STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County
The Honorable Letitia H. Verdin, Circuit Court Judge

Appellate Case No: 2012-208627

THE STATE,

Respondent,

v.

ANDREW T. LOOPER,

Appellant.

INITIAL BRIEF OF RESPONDENT

ALAN WILSON
Attorney General

JENNIFER ELLIS ROBERTS
Assistant Attorney General
S.C. Bar No: 79818

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases:

Statutes:

Other Authorities:

STATEMENT OF ISSUES ON APPEAL

I.

Appellate jurisdiction is not proper in this case because the circuit court's ruling was not a final order and, thus, this Court's initial dismissal of the appeal was correct.

II.

The circuit court properly reversed and remanded the case for a new trial because the magistrate court's ruling suppressing the evidence and dismissing the case was in error.

STATEMENT OF THE CASE

Appellant was charged with driving under the influence and proceeded to trial before a magistrate. Pretrial, Appellant moved to suppress evidence resulting from the traffic stop. After a suppression hearing, the magistrate granted Appellant's motion to suppress the evidence and subsequently dismissed the charge. (R.* Order of Magistrate.) The magistrate filed a written order, which the State appealed to the circuit court. After a hearing, the Honorable Letitia H. Verdin reversed and remanded the case for further proceedings. (R.* Order of Circuit Court Reversing Magistrate.) (Unfortunately, no transcript from this hearing is available due to an equipment malfunction, according to the court reporter.) Appellant filed a motion to reconsider, which the circuit court denied. (R.* Order of Circuit Court Denying Rule 59 Relief.) Appellant then filed an appeal in this Court, and the State moved to dismiss the appeal. Initially, this Court dismissed the appeal, but after Appellant filed a motion to reinstate, this Court ultimately reinstated the appeal.

STATEMENT OF FACTS

Appellant was travelling 78 miles per hour in a 40-miles-per-hour zone on Rutherford Road in Greenville County. (Tr. 2, lines 9-14; R.* Order of Magistrate 1.) Deputy Matthew Smith conducted a traffic stop. (Tr. 2, lines 12-14.) During the deputy's initial confrontation with Appellant to collect his license and registration, Appellant denied consuming alcohol. (R.* Order of Magistrate 1-2.) Deputy Smith issued two citations for Appellant, one for speeding and one for an expired tag. (R.* Order of Magistrate 2.) Deputy Smith explained each ticket in detail and informed Appellant he could pay in advance to avoid appearing in court. (R.* Order of Magistrate 2.) At that point, Deputy Smith asked Appellant why he had gone downtown and whether he had consumed alcohol. (R.* Order of Magistrate 2.) Appellant told the deputy, "Yes, sir, I did." (R.* Order of Magistrate 2.) Deputy Smith then asked Appellant to perform three sobriety tests and subsequently arrested Appellant for driving under the influence (DUI). (R.* Order of Magistrate 2.)

Appellant proceeded to trial before the Honorable Charles R. Garrett, Greenville County Magistrate Court Judge, on May 2, 2011. (R.* Order of Magistrate 1.) Pretrial, Appellant asked for a hearing to determine whether the actions of the arresting officer and the arrest of Appellant were constitutional. (R.* Order of Magistrate 1.) The magistrate court viewed a videotape of the incident, marked Exhibit 1. (Tr. 5, lines 25-Tr. 7, line 5.) The magistrate court took a break and afterward, defense counsel referred to a ruling to suppress everything beyond the tickets that were written for speeding and an expired tag. (Tr. 7, lines 5-15.) Although the record does not contain the ruling itself, the magistrate court affirmed that was its ruling, and defense counsel moved for dismissal of the DUI charge. (Tr. 7, lines 16-25.) The State then asked the magistrate's court to

specify which cases its ruling was based on, and defense counsel offered to prepare a written order. (Tr. 8, lines 1-22.) The magistrate's court then dismissed the case. (Tr. 9, line 4.)

The State appealed to the circuit court. After a hearing, the Honorable Letitia H. Verdin reversed and remanded the case for further proceedings. (R.* Order of Circuit Court Reversing Magistrate.)

ARGUMENT

I.

Appellate jurisdiction is not proper in this case because the circuit court's ruling was not a final order and, thus, this Court's initial dismissal of the appeal was correct.

Appellant argues appellate jurisdiction is proper in this case because once the State appealed the magistrate's ruling and that appeal was properly before the circuit court, State v. Gregorie[1] allowed Appellant to appeal to this Court as a statutory right pursuant to sections 18-1-30 and 18-9-10 of the South Carolina Code. Specifically, Appellant argues he was made an aggrieved party by the reversal and new trial remedy ordered by the circuit court and, thus, fit the rule clarified in Gregorie that "[a]ny aggrieved party may appeal the circuit court's final judgment." However, because this was not a final judgment, Appellant cannot appeal the circuit court's ruling without first being convicted and sentenced. Accordingly, this Court's initial decision to dismiss the appeal was correct because appellate jurisdiction is not proper in this case.

"In a criminal appeal from the magistrate's court, the circuit court does not review the matter de novo; rather, the court reviews the case for preserved errors raised by appropriate exception. The circuit court may either confirm the sentence appealed from, reverse or modify it, or grant a new trial. The appellate court's review in criminal cases is limited to correcting the order of the circuit court for errors of law." State v. Hoyle, 397 S.C. 622, 625, 725 S.E.2d 720, 722 (Ct. App. 2012) (internal citations and quotation marks omitted).

"In South Carolina, a criminal defendant may not appeal until sentence has been imposed." State v. Miller, 289 S.C. 426, 427, 346 S.E.2d 705, 706 (1986); Parsons v.

[1] 339 S.C. 2, 528 S.E.2d 77 (2000).

State, 289 S.C. 542, 347 S.E.2d 504 (1986); State v. Washington, 285 S.C. 457, 330 S.E.2d 289 (1985).

Appellant argues that while Miller is the general rule, once jurisdiction has been established in the circuit court, in this case by the State's appeal, Gregorie controls rather than Miller. Specifically, Appellant argues Gregorie stands for the proposition that "once the circuit court makes its final ruling on the issues under appeal, further appeal to this Court is specifically governed by Sections 18-1-30 and 18-9-10." (App. Br. 3.) However, Appellant misconstrues Gregorie in this sense. In Gregorie, the petitioner was convicted in a magistrate's court and then the petitioner appealed to the circuit court, which reversed and remanded for a new trial. 339 S.C. at 3, 528 S.E.2d at 78. He then appealed to this Court, which initially dismissed the appeal and then reinstated it, ultimately affirming the circuit court. Id. The Supreme Court granted the petitioner's request for a writ of certiorari and reversed this Court. Id. The Supreme Court pointed out, "The general rule is that a criminal defendant may not appeal 'except from the final sentence imposed by the court.'" Id. (quoting State v. Timmons, 68 S.C. 258, 47 S.E. 140 (1904)). The Supreme Court found this Court created an exception to the general rule if further proceedings would violate double jeopardy, permitting a defendant to appeal the circuit court order in that situation. Id. at 3, 528 S.E.2d at 78. The Supreme Court took the opportunity to clarify the appealability rule, noting that a defendant must have first been convicted and sentenced in magistrate's court as a prerequisite to the right to file an appeal to the circuit court. Id. at 3-4, 528 S.E.2d at 78. "Once that court renders its final judgment, the right to further appellate review is controlled by statute: Any aggrieved party may appeal the circuit court's final judgment." Id. at 4, 528 S.E.2d at 78 (citing S.C. Code Ann. §§ 18-1-30 (1985); 18-9-10 (Supp. 2012)). The Supreme

Court determined, "The test is not whether the appeal involves a double jeopardy claim as held by the Court of Appeals, but whether the party bringing the appeal is aggrieved." Id. at 4, 528 S.E.2d at 78. The Supreme Court found the "petitioner was aggrieved by the new trial remedy ordered by the circuit court, and thus his appeal was proper." Id. Ultimately, the Supreme Court determined that a second trial in magistrate's court would violate his Double Jeopardy rights and reversed this Court's decision. Id.

Appellant misinterprets the Supreme Court's ruling by focusing only on whether the party was aggrieved. While Gregorie was aggrieved by the decision to remand his case for a new trial, it was because he had already been convicted. Therefore, a second trial would violate his Double Jeopardy rights. Here, Appellant has not been convicted yet and, thus, a new trial would not violate his Double Jeopardy rights and make him an aggrieved party. Furthermore, Appellant was not the party who brought the appeal in the circuit court from which appellate jurisdiction stemmed. Indeed, Appellant could not have brought an appeal from the magistrate court's decision because section 18-3-10 of the South Carolina Code provides, "Every person convicted before a magistrate of any offense whatever and sentenced may appeal from the sentence to the Court of Common Pleas for the county." (emphasis added.) Because Appellant was neither convicted nor sentenced, he was never in a position to appeal and was not transformed into an aggrieved party simply because the State appealed.

"[A]ppellate review is limited to parties aggrieved by a judgment, order, or sentence below . . . and an aggrieved party is one who is injured in a legal sense or has suffered an injury to person or property." State v. Cox, 328 S.C. 371, 373, 492 S.E.2d 399, 400 (Ct. App. 1997) (citing Rule 201(b), SCACR; Ex parte Whetstone, 289 S.C. 580, 581, 347 S.E.2d 881, 882 (1986)). In the case sub judice, Appellant has not suffered

any injury. He has not been convicted or sentenced. The circuit court's order remanding to the magistrate for further proceedings could result in an acquittal or a conviction. Either way, Appellant will not have been injured in any legal sense by going to trial for the first time. Therefore, Appellant does not fit the definition of "aggrieved party" and did not have the right to appeal the circuit court's decision to this Court. Accordingly, this Court was correct in initially dismissing the appeal.

In Bone v. U.S. Food Serv., the Supreme Court considered the meaning of a "final decision:"

> If there is some further act which must be done by the court prior to a determination of the rights of the parties, the order is interlocutory. A judgment which determines the applicable law, but leaves open questions of fact, is not a final judgment. Rather, [a] final judgment disposes of the whole subject matter of the action or terminates the particular proceeding or action, leaving nothing to be done but to enforce by execution what has been determined.

399 S.C. 566, 573, 733 S.E.2d 200, 203 (2012) (citations and quotation marks omitted). Similarly, in Lewis v. State, 368 S.C. 630, 631, 630 S.E.2d 464 (2006), the Court considered final judgments in the context of post-conviction relief cases. "Any judgment or decree, leaving some further act to be done by the court before the rights of the parties are determined, is interlocutory; but if it so completely fixes the rights of the parties that the court has nothing further to do in the action, then it is final." Id.

When a judgment grants a new trial, as in this case, the new trial is the "further act" that must be done. It is undoubtedly an interlocutory order and, thus, not appealable. For the above reasons, this Court's initial dismissal of the appeal was proper.

II.

The circuit court properly reversed and remanded the case for a new trial.

Appellant argues the circuit court erred in reversing the magistrate court's ruling without identifying any specific error of law on the part of the magistrate. He also argues the circuit court did not identify the standard by which it reviewed the magistrate's ruling. He argues the magistrate determined that the facts presented during the suppression hearing did not establish the requisite reasonable suspicion. Further, Appellant argues a factual basis supported the magistrate's ruling and the circuit court erred in reversing it. On the contrary, the circuit court considered the totality of the circumstances and found no evidence supported the magistrate's conclusion that no reasonable suspicion existed. Therefore, the circuit court properly reversed the magistrate's ruling.

In criminal cases, the appellate court sits to review errors of law only. State v. Butler, 353 S.C. 383, 388, 577 S.E.2d 498, 500 (Ct. App. 2003). In Fourth Amendment search and seizure cases, the appellate court is limited to determining if there is any evidence to support the trial court's findings and can only reverse due to clear error. State v. Flowers, 360 S.C. 1, 5, 598 S.E.2d 725, 727 (Ct. App. 2004); (see also State v. Bowman, 366 S.C. 485, 501, 623 S.E.2d 378, 386 (2005). The appellate court will not reverse merely because it would have reached a different conclusion than the trial judge. State v. Rivera, 384 S.C. 356, 361, 682 S.E.2d 307, 310 (Ct. App. 2009). The reviewing court may conduct its own review of the record to determine whether the trial judge's ruling is supported by the evidence. State v. Khingratsaiphon, 352 S.C. 62, 70, 572 S.E.2d 456, 460 (2002). The appellate court must affirm the trial court if there is any

evidence in the record to support the ruling. State v. Pichardo, 367 S.C. 84, 96, 623 S.E.2d 840, 846 (Ct. App. 2005).

The Fourth Amendment protects "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend. IV. However, "[t]he purpose of the Fourth Amendment is not to eliminate all contact between the police and the citizenry, but 'to prevent arbitrary and oppressive interference by enforcement officials with the privacy and personal security of individuals.'" United States v. Mendenhall, 446 U.S. 544, 553-54 (1980) (quoting United States v. Martinez-Fuerte, 428 U.S. 543, 554 (1976)). The Fourth Amendment's exclusionary rule prohibits unreasonable searches and seizures. U.S. Const. amend. IV; see also S.C. Const. art. I, § 10. Any evidence seized as the result of an unreasonable search and seizure must be excluded from trial. State v. Weaver, 374 S.C. 313, 319, 649 S.E.2d 479, 482 (2007).

For Fourth Amendment purposes, a traffic stop of a vehicle, along with the detention of individuals during the stop, constitutes a seizure. State v. Maybank, 352 S.C. 310, 315, 573 S.E.2d 851, 854 (Ct. App. 2002). While the Fourth Amendment requires a stop to be reasonable under the circumstances, a traffic stop is reasonable per se when probable cause exists to believe a traffic violation has occurred. State v. Williams, 351 S.C. 591, 598, 571 S.E.2d 703, 707 (Ct. App. 2002). The reasonableness of a stop or detention "is measured in objective terms by examining the totality of the circumstances." Ohio v. Robinette, 519 U.S. 33, 39 (1996). "Subjective intentions play no role in ordinary, probable-cause Fourth Amendment analysis." Whren v. United States, 517 U.S. 806, 813 (1996).

Once a lawful traffic stop is initiated, an officer may order the driver out of the vehicle and "may request a driver's license and vehicle registration, run a computer check, and issue a citation." Pichardo, 367 S.C. at 98, 623 S.E.2d at 847 (citing United States v. Sullivan, 138 F.3d 126 (4th Cir. 1998)); see also Muehler v. Mena, 544 U.S. 93, 100-101 (2005) (instructing additional questioning during a detention unrelated to the original purpose of the detention does not constitute an additional seizure or independent Fourth Amendment violation). Such an investigatory stop must be temporary and last no longer than necessary to effectuate its purpose. Pichardo, 367 S.C. at 98, 623 S.E.2d at 848; see also United States v. Branch, 537 F.3d 328, 336 (4th Cir. 2008) ("The maximum acceptable length of a routine traffic stop cannot be stated with mathematical precision. Instead, the appropriate constitutional inquiry is whether the detention lasted longer than was necessary, given its purpose.")

Even if a traffic stop is initially lawful, the detention "can become unlawful if it is prolonged beyond the time reasonably required to complete [its] mission." Illinois v. Caballes, 543 U.S. 405, 407 (2005); see Pichardo, 367 S.C. at 98, 623 S.E.2d at 848 ("Once the purpose of that stop has been fulfilled, the continued detention of the car and the occupants amounts to a second detention."). However, a further detention extending the scope of a traffic stop beyond its original purpose is not automatically unconstitutional. Pichardo, 367 S.C. at 99, 623 S.E.2d at 848. Instead, continued questioning beyond the duration of an initial traffic stop is lawful and permissible where: (1) the officer has a reasonable articulable suspicion of other illegal activity; or (2) the traffic stop becomes a consensual encounter. Id.

Reasonable suspicion consists of "'a particularized and objective basis' that would lead one to suspect another of criminal activity." State v. Lesley, 326 S.C. 641,

644, 486 S.E.2d 276, 277 (Ct. App. 1997) (quoting United States v. Cortez, 449 U.S. 411, 417 (1981)). "Reasonable suspicion 'is not readily, or even usefully, reduced to a neat set of legal rules, but, rather, entails common sense, nontechnical conceptions that deal with factual and practical considerations of everyday life on which reasonable and prudent persons, not legal technicians, act.'" State v. Provet, 391 S.C. 494, 500, 706 S.E.2d 513, 516 (Ct. App. 2011) (quoting United States v. Foreman, 369 F.3d 776, 781 (4th Cir. 2004)). "In this highly fact-specific inquiry, reasonable suspicion 'is a fluid concept which takes its substantive content from the particular context in which the standard is being assessed.'" State v. Wallace, 392 S.C. 47, 51-52, 707 S.E.2d 451, 453 (Ct. App. 2011) (certiorari granted April 5, 2012, and dismissed as improvidently granted December 19, 2012) (quoting Foreman, 369 F.3d at 781).

The reasonable suspicion standard "is a less demanding standard than probable cause and requires a showing considerably less than preponderance of the evidence[.]" Illinois v. Wardlow, 528 U.S. 119, 123 (2000). "Reasonable suspicion is more than a general hunch but less than what is required for probable cause." State v. Willard, 374 S.C. 129, 134, 647 S.E.2d 252, 255 (Ct. App. 2007); see State v. Rogers, 368 S.C. 529, 534, 629 S.E.2d 679, 682 (Ct. App. 2006) ("Reasonable suspicion is something more than an inchoate and unparticularized suspicion or hunch.").

In determining the existence of reasonable suspicion, the totality of the circumstances must be considered. Pichardo, 367 S.C. at 104, 623 S.E.2d at 85. In reviewing the totality of the circumstances, the individual factors of the traffic stop must not be considered piecemeal or in isolation. See Branch, 537 F.3d at 337 ("Courts must look at the 'cumulative information available' to the officer . . . and not find a stop unjustified based merely on a 'piecemeal refutation of each individual' fact and

inference[.]" (citations omitted)). Instead, all of the circumstances of the stop must be considered as a whole to determine whether the officer's actions were reasonable in light of all of the information available to him at the time. See United States v. Mason, 628 F.3d 123, 129 (4th Cir. 2010) ("[J]ust as one corner of a picture might not reveal the picture's subject or nature, each component that contributes to reasonable suspicion might not alone give rise to reasonable suspicion."). "In applying the concept of reasonable suspicion to the various facts of a case, '[i]t is the entire mosaic that counts, not single tiles.'" Wallace, 392 S.C. at 52, 707 S.E.2d at 453 (quoting United States v. Whitehead, 849 F.2d 849, 858 (4th Cir. 1988)).

This Court has addressed what constitutes reasonable suspicion of criminal activity in the context of a traffic stop in State v. Tindall, 379 S.C. 304, 665 S.E.2d 188 (Ct. App. 2008). Tindall was stopped by law enforcement for speeding, swerving, and driving too closely. Id. at 307, 665 S.E.2d at 190. Shortly thereafter, Tindall was given a warning ticket, but the officers continued to question him. Id. Approximately fifteen to twenty minutes into the stop, Tindall consented to a search of the vehicle and cocaine was discovered. Id. Subsequently, the trial court denied Tindall's motion to suppress the narcotics as the product of an illegal detention and search, and the Court of Appeals affirmed. Id. at 311, 665 S.E.2d at 192.

While no transcript from the circuit court appeal is available due to an equipment malfunction, the decision of the circuit court was filed in a Form 4. On the Form 4, the circuit court judge stated: "Magistrate's Order granting Defendant's Motion to Suppress was in error and accordingly Defendant's Motion to Suppress was in error. This decision is reversed and remanded for further proceedings." Thus, it is clear the basis for the

circuit court's reversal was the magistrate's error in granting Appellant's motion to suppress.

In the magistrate's order, he set forth specific findings of fact and conclusions of law. (R.* Order of Magistrate 1-2.) One of his findings was that at the conclusion of an interaction between the deputy and Appellant during which he explained each ticket, the deputy inquired whether Appellant had consumed alcohol, to which Appellant responded, "Yes, sir, I did." (R.* Order of Magistrate 2.) The next listed finding was that following that interaction, the deputy asked Appellant to perform three field sobriety tests and ultimately placed Appellant under arrest and charged him with DUI. (R.* Order of Magistrate 2.) Appellant argued in his motion to dismiss the DUI charge that the officer lacked articulable reasonable suspicion of further criminal activity to continue Appellant's detention beyond the point where he had issued him two citations for speeding and an expired tag. (R.* Transcript of Motion Hearing.) In his order, the magistrate stated he "heard extensive arguments from both counsel on this point." (R.* Order of Magistrate 2.) However, the transcript of the motion hearing lacks any record of these arguments. Ultimately, the magistrate found the continued investigative detention of Appellant violated his rights under the Fourth Amendment and granted Appellant's motion to dismiss the DUI charge.

The magistrate's dismissal of the charge was based on an error of law. After stopping Appellant for speeding, the deputy returned to his vehicle to write one ticket for speeding and another for an expired tag. The deputy stayed in his vehicle for approximately twelve minutes. He then issued the two tickets to Appellant and explained what they were for and how to pay the tickets or appear in court. All of this was well within the parameters of a lawful detainment during a traffic stop and, according to the

magistrate's findings of fact, only lasted one minute and thirty seconds. The traffic stop itself was lawfully initiated based on Appellant's driving 78 mph in a 45 mph zone. After that initial lawful stop, an officer may order the driver out of the vehicle and "may request a driver's license and vehicle registration, run a computer check, and issue a citation." Pichardo, 367 S.C. at 98, 623 S.E.2d at 847 (citing United States v. Sullivan, 138 F.3d 126 (4th Cir. 1998)); see also Muehler v. Mena, 544 U.S. 93, 100-101 (2005) (instructing additional questioning during a detention unrelated to the original purpose of the detention does not constitute an additional seizure or independent Fourth Amendment violation). The only restriction on such an investigatory stop is that it must be temporary and last no longer than necessary to effectuate its purpose. Pichardo, 367 S.C. at 98, 623 S.E.2d at 848. However, as United States v. Branch, 537 F.3d 328, 336 (4th Cir. 2008), points out, "The maximum acceptable length of a routine traffic stop cannot be stated with mathematical precision. Instead, the appropriate constitutional inquiry is whether the detention lasted longer than was necessary, given its purpose." Here, the purpose of the stop was to issue a citation for speeding. And, as Muehler points out, additional questioning during a detention unrelated to the original purpose of the detention does not constitute an additional seizure or independent Fourth Amendment violation. Therefore, the deputy did not violate the Fourth Amendment by inquiring into whether Appellant had consumed alcohol when he went downtown. Subsequently, Appellant's admission that he drank was certainly sufficient to establish reasonable suspicion of DUI. It was perfectly reasonable for the deputy to then ask Appellant to perform field sobriety tests in light of his response that he had been drinking.

Based on the above reasons, the magistrate court erred in determining the officer lacked articulable reasonable suspicion to continue Appellant's detention and charge him

with DUI. Consequently, the circuit court correctly reversed and remanded the magistrate's decision to dismiss the DUI charge.

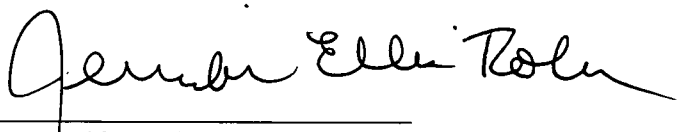
CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

ALAN WILSON
Attorney General

JENNIFER ELLIS ROBERTS
Assistant Attorney General

BY: 
Jennifer Ellis Roberts
Bar # 79818

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

July 29, 2013

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County
The Honorable Letitia H. Verdin, Circuit Court Judge

Appellate Case No: 2012-208627

THE STATE,

Respondent,

v.

ANDREW T. LOOPER,

Appellant.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

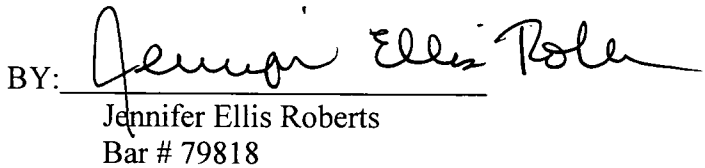
Respondent proposes the same Designation of Matter to be Included in Record on Appeal as Appellant.

To facilitate the preparation of the Final Brief, Respondent requests that counsel for Appellant retain the page numbers of the trial transcript in the Record on Appeal, in addition to the new page numbers.

The undersigned hereby certifies this Designation contains no matter which is irrelevant to this appeal.

ALAN WILSON
Attorney General

JENNIFER ELLIS ROBERTS
Assistant Attorney General

BY: 

Jennifer Ellis Roberts
Bar # 79818

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

July 29, 2013

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County
The Honorable Letitia H. Verdin, Circuit Court Judge

Appellate Case No: 2012-208627

THE STATE,

Respondent,

v.

ANDREW T. LOOPER,

Appellant.

PROOF OF SERVICE

I, Angela Bennett, certify that I have served the within Initial Brief of Respondent and Designation of Matter on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

J. Falkner Wilkes, Esquire
114 Whitsett Street
Greenville, SC 29601

I further certify that all parties required by Rule to be served have been served.
This 29th day of July, 2013.

ANGELA BENNETT
Legal Assistant

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727