

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER ALVARO C. NAVARRO,) **No. 10 PB 2735**
STAR No. 19203, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
RESPONDENT) **(CR No. 1027696)**

FINDINGS AND DECISION

On October 26, 2010, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Alvaro C. Navarro, Star No. 19203 (hereinafter sometimes referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department for violating the following Rules of Conduct:

- Rule 2:** Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 10:** Inattention to duty.
- Rule 11:** Incompetency or inefficiency in the performance of duty.
- Rule 14:** Making a false report, written or oral.
- Rule 40:** Failure to inventory and process recovered property in conformance with Department orders.

The Police Board caused a hearing on these charges against Police Officer Alvaro C. Navarro to be had before Michael G. Berland, Hearing Officer of the Police Board, on February 10, February 15, and March 1, 2011.

Following the hearing, the members of the Police Board read and reviewed the record of proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer

Berland made an oral report to and conferred with the Police Board before it rendered its findings and decision.

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its hearing on the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.

2. The charges were filed in writing and a Notice, stating the time, date, and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, were served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.

4. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count I: The Superintendent did not prove by a preponderance of the evidence that on or about June 26, 2009, at approximately 9:00 p.m., at or near the 14th Police District, Officer Navarro failed to properly correct/re-inventory sealed narcotics inventory bag no. 11708636 and/or ripped/tore open sealed narcotics inventory bag no. 1178636.

The Police Board finds that the Superintendent did not prove by a preponderance of the evidence that Officer Navarro impeded the Department's efforts to achieve its policy and goals, brought discredit upon the Department, or otherwise committed any misconduct when he did not "correct/re-inventory" narcotics inventory bag no. 11708636 (hereinafter "Evidence Bag"), since Navarro believed that his original inventory was accurate and did not believe there was anything

Police Board Case No. 10 PB 2735
Police Officer Alvaro C. Navarro
Findings and Decision

to correct or re-inventory, and since there was insufficient evidence to prove that Navarro failed to place the two baggies in the Evidence Bag and caused or allowed the Evidence Bag to be heat sealed with only one baggie in it. See the findings set forth in paragraph no. 9, which are adopted here.

At some point in time, both Officer Melissa Del Pilar and Lieutenant Donna Dowd discover that the Evidence Bag has a hole in it. However, the Police Board finds that the testimony of Del Pilar and Dowd is not sufficient to prove that Navarro ripped/tore open the Evidence Bag. There is no evidence in the record that Del Pilar or Dowd completed any official police report indicating that the Evidence Bag had been intact when they first observed it but that it had a hole in it after Navarro allegedly took control of the Evidence Bag. If Navarro was in any way suspected of putting a hole in the Evidence Bag, such reports should have been generated, since the Chicago Police Department did open a CR number. Officer Navarro was not charged with any misconduct at that point in time. In fact, Officer Del Pilar writes a note which is attached to the Evidence Bag that said: "Check narcotics safe for loose baggy." Subsequently, Officer David Brown locates a loose baggie in the narcotics safe and it contains a white powdery substance. When Lieutenant Dowd was asked on cross-examination whether she had an obligation to open a CR number if she suspected any misconduct, she answered in the affirmative. The evidence in this case is that she never initiated an investigation since she did not suspect Navarro of any misconduct. No witnesses testified that they observed Navarro put the hole into the Evidence Bag or observed Navarro doing anything suspicious with the Evidence Bag. In addition, the Police Board finds that there was insufficient evidence to show that Officer Navarro took control of the Evidence Bag—see the findings set forth in paragraph no. 5, which are adopted here. Therefore, the Police Board finds that the Superintendent failed to prove by a

preponderance of the evidence that Navarro was responsible, directly or indirectly, for putting a hole in the Evidence Bag.

5. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count II: The Superintendent did not prove by a preponderance of the evidence that on or about August 31, 2009, while being interviewed by the Internal Affairs Division, Officer Navarro impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he denied taking control of narcotics inventory bag no. 11708636 on June 26, 2009.

There is a conflict in testimony as to whether Navarro ever took control of the Evidence Bag. Officer Navarro denies that he did so. Officer Del Pilar and Lieutenant Dowd said he did take control of the Evidence Bag. However, the Police Board finds that the testimony of Del Pilar and Dowd is not sufficient to prove that Navarro took control of the Evidence Bag. Del Pilar testified Navarro walked away with the Evidence Bag for five minutes while Lieutenant Dowd testified it was for one minute. Lieutenant Dowd also testified on cross-examination that she turned her attention from the area in which Officer Navarro was standing. Lieutenant Dowd further testified that she does not know if Navarro left the Desk Area after he was called over in connection with the inventory issue. Officer Navarro has always maintained that he never took control of the Evidence Bag and never left the Desk Sergeant area when he was called there after only one baggie of suspected cocaine was found in the Evidence Bag. The Police Board finds that there is insufficient evidence to prove that Navarro took control of the Evidence Bag, and therefore finds that there is insufficient evidence to prove that he made a false statement when he

Police Board Case No. 10 PB 2735
Police Officer Alvaro C. Navarro
Findings and Decision

denied taking control of the Evidence Bag.

6. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count III: The Superintendent did not prove by a preponderance of the evidence that on or about August 31, 2009, while being interviewed by the Internal Affairs Division, Officer Navarro impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he denied tearing open the sealed bottom of narcotics inventory bag no. 11708636 on June 26, 2009.

The Police Board finds that there is insufficient evidence to prove that Navarro ripped/tore open the Evidence Bag—see the findings set forth in paragraph no. 4, which are adopted here—and the Board therefore finds that there is insufficient evidence to prove that he made a false statement when he denied tearing open the Evidence Bag.

7. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count IV: The Superintendent did not prove by a preponderance of the evidence that on or about August 31, 2009, while being interviewed by the Internal Affairs Division, Officer Navarro impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he stated that on June 26, 2009, narcotics inventory bag no. 11708636 had two baggies in it when he dropped it inside of the 14th District narcotics safe.

The Police Board finds that there is insufficient evidence to prove that Navarro failed to place the two baggies in the Evidence Bag and caused or allowed the Evidence Bag to be heat

sealed with only one baggie in it—see the findings set forth in paragraph no. 9, which are adopted here—and the Board therefore finds that there is insufficient evidence to prove that he made an intentionally false statement when he stated that the Evidence Bag had two baggies in it when he dropped it inside of the 14th District narcotics safe.

8. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 5: Failure to perform any duty,

in that:

Count I: The Superintendent did not prove by a preponderance of the evidence that on or about June 24, 2009, at approximately 11:05 p.m., at or near the 14th Police District, Officer Navarro failed to place the evidence, two baggies containing white powdery substances suspected to be cocaine, in the narcotics inventory bag no. 11708636 in the presence of Acting Desk Sergeant Jennifer Zaidan, in violation of Department Special Order 05-02-01.

See the findings set forth in paragraph no. 9, which are adopted here.

9. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 5: Failure to perform any duty,

in that:

Count II: The Superintendent did not prove by a preponderance of the evidence that on or about June 24, 2009, at approximately 11:05 p.m., at or near the 14th Police District, Officer Navarro failed to place the evidence, two baggies containing white powdery substances suspected to be cocaine, in the narcotics inventory bag no. 11708636, and instead caused or allowed narcotics inventory bag no. 11708636 to be heat sealed with only one baggie in it, in violation of Department Special Order 05-02-01.

The evidence at the hearing was uncontradicted that the Evidence Bag contained writing that said “2 small knotted plastic baggies containing a white powder like substance suspect cocaine” and was a clear plastic bag into which the two baggies of suspected cocaine were

Police Board Case No. 10 PB 2735
Police Officer Alvaro C. Navarro
Findings and Decision

placed on June 24, 2009, the day Officer Navarro arrested Scott Dummert. Navarro is charged with placing only one baggie, not two baggies, of suspected cocaine into the Evidence Bag. Navarro testified that he could not recall who initially put the two suspected baggies of white powder into the Evidence Bag. Navarro testified that he handed the open Evidence Bag containing two baggies to Acting Desk Sergeant Jennifer Zaidan, that Zaidan took the two baggies out and then placed them back in the Evidence Bag, that she gave him the approval to get the Evidence Bag heat sealed, and that after it was heat sealed Zaidan verified the contents, which were two baggies, and signed her name on the bag under language stating "Contents Verified By Desk Sergeant/Acting Desk Sergeant—Signature." Zaidan did not testify. When the Evidence Bag was found by Officer Renita Gholston, it had only one baggie in it. The Superintendent failed to prove by a preponderance of the evidence that Navarro failed to place the two baggies in the Evidence Bag and caused or allowed the Evidence Bag to be heat sealed with only one baggie in it. According to the evidence presented at the hearing, a supervisory officer (Zaidan) examined the Evidence Bag twice and confirmed there were two baggies in it.

10. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 5: Failure to perform any duty,

in that:

Count III: The Superintendent did not prove by a preponderance of the evidence that on or about June 26, 2009, at approximately 9:00 p.m., at or near the 14th Police District, Officer Navarro failed to correct/re-inventory narcotics inventory bag no. 11708636 after Acting Desk Sergeant Melissa Del Pilar turned it over to him for this purpose, in violation of Department Special Order 05-02-01.

See the findings set forth in paragraph no. 4, which are adopted here.

Police Board Case No. 10 PB 2735
Police Officer Alvaro C. Navarro
Findings and Decision

11. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that:

Count I: The Superintendent did not prove by a preponderance of the evidence that on or about June 24, 2009, at approximately 11:05 p.m., at or near the 14th Police District, Officer Navarro failed to place the evidence, two baggies containing white powdery substances suspected to be cocaine, in the narcotics inventory bag no. 11708636 in the presence of Acting Desk Sergeant Jennifer Zaidan, in violation of Department Special Order 05-02-01.

See the findings set forth in paragraph no. 9, which are adopted here.

12. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that:

Count II: The Superintendent did not prove by a preponderance of the evidence that on or about June 24, 2009, at approximately 11:05 p.m., at or near the 14th Police District, Officer Navarro failed to place the evidence, two baggies containing white powdery substances suspected to be cocaine, in the narcotics inventory bag no. 11708636, and instead caused or allowed narcotics inventory bag no. 11708636 to be heat sealed with only one baggie in it, in violation of Department Special Order 05-02-01.

See the findings set forth in paragraph no. 9, which are adopted here.

13. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that:

Count III: The Superintendent did not prove by a preponderance of the evidence that on or about June 26, 2009, at approximately 9:00 p.m., at or near the 14th Police District, Officer Navarro failed to correct/re-inventory narcotics inventory bag no. 11708636 after Acting

Police Board Case No. 10 PB 2735
Police Officer Alvaro C. Navarro
Findings and Decision

Desk Sergeant Melissa Del Pilar turned it over to him for this purpose, in violation of Department Special Order 05-02-01.

See the findings set forth in paragraph no. 4, which are adopted here.

14. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 10: Inattention to duty,

in that:

Count I: The Superintendent did not prove by a preponderance of the evidence that on or about June 24, 2009, at approximately 11:05 p.m., at or near the 14th Police District, Officer Navarro failed to place the evidence, two baggies containing white powdery substances suspected to be cocaine, in the narcotics inventory bag no. 11708636 in the presence of Acting Desk Sergeant Jennifer Zaidan, in violation of Department Special Order 05-02-01.

See the findings set forth in paragraph no. 9, which are adopted here.

15. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 10: Inattention to duty,

in that:

Count II: The Superintendent did not prove by a preponderance of the evidence that on or about June 24, 2009, at approximately 11:05 p.m., at or near the 14th Police District, Officer Navarro failed to place the evidence, two baggies containing white powdery substances suspected to be cocaine, in the narcotics inventory bag no. 11708636, and instead caused or allowed narcotics inventory bag no. 11708636 to be heat sealed with only one baggie in it, in violation of Department Special Order 05-02-01.

See the findings set forth in paragraph no. 9, which are adopted here.

16. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 10: Inattention to duty,

Police Board Case No. 10 PB 2735
Police Officer Alvaro C. Navarro
Findings and Decision

in that:

Count III: The Superintendent did not prove by a preponderance of the evidence that on or about June 26, 2009, at approximately 9:00 p.m., at or near the 14th Police District, Officer Navarro failed to correct/re-inventory narcotics inventory bag no. 11708636 after Acting Desk Sergeant Melissa Del Pilar turned it over to him for this purpose, in violation of Department Special Order 05-02-01.

See the findings set forth in paragraph no. 4, which are adopted here.

17. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 11: Incompetency or inefficiency in the performance of duty,

in that:

Count I: The Superintendent did not prove by a preponderance of the evidence that on or about June 24, 2009, at approximately 11:05 p.m., at or near the 14th Police District, Officer Navarro failed to place the evidence, two baggies containing white powdery substances suspected to be cocaine, in the narcotics inventory bag no. 11708636 in the presence of Acting Desk Sergeant Jennifer Zaidan, in violation of Department Special Order 05-02-01.

See the findings set forth in paragraph no. 9, which are adopted here.

18. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 11: Incompetency or inefficiency in the performance of duty,

in that:

Count II: The Superintendent did not prove by a preponderance of the evidence that on or about June 24, 2009, at approximately 11:05 p.m., at or near the 14th Police District, Officer Navarro failed to place the evidence, two baggies containing white powdery substances suspected to be cocaine, in the narcotics inventory bag no. 11708636, and instead caused or allowed narcotics inventory bag no. 11708636 to be heat sealed with only one baggie in it, in violation of Department Special Order 05-02-01.

See the findings set forth in paragraph no. 9, which are adopted here.

Police Board Case No. 10 PB 2735
Police Officer Alvaro C. Navarro
Findings and Decision

19. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 11: Incompetency or inefficiency in the performance of duty,

in that:

Count III: The Superintendent did not prove by a preponderance of the evidence that on or about June 26, 2009, at approximately 9:00 p.m., at or near the 14th Police District, Officer Navarro failed to correct/re-inventory narcotics inventory bag no. 11708636 after Acting Desk Sergeant Melissa Del Pilar turned it over to him for this purpose, in violation of Department Special Order 05-02-01.

See the findings set forth in paragraph no. 4, which are adopted here.

20. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

in that:

Count I: The Superintendent did not prove by a preponderance of the evidence that on or about August 31, 2009, while being interviewed by the Internal Affairs Division, Officer Navarro made a false report, written or oral, when he denied taking control of narcotics inventory bag no. 11708636 on June 26, 2009.

See the findings set forth in paragraph no. 5, which are adopted here.

21. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

in that:

Count II: The Superintendent did not prove by a preponderance of the evidence that on or about August 31, 2009, while being interviewed by the Internal Affairs Division, Officer Navarro made a false report, written or oral, when he denied tearing open the sealed bottom of narcotics inventory bag no. 11708636 on June 26, 2009.

See the findings set forth in paragraph no. 6, which are adopted here.

22. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

in that:

Count III: The Superintendent did not prove by a preponderance of the evidence that on or about August 31, 2009, while being interviewed by the Internal Affairs Division, Officer Navarro made a false report, written or oral, when he stated that on June 26, 2009, narcotics inventory bag no. 11708636 had two baggies in it when he dropped it inside of the 14th District narcotics safe.

See the findings set forth in paragraph no. 7, which are adopted here.

23. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 40: Failure to inventory and process recovered property in conformance with Department orders,

in that:

Count I: The Superintendent did not prove by a preponderance of the evidence that on or about June 24, 2009, at approximately 11:05 p.m., at or near the 14th Police District, Officer Navarro failed to place the evidence, two baggies containing white powdery substances suspected to be cocaine, in the narcotics inventory bag no. 11708636 in the presence of Acting Desk Sergeant Jennifer Zaidan, in violation of Department Special Order 05-02-01.

See the findings set forth in paragraph no. 9, which are adopted here.

24. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 40: Failure to inventory and process recovered property in conformance with Department orders,

in that:

Police Board Case No. 10 PB 2735
Police Officer Alvaro C. Navarro
Findings and Decision

Count II: The Superintendent did not prove by a preponderance of the evidence that on or about June 24, 2009, at approximately 11:05 p.m., at or near the 14th Police District, Officer Navarro failed to place the evidence, two baggies containing white powdery substances suspected to be cocaine, in the narcotics inventory bag no. 11708636, and instead caused or allowed narcotics inventory bag no. 11708636 to be heat sealed with only one baggie in it, in violation of Department Special Order 05-02-01.

See the findings set forth in paragraph no. 9, which are adopted here.

25. The Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, charged herein, is **not guilty** of violating, to wit:

Rule 40: Failure to inventory and process recovered property in conformance with Department orders,

in that:

Count III: The Superintendent did not prove by a preponderance of the evidence that on or about June 26, 2009, at approximately 9:00 p.m., at or near the 14th Police District, Officer Navarro failed to correct/re-inventory narcotics inventory bag no. 11708636 after Acting Desk Sergeant Melissa Del Pilar turned it over to him for this purpose, in violation of Department Special Order 05-02-01.

See the findings set forth in paragraph no. 4, which are adopted here.

BY REASON OF THE FINDINGS set forth herein, cause exists for restoring the Respondent, Police Officer Alvaro C. Navarro, Star No. 19203, to his position as a police officer with the Department of Police, and to the services of the City of Chicago, with all rights and benefits, effective October 28, 2011.

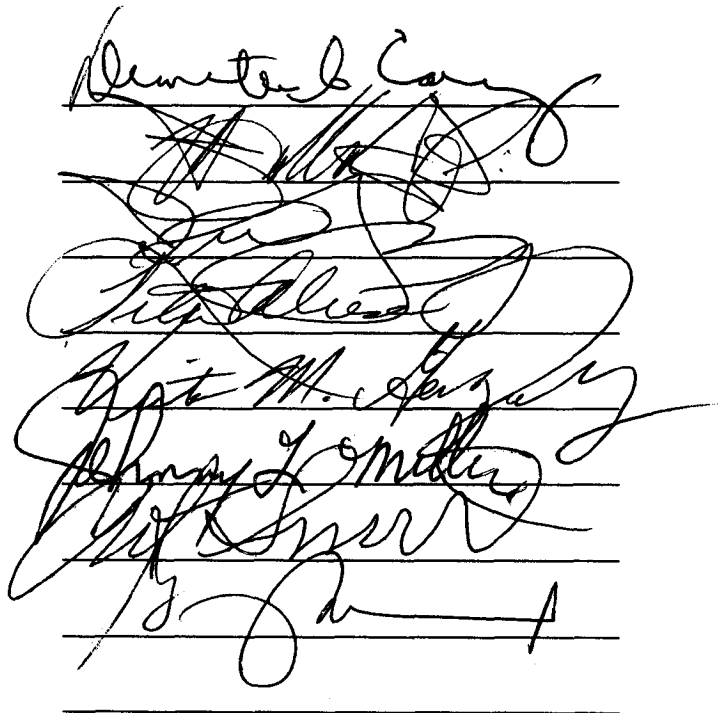
Police Board Case No. 10 PB 2735
Police Officer Alvaro C. Navarro
Findings and Decision

POLICE BOARD DECISION

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, Michael G. Berland, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts all findings herein; and

IT IS HEREBY ORDERED that the Respondent, **Police Officer Alvaro C. Navarro**, Star No. 19203, as a result of having been found **not guilty** of the charges in Police Board Case No. 10 PB 2735, be and hereby is **restored** to his position as a police officer with the Department of Police, and to the services of the City of Chicago, with all rights and benefits, effective October 28, 2010.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 17th DAY OF MARCH, 2011.

A block of five handwritten signatures on lined paper. The signatures are written in black ink and are somewhat stylized. The first signature appears to be 'Demetrius B. ...'. The second signature is 'Michael G. Berland'. The third signature is 'Sgt. M. ...'. The fourth signature is 'Alvaro C. Navarro'. The fifth signature is 'G. ...'. The signatures are written over horizontal lines.

Attested by:

A handwritten signature in black ink that reads 'Max A. Caproni'. The signature is written in a cursive style.

Executive Director
Police Board

Police Board Case No. 10 PB 2735
Police Officer Alvaro C. Navarro
Findings and Decision

DISSENT

The following members of the Police Board hereby dissent from the Decision of the majority of the Board.

Scott J. Jones

RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS ____ DAY OF _____, 2011.

SUPERINTENDENT OF POLICE



City of Chicago
Richard M. Daley, Mayor

Police Board

Demetrius E. Carney
President

Scott J. Davis
Vice President

Melissa M. Ballate
Ghian Foreman
Rita A. Fry
Victor M. Gonzalez
Rev. Johnny L. Miller
Arthur J. Smith Sr.
George M. Velcich

Max A. Caproni
Executive Director

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www.chicagopoliceboard.org

Re: Case No. 10 PB 2735, Alvaro C. Navarro

NOTICE

Under Illinois law, a party to a matter before the Police Board has the right to appeal the Board's decision by filing a petition for administrative review in the Circuit Court of Cook County, County Department, Chancery Division.

In accordance with 735 Illinois Compiled Statutes 5/3-103, the time limit for filing an appeal is 35 days from the date the Board personally serves a party with a copy of the decision, or 35 days from the postmark of the date the Board mails a copy of the decision to a party. Filing an appeal after this time limit may result in the dismissal of the case.

