

**RECEIVED**

**Nov 28 2022**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Greenville County  
Honorable G.D. Morgan, Jr., Circuit Court Judge  
Appellate Case No. 2022-000374

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The State,

Respondent,

vs.

Kathryn Martin Key,

Appellant.

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**MOTION TO DISMISS**

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Respondent, the State, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

Appellant Kathryn Key was convicted of DUI in the Greenville County Magistrate's Court in November of 2016. She appealed her conviction to the Greenville County Court of Common Pleas and her conviction was reversed based on the Magistrate's refusal to suppress evidence of her blood-alcohol content, which was determined based on a blood sample taken via a warrantless blood draw while Key was unconscious in the hospital following the automobile accident underlying her arrest for DUI. The State appealed, and the Supreme Court reversed and remanded to the Magistrate's Court with instructions for the court to conduct an exigent circumstances analysis to determine the legality of the blood draw. State v. Key, 431 S.C. 336, 349, 848 S.E.2d 315, 321 (2020).

On remand, the State moved for the Magistrate Court to order the release of medical records produced during Key's hospitalization following the accident, pursuant to 45 C.F.R. § 164.512 (f) (HIPAA). The Magistrate denied the State's motion on the grounds that the court did not have the

authority to issue a subpoena duces tecum. (See Exhibit A, Magistrate's "Appeal Answer"). The State appealed to the Circuit Court. The Honorable G.D. Morgan, Jr., reversed the Magistrate's Court, holding that the court did have the authority under HIPAA to order the release of Key's records. (See Exhibit B, Circuit Court order). Key served a Notice of Appeal on March 11, 2022, and filed a brief with this Court on August 11, 2022.

## II.

"An appeal may be taken to the Supreme Court or the Court of Appeals in the cases mentioned in Sections 14-3-320 and 14-3-330. The procedure for taking an appeal is as provided by the South Carolina Appellate Court Rules." S.C. Code Ann. § 18-9-10. "Any party aggrieved may appeal in the cases prescribed in this title." S.C. Code Ann. § 18-1-30. "The Supreme Court shall have appellate jurisdiction for correction of errors of law in law cases, and shall review upon appeal:

- (1) Any intermediate judgment, order or decree in a law case involving the merits in actions commenced in the court of common pleas and general sessions, brought there by original process or removed there from any inferior court or jurisdiction, and final judgments in such actions; provided, that if no appeal be taken until final judgment is entered the court may upon appeal from such final judgment review any intermediate order or decree necessarily affecting the judgment not before appealed from;
- (2) An order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action, (b) grants or refuses a new trial or (c) strikes out an answer or any part thereof or any pleading in any action;
- (3) A final order affecting a substantial right made in any special proceeding or upon a summary application in any action after judgment; and
- (4) An interlocutory order or decree in a court of common pleas granting, continuing, modifying, or refusing an injunction or granting, continuing, modifying, or refusing the appointment of a receiver."

S.C. Code Ann. § 14-3-330.

An appeal ordinarily may be pursued only after a party has obtained a final judgment. Hagood v. Sommerville, 362 S.C. 191, 194, 607 S.E.2d 707, 708 (2005). The provisions of section 14-3-330 are narrowly construed and serve the underlying policy favoring judicial economy by avoiding "piecemeal appeals." Stone v. Thompson, 426 S.C. 291, 295, 826 S.E.2d 868, 870

(2019). The State has the right to immediately appeal a trial court's suppression of evidence which significantly impairs the prosecution of the case. State v. Belviso, 360 S.C. 112, 115, 600 S.E.2d 68, 70 (Ct.App.2004). However, a defendant may not appeal an order which is not a final judgment because she has recourse in the form of an appeal after conviction. State v. Isaac, 405 S.C. 177, 183, 747 S.E.2d 677, 680 (2013) (explaining "generally, a criminal defendant may not appeal until sentence is imposed"). A criminal defendant who suffers an adverse pre-trial ruling is not an "aggrieved party" within the meaning of S.C. Code Ann. § 18-1-30, and may not appeal in this procedural posture. State v. Looper, 421 S.C. 384, 390, 807 S.E.2d 203, 206 (2017).

### III.

In this case, Key is not an aggrieved party because she has not been convicted of a crime. Looper, 421 S.C. at 390, 807 S.E.2d at 206 (explaining "absent the presence of an exception to the final judgment rule, appealability is determined by a final judgment and an aggrieved party. . . in the criminal context, a judgment is final when sentence is imposed"). This case is almost exactly like Looper. In that case, the State appealed from a magistrate's erroneous dismissal of a DUI charge, as was its right, because the ruling determined the outcome of the action. The circuit court reversed and the defendant attempted to appeal to the Court of Appeals. This Court held the appeal was premature, explaining that the circuit court's ruling was akin to "an order denying a motion to suppress evidence, which is an interlocutory order that is not immediately appealable." State v. Looper, 412 S.C. 363, 366, 772 S.E.2d 516, 517 (Ct. App. 2015), *aff'd as modified*, 421 S.C. 384, 807 S.E.2d 203 (2017). The Supreme Court agreed, explaining that while Looper "was adversely impacted by the circuit court's order remanding the case for trial . . . he was not aggrieved in a legal sense." State v. Looper, 421 S.C. 384, 389, 807 S.E.2d 203, 205 (2017). As in Looper, Key should simply return to Magistrate's court to stand trial for DUI, and if she is convicted will be able to appeal the pre-trial ruling on the HIPAA issue. Accordingly, Key's appeal should be dismissed. See Looper, 421 S.C. at 390, 807 S.E.2d at 206 ("As Petitioner has not been convicted

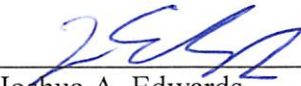
and sentenced, there has been no final judgment, and as no exception to the requirement of a final judgment is applicable under the facts of this case, Petitioner's appeal is premature and must be dismissed.").

WHEREFORE, Respondent, the State, prays that the Court hold this matter in abeyance until ruling on this motion, and dismiss this appeal because the appeal is premature because Key is not an aggrieved party.

Respectfully submitted,

ALAN WILSON  
Attorney General

JOSHUA A. EDWARDS  
Assistant Attorney General

BY:   
\_\_\_\_\_  
Joshua A. Edwards  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

November 28, 2022

# EXHIBIT A

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

H480200  
Driving Under the Influence

21 OCT 18 AM 11:02  
Paul Wickens - COC SUL SC

State of South Carolina  
Appellant

Vs.

APPEAL ANSWER  
2021CP23-04376

Kathryn Martin Key  
Defendant  
Elizabeth Powers Price, Esq  
Defendant Attorney

East Greenville Summary Court apologizes for the delay in answering this appeal. The "Notice of Intent to Appeal" was served on the court September 20, 2021 and was placed on a clerk's desk who was out for a period of time due to covid. The clerk provided me the notice on October 15<sup>th</sup>. The court only received this notice of intent to appeal and no documents clocked by the Clerk of Court office. The court researched the public index on October 15, 2021 and found that an appeal was filed on September 10, 2021.

The State on May 25, 2021 requested an order to be signed for the release of medical records on the defendant. The initial request did not have attached the actual order. The defense attorney argued against the order and advised it was not proper for determining exigent circumstances, would be an invasion of the defendant's privacy in that the order specified "any and all medical records" and magistrates do not have the authority to mandate the release of medical records. Upon review and consult with two other magistrates the request was denied due to magistrates not having the authority to order the release of documents and the order requested "any and all medical records" going beyond determining exigent circumstances for this DUI blood draw.

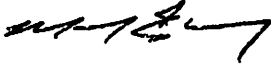
The State on July 1, 2021 asked for reconsideration. Upon that request the information submitted by both the State and Defense was reviewed. The court contacted a staff attorney at the South Carolina Court Administration. The staff attorney concurred that a magistrate does not have the authority to subpoena or order the release of medical records (documents). Section 17-13-140 is for issuance of search warrants and the State is asking for an "Order" to be signed, not a search warrant. Magistrates have the authority to subpoena people but not documents. The court on August 11, 2021 denied the request on

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reconsideration for the same reasons as before. The court offered to subpoena emergency room staff to testify to the defendant's condition and treatment.

The case in question was an appeal to the Supreme Court of South Carolina and has been remanded back to East Greenville Summary Court to determine whether or not exigent circumstances existed to permit the warrantless blood draw from the defendant. The court fails to see justification or relevance to compel the release of private medical records of the defendant because the Trooper must prove to the existence of exigent circumstances at the time of the blood draw.

Respectfully Submitted,



Mark Edmonds  
Judge, East Greenville Summary Court

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

THIRTEENTH JUDICIAL CIRCUIT

CA# 2021-CP-23- 4376

VS.

KATHRYN MARTIN KEY  
DEFENDANT

NOTICE OF INTENT TO APPEAL

TO THE DEFENDANT, HER ATTORNEY AND HONORABLE MARK C. EDMONDS, MAGISTRATE EAST GREENVILLE SUMMARY COURT:

PLEASE TAKE NOTICE that the undersigned, on behalf of the State of South Carolina, hereby appeals the undated Decision denying the State's Motion for release of Defendant's medical records in the above case, and the Decision denying the State's Motion for reconsideration of same. The final order was received on August 16, 2021. Copies of the Decisions and the State's Motion for Reconsideration are attached as Exhibits A, B and C.

The grounds for the State's appeal include the following and any additional grounds which may be presented at any hearing held in this case.

1. The trial court erred as a matter of law by denying the State's motion for release of Defendant's medical records pursuant to the Health Insurance Portability and Accountability Act ("HIPAA"). A copy of the State's motion for release of records with proposed order is attached to Exhibit B.
2. HIPAA provides a substantive right to law enforcement, which includes the Solicitor's office, and entitles the State to obtain an order from the Summary Court for the release of specified medical records relating to the Defendant's medical treatment following the wreck which lead to the charge against her.
3. HIPAA is a federal statute which pre-empts the field of regulations pertaining to the release of an individual's medical records. It is the law of the land.
4. South Carolina's privacy statute regarding medical records is not more stringent than HIPAA and therefore HIPAA controls the release of Defendant's medical records to law enforcement. See S.C. Code of Laws §§ 44-115-10 et. seq. and § 44-115-150.

5. The State's substantive right to obtain Defendant's medical records pursuant to HIPAA applies in South Carolina Summary Courts and any procedural rule that undermines the purpose of HIPAA is not applicable.
6. Summary Courts in South Carolina are authorized to issue search warrants for medical records in addition to HIPAA orders. See S.C. Code of Laws § 17-13-140.

September 9, 2021

  
Mitchell Byrd  
Asst. Solicitor

# East Greenville Summary Court

## CASE HISTORY FOR CASE H480200

The State of South Carolina VS Kathryn Martin Key

LED DATE: 12/18/2015

CASE TYPE: TR

STATUS: Disposed

ASSIGNED JUDGE: Garrett, Charles R.

DISPOSITION JUDGE: Garrett, Charles R.

ARRESTING AGENCY: S. C. Highway Patrol

**ASE PARTIES:**

Defendant Key, Kathryn Martin  
401 Hampton Farms Trl, Greenville, SC 29617-1251

Officer Campbell, A P  
33 Villa Rd Suite 200, Greenville, SC 29615

Bond Entity Key, Kathryn Martin  
401 Hampton Farms Trl, Greenville, SC 29617-1251

Defendant Attorney Price, James H. III  
644 E. Washington St., Greenville, SC 29601

Witness Melter, Laura  
106 Old Province Way, Greer, SC 29650

Officer Castellani, Jared  
Sled, Po Box 21398, Columbia, SC 29221

Other Party to Case A/Brown /Rn/Ghs/  
Attn Adrienne Carter/Hr, 701 Grove Rd, Greenville, SC 29605

**CASE HISTORY FOR CASE H480200**

Key, Kathryn Martin  
401 Hampton Farms Trl  
Greenville, SC 29617-1251

Age: 38  
DL#: [REDACTED]

DOB: [REDACTED]  
SSN: [REDACTED]

CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
3353 DUI / Driving under the Influence, less than .10, 1st Offense	12/10/2015	Guilty Bench Trial Credit Time Served	11/8/2016

**SENTENCING:**

Credit Time Served

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: DUI / Driving under the Influence, less than .10, 1st Offense				
Fine to General Fund	\$0.00	\$0.00	\$0.00	999
Victim Services Asm 38.0013% / 5.783	0.00	0.00	0.00	999
Victim Conviction Surcharge \$100 / \$21	0.00	0.00	0.00	999
DUI Breath Test \$25	0.00	0.00	0.00	999
DUI Pullout \$100	0.00	0.00	0.00	999

Print Date: 09/29/2021  
Print Time: 3:13:36PM  
Requested By: JEMERSON

CaseHistory.rpt V6.1

ASE HISTORY FOR CASE H480200

DUI Surcharge \$12	\$0.00	\$0.00	\$0.00	999
Law Enforcement Funding Surcharge \$:	0.00	0.00	0.00	999
SC Criminal Justice Academy Training	0.00	0.00	0.00	999
Spinal Cord Injury Research DUI \$100	0.00	0.00	0.00	999
State Assessment	0.00	0.00	0.00	999
<b>Total:</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	

ATE	TIME	EVENT DESCRIPTION
2/18/2015	9:30 PM	Court event: Bond Hearing
2/18/2015	12:00 AM	Bond 3 was set in the amount of 0 by O'Brien, Ernest Michael Patrick Sr.
1/15/2016	3:47 PM	Filing recorded: Jury Trial Requested
1/3/2016	10:00 AM	Court event: Criminal/Traffic Court
1/3/2016	12:00 AM	ADELAPAZ recorded the following Case Note: ***** JURY TRIAL REQUESTED *****
1/29/2016	3:36 PM	Filing recorded: Solicitor File Opened
1/29/2016	12:00 AM	Filing recorded: Officer Input Form Printed
1/12/2016	12:00 AM	BKELLEY recorded the following Case Note: video and photos uploaded
1/6/2016	1:30 PM	Court event: ROLL CALL
1/25/2016	12:00 AM	Filing recorded: Archived Court Summons
1/20/2016	2:00 PM	Court event: BENCH TRIAL
1/18/2016	12:00 AM	Filing recorded: Archived Court Summons
1/8/2016	1:00 PM	Court event: Criminal/Traffic Court

**State of South Carolina  
Solicitor, Thirteenth Judicial Circuit**



Telephone: 864-467-8647  
Telefax: 864-467-8610

Greenville County Courthouse  
305 E. North Street, Suite 325  
Greenville, SC 29601-2185

**SOLICITOR  
W. WALTER WILKINS**

May 25, 2021

Honorable Mark C. Edmonds  
East Greenville Summary Court  
320 West Main Street  
Taylors SC 29687

Re: State v Key  
UTT# H480200

Dear Judge Edmonds,

Enclosed is a short Brief in support of the State's Motion for release of medical records in the above case. I have also enclosed a copy of the pertinent regulations.

If it will aid the Court in any way we will be happy to appear for argument.

Respectfully Yours

*Mitchell Byrd*  
Mitchell Byrd

Cc: E. Powers Price, Esq.

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JUL 01 2021  
EAST GREENVILLE  
SUMMARY COURT

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

State of South Carolina

vs

Kathryn Martin Key

Defendant

IN THE SUMMARY COURT

THIRTEENTH JUDICIAL CIRCUIT

UTT # H480200

BRIEF IN SUPPORT OF THE STATE'S  
MOTION FOR RELEASE OF MEDICAL  
RECORDS

The Supreme Court of South Carolina has remanded this case to the East Greenville Summary Court for a hearing to determine whether or not exigent circumstances existed to permit the warrantless blood draw from Ms. Key. In preparation for this hearing the State is seeking disclosure of Ms. Key's medical records from Greenville Memorial Hospital (n/k/a Prisma) relating to her condition and treatment following the automobile wreck which lead to her arrest for DUI. Ms. Key has objected to the release of this information.

The State's motion for disclosure is predicated on the Health Insurance Portability and Accountability Act ("HIPAA"). HIPAA was signed into law in 1996. Pub. L. No. 104-191, 10 Stat. 1936 (1996). The Act and the regulations promulgated thereafter create rules to protect a patient's individual health information. 45 CFR §§ 164.102 et seq (2011). HIPAA regulations set forth privacy standards with regard to the use and disclosure of patient health information. 45 CFR §§164.500 et seq (2011). A medical provider may only disclose a patient's health information without authorization by the patient as prescribed for in HIPAA, subject to certain exceptions. One of these exceptions is the law enforcement exception. 45 CFR §164.512 (f) (2011). Law enforcement officials,

which includes solicitors, can request health information from a medical provider through (in addition to other means ) a court order issued by a judicial officer. 45 CFR §§ 164.512 (f) (1) (ii) (A). See also 45 CFR §§164.512 (f) (1) (ii) (C) authorizing administrative and investigative requests. A copy of the regulations is attached and the exception for disclosure for law enforcement purposes found in § 164.512 (f) is tabbed. HIPAA is a federal statute which provides for the preemption of state laws unless they are "more stringent" than HIPAA. 45 CFR § 160.202 (2002). A state law is "more stringent" than HIPAA if it "provides greater privacy protection for the individual..." Id.; §264(C)(2); 110 STAT. 2033-34; South Carolina Medical Association v Thompson 327 F.3d 346, 354 (4<sup>th</sup> Cir. 2003).

In this case the South Carolina Supreme Court has remanded the DUI charge against Ms. Key to the Summary Court "for a determination of whether the exigent circumstances exception to the warrant requirement applies. .... and the Summary Court shall base its ruling upon its view of the totality of the circumstances." KEY at page 18. The burden to prove exigent circumstances is on the State. Id. The decision turns on objective facts. State v Dobbins 420 S.C. 583, 803 S.E.2d 876 (Ct. App 2017). All of the specific facts and circumstances of a case should be carefully considered. Missouri v McNeeley 133 S.Ct. 1552, 1560 (2013). It is the relevant facts in Ms. Key's hospital records immediately following the wreck which the State seeks in its HIPAA motion in order to present those objective facts as part of the proof of exigent circumstances in this case.

May 18, 2021

  
Mitchell Byrd  
Asst. Solicitor

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )  
 )  
State of South Carolina, )  
 )  
v. )  
 )  
Kathryn Martin Key, )  
 )  
Defendant. )  
\_\_\_\_\_ )

IN THE MAGISTRATE COURT  
THIRTEENTH JUDICIAL CIRCUIT

Ticket No.: H480200

DEFENDANT'S RESPONSE IN  
OPPOSITION TO STATE'S  
PROPOSED ORDER FOR RELEASE OF  
MEDICAL RECORDS

Defendant is in receipt of a proposed Order for medical records and cover letter dated February 8, 2021. The Defendant opposes the State's request for medical records for the following reasons:

1. The South Carolina Supreme Court vacated the Circuit Court's reversal of Defendant's conviction and remanded the case to Summary Court for a determination of whether the exigent circumstances exception to the warrant requirement applies when Defendant was unconscious at the time the arresting officer directed that a blood sample be taken by hospital personnel for "legal blood" ten (10) minutes after arrest. 431 S.C. 336 (2020);
2. The State seeks Defendant's entire medical file in violation of 45 CFR §164.512(f)(1)(ii)(C). If an administrative request for protected health information is made, the information sought must be relevant and material to a legitimate law enforcement inquiry and the request must be specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought. 45 CFR §164.512(f)(1)(ii)(C). The State has also failed to state a relevant and material reason why the information is sought;
3. Defendant has a right to privacy under Art. I sec. 10 of the South Carolina Constitution;
4. Under § 56-5-2950(A) "Blood and urine samples *must be obtained and handled in accordance with procedures approved by SLED.*" (emphasis added);

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EAST GREENVILLE  
SUMMARY COURT

5. The State's request for medical records seeks to circumvent the well settled exceptions to the Fourth Amendment warrant requirement of consent or exigent circumstances. See Missouri v. McNeely, 133 S.Ct. 1552 (2013); and
6. The State's proposed Order cites Ticket Number H554801 which is no longer pending as a Motion for Directed Verdict was granted at trial on November 6, 2016.

Respectfully submitted,

PRICE LAW FIRM, P.A.



---

E. Powers Price  
S.C. Bar No. 100214  
644 E. Washington Street  
Greenville, SC 29601  
(864) 271-3535  
(864) 242-6560 (facsimile)

February 17, 2021  
Greenville, South Carolina

# EXHIBIT B

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

State of South Carolina,  
Appellant

2021-CP-23-04376

v.

Ex Rel.: UTT# H480200

ORDER

Kathryn Martin Key,  
Respondent.

---

This case came before the court on appeal from the East Greenville Summary Court. Arguments were held on December 2, 2021, at which Powers Price, attorney for Respondent, and Elizabeth Gary, attorney for Appellant, were present.

The State served and filed in the East Greenville Summary Court a motion for the release of Respondent's medical records pursuant to the Health Insurance Portability and Accountability Act (HIPAA). Pub. L. No. 104-191, §264, 110 Stat. 1936. Respondent, through counsel, timely objected to the State's motion. The Honorable Mark C. Edmonds entered an order denying the State's motion for medical records.

On appeal to this Court, the State contends that the magistrate erred by denying the State's motion for records under the law enforcement exception to HIPAA. Respondent contends the State failed to make a necessary showing of relevance to obtain Respondent's private medical information and argues HIPAA does not apply in South Carolina's summary courts. Respondent also filed a motion to dismiss the State's appeal, arguing the denial of the State's motion for medical records is not immediately appealable.

Based upon the forgoing, the arguments of counsel, and the record before me, I find the magistrate's denial of the State's motion for medical records is immediately appealable. Ordinarily, an appeal may only be pursued after a party has obtained a final judgement. *Hagood v. Sommerville*, 362 S.C. 191, 607 S.E.2d 707 (2005). In South Carolina, the State's right to appeal is a judicially created right. A "pre-trial order granting the suppression of evidence which significantly impairs the prosecution of a criminal case is directly appealable under S.C. Code

Ann. §14-3-330(2)(a).” *State v. Belviso*, 360 S.C. 112, 600 S.E.2d 68 (Ct. App. 2004). *See also State v McKnight*, 287 S.C. 167, 168, 337 S.E.2d 208, 209 (1985). I find the magistrate’s denial of the State’s motion for medical records significantly impaired the prosecution of the criminal case, rendering the order immediately appealable. It is the order of this Court that the only medical records relevant to the issue of exigent circumstances in this case are those that encompass the time frame of the defendant’s admission to the hospital and treatment on the day of the accident from which the criminal charges that are the subject of this litigation were filed.

Additionally, I find the magistrate erred in denying the State’s motion for medical records under the law enforcement exception to HIPAA. The law enforcement exception, which applies to a prosecuting authority, is a well-established exception which allows a medical provider to disclose a patient’s health information pursuant to a court order, subpoena, or summons issued by a judicial officer. 45 CFR §§164.512(f)(1)(ii)(A); *see also* 45 CFR §§164.512 (f)(1)(ii)(C) (authorizing administrative and investigative requests). HIPAA is a federal statute which provides for the preemption of state laws unless such laws are “more stringent” than HIPAA. 45 CFR §§ 160.202 (2002). A state law is “more stringent” than HIPAA if it “provides greater privacy protection for the individual....” *Id.*; Pub. L. No. 104-191, §264(C)(2); 110 STAT. 2033-34; *South Carolina Medical Association v Thompson*, 327 F.3d 346, 354 (4th Cir. 2003). South Carolina’s privacy statute is not more stringent than HIPAA. Physician Patient Records Act, S.C. Code Ann. §44-115-10, *et. seq.* HIPAA controls the disclosure and dissemination of medical records by the Summary Court in South Carolina.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the undated order, signed by the Honorable Mark C. Edmonds of the East Greenville Summary court denying the State’s motion for release of medical records in this case, be and hereby is reversed.

IT IS SO ORDERED.

December \_\_\_\_\_, 2021

\_\_\_\_\_  
G.D. Morgan, Jr.  
Circuit Judge, 13<sup>th</sup> Judicial Circuit



Greenville Common Pleas

**Case Caption:** South Carolina State Of VS Kathryn Martin Key , defendant, et al  
**Case Number:** 2021CP2304376  
**Type:** Order/Other

So Ordered

G.D. Morgan Jr.

Electronically signed on 2022-01-24 14:55:28 page 3 of 3

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**Nov 28 2022**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Greenville County  
Honorable G.D. Morgan Jr., Circuit Court Judge  
Appellate Case Tracking No. 2022-000374

---

The State,

Respondent,

vs.

Kathryn Martin Key,

Appellant.

---

**PROOF OF SERVICE**

---

I, Caroline Collins, certify that I have served the Motion to Dismiss on Elizabeth Powers Price, Counsel for Appellant, by electronic mail to the email address listed in AIS.

I further certify that all parties required by Rule to be served have been served.

This 28<sup>th</sup> day of November, 2022.



---

CAROLINA COLLINS  
Administrative Coordinator  
Office of Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3727

## Caroline Collins

---

**From:** Caroline Collins  
**Sent:** Monday, November 28, 2022 11:41 AM  
**To:** powers@price-law-firm.com  
**Cc:** Josh Edwards; William Blitch  
**Subject:** RE: The State v. Kathryn Martin Key (2022-000374)  
**Attachments:** KEY Kathryn - Motion to Dismiss - 2022-000374 (03162883xD2C78).PDF

Good Morning again Ms. Price,

It has been brought to my attention that there were personal identifiers in the previous attachment. Attached please find a redacted version of the same document. This version will be submitted to the Court of Appeals today via AIS.

Thank you!

---

**From:** Caroline Collins  
**Sent:** Monday, November 28, 2022 11:27 AM  
**To:** powers@price-law-firm.com  
**Cc:** Josh Edwards <JEdwards@scag.gov>; William Blitch <wblitch@scag.gov>  
**Subject:** The State v. Kathryn Martin Key (2022-000374)

Good Morning Ms. Price,

Attached please find a copy of the Motion to Dismiss in The State v. Kathryn Martin Key (2022-000374). This motion will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System.

If you will, please reply to confirm receipt of this email.

Thank you,

**CAROLINE COLLINS**, Administrative Coordinator  
South Carolina Attorney General's Office  
Criminal Appeals | Office 803-734-3723 | [ccollins@scag.gov](mailto:ccollins@scag.gov)  
P.O. Box 11549 | Columbia, SC 29211  
[scag.gov](http://scag.gov)



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