Understanding Organised Crime and Fatal Violence in Birmingham: A Case Study of the 2003 New Year Shootings

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"...we didn't play, and real gang members are straight up ballers and killers**"** (Ali – ex-gang enforcer)

Abstract:

This paper discusses the relationship between fatal violence and organised crime. It does this by first providing a brief overview of two Birmingham street based organised crime groups, and then considers the 2003 fatal shootings of Letisha Shakespeare and Charlene Ellis. Methodologically this research is qualitative, and the ethnographic strand of the research offers a "criminological autopsy" of the case. By triangulating primary data, secondary sources and criminological theory, it is hoped that this paper will provide an exploratory understanding of the overlooked and under researched correlation between organised crime and fatal violence.

Keywords:

Organised crime; gangs; violent masculinity; murder; Birmingham

Introduction

Inner-city Birmingham during the 1980s was an extremely difficult place for young black men to grow up in. It was during this time that chaotic economic change and neo-conservative administrations in the US and UK ended traditional forms of working-class employment (Ellis, 2014). Conventional forms of working-class employment swiftly

disappeared due to de-industrialisation, when much of the manufacturing sector relocated to the 'developing world' (see, for example, Lash and Urry, 1987; Lea, 2002; Harvey, 2005). It was during this turbulent time in British history that crime rates started to rise at unprecedented levels (Reiner, 2012). This also affected Birmingham, and the combination of socioeconomic deprivation and high unemployment rates there fostered racial tension. All of the above, contributed to brutal race riots in 1981 and 1985.

During the 1980s, the West Midlands Police were habitually accused of over-zealous and repressive behaviour, especially when it came to the 'random' stop-and-search of black youngsters (Hall et al., 1978). One can say that things have not changed in that sense, as figures show that black youths are six times more likely than their white counterparts to be stopped and searched by the police, under section one of the Police and Criminal Evidence Act 1984 (House of Commons Home Affairs Committee, 2007). This figure then rises to black youths being stopped and searched 30 times more than their white counterparts when police exercise the powers of section 60, of the 1984 Public Order Act, which allows people to be stopped and searched 'without' reasonable suspicion (EHRC, 2012).

The aforementioned conditions of inner-city Birmingham in the 1980s resulted in young black men working together for self-protection. This resulted in groups of men meeting up in a fast-food joint in Lozells, Birmingham. They often took turns to plan and conduct vigilant patrols to protect their communities. For some of these young men, this reactionary behaviour was necessary in order to fight on the front line against racism and police brutality (Bassey, 2005; Evans, 2010). According to Thompson (2005), even though the threat from the far right began to recede, unemployment in inner-city Birmingham was as much as 20% during the late 1980s, and crime became an alternative and lucrative option to make fast money and acquire notoriety and respect for some black youths (Bassey, 2005). As Glynn (2014: 113) rightfully observes:

> When those same subordinated masculine identities connect to the streets, some black men use the structured action of criminality to challenge the existing social structures that excludes them. In doing so, some black men join forces and create an alternative form of 'social structure', namely, 'street gangs'.

Methodological Note

Before investigating the 2003 New Year shootings, there are some methodological points to consider. The Ethics Committee at Birmingham City University approved this study as PhD level research in September 2015. Access to members of Birmingham's criminal underworld was achieved through 'gatekeepers' working in academia and in the criminal justice system. Some were befriended by chance and others by design. Indeed, interviewing these intermediaries was critical for the research, as it allowed them to measure my creditworthiness and legitimacy as a researcher, before being referred to members of organised crime groups. Accounts from these individuals were a combination of semi-structured and unstructured interviews, which were then corroborated with police data, legal papers and newspaper articles. Pseudonyms have been given to maintain participant anonymity and confidentiality.

The ethnographic strand of the research encompassed spending a substantial amount of time with people immersed in the criminal underworld (Atkinson, 2014). The result of this allowed the successful completion of a 'criminological autopsy' (see, Brewer, 2000, for a general introduction) of the crime scene. Of note, this concept should not be confused with 'psychological autopsy', which Beskow et al (1990: 307) define as 'a procedure for the reconstruction of suicidal death through interviews with survivors'. Wilson et al (2016) consider criminological autopsy as a pragmatic approach to explain murders that are committed. The reason to conduct a criminological autopsy is twofold. First, it was important to make sense of places and spaces of organised criminality in Birmingham. Second, it allowed the understanding and appreciation of two tragic murders and the complexities and controversies surrounding the case. While it is accepted that qualitative methods often provide a snapshot of people and their cultures, as oppose to a full portrait, it can be argued that this is appropriate in this case, given the sensitive nature of the subject matter and the challenges inherent in high-risk research. After all, gaining access to individuals in the criminal underworld is a primary obstacle and as Blaxter et al (1996: 145) note, research is 'the art of the feasible'.

Of note, there is a methodological limitation to consider. Some of the primary data were retrospective accounts. As Sudman and Bradburn (1973) observe, the problem with such accounts is that they are contingent upon memory, which is selective and fades with time.

Having said that, prominent events are recalled more easily than events that are frequent or mundane (Densely, 2013).

Introducing the Johnson Crew and the Burger Bar Boys

Between the late 1980s and early 2000s, the criminal enterprises of the Johnson Crew and the Burger Bar Boys was notoriously active, lucrative, expansive and increasingly violent. While this may be the case, there are no scholarly sources that have investigated the criminal fraternities. That literature which exists is in the form of 'true crime' books that provide descriptive accounts of both of these illicit organisations (see for example, Bassey, 2005; Cawthorne, 2010; McLagan, 2013). The Johnsons started supplying drugs from the early nineties, and soon controlled the drugs market and nightclub security across a huge swathe of the city. The syndicate lacked hierarchal structure, and fall-outs between members over botched drug deals resulted in some of the members leaving the organisation. Those that left started up a rival firm called the Burger Bar Boys. The firm took its name from a fast-food bar near to the Johnson's café hang-out.

Ex-gang member Ahmed, who wished not to disclose which of the two gangs he was affiliated with, recalls his early days in the criminal underworld:

> By 15 I was completely immersed into the gangster world, and school was non-existent. Basically within a space of 12 months, I went from school to the music scene, and all the way to the gang life. From the age of 16 I started selling bud [marijuana], and then moved onto crack and heroin. Because of this I was committing further offences, like carrying a knife for protection [from rival gangs], which eventually became a gun. With all this came mad respect on the streets. You'd go out at night to these nightclubs and the MC's would give you a shout out and big you up. At that moment you'd feel like you were made. It was all about making money through drugs and protecting yourself at all times, and you'd repeat that day in, day out.

While the criminal underworld may simply be considered a subculture of a particular legitimate community (Hobbs, 2013), their influence within that community is far from simple. What Ahmed describes, resonates with the understanding that street gangs can

eventually evolve into organised crime groups (Spergel, 1995; Densley, 2013). For instance, Densley (2014) has suggested that street gangs are defined by their engagement in sporadic offending. They can, however, evolve into more entrepreneurial crime, and finally become organised crime groups if they begin governing territories or markets (Varese, 2010). This became the case for both the Johnsons and the Burger Bar Boys. However, with criminal entrepreneurship came conflict and this invariably led to frequent murderous feuds in Birmingham. Ali discusses how criminal entrepreneurship was his primary motivation during his time as an 'enforcer' in Birmingham's underworld during the 1990s. He reveals that if this was ever challenged, violence was the natural response for settling disputes:

> On road, we'd make moves, until we were balling. We controlled the ends
> and all the streets in it, and anyone in our way would get taken out. This
> was serious man, we didn't play, and real gang members are straight up
> ballers and killers.

The term 'baller' derives from the US, to describe talented basketball players. However, within the context of hip-hop music and urban gangs, it alludes to making monetary gain through illicit activities. Of note, various scholarly sources have argued for rap music's impact on violent practice (see, for example, Hagedorn, 2005; Hallsworth and Silverstone, 2009; Weitzer and Kubrin, 2009; Ilan, 2012; Lozon and Bensimon, 2015). Ali indicates that the path towards becoming a 'baller' can be impeded by rivals, who would simply be 'taken out'. As Densley (2013: 50) argues, gang membership is about 'taking no shit from nobody'. With the above in mind, it is worth considering the pioneering work of Anderson (1999), which considers behavioural codes that generated and regulated violence in the inner-city suburbs of Philadelphia. Anderson (1999: 33) describes the code of the street as:

> ... a set of informal rules governing interpersonal public behaviour,
> particularly violence. The rules prescribe both proper comportment and the
> proper way to respond if challenged. They regulate the use of violence and
> so supply a rationale allowing those inclined to aggression to precipitate
> violent encounters in an approved way.

At the core of Anderson's notion is 'respect' and this form of 'symbolic capital' (Bourdieu, 1986) is often achieved through the admiration of fear, which habitually is attained

through the execution of violence. It can be contested that Ali's use of violence during his time as an enforcer was twofold. First, in order to uphold criminal entrepreneurship on a street level, a fearful reputation would have been continuously maintained. Brookman et al (2011: 26) note how the maintenance of reputation 'requires the occasional notable acts of violence', and invariably this enables the regulation of 'governance' of a particular illicit market (von Lampe, 2016). Second, punishing 'disrespect' is paramount, and violence in this particular case for Ali would be seen as 'street justice', which would be applied to those who interfered with his criminal endeavors (Brookman et al., 2011).

Interestingly, the 'code of the street' and the 'code of silence' intersect. A retired police officer, who served the majority of his 30 years in the West Midlands Police as a Detective Inspector, admits that the police were always 'one step behind' during the 1990s, when it came to shutting down the criminal operations of the Johnsons and the Burger Bar Boys. He recalls:

> In the early days we didn't take these boys seriously. Back in the 1990s when it came to violent street crimes – armed robbery was still a big thing for the police, and there wasn't much focus on street gangs and organised crime groups. However, once we noticed the increase of illegal drugs in the streets of Birmingham, the agenda began to change, because stabbings and shootings also spiked. Both drugs and violent attacks worked hand in hand. There were probably more front line officers on the streets of Birmingham back then as oppose to now. But the problem we faced was that no one was willing to speak to us. We were dealing with very close-knit communities, and the other issue was, these weren't your average criminals. They were pretty smart at covering certain things up, so we were always one step behind.

Indeed, there were a number of high profile organised crime related murders leading up to the 2003 New Year's shootings. The majority of these have not been prosecuted, due to a lack of witness testimonies. Witnesses for 'confrontational' and 'revenge' based homicides (see, for example, Brookman, 2005) encompassed members of organised crime groups, as well as innocent bystanders. However, Regan (2010: 93) draws attention to how both entities often conform to the inner-city 'code of silence', and states how the

failure to offer information to the police 'revolves around the fear of reprisal – the fear of what will happen to them if they do speak'.

The 2003 Murder of Letisha Shakespeare and Charlene Ellis

Letisha Shakespeare and Charlene Ellis were celebrating New Years on 2nd January 2003 and at an after party event held at the Uniseven Studio hairdressers. Uniseven Studios was based in Aston, Birmingham, which territorially back then was renowned as a Johnson Crew stronghold. The girls were chatting outside the venue before they were shot multiple times in what has been described as a drive-by shooting (Cawthorne, 2010; McLagan, 2013).

The shootings happened shortly after 0400 hours, and Charlene's twin Sophie Ellis and their cousin Cheryl Shaw were injured in the gunfire. Leon Harris, a reveler, was also injured. The weapon used was a MAC-10 machine pistol. Capable of firing 1,200 rounds per minute, this blowback-operated weapon is extremely difficult to control, even for trained marksmen. In the criminal underworld it is often referred as the 'spray and pray' weapon (Cawthorne, 2010). In total, 37 cartridge cases were found at the crime scene. Out of the two deceased, Charlene was the first to die. The first bullet hit her left arm and the second hit her shoulder. The fatal shot hit her face, fracturing her skull, which caused a massive brain hemorrhage. In total, Letisha was shot four times. All the bullets travelled through her body. The fatal bullet pierced her heart and lungs, and came out of her back (Busari, 2004). Four men: Nathan Martin; Michael Gregory; Marcus Ellis and Rodrigo Simms were found guilty of the murders and the attempted murders, and received a total of 132 years in prison (Morris, 2005).

While it can be said that drive-by shootings during that period were prevalent (Wilson, 2013), this particular incident was by no means an ordinary case. The nature of the tragedy, including its rationale, complexities, and controversies, galvanized inner-city Birmingham. As a result, the case became a watershed moment for the British criminal justice system for many reasons. However, before discussing the complexities and controversies, it is worth considering the motivation behind the murders.

Motivation for the Shooting and Case Complexities

It has widely been accepted that the murders of Miss Shakespeare and Miss Ellis was a retaliation attack for the earlier murder of Yohanne Martin. One of the 'facts' of the case was:

> There was no dispute that the killings of the young women were gang-related. It was the prosecution case that the shootings were perpetrated by members of the Burger Bar gang and were intended to target members of the Johnson Crew, in revenge for the shooting of Yohanne Martin. The victims were not members of either gang and had been in the cross-fire. (ECHR 184, 2012)

The trial for the murders began in November 2004, and immediately it was considered by the prosecution that Nathan Martin sought revenge for the murder of his brother, Yohanne Martin. Mr. Martin was also killed in a drive-by shooting in December 2002 by members of the Johnson Crew (Revill, 2003). During the trial it was also revealed that Nathan Martin was frustrated with the police during questioning and stated:

> It pisses me off because the shooting (of the girls) was in the headlines for weeks and weeks but my brother's death had been in the headlines for a day. (Summers, 2005)

The work of Katz (1988) parallels Anderson's (1999) notion of respect and considers the transition from 'humiliation' to 'rage', which for some offenders warrants 'righteous slaughter'. In other words, the impassioned killer is an individual who justifies and makes sense of their actions by resurrecting the 'Good'. For this incident, a revenge based motivation would assume that the impassioned killers sought to escape a situation that came to seem disrespectful and inescapably humiliating. As Katz (1988: 12) states:

> When people kill in a moralistic rage, their perspective often seems foolish or incomprehensible to us, and, indeed, it often seems that way to them soon after the killing. But if we stick to the details of the event, we can see offenders defending the Good, even in what initially appear to be crazy circumstances.

All of the above coincides within the context of needing to understand violent masculinity and urban street level violence. Ellis (2014: 23) explains that 'the need for men to achieve, and appear to be in possession of, a particular masculinity has relevance for

understanding violent criminality, which can represent a means to exert dominance and power over others'. This is no different in relation to understanding violent masculinity in gangland Birmingham. Irrespective of criminal motivation, the perpetrators of the 2003 shootings collectively agreed on one behaviour that would allow them to enforce supremacy and exert masculinity within their sub-division, this was 'righteous slaughter' (Katz, 1988).

Ali provides a critical insight of his standpoint on righteous slaughter and states:

> You know the saying, an eye for an eye, makes two blind. Well some people don't see it like that. I'm just saying, if my brother got killed, I wouldn't be waiting on no police to find his killer. I'd take things into my own hands. It's just how it is.

Brookman (2005: 48) reminds us that gangland related 'hits' are often considered as a form of 'revenge killing', whereby a murder is 'generally planned and purposeful'. Her understanding of revenge killing mirrors Katz's (1988) notion of righteous slaughter, in the sense that individuals like Ali are not interested in conventional justice; rather they are willing to 'take things into their own hands'. Simply put, this implies underworld justice. Ali's comment on 'it's just how it is' denotes the normalization of revenge based deaths in the criminal underworld, and reminds us that upholding a violent masculine image is also critical for prolonging street reputation and a 'badass' persona (Katz, 1988).

In regards to the 2003 shootings, there are some complexities and controversies that are worth mentioning. In the case of one of the defendants, Marcus Ellis, the prosecution heavily relied upon the anonymous witness statements of a man referred to in court as 'Mark Brown'. Brown testified in court that he saw Ellis in the getaway car at the crime scene. However, the creditworthiness of his testimonies is of doubt, as during the trial several disclosures were made about Brown. Brown himself was a habitual offender who served several custodial sentences, which included robbery and police assault. He refused to identify Ellis via ID parade on numerous occasions and in court he stated that he had a personal 'vendetta' against Ellis. Before deliberation, in his summary, the trial judge stated that Brown was a liar on numerous occasions and that his 'credibility was severely dented'.

Case Reflexivity

Pink (2013) discusses the importance of ethnography as reflexive practice. Since the 1980s, scholars of traditional research methods emphasize the constructedness of ethnographic knowledge (Burgess, 1984; Ellen, 1984), coupled with the stresses on the central importance of reflexivity (Fortier, 1998; Walsh, 1998). A central criticism of this research method is that ethnographic knowledge can only be a subjective construction – i.e. 'fiction' (Clifford, 1986), which means that it represents the ethnographer's version of reality, as opposed to empirical truth. Cohen and Rapport (1995) allude to the fact that what informants do or say is solely an expression of the researcher's consciousness. However, Walsh (1998: 220) insists that the 'social and cultural world must be the ground and reference for ethnographic writing' and that 'reflexive ethnography should involve a keen awareness of the interpenetration of reality and representation', and scholars should not 'abandon all forms of realism as the basis of doing ethnography'. Pink (2013: 36) states that 'a reflexive approach recognizes the centrality of the subjectivity of the researcher to the production and representation of ethnographic knowledge'. Below is an extract of reflexive observation taken from my field notes after visiting the crime scene:

> The shootings occurred at the back of Uniseven, on a service road, called Church Hill Parade. The service road is wide enough for cars to drive past one another, however, when cars are parked, the two-way maneuverability of motor vehicles can become difficult. I decided visit the service road twice in order to undertake a criminological autopsy. Both visits were conducted with an ex-gang member. The reason for this was to verify where the party exactly took place, and also what way the getaway vehicle entered and exited on the night of the shooting (entered via Arden Road, exited via Trinity Road). The first visit was carried out at midday, and the second was conducted with the same individual on the following day at 0400. This was around the time of the shooting.
>
> I decided to conduct the second visit at that particular time as I wanted to somewhat acquire a visual representation of the events that unfolded in the getaway car on 2nd January 2003. To do this fully would be impossible,

however I decided to position myself as the vehicle driver of the getaway car and set-up my dash-cam in order to attain a visual recording of the journey to the murder site and the getaway itself. Driving to the murder site meant that I saw in front of me the A34, an arterial route that territorially separates the Burger Bar Boys and the Johnsons crew. When I entered the service road via Arden Road, the strip of terrain was pitch black. My headlights were on, and I found it difficult to see, as well as through my dash-cam, what was ahead of me or beside me. Each commercial property is equipped with one external floodlight. Only two flickered, which meant that they lacked effectiveness. In order to measure the visibility that Mark Brown had on the night of the shootings, I decided to station my car outside exit of the Uniseven, and got out of my vehicle and positioned myself where Mark Brown stated he was. According to a forensic investigation report, the getaway vehicle had tinted windows, whereas my car has no window tints or any other window modifications. Even then I could not see the ex-gang member who was sitting in the passenger side of my car. I asked him to sit in various positions in the back seats of my car, and I still was unable to see him. (Reflexive Extract: January 2016)

Discussion

The work of Densley (2013) provides a holistic insight into the progression of inner-city gangs from recreational neighbourhood groups; to delinquent collectives; to full-scale criminal enterprises; and finally, to providers of extra-legal governance. In this case, the advent of the Johnson Crew and the Burger Bar Boys was a result of fighting socio-political injustice. Although the movement was not recreational, it still formed an identity with shared interest, which Thrasher (1927) calls 'ganging'. Those that were ganging were black young males, suffering from socioeconomic deprivation and racial oppression. Naturally this warranted a collective unit of 'structural violence', namely rioting (Galtung, 1969). As Ray (2011: 23) makes clear, 'humans have a history of violence and violence has a history'. Rioting too, has its place in the British history of violence, and while pioneering research considers the shift of rioting from a clear response to manifest social

injustice to a more diffuse expression of generalised rage (see, Hall, 2012; Hall and Winlow, 2012; Winlow et al., 2015), the upshot of Birmingham's civil unrest in 1985 merely contributed towards an increase of urban interpersonal violence.

Interpersonal violence in the night-time economy has risen exponentially since the 1980s (Winlow and Hall, 2006), and during this period criminologists have rightly pointed out the rise in drug smuggling and firearms deals. Such markets have allowed illegal and legal sectors to merge (Ayres and Treadwell, 2012; Hall, 2012; Hobbs, 2013) and, as Ray (2011: 3) observes, violence in these realms is a 'slippery concept that permeates the unstable divisions between public and private, legitimate and illegitimate, individual and collective'.

Of all the volume crimes, drug distribution remains the most lucrative and ubiquitous (Ghodse, 2009). Not only has this illicit marketplace 'eroded the links between traditional criminal territories and the cultures they spawned' (Hobbs 2013: 153), it has also broken traditional methods of 'doing the business' (Hobbs, 1988). As a result, Hobbs (2013: 153) considers organised crime to be a 'glocal' crime, and observes how the phenomenon is no longer 'in fixed terrain, but is manifested as both local and global networks of opportunity'.

By controlling the nightclub security across a huge swathe of the city, members of the Johnsons would have been publicly challenged to violent confrontations, which necessitated retaliation (Hobbs et al., 2005). Controlling, regulating and policing the night-time economy not only elevated an individual's masculinity amongst his peers and rivals, but also presented the opportunity to govern and profit from money making schemes, which included illegal drugs. As Winlow (2001) observes, whatever commodity was on offer, bouncers were the ideal conduits. As Ray (2011: 63) indicates, 'the risk of violence is distributed through geographical space'. This is evident in organised criminality in inner-city Birmingham, as violent practice often navigates from the streets into the nighttime economy, and vice versa.

This paper reveals how choices are stark 'on road'. The context is simple: survive or become a victim (Hallsworth and Silverstone, 2009). Hobbs (2013) considers the engagement in violent practice by professional criminals as pragmatic, while Hallsworth (2013) in his study of violent street gangs considers violent practice to be sporadic, as young people 'drift' into crime and violence (Matza, 1990). If the orientation of violence

amongst professional criminals is typified as instrumentalism, violence and weaponisation by streets gangs is visceral and emotive, and extends beyond business imperatives. However, we must remind ourselves; for both criminal identities, upholding an image of violent masculinity and engaging in violent practice is a commodity, which is often used to advance criminal endeavours. This alone helps us to understand as to why both entities should not be considered separate and unrelated (Densley, 2013). Additionally, violence can emerge over disrespect, honour slights, territorial disputes between gangs, and 'is endemic within the retail sector of the illegal drugs market which is where many young men "on road" sought a living' (Hallsworth and Silverstone, 2009: 366), for profit and reputation. While this would indicate that masculine reputational violence may be most common with men from working-class societies, we must remind ourselves that the relationship between masculinity and violence is complex and influenced by a range of factors.

Criminological scholars remind us of the need to consider the role of emotion when thinking about violence (see, for example, Katz, 1988; Presdee, 2000). As discussed, the murders of Letisha and Charlene were heavily laden with emotions. In relation to the New Year shooting, Nathan Martin was enraged that the murders of Letisha and Charlene received an extensive amount of publicity in comparison to his brother, Yohanne's. One can consider Nathan's emotions leading up to the shooting transitioning from 'humiliation' to 'rage'. As Katz (1988: 141) observes, once an attack by another group becomes public knowledge, 'a failure to respond threatens to make retrospectively ridiculous the pretensions of all in the attacked group'. In the criminal underworld, this alone prompts the execution of righteously enraged slaughter, even though this may be inconceivable to the ordinary person.

An intricate and pivotal aspect of investigating this case was the ethnographic element of the research. Spending time with those connected to the case enabled the understanding of violence within social space. The visit to the crime scene was crucial for helping to understand the complexities and controversies surrounding the case. The journey to the crime scene, and the methodology utilised, allowed the appreciation of how violence is embedded within a multifaceted sociality, in which local, global and generational processes interconnect.

Concluding Thoughts

Similarly, to this research, Pitts (2008) argues that 'supergangs' in certain London boroughs are violent and heavily immersed in the criminal underworld, which start off as territorial and then move onto the higher echelons of organised crime. Likewise, Densley (2014) highlights that urban street gangs are often used by organised crime groups as 'drug runners', but some are then given the opportunity to evolve into criminal entrepreneurs. They both support the argument that the advent of globalistion has changed the business models of traditional organised crime in order to accommodate youth gangs.

This paper has considered how some of the members start in youth gangs and then make the successful leap into criminal enterprise and governance. With this leap comes the unavoidable world of violence, including fatal violence. This paper shows that murder in street level organised criminality in Birmingham is a masculine affair. For these offenders, when their masculinity, collective identity and legitimacy is challenged, the need for revenge-based murder is obligatory. Simply put, there is no room for compromise or negotiation. As Wilson and Rahman (2015: 263) observe, it's 'shoot to kill', or be 'killed'.

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