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SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Oconee County
The Honorable Perry H. Gravely, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

DECOTA CASTLE BROWN,

APPELLANT.

Appellate Case No. 2021-000744

FINAL BRIEF OF RESPONDENT

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APPELLANT'S STATEMENT OF ISSUES ON APPEAL

I. Did the trial judge err by failing to grant a mistrial when the solicitor elicited improper bolstering testimony from the police chief regarding the chief's belief in the veracity of state's key witness against Appellant?

RESPONDENT'S COUNTERSTATEMENT OF ISSUES ON APPEAL

I. Was the trial court within it discretion to deny the motion for mistrial where the complained of testimony was properly stricken and the jury given a curative instruction, where the content of the bolstering testimony was limited to discussion of corroborating evidence, and where the overall evidence of Appellant's guilt outweighed any alleged prejudice warranting a mistrial?

STATEMENT OF THE CASE

Decota Castle Brown (hereinafter "Appellant") was indicted for first degree burglary (2019-GS-37-00932), murder, and possession of a weapon during the commission of a violent crime (2019-GS-37-00933). Appellant proceeded to a jury trial before the Honorable Judge Perry Gravely on June 28, 2021 through July 1, 2021. Appellant was represented by attorney Kathleen Hodges, Esquire. The State was represented by Assistant Solicitors Jason Alderman and Blair Stoudemire, of the Tenth Judicial Circuit Solicitor's Office. (R. p. 1-2).

At the conclusion of the trial Appellant was found guilty for all indicted charges. (R. p. 595). Judge Gravely sentenced Appellant to 50 years for murder, 15 years for burglary in the first degree, and 5 years for possession of a weapon during the commission of a violent crime. The trial court ruled that these sentences were to run consecutively, totaling 70 years imprisonment. (R. p. 597-598). This appeal now follows.

STATEMENT OF FACTS

The Crime

In the early evening hours of March 7, 2019, Appellant and Hunter Hunnicut (hereinafter "Hunter") broke into the Maple Avenue home of Appellant's adoptive parents, Dee and Eric Brown, with the intent of stealing guns Appellant knew his father to have in the home.[1] [2] (R. p. 15-19). Appellant and Hunter gained entry into the home by Hunter smashing out a basement window, crawling through, and then unlocking the basement door for Appellant. (R. p. 193). Once inside the two culprits made their way up the stairs to the main floor of the home where they

[1] Appellant's adoptive parents were his biological Aunt, and her husband.
[2] Appellant had been living in the home for some time, but was no longer welcome due to a drug problem. He began living in an area known as "Mill Hill" at the end of December, 2018. (R. p. 150-152).

encountered the victim of this crime, and Appellant's adoptive grandmother, Ms. Geraldine Castle (hereinafter Victim). (R. p. 197-200).Victim was staying at her daughter's home for the night in anticipation of an upcoming medical appointment. Victim and Appellant shared words briefly, Appellant instructed Hunter to go to the back room, and shortly after Appellant fired his gun multiple times striking Victim in the arm and back shoulder. (R. p. 200-203; p. 519).

Appellant and Hunter then proceeded to his parent's bedroom door. Appellant kicked in the door and attempted to gain entry into his father's safe. Appellant knew this to be the location of his father's guns.[3] (R. p. 203-207; 158). However, without the key to the safe Appellant was unable to open the safe. He then left the bedroom and headed back into the main living room. He then approached Victim and fired another shot into the left side of her head. (R. p. 207-209). Appellant and Hunter fled the home through the basement door and through the woods behind the home. Appellant called his friend Lisa Broach to come pick them up. She obliged, and approximately five minutes later the culprits left the scene. (R. p. 210; p. 216-217).

Victim did not die immediately and attempted to phone her daughter at work. Dee Brown called her mother back, heard what she thought to be "groggily speech", and worried that her mother may have fallen or had a stroke. She contacted 911 and her family members, after which EMS responded and rushed Victim to the hospital. Victim passed away four days later as a result of her head wound on March 11, 2019. (R. p. 26-31; p. 69; p. 520).

The Investigation & Evidence

The efforts of law enforcement's investigation produced the following evidence

[3] Mr. Brown testified that on a previous occasion he had a problem with Appellant stealing the key to his safe from his dresser drawer so that he could take back his "wooden pipes" confiscated by Mr. Brown. As a result, Mr. Brown chose to no longer keep the safe key in his dresser and started keeping the key in his pocket. (R. p. 160-161).

demonstrating Appellant's guilt. First, Dee Brown's received two phone calls from an unknown number. The first she believed was just an errant or accidental call, but during the second call she heard an unfamiliar voice say: "What are we going to do now". During that same call she then heard the voice of her son say: "Just get in the car." (R. p. 23-25; p. 481). Additionally, two Maple Avenue neighbors of the Brown family saw two suspects back behind the home at the approximate time of the crime. Sarah Howard testified that she saw two suspects leaving the house and coming across the back of her lot and the power line easement behind the neighborhood. Though she did not a get a look at his face, she was confident in testifying that the stockier of the two suspects was Appellant, relying upon her familiarity with both his build, his clothing, and the fact that Appellant had done yard work for her in the past. (R. p. 305-308). David Field testified that he had lived on Maple Avenue for eighteen years and knew the Brown family as a result. He testified that he came home around 5:15 or 5:30 pm on March 7, 2019, and "noticed a young man standing on a road behind some bushes a couple houses up the hill from the Brown family." (R. p. 310; p. 311, lines 19-25). Shortly after, he took his dog for a walk and noticed two individuals in the power line right-of-way "fidgeting around in some taller brush" behind the homes. (R. p. 313-314). Mr. Fields recognized one of the boys as the individual he saw when he first arrived home. The other he recognized as being one of the people who resided in the Brown home; Mr. Fields identified Appellant in court as the other individual he saw that day. (R. p. 314, lines 7-19).

On March 8, 2019, Hunter voluntarily contacted law enforcement in order to "come clean" about what had taken place at the crime scene. (R. p. 482-483). Chief Bowling knew Hunter from prior school incidents when he served as a school resource officer (R. p. 484); he spoke with Hunter on the phone that morning and suggested that he come in to meet with them. Hunter did so voluntarily by accepting a ride to the station by a patrol officer. (R. p. 483).

Miranda warnings were given, Chief Bowling conducted the interview, and Investigator Watts wrote down everything Hunter told them. (R. p. 61-62). Upon his first discussion with Hunter, Chief Bowling was informed that Hunter and Appellant broke into the house together to steal guns and that Hunter wanted to "come clean" about the incident. (R. p. 484). Chief Bowling testified as to noticing a substantial difference in Hunter's demeanor and behavior between the first statement and the second statement given a few days later. He noted that Hunter was extremely lethargic and falling asleep during their first discussion. Chief Bowling testified that they were having to wake him up during the interview. Chief Bowling testified that it was obvious to him that Hunter was "coming off of something during that first interview." (R. p. 486-487). Ultimately, Hunter's first statement to police indicated that he and Appellant broke into the home for the purpose of stealing guns, that both he and Appellant fired the gun at Victim, and that he held a "sword" up to Victim's neck when following the instruction of Appellant to tell Victim to shut up. (R. p. 488). Investigator Watts testified that she wrote down the contents of Hunter's first statement, and that in addition to identifying Appellant and Hunter as the culprits, it furthered their investigation into other areas not yet known to police. Investigator Watts also testified that Hunter's statement contained details that only someone who was present at the crime would possess. (R. p. 63).

A few days later Hunter gave a second statement to police. For the second interview Chief Bowling testified that Hunter was back to behaving like his normal self, was polite, and very emotional. Chief Bowling acknowledged that there were inconsistencies between the content of the first interview and the second; notably that Hunter did not participate in actually shooting the gun at Victim, but that Appellant fired all 5 shots that he recalled. (R. p. 487-488). It also differed in having no mention of a sword held to Victim's throat when he told her to shut up. (R. p. 488).

Chief Bowling then testified as to the similarities between the two statements; for which there were several. Among these various similarities were: 1) recalling the same number of fired shots total; 2) that their intent was to steal guns and that Appellant had told him there were guns in the house; and 3) that Appellant had told him to tell Ms. Castle to shut up. (R. p. 488). The second interview also provided law enforcement with the location of items that Hunter and Appellant hid in the pipes in the woods after fleeing the scene. (R. p. 489). These items were collected as evidence.

In addition to the statements given to law enforcement, Hunter testified extensively at trial. Hunter testified that he was living in the "Mill Hill" (aka "the compound") for a while and met Appellant as a result.[4] He described it as a place where people went to get high. He and Appellant would often do drugs together[5], and he had been doing drugs consistently for days prior to the crime. (R. p. 173-176; p. 180-181; p. 287). Hunter testified that Appellant approached him the day before the crime about robbing someone for guns, and that Appellant knew a place they could do so. Their plan was to steal the guns, keep some for themselves, and sell the others. Appellant did not tell Hunter in advance where he intended to go, but they went together to the soup kitchen, then took the bus toward Appellant's intended destination. (R. p. 178-180).

Appellant brought a book bag of items with him. The bus stopped short of their destination due to mechanical problems, and they walked the remaining short distance. As part of the plan, they split up as they approached the Maple Avenue address. Hunter was to stand at the top of the road as a lookout of sorts, while Appellant approached the home from the woods to see if anyone was home. (R. p. 185-186). After checking the home, Appellant signaled for Hunter to come down to the house; at this point Hunter knew this house belonged to Appellant's mother. (R. p. 187-190).

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[4] Hunter testified that he knows Appellant by the nickname "KID", which stands for "Killer In Disguise". (R. p. 176).

[5] This included the morning of the crime.

They walked to the back of the house and Appellant attempted to pry the basement window open with a crowbar. When that effort failed Hunter busted out the window with the crowbar, crawled down onto the washer and dryer, left the window open, and unlocked the basement door for Appellant. (R. p. 190-196).

Hunter and Appellant proceeded upstairs, and Hunter alerted Appellant upon seeing Victim sitting in the living room. (R. p. 197-200; p. 46). He also heard dogs barking and identified them as German Shepherds.[6] (R. p. 200). Appellant told Hunter "not to worry about it". After which Appellant walked over to Victim, and they "had their words" with each other. Hunter could not tell what was said, but from her tone of voice it sound as though the woman was scared. Appellant came back toward Hunter and then went into the kitchen; he told Hunter to go to the back room. Hunter was not sure which back room Appellant meant, but headed that way regardless. (R. p. 200-202). While Hunter was headed to the back room, Appellant shot Victim. Though Hunter did not see the gunfire, he heard it and heard the woman scream. Hunter recalled hearing five gunshots, but agreed that it could have been less or more. Hunter also knew the gunfire came from Appellant, as he knew Appellant to always carry a small .32 caliber pistol. (R. p. 203). Hunter's familiarity and recollection of Appellant's pistol was corroborated, as the shell casings found at the scene were all .32 Auto NW. (R. p. 111).

Appellant then quickly walked to his parent's bedroom, kicked in the door, and attempted to open the closet safe. Hunter followed and watched; he testified that Appellant tried for a minute to get the safe open, but was unsuccessful. During that time period Appellant instructed Hunter to get Victim to shut up. Hunter complied by telling her to do so from the hallway. (R. p. 203-208). Appellant soon walked by Hunter in the hallway, approached Victim in the living room, aimed at

[6] Eric Brown's testimony confirmed that he owned a German Shepherd. (R. p. 168).

her head and shot her. (R. p. 208, line 12 through p. 209, line 24). Hunter testified that he was scared of Appellant at this point and he took off running back down the stairs. Appellant ran out the house behind him. They exited through the basement door and went through the woods behind the house. It was in those woods that Appellant removed his book bag of items and put it in the blue pipe, along with their jackets. (R. 210-211; p. 213).

Hunter testified that they followed a dirt trail through the woods that led to the main road on the other side. He testified that Appellant called Lisa Broach (hereinafter "Lisa") in order to have her come pick them up.[7] (R. p. 213; p. 216-217). After approximately five minutes Lisa arrived. They jumped in the car and returned to Mill Hill. (R. p. 217-218).

When they arrived back at Mill Hill, Steve Broach came and talked to Appellant.[8] Steve Broach was Lisa's husband and also lived in Mill Hill. Appellant confessed to Steve that he had committed the murder. After which, Appellant, Steve, and Lisa left. (R. p. 218-219). Hunter never saw Appellant again, but he did share text messages from Appellant. Those texts included discussions of them being on the news, how Hunter could have been identified, and that for Hunter to "remember what we said" which he explained was a pact between him and Appellant not to talk to the police. (R. p. 221-227). However, Hunter testified that he called the police to confess the next morning.

Hunter confessed that his first statement was not entirely true, as his first statement indicated that he and Appellant both took part in shooting at Victim with Appellant's gun and that he held knife to Victim.[9] He commented that he was scared, wanted to throw off the police, wanted

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[7] Hunter knew Lisa Broach from having grown up with her son.
[8] Appellant was living with Steve Broach. (R. p. 326).
[9] Hunter's first statement also included a supposed confession to killing someone else unrelated to this crime and stealing $20,000 from them. (R. p. 271).

to look cool, and was high at the time of his first statement. He testified that he gave his second statement to be honest and ensure the family had closure. (R. p. 231-235; p. 265; p. 267). Hunter testified that he pled guilty to burglary and voluntary manslaughter, but had not yet been sentenced. (R. p. 245-246).

The remaining evidence and testimony at trial revealed the following:

- Hunter's fingerprints matched those lifted from the washing machine[10] (R. p. 104);
- Eric Brown testified that nothing in the home was missing, despite the availability of jewelry and money. The efforts seemed directed only toward his gun safe (R. p. 162);
- Lisa testified that she picked up Appellant and Hunter on March 7th (R. p. 329);
- Though Appellant claimed to be fine, she could tell he was upset (R. p. 328);
- When Steve left the trailer after speaking to Appellant he was holding a Crown Royal type bag and was noticeably upset. She, Steve, and Amber drove to a bridge on Murr Road. She watched Steve leave the car with the bag, approach the water, and return without the bag (R. p. 330-333);
- They all went to a hotel that night, including Appellant, and they had a conversation with Appellant about turning himself in (R. p. 334; p. 345);
- Police acquired the numbers for Appellant, Hunter, Lisa, and Dee Brown. The call history and cell site location data corroborated the times, circumstances, and location of the crime to that of the corresponding cell tower used by Appellant and

[10] Police also found a matching fingerprint on the basement doorframe to someone named "Burlin Dewayne Whitfield". However, there was absolutely no other evidence linking that individual to the scene or to the crime. Police deduced that the print could have come well before the crime under any number of circumstances.

Hunter's phones (R. p. 423-449; p. 501).

ISSUE AS IT WAS PRESENTED AT TRIAL

The assistant solicitor asked Chief Bowling to discuss the inconsistences between the two statements. (R. p. 487, lines 20-23). In response he testified that law enforcement was able to corroborate more of the second statement than the first, noting specifically officers finding the blue pipe and the hidden items that Hunter disclosed in his second statement. However, Appellant argues that Chief Bowling took his answer too far when he went beyond corroboration and stated that "we were able to corroborate almost everything that Hunter said in that second statement *to be true*." An immediate objection was made to that statement, it was sustained, the statement was struck, and Judge Gravely gave a curative instruction that the jury was not permitted to consider the statement as part of their deliberations. (R. p. 489, lines 8-25)(emphasis added).

The assistant solicitor resumed his questioning of Chief Bowling and elicited testimony from Chief Bowling that the differences between Hunter's statements would not have altered the charges brought against Appellant and Hunter. In conclusion of that line of questioning, the assistant solicitor admittedly asked the improper question: ". . . if I understand your testimony, that you tend to believe the second statement?" (R. p. 490, line 2 through p. 491, line 1). Another immediate objection came, this time *before the witness could answer the question.* Judge Gravely sustained the objection noting that the question was not proper and defense counsel followed by moving for a mistrial outside the presence of the jury. (R. p. 491, lines 2-15). Defense counsel argued that the witness had "twice testified" [11] in a manner that improperly bolstered the credibility

[11] Defense counsel's meaning here is unclear and likely mistaken. Defense counsel conceded in argument that a prior statement from the witness (that went without objection) "skated very close to bolstering, but didn't go over the line." (R. p. 491, line 24 through p. 492, line 1). Thus, defense counsel's motion for mistrial was based only on the one instance of testimony and the one unanswered question.

of another witness, that such could not be unheard by the jury, and that it removed the possibility of a fair trial. (R. p. 491, line 15 through p. 492, line 5).

In consideration of the motion, Judge Gravely noted that the second instance involved asking whether the Chief believed Hunter's statement, which the court concluded would absolutely constitute improper bolstering. However, Judge Gravely noted that the question was never answered, and that prejudice cannot arise just from the question itself. (R. p. 492, lines 6-14). Judge Gravely then discussed the first instance and noted that he did not believe it rose to the level of creating prejudice requiring a mistrial. Having considered the motion and the circumstances, Judge Gravely denied the motion.

STANDARD OF REVIEW

"The decision to grant or deny a mistrial is within the sound discretion of the trial court and will not be overturned on appeal absent an abuse of discretion amounting to an error of law." *State v. Inman*, 395 S.C. 539, 565, 720 S.E.2d 31, 45 (2011). "The granting of a motion for a mistrial is an extreme measure that should be taken only when the incident is so grievous the prejudicial effect can be removed in no other way." *Id.* "A mistrial should not be granted except in cases of manifest necessity." *State v. Hill*, 361 S.C. 297, 310, 604 S.E.2d 696, 703 (2004) (citing *State v. Prince*, 279 S.C. 30, 301 S.E.2d 471 (1983)). "'Whether a mistrial is manifestly necessary is a fact specific inquiry.'" *State v. Stanley*, 365 S.C. 24, 33–34, 615 S.E.2d 455, 460 (Ct. App. 2005) (quoting *State v. Rowlands*, 343 S.C. 454, 457, 539 S.E.2d 717, 719 (Ct.App.2000)). "'The power of a court to declare a mistrial ought to be used with the greatest caution under urgent circumstances, and for very plain and obvious causes' stated into the record by the trial judge." *State v. Simmons*, 352 S.C. 342, 354, 573 S.E.2d 856, 862 (Ct.App.2002) (quoting *State v. Kirby*, 269 S.C. 25, 236 S.E.2d 33 (1977)). "This Court favors the exercise of wide discretion of the trial

judge in determining the merits of such motion in each individual case." *State v. Patterson*, 337 S.C. 215, 227, 522 S.E.2d 845, 851 (Ct. App. 1999) (citing *State v. Howard*, 296 S.C. 481, 374 S.E.2d 284 (1988)). "Among the factors to be considered in ordering a mistrial are the character of the testimony, the circumstances under which it was offered, the nature of the case, and the other testimony in the case." *Id.*

A curative instruction to disregard testimony is deemed to have cured any alleged error. *State v. George*, 323 S.C. 496, 476 S.E.2d 903 (1996). A jury is presumed to follow the instructions given by the court. *Foye v. State*, 335 S.C. 586, 518 S.E.2d 265 (1999).

ARGUMENT

I. **The trial court did not abuse its discretion in denying the motion for mistrial where the complained of testimony was properly stricken, where the jury was given a curative instruction, and where the record demonstrates that the bolstering testimony did not present sufficient prejudice in light of corroborating evidence and the collective evidence of guilt admitted at trial.**

Appellant's argument that the court committed reversible error in denying his motion for mistrial fails on both a procedural and substantive basis. First, our courts have consistently held that curative instructions are generally deemed to have cured the complained of error at trial and the trial court gave such curative instruction to the jury immediately after the statement was uttered. Notwithstanding curative instruction, the disputed statement simply cannot satisfy the extremely high bar required for warranting a mistrial. Appellant's claim also fails on both a micro and macro substantive level. The complained of testimony offered by Chief Bowling was not a blanket statement that he believed the statement and testimony offered by Hunter. Though the statement was ultimately improper, it was simply an overstep in the discussion of the corroborative evidence admitted from other sources in relation to the content of Hunter's testimony. Moreover, the overall evidence of guilt offered by the State vastly overshadows the complained of stricken and cured

testimony. With these matters in mind the trial court was within its discretion to deny the motion and Appellant's conviction should be affirmed.

Candidly, the State does not seek to argue that Chief Bowling's complained of statement was not objectionable.[12] Instead, the State argues the statement was of minimal import and that the court expertly handled the issue at trial by striking the evidence and ensuring the jury was given a curative instruction that they were not permitted to consider the statement in their deliberations. Our courts have consistently held that when a court sustains an objection, strikes the testimony from the record, and gives the jury a curative instruction, he is generally considered to have cured the complained of testimony. *State v. Patterson*, 337 S.C. 215, 226, 522 S.E.2d 845, 850 (Ct. App. 1999)(citing *State v. George*, 323 S.C. 496, 476 S.E.2d 903 (1996)). Our courts have also consistently held that juries are presumed to follow the instructions given by the court. *Foye v. State*, 335 S.C. 586, 518 S.E.2d 265 (1999). As a procedural matter the court acted precisely as it should in addressing the issue and the law supports the conclusion that no prejudice arises from this matter.

In subsequently raising a motion for mistrial, and claiming that the jury could not "un-hear" the information in dispute so as to render the trial unfair, defense counsel placed the matter within the discretion of the trial court. In turn, this placed the burden upon the defense to show prejudice so severe, so unresolvable, that it was manifestly necessary to grant the extreme remedy of a mistrial. The trial court considered the motion and noted distinctly that the first instance did not arise to a level of prejudice that would warrant such a remedy and that the second instance did not involve an actual answer from the witness so as to create prejudice against the defendant.

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[12] The complained of statement was not objectionable *until* the last three words were uttered: "So, in the second statement we were able to corroborate almost everything that Hunter said in that second statement ***to be true***." (R. p. 489, lines 14-16)(emphasis added).

The trial court was well within its discretion to evaluate the issue in such a way and deny the motion. This is especially so given that 1) defense counsel offered little argument as to why the particular statement was so prejudicial, and 2) given that the statement came at the conclusion of the Chief appropriately testifying as to the corroborative evidence they had obtained in connection with Hunter's second statement.

The record itself also lends support to the trial court's ruling. "Among the factors to be considered in ordering a mistrial are the character of the testimony, the circumstances under which it was offered, the nature of the case, and the other testimony in the case." *State v. Patterson*, 337 S.C. 215, 227, 522 S.E.2d 845, 851 (Ct. App. 1999) (citing *State v. Howard*, 296 S.C. 481, 374 S.E.2d 284 (1988)). None of these factors weigh in favor of granting a mistrial.

First, as previously stated the character and circumstances of the testimony demonstrate that this was not an instance where the police chief was making an overarching statement that he personally believed the statement and testimony offered by Hunter. Instead, his statement follows immediately after the discussion of corroborative evidence, which by definition was a discussion of the available evidence that tended to confirm or make more certain the statement given by Hunter.

Hunter's statement and testimony do not exist in isolation in this case. The items found hidden in the pipe, the phone records, the eyewitness testimony of neighbors, the details of the home and break in, the caliber of gun used at the scene, and the testimony of Lisa Broach all constituted corroborative evidence which *properly* demonstrated the reliability of Hunter's testimony.[13] Appellant's arguments fail to address the corroborative nature of the State's evidence,

[13] Appellant's argument that even the solicitor's closing arguments demonstrated concern about the trustworthiness of Hunter's testimony touches on this very subject. Appellant's portion of the quote ends with: "if he told you that he was going to come cut your grass, I wouldn't ask you to

and aside from the authorities cited for purposes of general law, the case law cited by Appellant is not on point for the fact specific nature of this case. The evidence presented at trial did all of the heavy lifting here, and the objectionable portion of the Chief's statement offers very little prejudicial bolstering.

Though it should not be ignored that Hunter independently and voluntarily contacted police, and thereafter implicated himself and Appellant in the crime without any pressure from police to do so, this case is not about Hunter's credibility. This case is about the mountain of evidence that corroborates the various potions of Hunter's testimony so that the jury did not have to rely on the credibility of any one witness to reach its decision. Moreover, much of the evidence presented was suitable to independently demonstrate Appellant's guilt. Appellant's mother identifying her own son's voice on the phone at the time of the crime, two separate neighbors seeing Appellant leaving the scene of the crime at the approximate time of the crime, and Lisa Broach's testimony that she picked Appellant up near the scene of the crime and discussed with Appellant the possibility that he turn himself in for the crime all demonstrate guilt. As Chief Bowling was the next to last witness to testify for the State, the trial court had all of this previous evidence at its disposal in considering the merits of a mistrial motion. The court correctly found that no such remedy was warranted and that decision should stand as a proper exercise of discretion in this case.

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believe it because he said [it]." Appellant leaves out the crucial following sentence where the assistant solicitor states: "*What I am asking you to do is consider what he said and what can be verified.*" (R. p. 535, lines 16-19; Appellant's Brief, p. 11).

CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that the judgments, convictions, and sentences of the trial court should be affirmed.

Respectfully submitted,

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ATTORNEYS FOR RESPONDENT

October 6, 2022.

STATE OF SOUTH CAROLINA
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The Honorable Perry H. Gravely, Circuit Court Judge

THE STATE,

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DECOTA CASTLE BROWN,

APPELLANT.

Appellate Case No. 2021-000744

CERTIFICATE OF COMPLIANCE

The undersigned certifies that this Final Brief of Respondent complies with Rule 211(b), SCACR, and the April 15, 2014, Order of the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

This 6th day of October, 2022.

s/ W. Joseph Maye
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