No. ______ 21-7916 22A200

IN THE SUPREME COURT OF THE UNITED STATES

JAMES H. FETZER

Petitioner

v.

LEONARD POZNER

Respondent

PETITION FOR REHEARING OF DENIAL OF A WRIT OF CERTIORARI

(Rule 44.2)

APPENDICES Volume 1 of 2 Appendix A-D

James H. Fetzer, Ph.D.

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Appendix A

Appendix A

<u> </u>	Search documents in this case:	Search
No. 21-7916		
Title:	James Fetzer, Petitioner v. Leonard Pozner	
Docketed:	May 19, 2022	
Linked with 22A200		
Lower Ct:	Court of Appeals of Wisconsin, District IV	
Case Numbers:	(2020AP121, 2020AP1570)	
Decision Date:	March 18, 2021	
Discretionary Court Decision Date:	February 16, 2022	

PROCEEDINGS AND ORDERS
Petition for a writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due June 21, 2022)
Motion for Leave to Proceed in Forma Pauperis Petition Proof of Service Appendix
Brief amicus curiae of World Peace Through Education Foundation, Inc. filed.
Main Document Certificate of Word Count Proof of Service
DISTRIBUTED for Conference of 9/28/2022.
Application (22A200) for a stay, submitted to Justice Barrett.
Lower Court Orders/Opinions Proof of Service Main Document
Application (22A200) denied by Justice Barrett.
Application (22A200) refiled and submitted to Justice Gorsuch.
Written Request Proof of Service
DISTRIBUTED for Conference of 10/7/2022.
Application (22A200) referred to the Court.
Petition DENIED.
Application (22A200) denied by the Court.

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Party name: World Peace Thr	ough Education Foundation, Inc.	

Appendix B

Appendix B

Federal Emergency Management Agency



Site Activation Call-down Drill Exercise Plan

[Mass Casualty drill]

Exercise Date: 12/14/12 Publishing Date: 10/08/12

Exercise Plan Mass Casualty Drill Federal Emergency Management Agency

Emergency Response For Mass Casualties Involving Children

FINAL

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PREFACE

National Preparedness is sponsored by FEMA and the Department of Homeland Security. This Exercise Plan was produced with input, advice, and assistance from the National Incident Management System (NIMS) exercise planning team, which followed the guidance set forth in the Federal Emergency Management Agency (FEMA), Homeland Security Exercise and Evaluation Program (HSEEP).

The Plan gives officials, observers, media personnel, and players from participating organizations the information necessary to observe or participate in an all hazards preparedness exercise focusing on participants' emergency response plans, policies, and procedures as they pertain to specific scenarios. The information in this document is current as of the date of publication, 10/08/2012, and is subject to change as dictated by the National Incident Management System exercise planning team.

The Preparation for Mass Casualty is a <u>classified exercise</u>. The control of information is based more on public sensitivity regarding the nature of the exercise than on the actual exercise content. Some exercise material is intended for the **exclusive** use of exercise planners, controllers, and evaluators, but players may view other materials deemed necessary to their performance. The Exercise may be viewed by all exercise participants, but the Controller and Evaluator (C/E) Handbook is a restricted document intended for controllers and evaluators only.

All exercise participants should use appropriate guidelines to ensure the **proper control of information** within their areas of expertise and to protect this material in accordance with current jurisdictional directives. Public release of exercise materials to third parties is at the discretion of The Federal Emergency Management Agency and the Preparation for Mass Casualty exercise planning team.

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HANDLING INSTRUCTIONS

- 1. The title of this document is Mass Casualty Drill Involving Children Exercise Plan (ExPlan).
- 2. The information gathered in this ExPlan is *For Official Use Only (FOUO)* and should be handled as sensitive information not to be disclosed. This document should be safeguarded, handled, transmitted, and stored in accordance with appropriate security directives. Reproduction of this document, in whole or in part, without prior approval from The Department of Homeland Security is prohibited.
- 3. At a minimum, the attached materials will be disseminated only on a need-to-know basis and when unattended, will be stored in a locked container or area offering sufficient protection against theft, compromise, inadvertent access, and unauthorized disclosure.
- 4. For more information, please consult the following points of contact (POCs):

Agency POC:

Tom Romano Federal Emergency Management Agency 860-256-0844 (office) thomas.romano@ct.gove

Exercise Director:

Not Available

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CHAPTER 1: GENERAL INFORMATION

Introduction

The Preparation for Mass Casualty is a drill designed to establish a learning environment for players to exercise emergency response plans, policies, and procedures as they pertain to a mass casualty incident involving children. A drill is used to validate a single specific operations or function of a single agency/organization and can be used to practice/maintain skills.

This Exercise Plan (ExPlan) was produced at the direction of the Department of Homeland Security with the input, advice, and assistance of the Preparation for Mass Casualty planners.

Confidentiality

The Preparation for Mass Casualty is a *classified exercise*. The control of information is based more on public sensitivity regarding the nature of the exercise than on the actual exercise content. Some exercise material is intended for the exclusive use of exercise planners, controllers, and evaluators, but players may view other materials deemed necessary to their performance. This ExPlan may be viewed by all exercise participants, *but the Controller and Evaluator (C/E) Handbook is a restricted document intended for controllers and evaluators only*.

All exercise participants should use appropriate guidelines to ensure the proper control of information within their areas of expertise and protect this material in accordance with current Department of Homeland Security directives. Public release of exercise materials to third parties is at the discretion of the Department of Homeland Security and the Federal Emergency Management Agency and the Preparation for Mass Casualty Planning Team.

Purpose

The purpose of this exercise is to evaluate player actions against current response plans and capabilities for a mass casualty incident response.

Target Capabilities

The National Planning Scenarios and the establishment of the National Preparedness Priorities have steered the focus of homeland security toward a capabilities-based planning approach. Capabilities-based planning focuses on planning under uncertainty, since the next danger or disaster can never be forecast with complete accuracy. Therefore, capabilities-based planning takes an all-hazards approach to planning and preparation which builds capabilities that can be applied to a wide variety of incidents. States and Urban Areas use capabilities-based planning to identify a baseline assessment of their homeland security efforts by comparing their current capabilities against the Target Capabilities List (TCL) and the critical tasks of the Universal Task List (UTL). This approach identifies gaps in current capabilities and focuses efforts on identifying and developing priority capabilities and tasks for the jurisdiction. These priority capabilities are articulated in the jurisdiction's homeland security strategy and Multi-Year Training and Exercise Plan, of which this exercise is a component of.

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The capabilities listed below have been selected by the Preparation for Mass Casualty planning team from the priority capabilities identified in the Federal Emergency Management Agency's Multi-Year Training and Exercise Plan. These capabilities provide the foundation for development of the exercise objectives and scenario, as the purpose of this exercise is to measure and validate performance of these capabilities and their associated critical tasks.

CORE CAPABILITY RESEARCH INITIATIVE

The *LLIS.gov* team strives to provide useful and pertinent information to the whole community. In order to deliver relevant lessons learned and innovative practices to our users, the *LLIS.gov* team is focusing its research on Core Capabilities, as defined in the <u>National Preparedness Goal</u>. The *LLIS.gov* team uses the results of State Preparedness Reports (SPRs) to identify the capabilities states have self-assessed as both high-priority and low-proficiency.

The *LLIS.gov* team has already conducted research on <u>Mass Care Services</u>, <u>Cybersecurity</u>, and <u>Community Resilience</u>, and will soon begin research on Housing. The goal of this research is to gather lessons learned, innovative practices, and resources from subject matter experts at all levels of government, NGOs, and the private sector and share them with the whole community. Click on the pages below to view the gathered resources, and please consider contributing your expertise.

List The Target Capabilities To Be Exercised:

- Mass Prophylaxis
- Mass Death of Children at a School by Firearms
- Suicide or Apprehension of Unknown Shooter
- Use of Media for Evaluation
- Use of Media for Information Distribution

Exercise Objectives

The Preparation for Mass Casualty exercise planning team selected objectives that focus on evaluating emergency response procedures, identifying areas for improvement, and achieving a collaborative attitude. This exercise will focus on the following objectives:

This is a list of sample objectives that apply to this exercise. Drills traditionally have 1 to 3 specific objectives.

Site Call-Down. Ability to contact and ensure facilities are available for emergency response functions.

1. Measure the time needed for the jurisdiction to contact owners or managers of Emergency Dispensing Sites during a mass casualty or incident involving children, in accordance with MOUs.

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- 2. Measure the time needed for the jurisdiction to receive access confirmation from owners or managers of Emergency Dispensing Sites during a mass casualty incident involving children, in accordance with MOUs.
- 3. Measure the percentage of sites that are available for use during a mass casualty incident involving children, in accordance with MOUs.

CHAPTER 2: EXERCISE LOGISTICS

Exercise Summary

General

The Preparation for Mass Casualty is designed to establish a learning environment for players to exercise their plans and procedures for responding to an incident involving children as casualties. The Preparation for Mass Casualty will be conducted on 12/13/12, beginning at 8:00 am. Exercise play is scheduled until the Exercise Director/Controller determines that the exercise objectives have been met. Everyone must sign in with controller upon arrival.

Assumptions and Site Call-Down Instructions

This section contains the basic instructions on how to conduct this drill using both a manual and automated call-down system. These assumptions and instructions are derived from specific CDC guidance and should result in the necessary output for data collection. For more details, please see: Chan, Edward, et al. Working Paper: Operational Assessments for SNS Readiness. Santa Monica: RAND Health, 2008.

Assumptions constitute the implied factual foundation for the exercise and, hence, are assumed to be present before the start of the exercise. The following general assumptions apply to the Preparation for Mass Casualty:

- Site call-down list to be tested. Jurisdictions have different lists of sites that would be called in an emergency. Example site call-down lists include EDSs and warehouse locations. Site call-down lists should be kept up-to-date, readily accessible, and usable. Jurisdictions should select one or more of these lists for use during this site call-down drill
- No-notice/no-availability drill. To collect the best possible performance metrics, site call-down drills should not involve prior notice to those being called; however, the drills need not require actually making the site available for use by the health department.
 - *No-notice*. Given that the purpose of the assessment is to estimate the percentage of the sites on the calling list that are reachable and available on a given day, we recommend the drill be conducted on a no-notice basis. At most, only the players who are required to initiate the site call-down procedure should be notified of the drill, but even they need not be warned beforehand. If using an automated calling system, only players who must activate the automated system need to be notified.
 - No site activation required. To reduce the burden associated with gathering performance metrics, sites on the call-down list are not required to actually make their site available for use by the health department.
- It is critical that this message is conveyed to the contacts receiving the site activation call.

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- *Calling equipment*. Players should have access to all calling equipment and any call response monitoring technology that would be used during a real emergency in order to track the call responses received.
 - Automated calling system. Jurisdictions using automated calling systems should collaborate with the provider of their calling system to perform the site call-down drill.
 - *Manual calling system*. Jurisdictions using manual calling systems should run the drill using the same equipment and facilities that would be used during a real emergency. If this is not practical, the drill should be conducted using equipment and facilities that are as similar as possible.
- Response method. Jurisdictions should determine the method by which sites on the call-down list will acknowledge receipt of the call-down message and report their ability to make their site available.

Automated calling system

- If an automated response function is available. Sites on the call-down list should follow the instructions of the automated calling system to acknowledge receipt of the call-down message and report whether or not they are able to make their site available. Typically, persons called can enter a number on their phone after a prompt.
- If an automated response function is not available. Upon being called, sites on the call-down list should acknowledge receipt of the call-down message and report their ability to make their site available. The response can be in the form of an email, phone call, or text message to a phone number specially designated for this purpose. Another option is to set up a call center to receive responses. Only responses received within a predetermined amount of time should be recorded for use in the performance metrics.

Manual calling system

- During successful phone calls, the caller can manually record receipt of the call-down message and the ability of each site on the call-down list to make their site available
- *Protocol for non-respondent follow up*. For the purposes of this drill, the following non-responses indicate that the site on the call-down list has *not* acknowledged receipt of the call-down message:
 - Busy signal
 - No answer
 - Voicemail
 - Wrong person answering but correct person is unavailable
 - Wrong number.

Jurisdictions should determine the protocol for how callers or automated calling systems should handle non-responses.

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Exercise Participants

The following are the categories of participants involved in this exercise; for purposes of this call-down drill, participants include the following:

- *Players*. Players are the personnel who do the calling during the exercise. The players in the exercise should be the people who would do the calling in a real emergency.
- Exercise Director/Controller/Evaluator. This position has the overall responsibility for planning, coordinating, and overseeing all exercise functions. He/she monitors the status of play and the achievement of the exercise design objectives.

They declare when the drill starts and ends and manage the flow of the drill. This is the only participant who will provide information or direction to the players. However, because the drill focuses on the collection of time-based metrics, they should *not* intervene in timed activities while the drill is in progress.

He/she is responsible for timing the overall drill, gathering individual call data collection sheets, computing metrics, and taking notes to identify areas for improvement.

<u>For an automated calling system</u>. He/she should remain unobtrusive and not intervene with player action.

<u>For a manual calling system</u>. He/she should not intervene with player action. Ideally, the evaluator should be able to listen in on the calls that the players make

Exercise Tools

Controller and Evaluator Handbook

The Preparation for Mass Casualty C/E Handbook is designed to help exercise controllers and evaluators conduct and evaluate an effective exercise. This handbook also enables controllers and evaluators to understand their roles and responsibilities in exercise execution and evaluation. Should a player, observer, or media representative find an unattended handbook, it should be provided to the nearest controller or evaluator.

Master Scenario Events List

The MSEL outlines benchmarks, as well as injects that drive exercise play. It also details realistic input to the exercise players as well as information expected to emanate from simulated organizations (i.e., those nonparticipating organizations, agencies, and individuals who would usually respond to the situation). For the purpose of this drill, the MSEL will not contain injects, but will instead only contain anticipated actions of the players.

Exercise Implementation

Exercise Play

Exercise play will begin at 8:00 am on December 13th 2012. Play will proceed according to the events outlined in the MSEL, in accordance with established plans and procedures. The exercise

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will conclude upon the completion of operations and attainment of the exercise objectives, as determined by the Exercise Director/Controller. The exercise is expected to end at 11:59 pm on 12/13/12 and be evaluated on 12/14/12 as a real-time event.

Exercise Rules

The following are the general rules that govern exercise play:

- Real-world emergency actions take priority over exercise actions.
- Exercise participants will comply with real-world response procedures, unless otherwise directed by control staff.
- All communications (written, radio, telephone, etc.) made during the exercise will begin and end with the phrase, "*This is a drill.*"

Accident Reporting and Real Emergencies

Due to the nature of this drill, it is not anticipated that any accidents will occur, however, if an accident or real world emergency does occur, the participant is to immediately stop exercise play and attend to the accident or real-world emergency as necessary and notify the Exercise Director/Controller as soon as possible. If a real emergency occurs that affects the entire exercise, the exercise may be suspended or terminated at the discretion of the Exercise Director/Controller.

Communications Plan

Exercise Start, Suspension, and Termination Instructions

The exercise is scheduled to run until the Exercise Director/Controller determines that the exercise objectives have been met.

All spoken and written communication will start and end with the statement, "This is a Drill."

Player Communication

Players will use routine, in-place agency communication systems. Additional communication assets may be made available as the exercise progresses. The need to maintain capability for a real-world response may preclude the use of certain communication channels or systems that would usually be available for an actual emergency incident. In no instance will exercise communication interfere with real-world emergency communications.

See <u>Appendix B: Standard Script for Calls</u> for an outline of the recommended script for calling.

CHAPTER 3: PLAYER GUIDELINES

Player Instructions

Before the Exercise

• Participants should be familiar with the appropriate emergency plans, procedures, and exercise support documents.

During the Exercise

- Respond to the exercise events and information as if the emergency were real, unless otherwise directed by an exercise controller.
- All exercise communication will begin and end with the phrase "This is a drill." This is a precaution taken so anyone overhearing the conversation will not mistake the exercise play for a real-world emergency.

Data Collection

Data collection responsibilities depend on the calling system used. For an **Automated Calling System**, the drill *evaluator* is responsible for all data collection and analysis. Most Automated Calling Systems have the capacity to generate reports detailing the results of the call-down. The drill evaluator is responsible for extrapolating the following information from the report:

- 1. *Recording the drill information*, including date and location of drill, number of players, etc. (see Excel-based data collection spreadsheet).
- 2. Recording the following process time stamps (to the hour and minute):
 - a. When the automated system begins contacting sites on the call-down list
 - b. When the automated system completes contacting sites on the call-down list
 - c. When all sites have acknowledged receipt of the call-down message and reported their ability to make their site available by a pre-determined target time, or a predetermined amount of time has passed.
- 3. Computing the performance metrics after the drill.

For jurisdictions using a **Manual Calling System**, the players will record data that must be collected by the evaluators in the post-exercise period. The *players* (*callers*) are responsible for:

- 1. Recording the following time stamps (to the hour and minute):
 - a. When the player begins contacting sites on the call-down list
 - b. When the player completes contacting sites on the call-down list
- 2. Recording for each site on the call-down list:
 - a. Whether the site acknowledged receipt of the call-down message
 - b. Whether the site reported being able to make their site available by the target time

The drill *evaluator* is responsible for:

- 1. *Recording the drill information*, including date and location of drill, number of players, etc. (see Excel-based data collection spreadsheet).
- 2. Gathering the data collection spreadsheets from each player.

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3. Computing the performance metrics after the drill.

CHAPTER 4: EVALUATION AND POST-EXERCISE ACTIVITIES

Exercise Documentation

The goal of the drill is to comprehensively exercise and evaluate the Department of Homeland Security and the Federal Emergency Management Agency's plans and capabilities as they pertain to a potential mass casualty incident involving children. After the exercise, data collected by controllers, evaluators, and players will be used to identify strengths and areas for improvement in the context of the exercise design objectives.

Exercise Evaluation Guides

DHS has developed Exercise Evaluation Guides (EEGs) that identify expected activities for evaluation, provide consistency across exercises, and link individual tasks to disciplines and expected outcomes. The EEGs selected by the Preparation for Mass Casualty trusted agents are contained in the evaluator materials packet along with the C/E Handbook. Supplemental evaluation material designed for the drill may also be used.

Data Collection Spreadsheet and Scoring Metrics

The Centers for Disease Control and Prevention (CDC) and the RAND Corporation have developed a data collection spreadsheet and scoring metrics computation spreadsheet, for assessing site call-down capability.

After Action Report

The AAR is the culmination of the Preparation for Mass Casualty. It is a written report outlining the strengths and areas for improvement identified during the exercise. The AAR will include the timeline, executive summary, scenario description, mission outcomes, and capability analysis. The AAR will be drafted by a core group of individuals from the exercise planning team.

After Action Conference and Improvement Plan

The improvement process represents the comprehensive, continuing preparedness effort of which the drill is a part. The lessons learned and recommendations from the AAR will be incorporated into an Improvement Plan (IP). The *After Action Conference* is a forum for jurisdiction officials to hear the results of the evaluation analysis, validate the findings and recommendations in the draft AAR, and begin development of the IP. The *IP* identifies how recommendations will be addressed, including what actions will be taken, who is responsible, and the timeline for completion. It is created by key stakeholders from the Preparation for Mass Casualty participating agency officials during the After Action Conference.

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Emergency Response For Mass Casualties Involving Children

APPENDIX A: PARTICIPATING AGENCIES

 Table A.1 Participating Agencies

Participating Agencies
Federal (if applicable)
State (if applicable)
[Jurisdiction A]
[Jurisdiction B] (if applicable)

APPENDIX B: STANDARD SCRIPT FOR CALLS

Callers and automated calling systems should use a standard script to ensure accuracy and consistency of messages and to ensure that time estimates taken from the drill reflect the pace of activity in a true emergency.

The script should: 1) clearly state that this is a drill; 2) assess ability to make their site available (by a hypothetical time); and 3) in the case of a calling tree, provide instructions for further calls

The 'hypothetical time' should reflect a realistic approximation of the time needed to prepare a host facility for the receipt of response staff and supplies.

Sample Call-Down Script

- This is a site call-down drill being conducted by the Department of Homeland Security and the Federal Emergency Management Agency. Your site is on the Department of Homeland Security's list of facilities that may be used in an emergency. If this were a real emergency, you would be asked to make your site available for use by the Department of Homeland Security's health department.
- Again, *this is only a drill*. There is no need for you to make your site available as a result of this call.

Appendix G

Appendix G





Search



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Event Search

Calendar:	All Calendars		•
Event Title:	FEMA L366		
		ſ	OV

Search Results

Date	Time	Event Title
1/18/2011	8 AM - 5 PM	FEMA / Water Environment Federation Water Sector Interdependencies Training January 18-19 2011
11/17/2012	9 AM - 4 PM	FEMA L-366 Planning for the Needs of Children in Disasters
11/27/2012	9 AM - 4 PM	FEMA L-366 Planning for the Needs of Children in Disasters
12/3/2012	9 AM - 4 PM	FEMA L-366 Planning for the Needs of Children in Disasters
12/6/2012	9 AM - 4 PM	FEMA L-366 Planning for the Needs of Children in Disasters Elementary, 18 m
12/14/2012	9 AM - 4 PM	FEMA L-366 Planning for the Needs of Children in Disasters away @9:35am
12/17/2012	9 AM - 4 PM	FEMA L-366 Planning for the Needs of Children in Disasters
11/2/2015	1 PM - 5 PM	FEMA Courses: AWR-317 REP Core Concepts and MGT-445 REP Plan Review

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Dec 14, 2012

FEMA L-366 Planning for the Needs of Children in Disasters

The goal of the course is to enable participants to improve their community's mitigation and emergency operations plan specifically regarding the needs of children. The course will provide them with the information needed to address the unique needs of children prior to, during and following disasters. It will also provide them guidance and direction on how to form coalitions and how to become advocates for the unique needs of children in all aspects of emergency management.

After completing this course, participants will be able to:

- Articulate the importance of providing for the needs of children in disasters in your community's current emergency management plan.
- Explain what is required to keep children safe in emergencies and why those needs are unique.
- Explain the assumptions, concept of operations, organization and assignment of responsibilities that address the unique needs of children prior to, during and following disasters.
- Explain the planning components necessary to address the unique needs of children prior to, during and following disasters
- Incorporate the unique needs of children in disasters into Emergency Operations Plans
- Identify stakeholders and organizations that can assist in preparing for the needs of children in disasters.
- · Initiate steps to form coalitions and build teams that have a stake in keeping children safe in disasters

The target audience for this course is local and state emergency managers and planners, Child Services Agencies, NGO's, Child Care Providers, Schools, and Faith-based Organizations.

1. As of October 1, 2012 anyone applying for FEMA courses must obtain a FEMA Student Identification (SID) number. For more information and to obtain a SID go to: https://cdp.dhs.gov/femasid/

You will need this number to complete the course application form (119-25-1) that will be filled out at the beginning of the class. FEMA certificates will be mailed to participants after completion of this course.

Go

- 2.Class size is limited to 30. Please sign up as soon as possible to guarantee a spot in the class of your choice.
- 3. There are no prerequisites for this class.
- 4. There is no cost for the class and lunch is on your own.

Please watch this short video on how to setup an account. http://www.ct.gov/dembs/lib/dembs/training/reg/registration.html

Location: 2800 Main Street, Bridgeport, CT This event is 37 miles from you (06457).

9 AM - 4 PM

Contact: Christopher Ackley Email: christopher.ackley@ct.gov Phone: (203)-696-2640

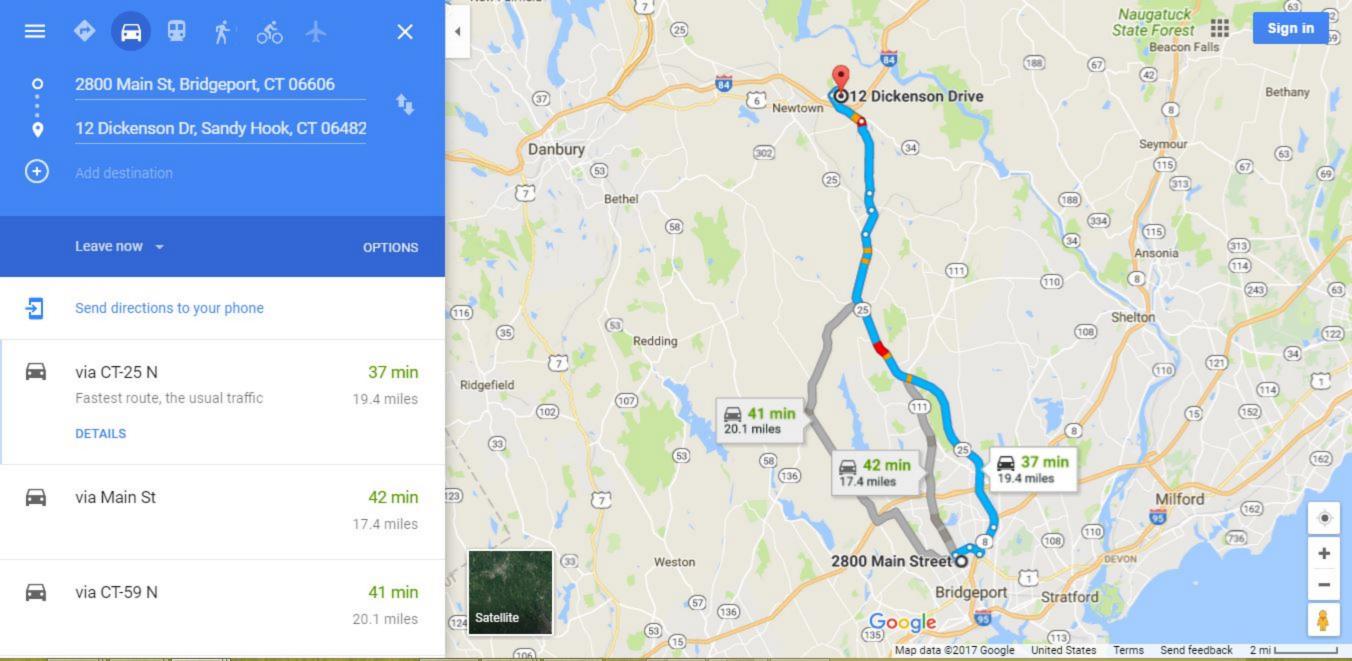
5 of 40 seats still available
Last day to register: 12/13/2012

Sorry, you may not register for this event.

Input your zip code to calculate the distance to the event: 06457

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DEMHS Calendar of Events



Appendix D

Appendix D

APPENDIX D:

CT STATE POLICE CRIME SCENE INVESTIGATION VEHICLE IN SANDY HOOK PARKING LOG



https://s.hdnux.com/photos/25/43/43/5650673/7/ratio3x2_1200.jpg