, but with you taking away options by your conduct 10:59:01

1 and with so few options being available we're just down to 10:59:08  
2 one or two. I wanted to tell you that, I think I've already 10:59:17  
3 told you that in the past, but I wanted to tell you that to 10:59:21  
4 make sure you understand where things sit particularly in 10:59:24  
5 light of the recommendation by your attorney as to a 10:59:27  
6 disposition. You would have a chance to address the Court, 10:59:30  
7 you can say anything you want to tell me that you think I 10:59:34  
8 should do or consider, you don't have to say anything if you 10:59:37  
9 don't want to, it's entirely up to you. If you have anything 10:59:41  
10 you can just remain seated there and speak into the 10:59:44  
11 microphone so that you can talk loud enough that I can hear 10:59:46  
12 you. Do you have anything? 10:59:52  
13 DEFENDANT: Yes, your Honor. If there's no option for 10:59:53  
14 the Boot Camp and I don't want to continue this any further, 10:59:55  
15 if that's what the answer is going to be for the imprisonment 11:00:00  
16 then I really have no choice for that if that's your final 11:00:03  
17 option. I'm not asking or pleading for another chance, I'm 11:00:08  
18 just asking you to understand my past and just -- but I do 11:00:13  
19 see that prison is the easy way out because I get to sleep, 11:00:22  
20 like I wake up and I can go back to sleep, I can pretty much 11:00:25  
21 lay down and do whatever I want all day, but the probation is 11:00:30  
22 where I had to work and work hard for my life. I made 11:00:32  
23 genuine changes within myself and my attitude and criminal 11:00:41  
24 activities. I didn't push myself far enough like I should 11:00:45  
25 have. It's just, like I said, I'm not pleading or asking for 11:00:50

1 another chance, I'm just asking for you to understand my 11:00:56  
2 past. 11:00:59

3 COURT: All right. Thank you. I find that because the 11:01:09  
4 Defendant violated a term of probation, which was a material 11:01:12  
5 term of probation requiring that she successfully complete a 11:01:17  
6 treatment program consistent with the ASI evaluation 11:01:21  
7 recommendation, the Defendant's probation should be revoked. 11:01:26  
8 This is for a material breach of the terms of the probation, 11:01:32  
9 it does not involve the mere payment or nonpayment of money. 11:01:36  
10 This is one of the main reasons that the Court considered 11:01:40  
11 giving the Defendant probation in the first place which is a 11:01:43  
12 privilege, not a right, as opposed to imposing an 11:01:48  
13 imprisonment sentence. I've explained on the Record the lack 11:01:51  
14 of options that the Court had at the time of original 11:01:55  
15 sentencing and the lack of options particularly the Court has 11:01:59  
16 now. There really is no other consideration for the Court to 11:02:04  
17 have at this point other than to impose the imprisonment 11:02:11  
18 sentence that was suspended that placed the Defendant on 11:02:17  
19 probation on this felony charge of Conspiracy to Commit a 11:02:20  
20 Controlled Substance Offense, that was an imprisonment 11:02:23  
21 sentence of not more than 10 years not less than six years 11:02:27  
22 with the Department of Corrections with originally 267 days 11:02:30  
23 off the maximum and minimum term of that imprisonment 11:02:34  
24 sentence. The State has notified the Court that counting the 11:02:39  
25 time that the Defendant has been in custody would be 315 11:02:44

1 days, in other words, 267 original days plus the additional 11:02:49  
2 time that the Defendant has been in custody on the probation 11:02:54  
3 revocation matter is 315 days. Mr. LaBuda asked the Court to 11:02:57  
4 give consideration to credit the Defendant with the time that 11:03:02  
5 she was in the TC program. If I calculated that would be 161 11:03:07  
6 days. Does that sound correct? Taylor, does that sound 11:03:15  
7 right? I have from October 21st to March 20th. My math 11:03:21  
8 skills are not-- 11:03:27

9 MR. LaBUDA: No, I think that is correct. 11:03:29

10 COURT: I'll give the Defendant 476 days credit off the 11:03:33  
11 maximum and minimum term of the imprisonment sentence. 11:03:37  
12 Taylor, you're age 23? 11:03:42

13 DEFENDANT: (Nods head.) 11:03:44

14 COURT: Yes? 11:03:44

15 DEFENDANT: Yes, yes, your Honor. 11:03:45

16 COURT: You've never been to prison, state or federal 11:03:46  
17 prison for anything before? 11:03:50

18 DEFENDANT: No, your Honor. 11:03:51

19 COURT: I find that you qualify for the Youthful 11:03:52  
20 Offender Program, the Boot Camp program. I give the 11:03:58  
21 Department of Corrections my recommendation you be admitted 11:03:58  
22 to a Boot Camp or Youthful Offender Program. Again, I can't 11:04:01  
23 tell them what to do, I just give my recommendation. I also 11:04:07  
24 give the Department of Corrections my recommendation that the 11:04:10  
25 Defendant be admitted to any treatment programs that might be 11:04:13

1 available to assist her within the Department of Corrections. 11:04:16  
2 I find that she is still in need of substance abuse treatment 11:04:21  
3 inasmuch as she was not successful in completing the TC 11:04:26  
4 program in Rock Springs. Any original costs, fees, 11:04:31  
5 assessments and all that sort are thing that were originally 11:04:39  
6 imposed the Defendant is still required to pay those. Mr. 11:04:41  
7 LaBuda, what is the Public Defender reimbursement? 11:04:45  
8 MR. LaBUDA: \$750. 11:04:47  
9 COURT: I find that the reimbursement amount is 11:04:48  
10 appropriate; the Defendant is not going to be able to pay 11:04:52  
11 that in light of this disposition. Any bail or bond that has 11:04:54  
12 been posted by or on behalf of the Defendant the obligor is 11:05:09  
13 exonerated and the clerk of court shall forthwith release any 11:05:11  
14 bail or bond to the obligor. I'll talk to you about your 11:05:15  
15 rights on appeal and release of your attorney in a moment, 11:05:24  
16 Ms. Blanchard, but let me see if there's anything else I need 11:05:28  
17 to address in the way of findings, conclusions or other 11:05:31  
18 matters before we go there. Anything for the State, Mr. 11:05:34  
19 Kainer? 11:05:40  
20 MR. KAINER: No, your Honor. 11:05:40  
21 COURT: Anything for the Defendant, Mr. LaBuda? 11:05:46  
22 MR. LaBUDA: No, sir. Thank you. 11:05:48  
23 COURT: I want to tell you about your rights of appeal. 11:05:50  
24 Mr. Kainer, would your office prepare a disposition order? 11:05:53  
25 MR. KAINER: We will, your Honor. 11:05:56

1 COURT: His office is going to prepare a disposition 11:05:58  
2 order which is a written document that summarizes what 11:06:01  
3 happened at this hearing. That will be given to Mr. LaBuda 11:06:05  
4 for his approval, he will eventually get it to me, I'll sign 11:06:07  
5 that order and it will be given to the clerk of the district 11:06:11  
6 court. She'll put a file stamp on the first page of that 11:06:14  
7 order, that file stamp will have a date and it's an important 11:06:17  
8 thing if you want to appeal your probation revocation, your 11:06:23  
9 disposition or both or any errors of law committed by the 11:06:26  
10 Court in handling your case. You would have 30 days from the 11:06:31  
11 date that's on that order to file a notice of appeal in 11:06:36  
12 writing with the clerk of the district court. You must 11:06:38  
13 otherwise comply with the Wyoming Rules of Appellate 11:06:42  
14 Procedure. Those require that you also do one of two things, 11:06:44  
15 you either pay the filing fee for the appeal or to request 11:06:50  
16 that you be allowed to appeal at no cost to you because you 11:06:57  
17 cannot afford to pay the costs. If you make the request to 11:07:00  
18 have your appeal processed at no cost to you you must submit 11:07:04  
19 a current financial affidavit with your notice of appeal and 11:07:08  
20 your written request to have your appeal processed for free. 11:07:12  
21 I'll look that over, if I find you qualify you would be given 11:07:17  
22 what's called in forma pauperis status, that will allow you 11:07:20  
23 to appeal at no cost to you, it would also allow you to have 11:07:24  
24 an attorney appointed to represent you on the appeal at no 11:07:27  
25 cost to you. You can ask the clerk of district court to file 11:07:30

1 the notice of appeal for you, instead of you doing it you can 11:07:35  
2 ask the clerk to do it. You should make that request to the 11:07:38  
3 clerk in writing and you should make that request very early 11:07:41  
4 because the clerk has the same 30 days that you do. If it's 11:07:45  
5 in writing you can document when you made the request in 11:07:49  
6 showing that it's early. If you or the clerk are late in 11:07:53  
7 filing the notice of appeal it may cause problems on the 11:07:56  
8 appeal, the Supreme Court may not hear it, they may have some 11:07:59  
9 trouble processing the appeal, it's just something you don't 11:08:06  
10 want to have to go through so it's important to make sure 11:08:08  
11 that your notice of appeal, whether you do it or the clerk 11:08:12  
12 does it, is made within that 30 days. The clerk -- if you 11:08:17  
13 ask the clerk to make the notice of appeal for you the clerk 11:08:20  
14 cannot pay the filing fee or request the in forma pauperis 11:08:23  
15 status for you, you have to do those things yourself, one of 11:08:26  
16 those two things, okay? 11:08:31

17 DEFENDANT: Okay. 11:08:33

18 COURT: Do you have any questions about your appeal 11:08:33  
19 rights? 11:08:36

20 DEFENDANT: No, your Honor. 11:08:36

21 COURT: On the earlier of and automatically the 30 days 11:08:36  
22 passing for you to file a notice of appeal or you actually 11:08:44  
23 filing a notice of appeal within that 30 days, Mr. LaBuda and 11:08:48  
24 the Public Defender program would be relieved from further 11:08:53  
25 responsibility of representing you in this case, it's an 11:08:56

1 automatic thing. Do you have any questions about that? 11:08:59  
2 DEFENDANT: No, your Honor. 11:09:01  
3 COURT: Mr. LaBuda, any additional advisements I need to 11:09:02  
4 give to the Defendant? 11:09:05  
5 MR. LaBUDA: No, sir. 11:09:06  
6 COURT: Anything else before we adjourn? 11:09:06  
7 MR. KAINER: Nothing from the State, your Honor. 11:09:09  
8 COURT: Anything for the Defendant? 11:09:11  
9 MR. LaBUDA: No, sir. 11:09:16  
10 COURT: Taylor, I wish you success. You might want to 11:09:16  
11 talk to Mr. LaBuda about some other option that might be 11:09:17  
12 available to you after today. I wish there were viable 11:09:21  
13 options that I had for you, other people who are similarly 11:09:27  
14 situated, but unfortunately that's where we are in the State 11:09:35  
15 of Wyoming today. You'll be remanded to the custody of the 11:09:39  
16 Sublette County Sheriff's Office until your custody is taken 11:09:43  
17 by the Wyoming Department of Corrections. This matter is 11:09:46  
18 adjourned. 11:09:49

19 (The hearing was concluded.)  
20  
21  
22  
23  
24  
25

## 1 CERTIFICATE OF THE REPORTER

2 STATE OF WYOMING )  
3 ) ss  
4 COUNTY OF SUBLETTE )

5 I, JEANNIE GEBES, RPR, official court reporter and  
6 Notary Public, hereby certify that I was authorized to and  
7 did record in stenotype the foregoing pages, numbered 1-23,  
8 inclusive.

9 I further certify that I am not an agent, attorney  
10 or counsel for any of the parties hereto, nor am I interested  
11 in the outcome thereof.

12 Dated this 13th day of July 2017.

13  
14   
15 JEANNIE GEBES, RPR  
16 Official Court Reporter

17 My Commission Expires:



**Civil Action No. 17-CV-124-S**  
**United States District Court, District of Wyoming**

TAYLOR S. BLANCHARD, Individually  
and on behalf of all other persons similarly situated

versus

ROBERT LAMPERT and RICK CATRON,  
in their official capacities

**EXHIBIT TO**  
**FIRST AMENDED COMPLAINT FOR**  
**DECLARATORY AND INJUNCTIVE RELIEF**

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT  
IN AND FOR THE COUNTY OF SUBLETTE, STATE OF WYOMING

THE STATE OF WYOMING,  
Plaintiff,

-VS-

TAYLOR STEPHANIE BLANCHARD,  
Defendant.

Criminal No. 1016

ORDER UPON PROBATION REVOCATION  
DISPOSITION HEARING

**FILED**

MAY 10 2017

JANET K. MONTGOMERY  
CLERK OF DISTRICT COURT  
PINEDALE, WYOMING  
BY                     

DATE OF HEARING: May 8, 2017  
JUDGE: Marvin L. Tyler  
COURT REPORTER: Jeannie Gebes  
PROSECUTOR: Clayton Kainer  
DEFENDANT'S ATTORNEY: John P. LaBuda

**COUNT I**

OFFENSE: Conspiracy to Commit Controlled Substance Offense  
STATUTE: Wyo. Stat. Ann. § 6-1-303(a), § 35-7-1042,  
§ 35-7-1031(a)(i)  
CLASS: FELONY  
DATE OF OFFENSE: December, 2014 - March, 2015  
PLEA/ACTION: GUILTY  
DATE OF SENTENCING HEARING: October 4, 2016  
ADJUDICATION OF PROBATION REVOCATION: ADMISSION BY DEFENDANT TO WILLFUL  
PROBATION VIOLATION – PROBATION  
REVOKED, SENTENCE IMPOSED, BOOT  
CAMP RECOMMENDATION

**PROBATION REVOCATION DISPOSITION:**

IMPRISONMENT: SIX (6) YEARS TO TEN (10) YEARS AT Wyoming Department  
of Corrections, NOT SUSPENDED, Recommendation for  
treatment as a Youthful Offender pursuant to W.S. §7-13-  
1003  
CREDIT FOR PRESENCE  
CONFINEMENT: 476 DAYS OFF MINIMUM-MAXIMUM TERM OF  
IMPRISONMENT  
PUBLIC DEFENDER: \$750.00 – Not Ordered to Pay

THIS MATTER came before the Court for a Disposition Hearing upon the State's Verified Petition for Revocation of Probation on the above date. The hearing was conducted in open Court in accordance with Rule 39 of the Wyoming Rules of Criminal Procedure, and in accordance with Wyoming law.

The Court addressed the Defendant in open court and finds that: Defendant was not under the influence of any drug, alcohol, or medication affecting Defendant's ability to understand and meaningfully participate in the proceeding; Defendant had no mental defect, brain damage, intellectual disability, learning disability, physical injury or physical ailment which might affect Defendant's ability to understand the proceeding.

The Court determined that the Defendant was represented with counsel with whom Defendant had conferred prior to the disposition hearing, and the Defendant expressed that Defendant was satisfied with Defendant's counsel's representation. The Court finds that Defendant's attorney was competent and effectively assisted Defendant throughout the disposition hearing.

Defendant acknowledged that Defendant had entered an "ADMISSION" to the probation revocation allegations as set forth in the State's Verified Petition for Revocation of Probation and such "ADMISSION" was made voluntarily, willingly, knowingly, under no improper inducement, threat, force or coercion, after Defendant considered Defendant's constitutional rights and after Defendant understood that such rights would be waived by entering such a plea to the allegations, this was, nonetheless, what Defendant wished to do in answer to the allegations; a sufficient factual basis exists supporting the "ADMISSION" entered by Defendant, the "ADMISSION" entered by Defendant was accepted by the Court; and, the Defendant acknowledged that there had been no unnecessary delay in the imposition of a disposition upon Defendant.

The Court afforded the attorney for the State the opportunity to present any testimony, arguments and recommendations. The Court afforded the attorney for the Defendant to present any testimony, arguments, recommendations and to speak on behalf of the Defendant. The Court then addressed the Defendant personally and Defendant was given the opportunity to present information in mitigation of the disposition.

The Court then found that Defendant had willfully violated the terms of Defendant's probation. The Court found that the conditions of probation which were willfully violated by Defendant were material violations and did not involve the payment of money. The Court then enumerated all factors and considerations in setting the disposition.

BASED UPON THE FOREGOING, and the Court being duly advised in the premises, and good cause appearing,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendant willfully violated the terms and conditions of Defendant's probation as set forth in the State's Verified Petition for Revocation of Probation;

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant's probation be, and it is hereby, **REVOKED**.

Re-imposing probation, as well as other options available the Court in setting the disposition in the case were considered by the Court and, under the facts and circumstances, the Court finds that **RE-INSTATING PROBATION IS INAPPROPRIATE**.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT DEFENDANT IS HEREBY, SENTENCED AS FOLLOWS:**

**Imprisonment/Jail**

Defendant shall be imprisoned to no less than six (6) years, nor more than ten (10) years in the custody and control of the Wyoming Department of Corrections to be incarcerated in a State penal institution or other facility under contract or agreement with the Wyoming Department of Corrections;

Defendant is given credit for 476 days off of the minimum and maximum imprisonment sentence herein for presentence confinement;

This imprisonment sentence is NOT suspended;

The Court finds that Defendant meets the requirements of W.S. §7-13-1003 and the Court recommends that Defendant shall be treated as a Youthful Offender under W.S. §7-13-1003;

**Substance Abuse Treatment**

The Court deems Defendant to be in need of substance abuse treatment and the Defendant is a qualified offender under the Addicted Offender Accountability Act.

The Court gives its recommendation that Defendant be admitted into the Intensive Treatment Unit or any other beneficial programs offered by the Department of Corrections.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Public Defender's Office and John P. LaBuda, Assistant Public Defender, be, and they are hereby, relieved from further responsibility and the representation of the Defendant in the above-captioned matter after the appropriate time has passed to file a Notice of Appeal; and,

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that, pursuant to W.R.Cr.P. 46(g), if bail has been posted in this matter, the obligor is hereby exonerated and the Clerk of Court shall forthwith release said bail to the obligor.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED, that you, TAYLOR STEPHANIE BLANCHARD, are hereby remanded to the custody of the Wyoming Department of Corrections for placement into the appropriate facility commensurate to your sentence and correctional classification.

Pursuant to Rule 32 of the Wyoming Rules of Criminal Procedure, Defendant was notified of Defendant's right to appeal this Order to a higher Court. Defendant was advised that a Notice of Appeal must be filed within thirty (30) days (WRAP Rule 2.01) of entry of this Order; that if Defendant is unable to pay the cost of an appeal, Defendant may apply for the right to have appointed counsel and to proceed without paying filing fees; and that if Defendant so requests, the Clerk of Court shall prepare and serve a Notice of Appeal on Defendant's behalf.

DATED this 10<sup>th</sup> day of May, 2017.

  
\_\_\_\_\_  
District Court Judge

Approved as to Form:

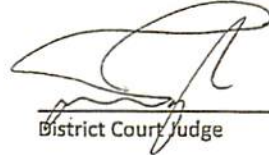
  
\_\_\_\_\_  
Attorney for State

\_\_\_\_\_  
Attorney for Defendant

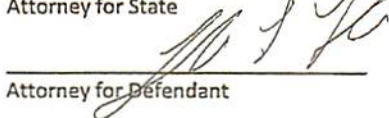
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DATED this 10<sup>th</sup> day of May, 2017.

  
District Court Judge

Approved as to Form:

  
Attorney for State  
  
Attorney for Defendant



Order Upon Probation Revocation Disposition Hearing  
Page 3 of 3

Received Time May. 8. 2017 4:49PM No. 9450

**Civil Action No. 17-CV-124-S**  
**United States District Court, District of Wyoming**

TAYLOR S. BLANCHARD, Individually  
and on behalf of all other persons similarly situated

versus

ROBERT LAMPERT and RICK CATRON,  
in their official capacities

**EXHIBIT TO**  
**FIRST AMENDED COMPLAINT FOR**  
**DECLARATORY AND INJUNCTIVE RELIEF**



|                                         |                       |                        |
|-----------------------------------------|-----------------------|------------------------|
| WYOMING<br>DEPARTMENT OF<br>CORRECTIONS | WDOC Form #321        | Page 1 of 2            |
|                                         | Inmate Grievance Form | Last Revised: 02/12/07 |

## INMATE GRIEVANCE FORM

☐ Check here if this is an EMERGENCY Grievance

Inmate Name: Taylor Blanchard WDOC # 2922  
 Institution: WWC Unit/Cell: 25  
 Date: 6.29.17 Time: 10:45am

When completing this form, you may provide up to two (2) additional pages if necessary.

Summary of the incident or occurrence giving rise to the grievance or reason for the grievance:

I understand that I have been Classified as Minimum custody rather than under the Youthful Offenders Act (bootcamp program). I also understand that Wyoming DOC is not going to consider me for bootcamp due to Wyo not placing women in bootcamps.

Summarize your attempts to informally resolve the issue (e.g. verbal discussions, submission of Inmate Communication Form, etc.)

Verbal w/ Williams (case worker).

I request the following grievance resolution or remedy:

to receive respectfully a bootcamp classification within the state of Wyoming as my Judge had recommended for my sentencing.

Inmate Signature:

*Taylor Blanchard*

Administrative Use

Grievance  
Number:



|                                         |                                    |                        |
|-----------------------------------------|------------------------------------|------------------------|
| WYOMING<br>DEPARTMENT OF<br>CORRECTIONS | WDOC Form #321.1                   | Page 1 of 1            |
|                                         | RETURNED GRIEVANCE<br>NOTIFICATION | Last Revised: 12/02/16 |

### RETURNED GRIEVANCE NOTIFICATION

INMATE NAME: Blanchard, Taylor WDOC# 2922 INSTITUTION: WWC DATE: 06/30/2017

Your grievance is being returned in accordance with WDOC Policy and Procedure #3.100, *Inmate Communication and Grievance Procedure* for the reason(s) marked below.

- ☐ No attempt to resolve at the lowest level (See WDOC P&P #3.100 § IV,D)
- ☐ Not submitted within 30 days of the incident (See WDOC P&P #3.100 § IV,H,1,iii)
  - The 30 days starts when from the time when you reasonable knew or should have known that the grievable incident occurred.
- ☐ Contains inappropriate language/threats (See WDOC P&P #3.100 § IV,D,2,iii)
- ☐ Incomplete information about incident being grieved (See WDOC P&P #3.100 § IV,H,1,ii,a)
- ☐ Not on approved form (See WDOC forms #321 or #322)
- ☐ Exceeds space authorized (See WDOC P&P #3.100 § IV,H,1,iv)
- ☐ Attempts to grieve more than 1 issue/decision/staff action (See WDOC P&P #3.100 § IV,E,1,vi)
- ☐ Already submitted grievance on this issue (See WDOC P&P #3.100 § IV,E,1,xii)
- ☐ May not submit for another person/group (See WDOC P&P #3.100 § IV,E,3,ii)
- ☐ Exceeds limits for 3 a week or 8 a month. (See WDOC P&P #3.100 § IV,E,1,x)
- ☒ Non-grievable issues: (See WDOC P&P #3.100 § IV,E,5)
  - Adoption or modification of faith group or religious practice.
  - Classification decisions.
  - Disciplinary actions.
  - Issue is part of pending litigation.
  - Failure of staff to respond within timelines.
  - Involves non-WDOC agency or outside of WDOC control.
  - Does not personally affect grievant.
  - STG affiliation validation.
- ☐ Appeal submitted prior to submitting grievance (See WDOC form #321)
- ☐ Appeal submitted prior to initial grievance response
- ☐ Issue must be grieved with WHF/WHCC/WSP/WWC/WMCI \_\_\_\_\_

#### Notes on Grievance Return

Inmate Blanchard, Your 321 Grievance is being rejected for the following:

1) Classification decisions ar non-grievable.

WDOC Staff Signature: Carpenter  
Printed Name: Ms. Carpenter

Date: 06/30/2017

**Note: The return of the grievance does not extend the 30 day time frame.**

**Civil Action No. 17-CV-124-S**  
**United States District Court, District of Wyoming**

TAYLOR S. BLANCHARD, Individually  
and on behalf of all other persons similarly situated

versus

ROBERT LAMPERT and RICK CATRON,  
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**EXHIBIT TO**  
**FIRST AMENDED COMPLAINT FOR**  
**DECLARATORY AND INJUNCTIVE RELIEF**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

TAYLOR S. BLANCHARD, individually, )  
and on behalf of all other persons )  
similarly situated, )

Plaintiff, )

vs. )

Case No. 17-CV-124-S

ROBERT LAMPERT and )  
RICK CATRON, in their official )  
capacities, )

Defendants. )

---

**AFFIDAVIT OF AMANDA TAYLOR**

---

I, Amanda Taylor, being first duly sworn, do depose and state as follows:

1. I am a resident of Jefferson County, Florida and over the age of twenty-one (21) years.
2. I am not suffering from any disease, defect, or condition that would impair or limit my ability to swear to or affirm the truth of the matters asserted herein.
3. I am the Correctional Services Consultant for Reception & Youthful Offender Services at the Florida Department of Corrections and have personal knowledge of certain events that are the subject of this lawsuit.

4. Attached hereto as **Exhibit A** is a true and accurate copy of the Florida Department of Corrections pamphlet describing Florida's Basic Training Program, in which Taylor Blanchard is a current participant.

5. Attached hereto as **Exhibit B** is a true and accurate table showing the recidivism rates of women who have completed Florida's Basic Training Program from 2001 to 2016. This table was last updated May 30, 2017.

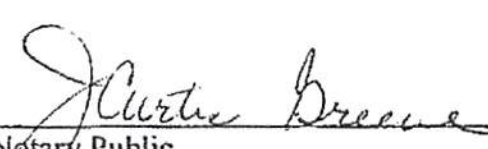
DATED this 2nd day of October, 2017.

  
Amanda Taylor

STATE OF FLORIDA     )  
                                          )SS.  
COUNTY OF LEON     )

The foregoing Affidavit of Amanda Taylor was subscribed and sworn to before me by Amanda Taylor this 2 day of October, 2017.

Witness my hand and official seal.

  
Notary Public

My Commission Expires: \_\_\_\_\_



J. CURTIS GREENE  
MY COMMISSION # FF 076974  
EXPIRES: December 28, 2017  
Bonded Thru Budget Notary Services

# EXHIBIT A



### Eligibility/Criteria

Inmates must be sentenced pursuant to Chapter 958, F.S., Youthful Offenders; or

Designated as such by the department pursuant to Chapter 958, F.S. (Selected first time offenders, age 24 or under serving 10 years or less and not a capital or life felon.)

All department designated youthful offenders must be eligible for control release pursuant to section 947.146 F.S.

Basic training program candidates cannot:

- Have physical limitations that would preclude participation in the strenuous physical regimen.
- Have psychological limitations that would preclude participation in an intensive regimented program.
- Be classified higher than minimum or community custody.

Note: Those inmates convicted of a sexual offense or escape typically are not eligible for a reduction in custody to minimum or community.

*For further information,  
contact:*

**Florida Department of  
Corrections**

**Bureau of Security  
Operations**

**Reception & Youthful  
Offender Services**

**501 South Calhoun Street  
Tallahassee, FL 32399-2500  
Phone: (850) 717-3555**



*Inspiring success by  
transforming one life at a  
time.*

## Basic Training Program



**FLORIDA  
DEPARTMENT  
OF  
CORRECTIONS**

*Rick Scott, Governor*

*Julie L. Jones, Secretary*

### Introduction

The Basic Training Program (BTP) is authorized by the Florida Legislature under section 958.045, F.S. The male BTP, Sumter Basic Training Unit (Sumter BTU), is located on the grounds of Sumter Correctional Institution, in Bushnell, Florida, and the female BTP, referred to as CAMP (Corrections Alternative Military Program) Jones, is located at Lowell Correctional Institution in Ocala, Florida.

### Identification & Placement

Potential candidates for the BTP are identified by Reception & Youthful Offender Services.

Reception & Youthful Offender Services will notify the sentencing court of eligibility and request the court's approval to place the inmate in the BTP.

If the court approves, and the inmate remains eligible, the inmate may be placed in the BTP for a minimum 120 days.

If performance is satisfactory and the inmate is expected to complete the program, the Department will notify the court. The court will typically issue a prospective order modifying sentence and placing the inmate on community supervision. This prospective order is valid *only if* the inmate successfully completes the program.

If the inmate's performance is unsatisfactory, or if s/he fails to complete the program, s/he is removed from the program and serves the remaining term of their incarceration.

### Program Components

The BTP includes the following components:

Physical training that consists of strenuous exercise designed to develop optimum physical conditioning. Military drill and ceremony consisting of marching drills, compliance with a rigid code of dress and appearance and the use of military courtesy in speech and actions.  
Work assignments consisting of manual labor that are of a productive nature.  
Academic and vocational programming based on assessed needs of the individual inmate and program availability.  
Personal development counseling which includes training in decision-making and development of social adjustment skills.  
Self-betterment programming.  
Pre-release counseling regarding the inmate's adjustment to society.

### Program Phases

The BTP is divided into the following phases: Phase I consists of a period of intense military regimen requiring a minimum of sixty (60) days active participation.

Phase II consists of educational programming and personal development training provided within a quasi-military environment for a period of time not to exceed the length of sentence imposed by the sentencing court. An inmate will be required to participate successfully in Phase II of the program for a minimum of sixty (60) days.

The length of time that an inmate will participate in Phases I and II combined will be no less than 120 days.

Each inmate will be required to participate in the BTP in a satisfactory manner for a minimum of 120 days in order to successfully complete the BTP.

At the successful conclusion of Phase II an inmate's sentence is typically restructured and the inmate is released to community supervision; however, completion of the BTP could result in other measures in accordance with sections 958.045(5)-(6), F.S.

### Guiding Principles

Divert selected youthful offenders from long periods of incarceration.

Cooperation and coordination between the Department of Corrections and the Florida Judicial System.

Provide opportunities for educational enhancement.

Provide opportunities for personal growth within a structured environment.

Provide the inmate with the opportunity to become involved in the decision-making process concerning his/her future.

Instill confidence, self-respect, and pride in accomplishments.

Place responsibility directly on the inmate for successful completion of the program.

Promote the development of self-discipline through a military model of treatment.

Facilitate after-care placement and follow-up through community-based supervision.

## **EXHIBIT B**

## Florida Basic Training Program Female Graduate Recidivism Rates

| Release Year | Number<br>Of<br>Graduates | Percent Re-Incarcerated |
|--------------|---------------------------|-------------------------|
| 2001         | 57                        | 36.8%                   |
| 2002         | 54                        | 37.0%                   |
| 2003         | 30                        | 33.3%                   |
| 2004         | 27                        | 37.0%                   |
| 2005         | 25                        | 44.0%                   |
| 2006         | 22                        | 27.3%                   |
| 2007         | 17                        | 23.5%                   |
| 2008         | 20                        | 20.0%                   |
| 2009         | 25                        | 32.0%                   |
| 2010         | 16                        | 18.8%                   |
| 2011         | 11                        | 27.3%                   |
| 2012         | 23                        | 21.7%                   |
| 2013         | 30                        | 30.0%                   |
| 2014         | 31                        | 29.0%                   |
| 2015         | 34                        | 11.8%                   |
| 2016         | 33                        | 12.1%                   |
| <b>Total</b> | <b>455</b>                | <b>28.8%</b>            |