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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KELSEY N. SPURLOCK,

APPELLANT

APPELLATE CASE NO. 2022-000476

FINAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the trial court reversibly erred by preventing Appellant from cross-examining her co-defendant regarding either the exposure he possibly faced for his pending trafficking methamphetamine charge, or that another Class A felony was pending at the time of his arrest, where the co-defendant repeatedly asserted throughout his testimony and closing argument that the only reason he ran from police—both in his truck with Appellant in it, as well as on foot after he crashed—was because he did not want to go to jail due to his drivers' license being suspended?

STATEMENT OF THE CASE

Appellant Kelsey Nicole Spurlock was indicted by the Lexington County Grand Jury for trafficking methamphetamine (28g-100g), and second-degree burglary (non-violent). R. 378-381. Her case proceeded to a joint trial with her co-defendant, Jake Robert Fredrickson, from September 13th through 16th, 2021, before the Honorable Debra McCaslin and a jury. Appellant was represented by Stephen Story, her co-defendant was represented by Tivis Sutherland, and the State was represented by Bradley Pogue. R. 1; R. 8, line 10—R. 10, line 16.

Appellant was found guilty of trafficking methamphetamine (28g-100g), and third-degree burglary. R. 369, line 17—R. 370, line 1. The trial court imposed concurrent sentences of seven (7) years for trafficking methamphetamine (28g-100g), and two (2) days for third-degree burglary, with credit of two days' time served. R. 376, line 16—R. 377, line 5.

STANDARD OF REVIEW

"This Court will not disturb a trial court's ruling concerning the scope of cross-examination of a witness to test his or her credibility, or to show possible bias or self-interest in testifying, absent a manifest abuse of discretion." State v. Gracely, 399, S.C. 363, 371, 731 S.E.2d 880, 884 (2012) (citing State v. Johnson, 338 S.C. 114, 124–25, 525 S.E.2d 519, 524 (2000)). "An abuse of discretion arises from an error of law or a factual conclusion that is without evidentiary support." State v. Page, 406 S.C. 272, 282, 750 S.E.2d 623, 628 (Ct. App. 2013) (quoting State v. Lyles, 379 S.C. 328, 334, 665 S.E.2d 201, 204 (Ct.App.2008)). "[B]efore a federal constitutional error can be held harmless, the court must be able to declare a belief that it was harmless beyond a reasonable doubt." Chapman v. California, 386 U.S. 18, 24, 87 S. Ct. 824, 828 (1967).

STATEMENT OF THE FACTS

Kelsey Nicole Spurlock (Appellant) was picked-up in Cayce, SC, by Jake Robert Fredrickson (Co-defendant) in his truck on the afternoon of October 3, 2019. Co-defendant drove her around aimlessly to find somewhere to hang out until they came across a dirt road in Gaston, SC, upon which Appellant's former residence was located. R. 115, line 12—R. 116, line 22; R. 124, line 3—R. 125, line 5; R. 257, line 24—R. 258, line 4; R. 72, line 5—R. 273, line 11. Co-defendant stopped at the unoccupied mobile home, Appellant got her mail, and Co-defendant helped open the back door so Appellant could get some of her personal possessions from the trailer. R. 258, line 20—R. 260, line 11; R. 273, lines 12-22. Once the landlord's father came over to the mobile home and indicated Appellant was evicted, both Appellant and Co-defendant left. R. 110, line 21—R.112, line 4.

Police responded to the landlord's 911 call and encountered Co-defendant's truck at around 3:00 pm. R. 59, lines 7-9; R. 62, lines 12-22; R. 66, lines 19-20; R. 117, line 16—R. 118, line 6. Once behind the truck, Co-defendant fled and engaged police in a high-speed chase for approximately 15 minutes, reaching speeds between 70 to 90 miles per hour, and passing at least one school bus in the process. R. 63, line 1—R. 66, line 24; R. 97, line 14—R. 98, line 14; R. 297, lines 18-23; R. 375, lines 2-3. After crashing in the wood line of a field off another dirt road, Co-defendant decided to "bush bond"[1] from his truck and ran further into the woods; meanwhile, Appellant remained in the passenger seat of Co-defendant's pick-up truck and did not resist arrest. R. 67, lines 3-14; R. 72, line 20—R. 74, line 24; R. 98, line 16—R. 100, line 8; R. 104, lines 15-18. Co-defendant was found soon after by law enforcement attempting to hide in a culvert, from

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[1] Chief Steven Watkins, of the Gaston Police Department, defined "bush bond" as "a term we use when somebody exits a vehicle and flees on foot." R. 100, lines 1-2.

which police had to pull him out. R. 76, line 5—R. 77, line 13. Co-defendant was apprehended, brought back, placed into a patrol car with Appellant, and taken to jail.

Prior to towing Co-defendant's truck, police found several items in plain view inside the cab, including the following: an uncrushed pack of cigarettes on the seat with a small baggie of crystal substance; and an open cooler bag on the floor between the driver and passenger seats containing a larger bag of crystal substance; mail from Appellant's old address; and the "blue sheet" of Co-defendant regarding his pending attempted murder charge in Lexington County found in the passenger seat.[2] R. 80, lines 5-7; R. 82, line 20—R. 83, line 2; R. 101, line 5—R. 104, line 6; R. 127, line 19—R. 132, line 23. No items containing the crystal substance were tested for either fingerprints or touch DNA.

During trial and immediately prior to Co-defendant's testimony, Appellant notified the trial court of his desire to cross examine Co-defendant regarding his exposure to both his Class-A felony of Attempted Murder, which was pending at the time of his arrest, as well as his trafficking methamphetamine (28g-100g) for which he was currently on trial. Citing to case law and Constitutional law, Appellant sought to cross Co-defendant on these matters to show bias and that his true motive for running from law enforcement was not for fear of going to jail for a lowly driving under a suspended license, but for fear of going to jail for a far longer time for far more serious offenses. R. 242, lines 13-20; R. 243, lines 3-8; R. 243, lines 23—R. 244, line 1; R. 244, lines 3-4. The State "adamantly opposed to [Co-defendant] being questioned in any form or fashion, unless he were to open the door to it, about any pending charges he has in this jurisdiction or any other jurisdiction that doesn't fall under some rule of evidence that would make them

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2 According to the State, the "blue sheet" was later redacted as white in the photograph of the truck. R. 127, line 19—R. 132, line 23.

admissible." R. 244, lines 16-21. The trial court ruled that it did not "know of any rules of evidence that it would fall under or any case law," and without performing an analysis on the record, indicated that it "did the 403(b) analysis" and could not "find anything that would be more prejudicial." R. 244, lines 22-25. Further, the trial court denied Appellant's request to proffer the testimony *in camera*. R. 245, lines 2-3.

Appellant again tried to clarify the theory underlying the need for such testimony, arguing, "Your honor, our theory is that [Co-defendant] was not running because of driving under suspension, he was running because he had drugs and to not allow us to cross-examine him about that would negate our theory, essentially." The trial court again denied his request, stating, "You can always put your client on the stand." R. 245, lines 5-11. Appellant made one final attempt prior to Co-defendant's testimony to be allowed cross-examination of him regarding potential penalties of driving under suspension versus trafficking methamphetamine and highlighting that bias is always an issue, yet the trial court again denied the request. R. 255, lines 15-23.

Co-defendant indeed took the stand and testified *inter alia* about his motive for fleeing police—both for the harrowing high-speed chase as well as for running away on foot after he crashed his truck. Specifically, Co-defendant insisted he ran for no other reason but one: he "got scared and did not want to go to jail" because his license was suspended at the time. Co-defendant flatly denied even knowing about the large quantity drugs in his truck, let alone running because he was scared to go to jail for possessing them. Additionally, Co-defendant was permitted to testify regarding the 47 days he did serve on his 60 day sentence for driving under suspended license. R. 261, line 15—R. 262, line 9; R. 263, lines 5-10; R. 264, line 1—R. 265, line 13 R. 289, lines 9-17; R. 291, lines 3-4; R. 293, lines 3-19; R. 296, lines 11-23; R. 298, line 10. However, Co-defendant—who testified he was frightened to go to jail for any period of time—faced no

questions regarding the potential sentence of 7-25 years incarceration for the charge he faced for possessing the methamphetamines located in his truck, or potential bond revocation for his other pending Class A felony, as his true potential motive for driving so recklessly and for so long away from pursuing officers.

Credibility was a common theme throughout closing arguments. For example, the State told the jury it had "to make a determination with regard to what [Co-defendant's] credibility is as to his statements about why he was running from police. . . . whether you believe that it's credible that somebody goes through all that for a DUS. . . . [n]ot because he had trafficking level of methamphetamine in the car that he was just coming from a burglary." R. 317, lines 1-10; R. 321, line 24—R. 322, line 25.

Co-defendant's closing likewise relied upon his testimony that he only ran because he did not want to go to jail for driving under suspension. In so doing, counsel for Co-defendant indicated Co-defendant's testimony was credible and he "would rather hear the truth from [Co-defendant] than just be misled or shined on." In support, he likewise relayed to the jury that 47 days was a significant period of time, even going so far as indicating it could feel like years. R. 325, line18—R. 326, line 25; R. 327, line 22—R. 328, line 4. In essence, Co-defendant's entire theory regarding the matter boiled down to the following:

> [T]here's no evidence of trafficking. What they're trying to do is get you to think well, he ran because he's guilty off having this dope. He said I ran because I didn't want to do 47 days, which he did. That is reasonable. I wouldn't want to do two days. You know, I mentioned I did basic training. That was eight weeks, but it felt like about eight and a half years at the time. It's no different than jail. Everybody telling you what to do, bossing you around. You can't take showers, you can't wash yourself, all that stuff.
>
> Jail is not pleasant. Now, it's not pleasant for a reason, you don't necessarily want it to be. But 47 days, a lot of people might make a lot of decisions that sound stupid in front of a jury to avoid

> 47 days at the detention center over there with all the folks that are in there for all kinds of other stuff, you know, minor stuff and major stuff.
>
> So I really do hope that you all just focus on the evidence. What says that Jake is a dope trafficker or methamphetamine trafficker? What says that? They imply that. They want you to guess that. They haven't proved that. I mean, who is linked to these drugs by anything? By behavior, by testimony? I'm not here to try the State's case for them, that's not what I do, but let's be reasonable here. Who does everything point to? It does not point to Jake.

R. 331, line 22—R. 332, line 25.

Appellant was found guilty of trafficking methamphetamine (28g-100g), and third-degree burglary, while Co-defendant was found guilty of failure to stop for a blue light, but not guilty of trafficking methamphetamine.[3] R. 369, line 17—R. 370, line 13. The trial court imposed concurrent sentences of seven (7) years for trafficking methamphetamine (28g-100g), and two (2) days for third-degree burglary, with credit of two days' time served. R. 376, line 16—R. 377, line 5. This appeal follows.

[3] The jury hung on the burglary charge against Co-defendant. R. 370, lines 12-13.

ARGUMENT

The trial court reversibly erred by preventing Appellant from cross-examining her co-defendant regarding either the exposure he possibly faced for his pending trafficking methamphetamine charge, or that another Class A felony was pending at the time of his arrest, where the co-defendant repeatedly asserted throughout his testimony and closing argument that the only reason he ran from police—both in his truck with Appellant in it, as well as on foot after he crashed—was because he did not want to go to jail due to his drivers' license being suspended.

The trial court violated Appellant's Sixth Amendment Confrontation Clause rights when it staunchly refused to allow cross-examination of Co-defendant regarding matters pertaining directly to his bias and credibility. Co-defendant intentionally put his motive to run from police—both in his truck on a high-speed chase, as well as on foot when he ran after crashing—at issue before the jury by testifying it was solely due to his fear of going to jail for driving under a suspended license. As a result, Appellant should have been permitted to cross-examine Co-defendant regarding his exposure under the trafficking methamphetamine charge for which he was on trial due to the bag of drugs next to him in the truck, as well as the fact that he was on bond for the Class-A felony of Attempted Murder, at the time he ran from police.

"The Sixth Amendment rights to notice, confrontation, and compulsory process guarantee that a criminal charge may be answered through the calling and interrogation of favorable witnesses, the cross-examination of adverse witnesses, and the orderly introduction of evidence." State v. Mizzell, 349 S.C. 326, 330, 563 S.E.2d 315, 317 (2002) (quoting State v. Graham, 314 S.C. 383, 385, 444 S.E.2d 525, 527 (1994)). This fundamental constitutional right applies to the various states through the Fourteenth Amendment. Id. (citing Pointer v. Texas, 380 U.S. 400, 85 S.Ct. 1065, 13 L.Ed.2d 923 (1965)).

"A criminal defendant may show a violation of the Confrontation Clause by showing that he was prohibited from engaging in otherwise appropriate cross-examination designed to show a

prototypical form of bias on the part of the witness, and thereby to expose the jury to the facts from which jurors . . . could appropriately draw inferences relating to the reliability of the witness." Id. 349 S.C. at 331, 563 S.E.2d at 317 (internal quotations omitted) (quoting Deleware v. VanArsdall, 475 U.S. 673, 680, 106 S.Ct. 1431, 1436, 89 L.Ed.2d 674, 684 (1986)). As such, a defendant's right to engage in cross-examination to show bias on the part of the witness can only be limited if the record clearly shows the cross-examination is inappropriate. See Graham, 314 S.C. at 385-86, 444 S.E.2d at 527.

"A defendant has the right to cross-examine a witness concerning bias under the Confrontation Clause." Id. (citing Davis v. Alaska, 415 U.S. 308, 94 S.Ct. 1105, 39 L.Ed2d 347 (1974), and State v. Brown, 303 S.C. 169, 399 S.E.2d 593 (1991)). "Considerable latitude is allowed in the cross-examination of an adverse witness for the purpose of testing bias." Brown, 303 S.C. at 171, 399 S.E.2d at 594 (citing State v. McFarlane, 279 S.C. 327, 306 S.E.2d 611 (1983), and State v. Collins, 235 S.C. 65, 110 S.E.2d 270 (1959)). In fact, as our Supreme Court explained in State v. Brewington, one of the purposes of cross-examination is to draw out facts showing any interest, bias, or partiality of the witness before the jury:

> Since it is the function of the jury to determine the credibility of witnesses and the weight to be given their testimony, 'as a general rule, *anything having a legitimate tendency to throw light on the accuracy, truthfulness, and sincerity of a witness may be shown and considered in determining the credit to be accorded his testimony*;' and 'on cross-examination, any fact may be elicited which tends to show interest, bias, or partiality' of the witness.

Id. 267 S.C. 97, 102-03, 226 S.E.2d 249, 251 (1976) (emphasis added) (internal citations omitted) (quoting 98 C.J.S. Witnesses § 460 and 560a); see also, Rule 608(c), SCRE ("*Bias, prejudice or any other motive to misrepresent may be shown* to impeach the witness either by examination of the witness or by evidence otherwise adduced.") (emphasis added).

South Carolina case law is replete with instances of defendants being wrongfully denied their right to cross-examine witnesses regarding matters of interest, bias, or partiality. For example, in Mizzell, as here, an alleged coconspirator was charged with the same offense as the defendant, and testified as an adverse witness. The court there held the defendant should have been allowed to cross-examine the witness regarding his possible exposure because the witness may have felt that the quality of his testimony would result in more lenient treatment by the prosecution. Mizzell, 349 S.C. at 329-30, 563 S.E.2d at 317-18. Here, Codefendant was charged with the same offense as Appellant—trafficking methamphetamine (28g-100g)—and was an adverse witness to Appellant in the case. Id. 349 S.C. at 329-30, 563 S.E.2d at 317-18. Rather than testifying for possible leniency from the government, Co-defendant's testimony sought leniency from the jury to avoid responsibility for the far more serious penalties involved with trafficking methamphetamine. This much was made obvious in Co-defendant's closing argument: "I'm not here to try the State's case for them, that's not what I do, but let's be reasonable here. Who does everything point to? It does not point to [Co-defendant]." R. 332, lines 22-25.

In Brown, the Supreme Court also determined the defendant was prejudiced by the trial court's limitation of cross-examination regarding the potential sentencing range the coconspirator witness avoided by accepting a guilty plea for a lesser offense. Tellingly, the Court ruled as follows: "We reject the State's argument that inquiry into punishment was properly excluded because it would have allowed the jury to learn of appellant's own sentence if convicted. We conclude appellant's right to meaningful cross-examination outweighs the State's interest here." Id. 303 S.C. at 171-72, 399 S.E.2d at 594. See also, State v. Gracely, 399 S.C. 363, 374-75, 731 S.E.2d 880, 886 (2012) (holding a defendant must be allowed to present the fact to a jury that a cooperating witness avoided a mandatory minimum sentence).

In State v. Schmidt, the defense was wrongfully limited in his cross-examination and denied the ability to introduce evidence of a "vendetta" to establish motive, bias, and prejudice on the part of the alleged victim and her family. Id. 288 S.C. 301, 303-04, 342 S.E.2d 401, 403 (1986). As the Schmidt Court explained, Schmidt's entire defense at trial was that he did not commit the alleged act and that the child's story was concocted. . . . Clearly the trial court's ruling on the motion to limit the testimony and its refusal to allow Schmidt's proffer of testimony denied Schmidt a fair and impartial trial because he was not allowed to present his defense." Id.

The underlying principle running throughout these cases is that the defense was denied the right to cross-examine a witness regarding possible interests, bias, or prejudices, as well as the witnesses' possible motivation for testifying as they did. This common thread runs through Appellant's case as well.

In the present matter, Appellant was prohibited from engaging in appropriate cross-examination designed to show a prototypical form of interest, bias, or partiality on the part of Co-defendant. In so doing, the trial court likewise denied Appellant of her right to a fair and impartial trial. As in Schmidt,[4] the trial court here denied Appellant of her right to a fair and impartial trial by denying her both the right to cross-examine a witness regarding his motive for running from police—a motive that Co-defendant himself placed squarely at issue during his direct examination.[5] As such, the trial court likewise denied Appellant the ability to effectively present

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[4] As in Schmidt, the trial court refused to even allow Appellant to make a proffer. R. 245, lines 2-3. Moreover, despite the court's statement that it performed a 403 analysis, no analysis appears in the record. R. 244, lines 22-25.

[5] Counsel for Co-defendant was clear prior to his testimony that he was going to say he ran only because his license was suspended. See, e.g., R. 248, lines 8-10 ("I will submit that [Co-defendant]'s going to testify that he didn't want to go to jail for DUS and that's why he took off."). Thus, the trial court was aware that Co-defendant was going to open the door and place the issue of his reason for running before the jury. Thus, even if otherwise inadmissible, Appellant should have been permitted to admit evidence of Co-defendant's exposure to more severe jail terms as the

her defense that the drugs found in Co-defendant's truck were indeed Co-defendant's drugs, which is why Co-defendant recklessly sped from police for a quarter of an hour, ran in a "bush bond" after crashing his drug laden truck, and tried to hide from police in a culvert. See Id.; see also, State v. Page, 406 S.C. 272, 290, 750 S.E.2d 623, 633 (2013) (reversing where the trial court erroneously limited defendant's cross-examination by excluding relevant testimony that "expressly create[d] a question for the jury.").

In other words, by prohibiting Appellant from cross-examining Co-defendant on his actual exposure for either the large quantity of drugs that were in plain view inside Co-defendant's truck, or the fact that he was already on bond for a Class-A felony and that court paperwork in the passenger seat of his truck near the drugs not only existed but was Co-defendant's, the trial court effectively prohibited Appellant from informing the jury of other more probable reasons Co-defendant engaged in his reckless high-speed chase—he knew his criminal activity was far more heinous than a mere 60 day misdemeanor because he possessed trafficking amounts of methamphetamine in his truck. Such evidence would have had "a legitimate tendency to throw light on the accuracy, truthfulness, and sincerity of a witness [which] may be shown and considered in determining the credit to be accorded his testimony." Brewington, 267 S.C. at 102-03, 226 S.E.2d at 251. However, Appellant was denied of her right to elicit such critical evidence—evidence crucial to both Co-defendant's credibility and bias before the jury, and to Appellant's defense that the methamphetamine was not hers but Co-defendant's—by the trial court's erroneous ruling.

reason Co-defendant "took off." See, e.g., Bowman v. State, 422 S.C. 19, 40, 809 S.E.2d 232, 243-44 (2018) ("it is firmly established that otherwise inadmissible evidence may be properly admitted when opposing counsel opens the door to that evidence.") (quoting State v. Page, 378 S.C. 476, 482-83, 663 S.E.2d 357, 360 (Ct. App. 2008)).

Moreover, Appellant was prejudiced as a result of the trial court's violation of her Sixth Amendment Confrontation Clause rights. As indicated above, the case hinged largely on the credibility of Co-defendant. Once Appellant was forbidden to cross-examine Co-defendant regarding his other charges, Co-defendant relied upon the ruling by repeatedly and extensively representing to the jury both in testimony and his closing argument that the only reason he ran from police was due to fear of jail for driving without a license. R. 325, line18—R. 326, line 25; R. 327, line 22—R. 328, line 4; R. 331, line 22—R. 332, line 25. Yet, for a man living in such a heightened state of fear of incarceration, 47 days of time served off a 60-day sentence for DUS pales in comparison to either the offense the trafficking methamphetamine (28g-100g) with mandatory minimum of 7 years and a maximum of 25 years, or the Class-A felony of Attempted Murder with a range of 0-30 years. In other words, the trial court's ruling effectively permitted Co-defendant grossly mislead the jury regarding his reasons for running, and thus his knowledge and responsibility for the drugs in his constructive possession. Co-defendant used the erroneous ruling as a sword rather than a shield and threw all blame for the drugs found in his truck squarely at Appellant's feet, as exemplified in his closing argument:

> [T]here's no evidence of trafficking. What they're trying to do is get you to think well, he ran because he's guilty off having this dope. He said I ran because I didn't want to do 47 days, which he did. That is reasonable. I wouldn't want to do two days. You know, I mentioned I did basic training. That was eight weeks, but it felt like about eight and a half years at the time. It's no different than jail. Everybody telling you what to do, bossing you around. You can't take showers, you can't wash yourself, all that stuff.
>
> Jail is not pleasant. Now, it's not pleasant for a reason, you don't necessarily want it to be. But 47 days, a lot of people might make a lot of decisions that sound stupid in front of a jury to avoid 47 days at the detention center over there with all the folks that are in there for all kinds of other stuff, you know, minor stuff and major stuff.

> So I really do hope that you all just focus on the evidence. What says that Jake is a dope trafficker or methamphetamine trafficker? What says that? They imply that. They want you to guess that. They haven't proved that. I mean, who is linked to these drugs by anything? By behavior, by testimony? I'm not here to try the State's case for them, that's not what I do, but let's be reasonable here. Who does everything point to? It does not point to Jake.

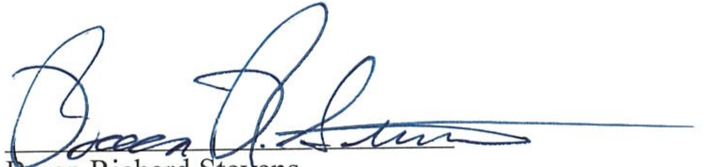
R. 331, line 22—R. 332, line 25. Co-defendant could only get away with such a brazen, misleading tactic because the trial court denied Appellant the right to put Co-defendant through the full crucible of cross-examination and show the jury the truth where the truth lies.

Additionally, the evidence against Appellant as the possessor of the methamphetamine was circumstantial and weak at best. First, no fingerprints or touch DNA was introduced at trial conclusively showing who handled either the bag of methamphetamine itself or the larger bag in which it was found. Second, the cigarette pack containing a small amount of methamphetamine was similarly untested; further, even though it was found in or near the passenger seat, it was uncrushed. The fact that an item is found lying about in a Co-defendant's vehicle in unexpected places is unsurprising, given the fact that the same person just engaged in a lengthy high-speed chase ending in a crash. What is more, simply because an article is near Appellant's seat does not mean it was hers; a clear example of this reality is the presence of Co-defendant's court document for his pending Attempted Murder charge found in the passenger seat as well. Third, the bag containing the methamphetamine was found in between the driver and passenger seats inside Co-defendant's truck, and although police claim mail to Appellant's former address was sticking out of it, there was no indication of how it got there, or why—especially after the chase and crash. Also, as Appellant's counsel pointed out, the logo on the bag with methamphetamine had the same logo as another bag on the driver's side of Co-defendant's truck. R. 341, line 21-25. More importantly, the only person claiming Appellant brought a bag looking like the cooler bag into Co-

defendant's truck was Co-defendant. In other words, the same person whose credibility regarding his reason for running from police was not exposed to full cross-examination is the same person whose credibility stood behind placing the cooler bag with Appellant. Accordingly, Appellant was prejudiced by the trial court's denial of her Sixth Amendment Confrontation Clause rights.

CONCLUSION

For the foregoing reasons, Appellant Kelsey N. Spurlock respectfully requests that this Court reverse her convictions and remand the matter for a new trial.



Breen Richard Stevens
Appellate Defender

ATTORNEY FOR APPELLANT

This 19th day of July, 2023.

CERTIFICATE OF COUNSEL

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

July 19, 2023

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