

EXHIBIT 39

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

O. JOHN BENISEK, <i>et al.</i> ,	*	
	*	
<i>Plaintiffs,</i>	*	
	*	Case No. 13-cv-3233
v.	*	
	*	
LINDA H. LAMONE., <i>et al.</i> ,	*	
	*	
<i>Defendants.</i>	*	
	*	
* * * * *		

DECLARATION OF SHELLY APRILL

I, Shelly Aprill, under penalty of perjury, declare and state:

1. I, Shelly Aprill, am over the age of eighteen and am competent to testify to the matters stated below.

2. I am a planner in the Planning Data Analysis Unit of the Maryland Department of Planning. I have held this position for 8 years. As a planner, my background includes a Master of Urban and Regional Planning from Virginia Commonwealth University. Upon completion of my Master’s degree, I was hired by the Department of Planning as a planner to assist with redistricting. After the completion of the 2011 and 2012 redistricting process, I continued to assist with redistricting related projects but took on other projects assigned to the Planning Data Analysis Unit as well. I currently utilize ArcMap 10.3 for analysis and producing maps. I have experience with many versions of ArcMap going back to 9.3.

3. I am familiar with ArcMap and with the definitions of Census Designated Places. On or about May 30, 2017, I created maps of Rockville and Frederick City that depict: 1) the borders of census designated places as provided by the Census; 2) the borders of municipalities (these are defined by the local government, not the Census); 3) the borders of the voting tabulation districts, which in Maryland are also known as precincts, as they existed in 2011; 4) the 2011 Congressional Districts. Copies of these maps are attached as Exhibit A.

5. For the detail map of Frederick City, I did a visual inspection of the boundary of Frederick City but was only able to find one split area. As a double check, I utilized a spatial join with the municipal boundary and the congressional district boundaries. A

spatial join joins attributes from one feature (the municipal boundary) to the attributes of another (the congressional district boundaries). The output table will contain a record for each piece of the municipal boundary in a different congressional district. The output table I generated with ArcMap only had two records for Frederick City, one for the Sixth Congressional District and one for the Eighth. Through this process, I could determine that there was exactly one place where the Eighth District crossed the municipal boundary of Frederick City. I then zoomed in to a scale of 1: 220, or one inch on the map equals about 220 feet on the ground. I placed a purple circle around the area where the Eighth District crosses the municipal boundary of Frederick City. Using the adjusted 2010 Census data and the identify function, I could determine that this area contained zero population.

6. I have repeated this process to produce map details highlighting the areas where the Sixth District crosses the municipal boundary of Rockville. They are attached as Exhibit B. There are five areas and those follow the boundary of Precincts 04-026, 04-019, and 04-009. Using the adjusted 2010 Census data and the identify function, I could determine that one of the areas contained a population of 4 persons. The others areas contained no population.

7. Other than Rockville and Frederick City, the Eighth District does not cross the municipal boundary of any city in the Sixth District. No district other than the Eighth borders the Sixth District. This was determined using a visual inspection of the Congressional Districts to determine neighboring districts. The output of the spatial join was used to determine if any other cities in the Sixth District were also crossed by the Eighth District.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

6/29/17

Date






Shelly Aprill

Shelly Aprill









Exhibit A

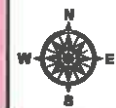
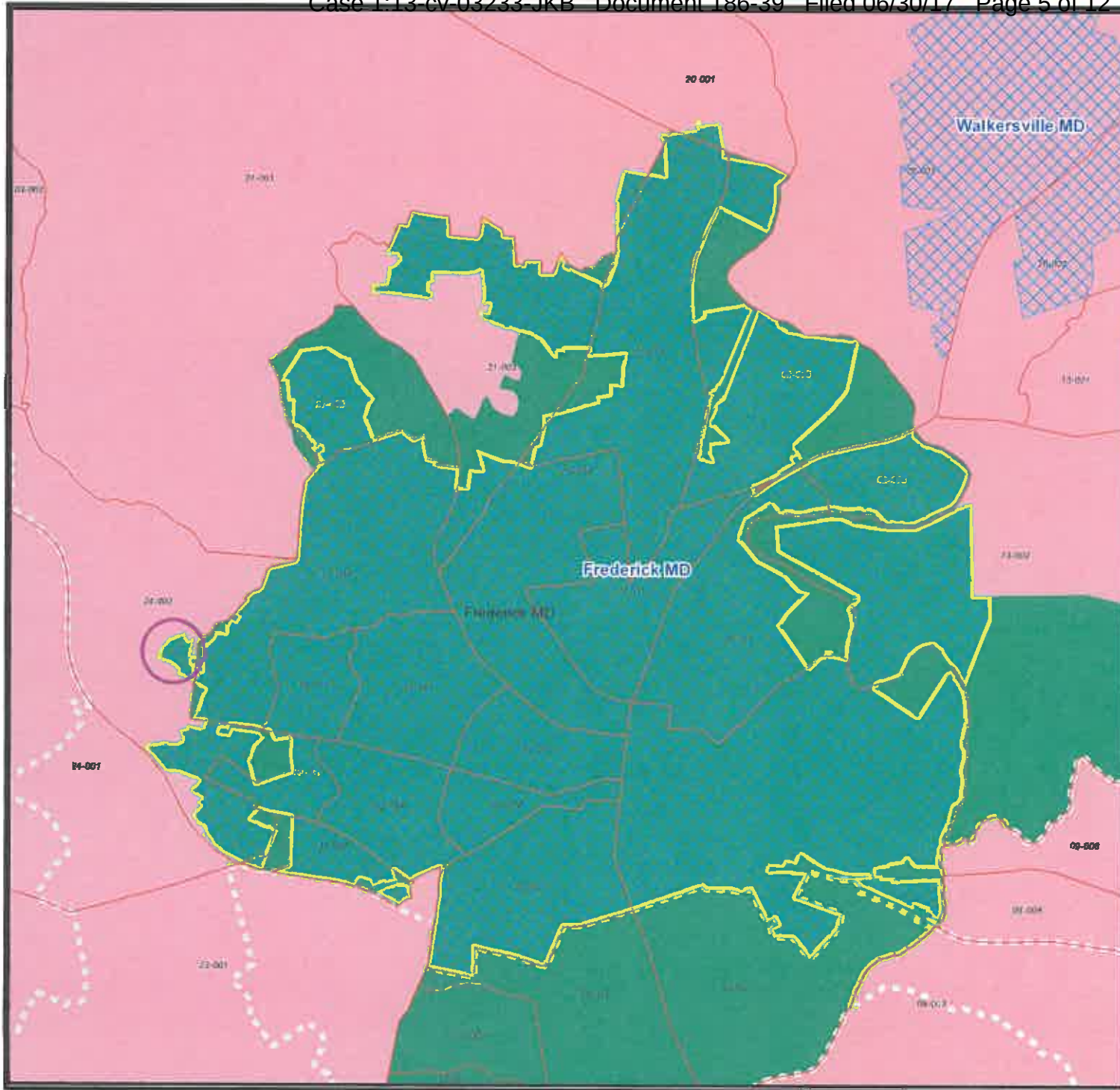
Maryland 2012 Congressional Districts & Places

DRAFT
5-31
2

-  Frederick MD, City
-  Precinct
-  Census Designated Place
-  Incorporated City, Town or Village
-  County






DISTRICT

-  1
-  2
-  3
-  4
-  5
-  6
-  7
-  8



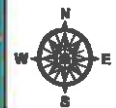
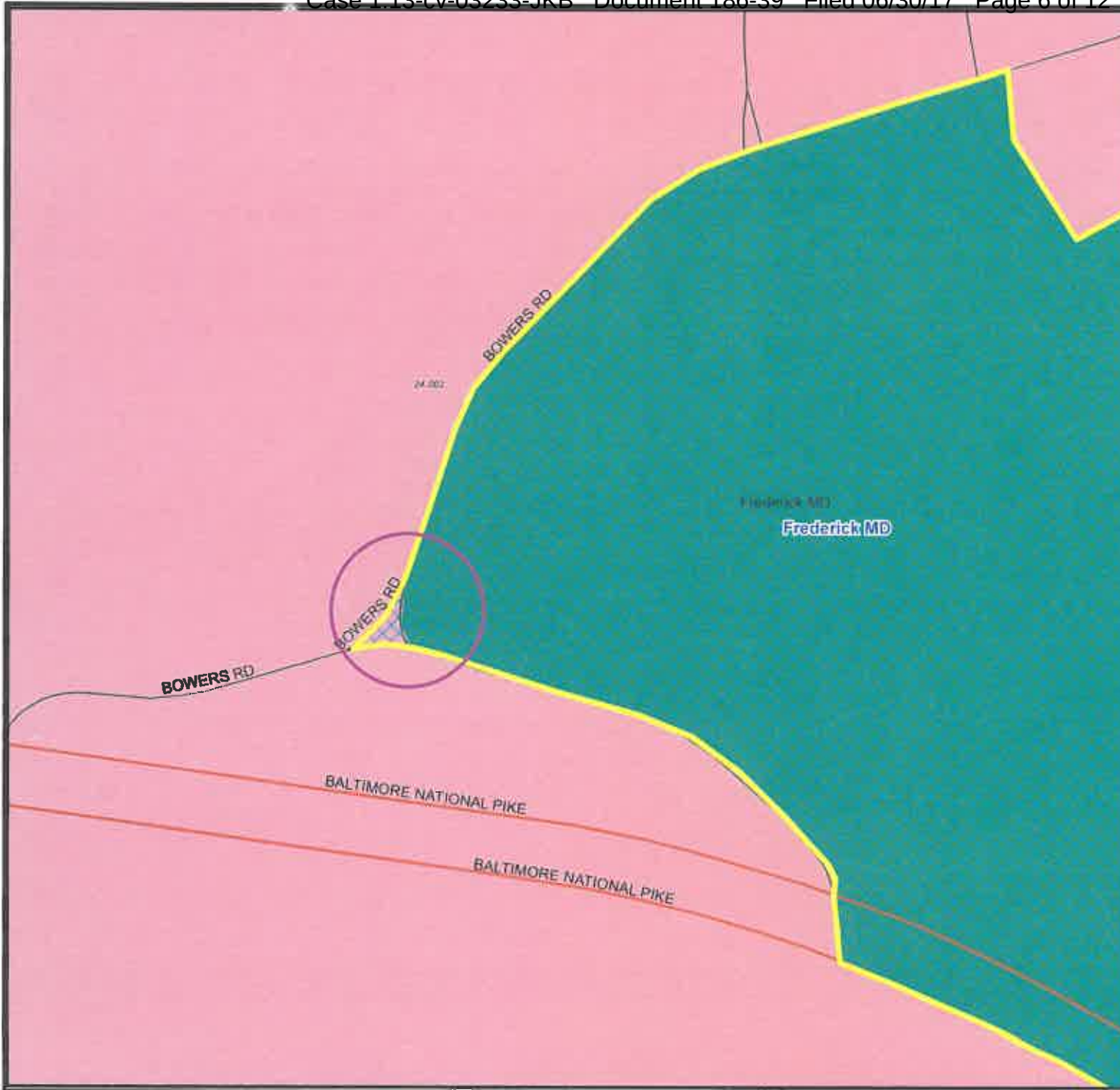
Maryland 2012 Congressional Districts & Places

DRAFT
5-31
2

-  Precinct
-  Frederick MD, City
-  Census Designated Place
-  Incorporated City, Town or Village
-  County

DISTRICT






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-  6
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-  8



DEPOSITION
EXHIBIT *204*
Morrison
6/21/17

Maryland 2012 Congressional Districts & Places

DRAFT
5-30
1

-  Rockville MD, City
-  Precinct
-  Census Designated Place
-  Incorporated City, Town or Village
-  County

DISTRICT

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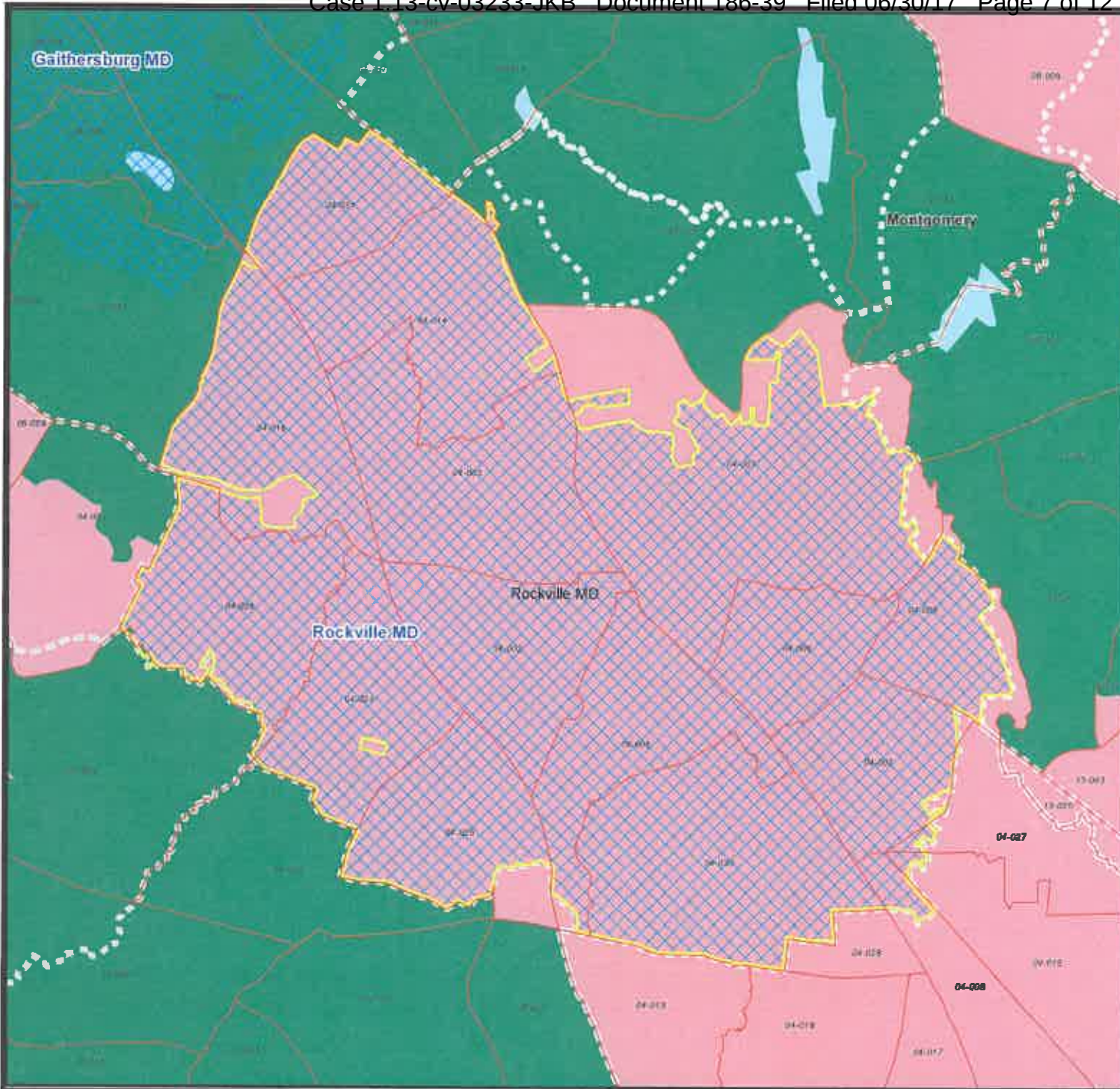
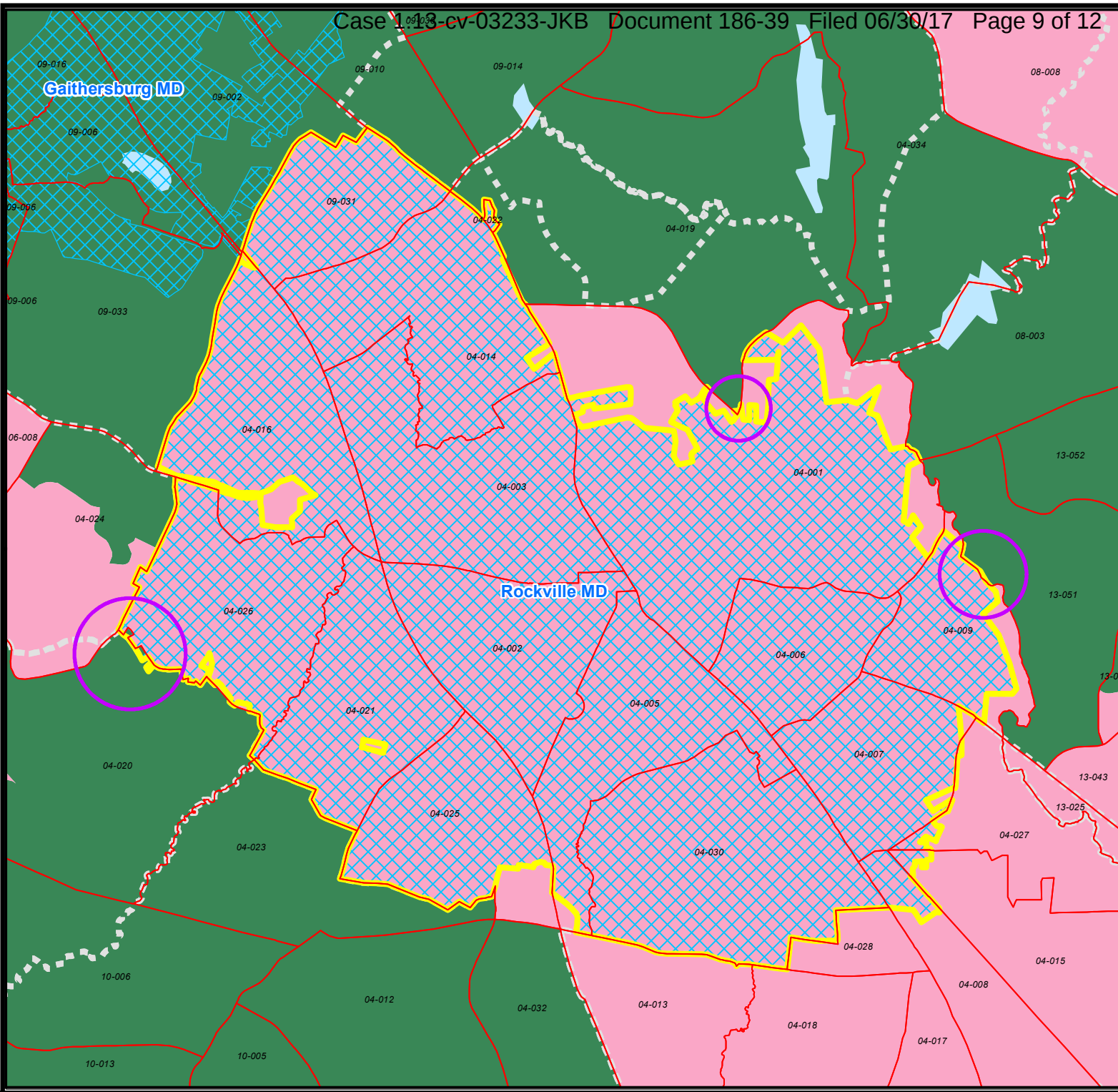







Exhibit B









Maryland 2012 Congressional Districts & Places

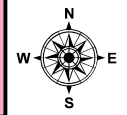
DRAFT
5-31
2



-  Precinct
-  Rockville MD, City
-  Census Designated Place
-  Incorporated City, Town or Village
-  County






DISTRICT

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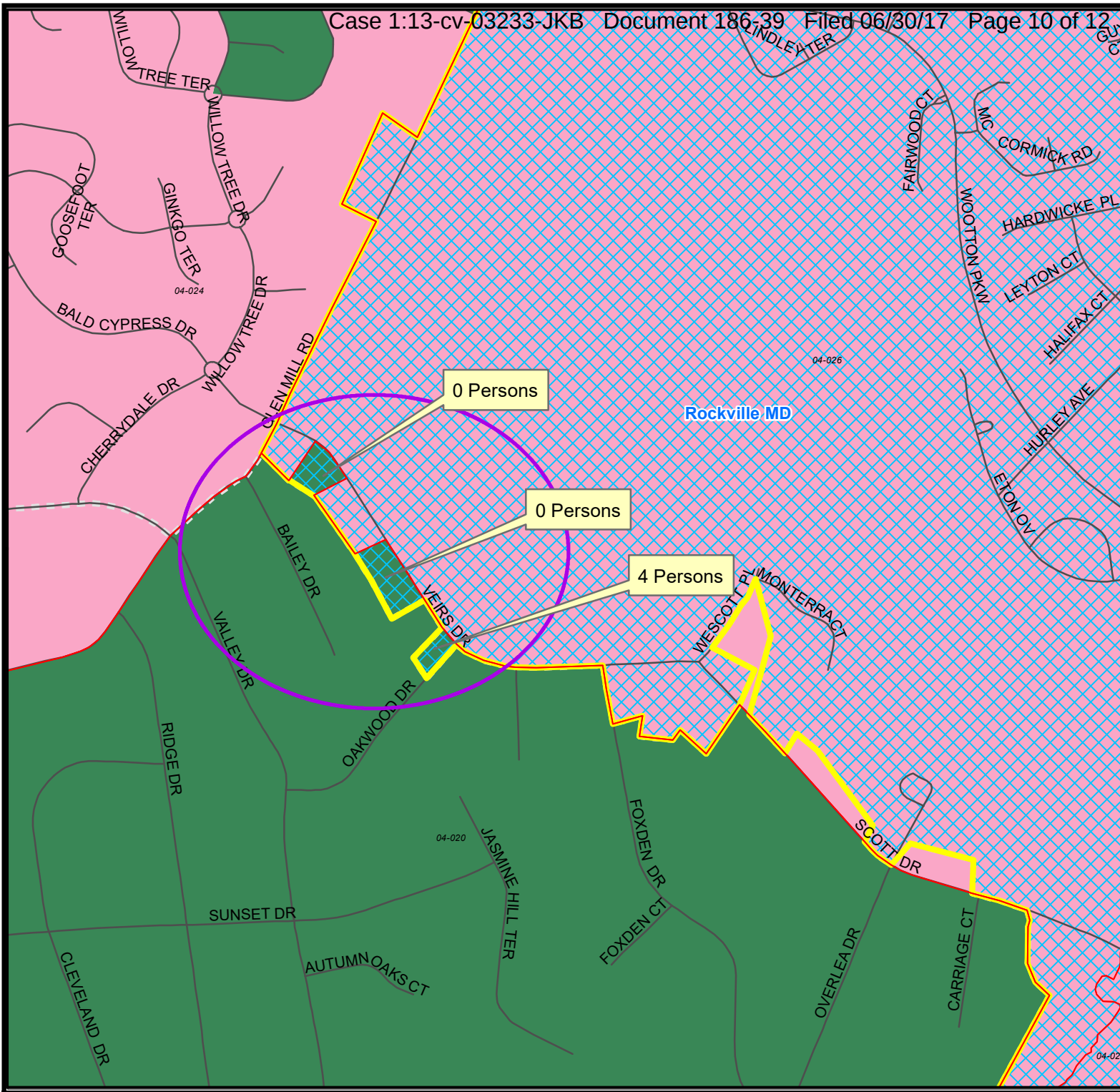
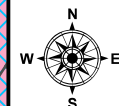
Maryland 2012 Congressional Districts & Places

DRAFT
5-31
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DISTRICT

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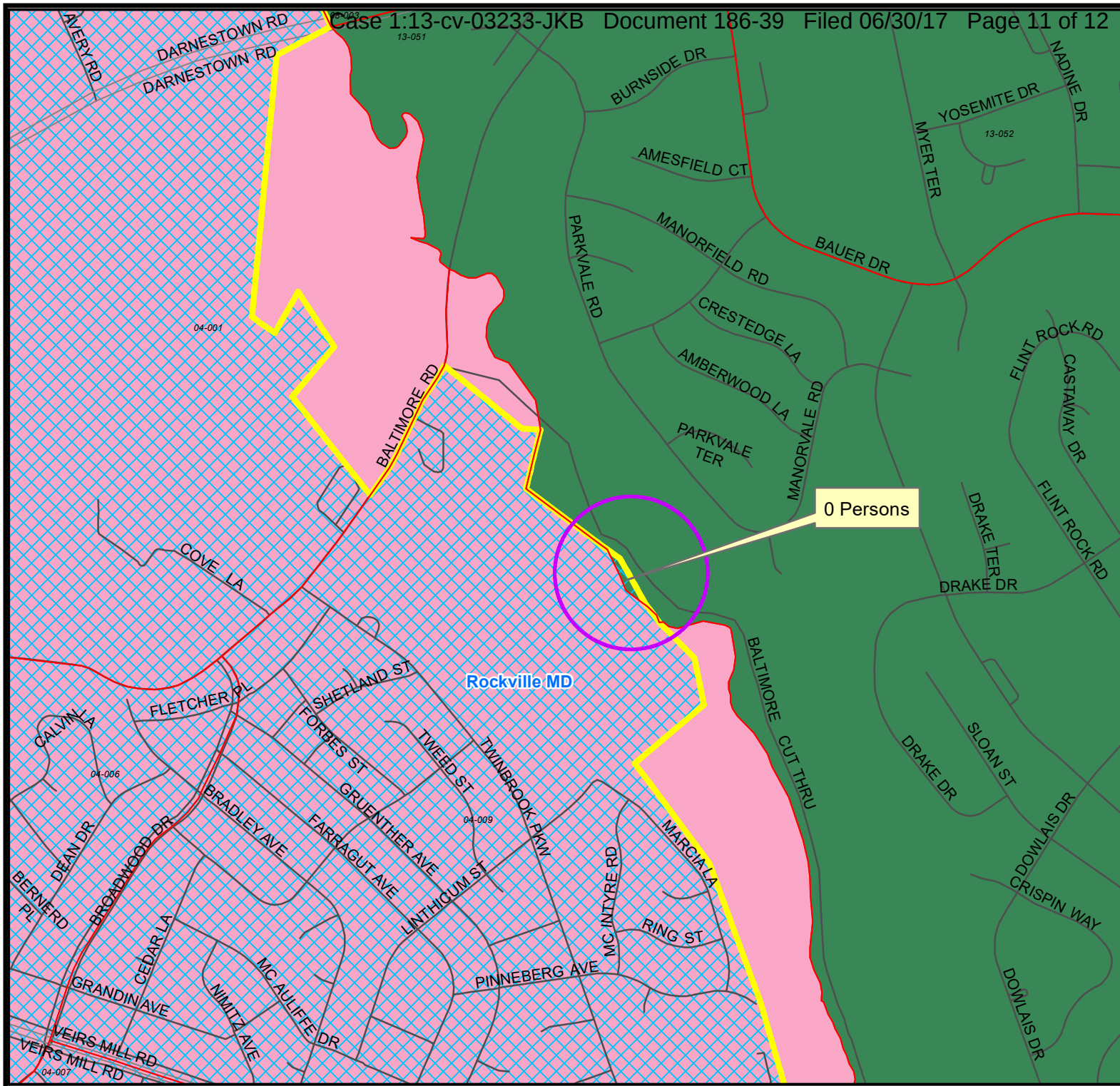
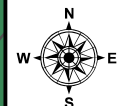
Maryland 2012 Congressional Districts & Places

DRAFT
5-31
2

-  Precinct
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-  Census Designated Place
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-  County

DISTRICT

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-  2
-  3
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Maryland 2012 Congressional Districts & Places

DRAFT
5-31
2

