

7th. Judicial Circuit 707
Charging Affidavit - FLAGLER

Arrest # _____

Bk # 18-1955

Pg #1 of 6

ARREST <input checked="" type="checkbox"/> NOTICE TO APPEAR <input type="checkbox"/> AFFIDAVIT <input type="checkbox"/> C.C. <input type="checkbox"/>		ADULT <input checked="" type="checkbox"/> JUVENILE <input type="checkbox"/>		Court Case Number: 2018 CF 000818	
(ORI) FL: 0 1 8 0 0 0 0		Agency Name: Flagler County Sheriff's Office		Agency Case Number: 2018-00076677	
FCIC/NCIC Check? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		OBTS# <u>1001052646</u>		UIC: _____	Date Arrested: 08/15/2018
ADDRESS OF ARREST: 100, E, HOWE, ST, Bunnell, Florida, 32110				Arrested By: Smith	J Gibson
DEFENDANT		Name (L.F.A.): BROOKS J, ALPHONSO, LEE		A.K.A.: _____	ID Number: 705
DOB: 6/29/1979	Age: 39	Driver's Lic ID No.: B620012791895	State: Florida	Year Expires: 2026	S.S. #: _____
Height: 6 01	Weight: 210	Hair: Black	Eyes: Brown	POB (City, St. Country): _____	Statement: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Scars, Marks, Tattoos: _____		Business & Occupation: _____		Citizenship: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Probation: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Sexual Predator: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		English: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Address-Mailing/Permanent (STREET, APT. NUMBER)		(CITY)		(STATE)	ZIP CODE RESIDENCE PHONE
Address-Local (STREET, APT. NUMBER)		(CITY)		(STATE)	ZIP CODE RESIDENCE PHONE
908 HUSSON AVE		PALATKA		Florida	32177 (386)916-6205
Address-Other(Employer/School) (STREET, APT. NUMBER)		(CITY)		(STATE)	ZIP CODE BUS/SCHOOL PHONE
CHARGES		DOMESTIC VIOLENCE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input checked="" type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/> DUI <input type="checkbox"/>	
Total Charges: 4					
#1	Charge: AGG ASSAULT - LEO FF EMT	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	PS-ORD: 784.07.2.C	Citation No.: _____	Bond: none
#2	Charge: POSS FIREARM/WEAPON/AMMO BY CONVICTED FELON	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	PS-ORD: 790.23.1.A	Citation No.: _____	Bond: 5,000
#3	Charge: POSS FIREARM/WEAPON/AMMO BY CONVICTED FELON	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	PS-ORD: 790.23.1.A	Citation No.: _____	Bond: 5,000
CO-DEFENDANT		Co-Def #1. Arrested? Y <input type="checkbox"/> N <input checked="" type="checkbox"/> Fel <input type="checkbox"/> MISD <input type="checkbox"/> Traf <input type="checkbox"/> Ord <input type="checkbox"/> NTA <input type="checkbox"/>			
#1 NAME(L.F.N.): _____		Race: _____		Sex: _____	DOB: _____ Age: _____
#2 NAME(L.F.N.): _____		Race: _____		Sex: _____	DOB: _____ Age: _____
NARRATIVE The undersigned certifies and swears that there is a probable cause to believe the above names defendant, on the <u>15th</u> day of <u>August</u> , <u>2018</u> , at approximately <u>20:33</u> <u>X</u> A.M. <u>X</u> P.M. at <u>100 EHOWE ST</u> within <u>Flagler</u> County, violated the law and did then and there.					
On Wednesday, July 15 th 2018 I, Deputy J Smith, conducted a traffic stop on a 2008 black Ford sedan bearing Florida License Plate 3115PN, in the area of N. Church St. & E. Howe St. I observed the Ford sedan fail to come to a complete stop at the intersection as well as fail to activate their turn signal continuously within 100 feet of making the left hand turn onto E. Howe St.					
The Ford came to a final stop in the 100 Block of E. Howe St. I approached the Ford on the passenger side of the vehicle. During my approach I observed the driver, now know to me as Mr. Alphonso L Brooks Jr,					
Supervisor Approved: _____					
NOTICE TO APPEAR		MANDATORY APPEARANCE <input type="checkbox"/>		YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON THE REVERSE SIDE OF YOUR COPY <input type="checkbox"/>	
I AGREE TO APPEAR IN COURT HERETO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE INDICATED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED, OR PAY THE LISTED FINE, I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST WILL BE ISSUED.		FINE AND COSTS AMOUNT: _____			
SIGNATURE OF DEFENDANT		DATE		SIGNATURE OF JUVENILE PARENT OR CUSTODIAN	
RELATIONSHIP TO JUVENILE		CITATION No.		CITATION No.	
Sworn to and subscribed before me, the undersigned, this <u>16th</u> day of <u>Aug</u> , <u>2018</u> .		I swear affirm the above statements are correct and true.		RE TIME	
Name: <u>100 K 819</u>		OFFICER'S COMPLAINTANT'S SIGNATURE		NAME(PRINTED)	
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/> Personally Known <input checked="" type="checkbox"/> Produced Identification <input type="checkbox"/>		Type of Identification		ID NUMBER	
OFFICIAL USE ONLY		Inmate Number & facility:		NAME(PRINTED)	
				ID NUMBER	

707 - COURT COPY

Narrative 707-B Supplement

☒ Arrest
☐ Affidavit
☐ Notice to Appear

☐ Adult
☐ Juvenile

Court Case
Number:

Page # 2 of 6

Defendant Name: BROOKS J, ALPHONSO, LEE		Agency Case Number: 2018-00076677	
CHARGES	DOMESTIC VIOLENCE? YES <input type="checkbox"/>	Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input checked="" type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/>	
		Total Charges: 4	
#	Charge: FIREARM - CARRY CONCEALED	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 790.01.2
			Citation No:
			Bond: 500
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:
			Citation No:
			Bond:
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:
			Citation No:
			Bond:
Sworn to and subscribed before me, the undersigned this <u>16</u> day of <u>August</u> , 2018.		I swear/affirm the above statements are correct and true.	
Name:		D/S <u>AS</u>	
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/>		OFFICER'S/COMPLAINANT'S SIGNATURE	
Personally Known <input checked="" type="checkbox"/> Produced Identification <input type="checkbox"/>			
Type of Identification:		NAME (PRINTED) <u>DOB 1 SMH</u>	ID NUMBER <u>105</u>

707-B - COURT COPY

Witness/Victim/Evidence Form 707-A

☒ Arrest
☐ Affidavit
☐ Notice to Appear

☐ Adult
☐ Juvenile

Court Case
Number:

Pg #3 of 6

Defendant Name: BROOKS J, ALPHONSO, LEE		Agency Case Number: 2018-00076677	
Name (L,F,M):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/>
Address (#, Street, City, State):		Zip:	Age: DOB: SSN:
Bus/School Address:		Home Phone:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	Bus. Phone: Phone:
Name (L,F,M):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/>
Address (#, Street, City, State):		Zip:	Age: DOB: SSN:
Bus/School Address:		Home Phone:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	Bus. Phone: Phone:
Name (L,F,M):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/>
Address (#, Street, City, State):		Zip:	Age: DOB: SSN:
Bus/School Address:		Home Phone:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	Bus. Phone: Phone:
Name (L,F,M):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/>
Address (#, Street, City, State):		Zip:	Age: DOB: SSN:
Bus/School Address:		Home Phone:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	Bus. Phone: Phone:
Name (L,F,M):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/>
Address (#, Street, City, State):		Zip:	Age: DOB: SSN:
Bus/School Address:		Home Phone:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	Bus. Phone: Phone:
Name (L,F,M):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/>
Address (#, Street, City, State):		Zip:	Age: DOB: SSN:
Bus/School Address:		Home Phone:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	Bus. Phone: Phone:
Name (L,F,M):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/>
Address (#, Street, City, State):		Zip:	Age: DOB: SSN:
Bus/School Address:		Home Phone:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	Bus. Phone: Phone:

EVIDENCE COLLECTED

Description of Evidence NORTH AMERICAN ARMS .32 CAL W/ 2 MAGAZINES	Date Recovered 08/15/2018	Model Serial/I.D. Number AA5690	Drug Amount
Owner(Name) BROOKS J, ALPHONSO, LEE	(Phone) (386)918-6205		Value
Description of Evidence 5 ROUNDS OF .32 CAL AMMUNITION, 4 HOLLOW POINT AND 1 FMJ	Date Recovered 08/15/2018	Model Serial/I.D. Number	Drug Amount
Owner(Name) BROOKS J, ALPHONSO, LEE	(Phone) (386)918-6205		Value
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount

I certify that the foregoing is a complete list of witnesses/victims & evidence known to me.

Investigating Officer

ID Number

Agency

707-A - COURT COPY

Narrative 707-B Supplement

☒ Arrest
☐ Affidavit
☐ Notice to Appear

☐ Adult
☐ Juvenile

Court Case
Number:

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Defendant Name: BROOKS	J, ALPHONSO, LEE	Agency Case Number: 2018-00076677
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CHARGES	DOMESTIC VIOLENCE? YES <input type="checkbox"/>	Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/>	Total Charges:
# Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No: Bond:
# Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No: Bond:
# Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No: Bond:

looking around to see where I was approaching from, in an anxious manner. As I made contact with Mr. Brooks, I advised him of who I was and the reason for the traffic stop. I requested Mr. Brooks driver's license. Mr. Brooks was hesitant about providing me his driver's license, Mr. Brooks was insistent on handing me his entire wallet. I then specifically requested that Mr. Brooks remove his Florida Issued Driver's License from his wallet and provide it to me. After Mr. Brooks provided me with his driver's license, I asked if the vehicle was registered to him, which he advised yes to him and his Fiancé/wife. I then requested a copy of Mr. Brooks current Florida Registration information and proof of current insurance. Mr. Brooks was only able to provide me with the current vehicle registration, but stated that the vehicle did have insurance. I then asked Mr. Brooks if there were any weapons in the vehicle, to which he advised there was not. I then asked if there was anything illegal inside the vehicle. Mr. Brooks again advised there was not.

I returned to my marked patrol vehicle to check Mr. Brooks information and as I was walking away, I could see Mr. Brooks looking around at his surroundings, in what I would describe as an anxious manner. Bunnell Police Officer M. Hirschi arrived on scene shortly after and I requested that he stand by with Mr. Brooks due to his jitteriness. While I was completing my Uniform Traffic Citations, K-9 Deputy J. Duenas arrived on scene. I requested K-9 Deputy Duenas to utilize his K-9 partner, Valor, in conducting an exterior odor sniff of the vehicle. Once complete, K-9 Deputy Duenas advised me that his K-9 partner, Valor, did in fact alert to the odor of narcotics (see K-9 Deputy Duenas's Deployment Report for further information). K-9 Deputy Duenas then went to speak to Mr. Brooks to advise him that his partner alerted to the odor of narcotics. As K-9 Deputy Duenas was requesting Mr. Brooks to exit the vehicle, I observed Mr. Brooks light a cigarette and place his legs outside the door while remaining in a seated position. While Mr. Brooks was still in a seated position, I observed Mr. Brooks right hand return to the area of where his upper right leg made contact with the seat cushion, multiple times, which I found to be suspicious. I then requested Officer Hirschi to utilize his flashlight to illuminate Mr. Brooks seat to see if he was trying to discard or conceal something, as it kept returning to the same area. K-9 Deputy Duenas then instructed Mr. Brooks to exit the vehicle again and advised Mr. Brooks that he was going to pat him down to make sure he did not have any weapons on him. As Mr. Brooks began to stand up, I observed a small stainless steel semi-automatic pistol with black grips lying on the seat, directly beneath Mr. Brooks. At the very same time, I observed the pistol on the seat, I observed Mr. Brooks lean backwards towards the seat cushion and grab the pistol by the grip with his right hand. I observed Mr. Brooks begin to pick the pistol off the seat and attempt to conceal it from law enforcement's view. As he stood up, the grip of the pistol was grasped in his right palm with his fingers wrapped around the grip, consistent with how a firearm is fired. I immediately began to yell "GUN GUN GUN !!!!!", as I drew my agency issued Glock 22C from its holster,

Sworn to and subscribed before me, the undersigned this <u>16</u> day of <u>AUGUST</u> , 2018	I swear/affirm the above statements are correct and true.	Right thumb
Name:	<u>D/S [Signature]</u>	
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input checked="" type="checkbox"/> Produced Identification <input type="checkbox"/>	OFFICER'S/COMPLAINANT'S SIGNATURE	
Type of Identification:	NAME (PRINTED) <u>D/S. J. Smith</u>	ID NUMBER <u>705</u>

707-B - COURT COPY

Narrative 707-B Supplement

☒ Arrest
☐ Affidavit
☐ Notice to Appear

☐ Adult
☐ Juvenile

Court Case
Number:

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Defendant Name: BROOKS J, ALPHONSO, LEE		Agency Case Number: 2018-00076677	
CHARGES	DOMESTIC VIOLENCE? YES <input type="checkbox"/>	Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/>	
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: Citation No: Bond:
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: Citation No: Bond:
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: Citation No: Bond:

taking aim at Mr. Brooks, while giving verbal commands to drop the gun. I was in fear that Mr. Brooks was attempting to use the firearm in order to inflict great bodily harm or death upon K-9 Deputy Duenas. K-9 Deputy Duenas, in what appeared to be an instinctive manner, grabbed ahold of Mr. Brooks right arm, drew his agency issued Glock 22C and placed it in Mr. Brooks ribcage, and pushed Mr. Brooks pinning him into the corner door jam of the driver's door. Once I was sure that Officer Hirschi had cover for K-9 Deputy Duenas, I repositioned myself to the driver side of the Ford, where I observed the same stainless steel pistol lying on the pavement, approximately 2 feet directly behind K-9 Deputy Duenas. I then secured the firearm in my patrol vehicle and returned to K-9 Deputy Duenas, where I assisted in securing Mr. Brooks in handcuffs.

I relocated Mr. Brooks to the left rear door area of my patrol vehicle, where I searched Mr. Brooks incident to arrest. The only item I located on Mr. Brooks person, was a pair of blue latex gloves in his left front pocket. Mr. Brooks was then placed into the backseat of my patrol vehicle. A probable cause search of the Ford was conducted. In the driver's door panel pocket, I located a black drawstring bag that contained two (2) magazines belonging to the stainless steel North American Arms pistol. One of the magazines was empty and the other was loaded with five (5) live rounds of ammunition, four (4) Hollow Point rounds and one (1) FMJ (Full Metal Jacket). It should be noted that the drawstring bag and magazines are clearly readily accessible and within the reach, unobstructed, of the driver, Mr. Brooks.

While Mr. Brooks was in the backseat of my patrol vehicle, I read Mr. Brooks his Miranda Rights to which he advised he understood, but did not wish to speak to me in regards to this incident.

It is now clear that while Mr. Brooks was previously sitting inside the Ford, the movement I observed of Mr. Brooks reaching his right hand to the area below his right leg, which was Mr. Brooks maintaining control of the North American Arms Pistol that he was sitting on.

Let it be known that Mr. Brooks was previously adjudicated Guilty of the following Felony charges:

- 11/13/1997- Lewd or Lascivious Molest/ Conduct/ Exhibition
- 07/11/2002- Aggravated Battery - Person uses a deadly Weapon

Mr. Brooks was placed under arrest for Aggravated Assault on LEO, Possession of Firearm by Convicted Felon, Possession of Ammunition by Convicted Felon, and Carrying A Concealed Firearm. Mr. Brooks was transported to and processed into the Flagler County Sheriff Perry Hall Inmate Facility without incident.

Sworn to and subscribed before me, the undersigned, this <u>16th</u> day of <u>August</u> , 2018.	I swear/affirm the above statements are correct and true.		Right thumb
Name:	<i>[Signature]</i>		
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/>	OFFICER'S/COMPLAINANT'S SIGNATURE		
Personally Known <input checked="" type="checkbox"/> Produced Identification <input type="checkbox"/>	NAME (PRINTED)	ID NUMBER	
Type of Identification:	<i>[Signature]</i>	<i>[Signature]</i>	705

707-B - COURT COPY

Narrative 707-B Supplement

☒ Arrest
☐ Affidavit
☐ Notice to Appear

☐ Adult
☐ Juvenile

Court Case
Number:

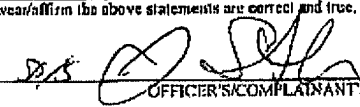
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Defendant Name: BROOKS J, ALPHONSO, LEE	Agency Case Number: 2018-00076677
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CHARGES	DOMESTIC VIOLENCE?	YES <input type="checkbox"/>	Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/>	Total Charges:
# Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>		FS/ORD:	Citation No: Bond:
# Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>		FS/ORD:	Citation No: Bond:
# Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>		FS/ORD:	Citation No: Bond:

The firearm, magazines, and ammunition will be turned into evidence. Let it be known that My Taser Axon Video failed to activate during the first portion of the traffic stop. See Supplement Narrative Report from K-9 Deputy Duenas and Taser Axon Video footage from BPD Officer Hirschi and Officer Baker for further information.

No further information at this time.

Sworn to and subscribed before me, the undersigned this <u>16</u> day of <u>August</u> , <u>2018</u> .	I swear/affirm the above statements are correct and true.	Right thumb
Name:		
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input checked="" type="checkbox"/> Produced Identification <input type="checkbox"/>	OFFICER'S/COMPLAINANT'S SIGNATURE	
Type of Identification:	NAME (PRINTED) <u>Officer J. Smith</u>	ID NUMBER

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