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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM LEXINGTON COUNTY
Court Of General Sessions
The Honorable Walton J. McLeod, Circuit Court Judge

Appellate Case No. 2022-001594

THE STATE, Respondent,

v.

CANDIE MCKAY SHEARIN, Appellant.

FINAL BRIEF OF RESPONDENT

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II. The trial court did not abuse its discretion by finding the probative value of photographs was not substantially outweighed by the danger of unfair prejudice.

III. The trial court did not commit reversible error in admitting evidence that established a sufficient chain of custody.

STATEMENT OF THE CASE

In February of 2019, Lexington County Grand Jury indicted Appellant Candie Shearin for abuse of a vulnerable adult causing death. She proceeded to a jury trial on November 7, 2022, before the Honorable Walter J. McLeod IV, was convicted of the lesser included offense of abuse of a vulnerable adult causing great bodily injury and was sentenced to fourteen years' imprisonment. This direct appeal follows.

STATEMENT OF FACTS

Candie Shearin (Appellant) was the primary caregiver for her son Michael Shearin (Victim). He suffered from a rare disease known as Pelizaeus-Merzbacher disease (PMD). (R. 23). This condition is not treatable; PMD can cause spasticity, contracture, and immobility. (R. 61-62). Appellant was Victim's primary caregiver. (R. 96). Victim passed away at the age of 25 in December of 2017. (R. 11).

In December of 2015, Victim weighed 138 pounds. (R. 41). Victim received his nutrients from a feeding tube that was managed with the input of specialists. (R. 39). In November of 2016, Victim was determined to have a stage four decubitus ulcer; these ulcers go through the entire skin and expose underlying tissue. (R. 43-49). Victim's father passed away in the beginning of 2017. (R. 107). Shortly afterwards, on February 3, 2017, Adult Protective Services (APS) visited the home due to an allegation of neglect. (R. 190). APS observed empty takeout containers, soda bottles, and cat litter boxes and detected an odor of urine. (R. 194). The case was subsequently closed after another home visit. (R. 194-196).

By March of 2017, Victim's weight had dropped to 70 pounds. (R. 50). The decubitus ulcer had worsened but was not actively infected. (R. 50). Dr. Talente noted proper nutrition and cleanliness are critical for the healing of ulcers. (R. 56). In April of 2017, APS visited the home and decided to close their case. (R. 206). Another case was opened in July of 2017, due to a report that Victim was being left in used diapers for long periods of time as well as poor living conditions. (R. 197). This case was also subsequently closed. (R. 207).

On December 20, 2017, Appellant noticed that Victim was unresponsive and called 911. (R. 224). When EMS arrived, Appellant was performing CPR on Victim that "wasn't effective." (R. 213). Victim passed before EMS was able to arrive at the scene. (R. 227). Appellant told EMS that Victim was receiving hospice care on the 911 call and when they arrived on the scene.

(R. 218). However, Victim never actually received hospice care. (R. 56; 98; 158). When someone is under hospice care the common practice is that hospice, not EMS, notifies the coroner. (R. 219).

At the time of Victim's death, a witness described him as "emaciated" and weighing approximately *40 pounds*. (R. 214). The witness further stated Victim was just skin and bones, his skin was gray, and "I had never seen anything like that in the years that I have done EMS." (R. 214). Another witness stated Victim was covered in filth; it was in his ears, under his fingernails, and around his bones. (R. 250). Victim was laying on a sheet that was covered in feces. (R. 215). Victim's hair was very greasy and messy. (R. 215). The witness also noted the home was dimly lit and there were lots of cockroaches. (R. 217). The witness stated the entire home smelled like urine, rotting garbage, and body odor. (R. 250). The witness also stated the diaper appeared to have been recently changed, which was inconsistent with the odor. (R. 250).

Dr. Janice Ross conducted the autopsy on December 21, 2017. (R. 421). Victim's body was brought in a body bag and sealed by the Lexington County Deputy Coroner. (R. 421). Dr. Ross testified that Victim's cause of death was sepsis due to e-coli entering his bloodstream. (R. 434;436). Dr. Ross determined Victim's death to be a homicide due to the action or inaction of another. (R. 435).

Dr. Ross took blood samples from the body and gave them to the deputy coroner. (R. 429). The coroner then delivered evidence to SLED. (R. 361). Items were photographed to keep record of defective packaging, writing on packages, and overall condition. (R. 363). The evidence was then given a lab number to distinguish it from other evidence. (R. 361). While examining evidence, items were then scanned out to keep track of items. (R. 362). After this process, the samples were initialed by the agent and placed into a heat-sealed pouch. (R. 366).

The evidence was secured in a room with a magnetic key lock and in a refrigerator with a manual key lock. (R. 367).

Victim was dehydrated and only had a small amount of bile in his stomach. (R. 431). Victim's bloodstream did not contain valium, oxycodone, baclofen, or promethazine. (R. 401). A forensic toxicologist testified that she would expect to see valium and oxycodone in Victim's bloodstream, if consumed earlier in the day. (R. 402-403).

In January of 2018, Appellant made a statement to Officer Lyons. (R. 317). Appellant claimed Victim had taken oxycodone and valium earlier in the day. (R. 322). Appellant claimed further claimed that she fed Victim on the day of his death. (R. 322). After this interview, Appellant was arrested. (R. 12).

ARGUMENT

I. The trial court did not err in its instruction to the jury.

The trial court properly instructed the jury concerning the requisite level of intent because the terms were properly defined, the court has discretion with particular verbiage, and the instructions sufficiently cover the applicable law.

Relevant Facts

The court instructed the jury as follows: "To act knowingly means to act with knowledge, to consciously, not accidentally. To act willfully means to act voluntarily and intentionally. A willful act like a knowing act is not accident." (R. 515). Counsel objected to this instruction and requested the following instruction:

> Knowingly means that the defendant knew or firmly believed that her actions constituted neglect. Mere suspicion is not enough. See State v. Porterfield, 317 S.C 360, 363, 454 S.C.2d 351, 353, Court of Appeals, 1995. It is also not enough that the facts would be sufficient to put a reasonably prudent person on notice. See, State v. White, 211 S.C. 276, 279; 44 S.E.2d 741, 742, 1947. The question for you is not whether a reasonable person in the defendant's shoes would know that the defendant's actions constituted neglect, rather if you first find that the Defendant's actions constituted neglect, you must then determine if the defendant knew or firmly believed that her actions constituted neglect. Willful means intentional. Willful means it was not done by accident. See South Carolina Criminal Request to Charge Arson in the Third Degree. A willful act is one done voluntarily and intentionally with the specific intent to do something the law forbids or with the specific intent to fail to do something the law requires to be done; that is to say with bad purpose either to disobey or disregard the law. See Spartanburg County Department of Social Services v. Padgett, 296 S.C. 79, 82 through 83, 370 S.E.2d 872, 874, 1988, (quoting Black's Law Dictionary, 1334, Fifth Edition, 1979).

(R. 464-466).

STANDARD OF REVIEW

An appellate court will only reverse a trial judge's decision regarding jury instructions when that decision constitutes an abuse of discretion resulting in actual prejudice. See Clark v. Cantrell, 339 S.C. 369, 389, 529 S.E.2d 528, 539 (2000) ("An appellate court will not reverse the trial court's decision regarding jury instructions unless the trial court abused its discretion."); Rauch v. Zayas, 284 S.C. 594, 597, 327 S.E.2d 377, 378 (Ct. App. 1985) ("[A]n alleged error in a portion of the charge must be prejudicial to the appellant to warrant a new trial.").

Analysis

The purpose of a trial judge's jury instructions is "to enlighten the jury and to aid it in arriving at a correct verdict." State v. Leonard, 292 S.C. 133, 137, 355 S.E.2d 270, 273 (1987). In its instruction, the trial judge must instruct the jury on the substance of the law but is not required to use any particular verbiage. State v. Burkhart, 350 S.C. 252, 261, 565 S.E.2d 298, 302 (2002). The trial judge may refuse a specific request if the substance of the request is incorporated in the instructions. Burroughs v. Worsham, 352 S.C. 382, 391–92, 574 S.E.2d 215, 220 (Ct. App. 2002) (citing Varnadore v. Nationwide Mut. Ins. Co., 289 S.C. 155, 345 S.E.2d 711 (1986)); Brown v. Stewart, 348 S.C. 33, 557 S.E.2d 676 (Ct. App. 2001). Jury instructions are not erroneous if they are substantially correct, sufficiently cover the applicable law, and do not contain comments on the facts. State v. Foust, 325 S.C. 12, 16, 479 S.E.2d 50, 52 (1996).

The Court of Appeals for the Eleventh Circuit has noted it does not "engage in word-by-word hairsplitting when reviewing jury instructions given at trial, because a trial judge is given wide discretion as to the style and wording employed in the instructions." Johnson v. Breeden, 280 F.3d 1308, 1314 (11th Cir. 2002).

The instructions at issue aid the jury's ability to reach a proper verdict. These instructions provide no ambiguity that would give rise to a reasonable mistake as to the elements of the crime; the terms are properly defined. The terms "willful" and "knowing" require little to no elaboration to adequately inform members of the requisite intent. Nonetheless, the court took the time to properly define the terms. The court defined knowing as "to act with knowledge, to consciously, not accidentally." Cf. Black's Law Dictionary (5th ed.) No. 1417 (Defining knowing as having or showing awareness or understanding; well-informed. Deliberate; conscious). The court defined willfully as "to act voluntarily and intentionally. A willful act like a knowing act is not accident." Cf. Black's Law Dictionary (5th ed.) No. 1417 (Defining willful as voluntary and intentional, but not necessarily malicious). This charge contains correct definitions of the relevant terms and adequately covers the applicable law.

The court is not required to use the specific verbiage requested by Appellant. Here, the court declined to use the exact instruction Appellant requested, but the substance of the two instructions were similar. The instructions enlighten the jury and aid its ability to reach a correct verdict. The trial court did not abuse its discretion as to the style and wording of its instructions. The trial court properly instructed the jury concerning the requisite level of intent because the terms were properly defined, the court has discretion with particular verbiage, and the instructions sufficiently cover the applicable law. This court should affirm.

II. The trial court did not abuse its discretion by finding the probative value of photographs was not substantially outweighed by the danger of unfair prejudice.

The trial court properly found the probative value of the photographs was not substantially outweighed by the danger of unfair prejudice because they depict the situation Victim was left in, corroborate testimony, and aid the jury in determining disputed facts.

Relevant Facts

At trial, Appellant objected to the admittance of Exhibits 41, 42, 43, 44, 45, 48, and 60. (R. 124). Appellant objected to these photographs citing Rule 403, SCRE. (R. 125). The State had sixty photographs but selected only sixteen photographs to enter into evidence. (R. 127). The State argued that Appellant failed to show the photographs suggested a decision on an improper basis, even though the images could be considered disturbing. (R. 128-129). The State further argued that the evidence was critical to show "the extent of the physical neglect." (R. 131). The Court balanced the probative value and possible prejudice when examining the evidence. The Court noted "obviously they're all tough photographs to look at." ... "you could argue many, if not all, go toward proving the elements of abuse and neglect." (R. 122). The Court also noted a need to avoid repetitive pictures and to redact private areas and Victim's facial expression. (R. 122; 138). The Court stated the photographs corroborate the testimony of Dr. Ross. (R. 123). The Court overruled Appellant's objection and the photographs were admitted. (R. 252).

STANDARD OF REVIEW

The admission or exclusion of evidence is a matter addressed to the sound discretion of the trial court and its ruling will not be disturbed in the absence of a manifest abuse of discretion accompanied by probable prejudice. State v. Douglas, 369 S.C. 424, 429, 632 S.E.2d 845 (2006).

A trial judge's decision regarding the comparative probative value and prejudicial effect of evidence should be reversed only in exceptional circumstances. State v. Adams, 354 S.C. 361, 378, 580 S.E.2d 785, 794 (Ct. App. 2003). Thus, great deference is given to the trial court's judgment. State v. Hamilton, 344 S.C. at 357, 543 S.E.2d at 593 (2001).

Analysis

"Probative value is the measure of the importance of that tendency to the outcome of a case." United States v. Stout, 509 F.3d 796, 804 (6th Cir. 2007). It is the weight that a piece of evidence will carry in helping the jury make a determination. "The more essential the evidence, the greater its probative value." Id.

"All evidence is meant to be prejudicial; it is only unfair prejudice which must be avoided." State v. Bratschi, 413 S.C. 97, 115, 775 S.E.2d 39, 49 (Ct. App. 2015). Evidence that is unfairly prejudicial is evidence that suggests a decision on an improper basis. State v. Holder, 382 S.C. 278, 290, 676 S.E.2d 690, 697 (2009) (quoting State v. Alexander, 303 S.C. 377, 382, 401 S.E.2d 146, 149 (1991)).

This Court has upheld the admission of autopsy photos on several occasions over defendants' Rule 403, SCRE objection. See State v. Dial, 405 S.C. 247, 259, 746 S.E.2d 495, 501 (Ct. App. 2013) (finding no abuse of discretion to admit autopsy photos when the expert "testified the photographs would aid in her testimony"); State v. Jarrell, 350 S.C. 90, 106–07, 564 S.E.2d 362, 371 (Ct. App. 2002) (affirming admission of autopsy photos that "corroborated ... the pathologist's testimony regarding the extent of th[e] injuries"); State v. Thompson, 420 S.C. 192, 215, 802 S.E.2d 623, 635 (Ct. App. 2017) (affirming admission of autopsy photos that helped the jury to understand the nature and extent of Victim's injuries as well as his condition near death).

The South Carolina Supreme Court has also ruled on this issue multiple times. In State v. Kornahrens, the Court affirmed the admittance of photographs during sentencing that depicted the autopsies of two murder victims; the images were admitted, because they "showed what the defendant himself did to the bodies." State v. Kornahrens, 290 S.C. at 281, 350 S.E.2d at 18 (1986).

Recently, the Court found the admittance of autopsy photos to be a harmless error. State v. Jones, 440 S.C. 214, 264, 891 S.E.2d 347, 373 (2023). In Jones, the Court found that the images did not depict the children's bodies in substantially the same condition in which they were left. Id. 440 S.C. at 262, 891 S.E.2d at 372. Rather, the images showed the advanced stages of decomposition of the bodies. Id. Similarly, in State v. Nelson, the Court found that the probative value of autopsy photographs was substantially outweighed by the danger of unfair prejudice. State v. Nelson, 440 S.C. 413, 891 S.E.2d 508, 515 (2023). The photos were not probative, because they provided no insight as to who killed victim. Id. The court specifically noted "If this were a case ... where the nature of the victim's injuries was in dispute ... the photos may have had sufficient probative value to warrant their admission." Id.

Conversely, in State v. Torres, the South Carolina Supreme Court found no error in the admission of autopsy photographs during the sentencing phase of the trial. State v. Torres, 390 S.C. 618, 624, 703 S.E.2d 226, 230 (2010). Emergency services were called to the scene of a car accident, which led to the discovery of a couple being found in their residence assaulted and murdered. Id. 390 S.C. 618 at 621, S.E2d at 227. The couple was only able to be identified by autopsy due to the extent of their injuries. Id. Appellant objected to the admittance of autopsy photographs due to their inflammatory nature. Id. 390 S.C. 618 at 623, S.E2d at 228. The photographs exhibited probative value because they showed the number, location, and manner of

the extensive injuries suffered by the two victims. Id. 390 S.C. 624, S.E2d at 229. The Court found that the prejudicial nature of these photographs did not outweigh the probative impact of the photographs, because the injuries suffered by the victims and the circumstances of the crime in question. Id.

Similarly, in State v. Heyward, our Supreme Court upheld a finding that the probative value of autopsy photographs was not substantially outweighed by the danger of unfair prejudice. State v. Heyward, Op. No. 28182 (S.C. Sup. Ct. filed Oct. 5, 2023). The Court found this because Appellant conceded nothing at trial and the photographs corroborated testimony. Id. at 24-25. The Heyward court noted that when a trial court exercises its discretion in balancing, on the record, unfair prejudice against high probative value the court's ruling will almost always be within its discretion. Id. at 25-26.

Like the photographs in Torres, the photographs entered in this case are disturbing. Yet, the trial judge cannot be said to have abused discretion in admitting them. First, the photographs go directly to the nature and circumstances of the crime. The Court noted "you could argue many, if not all, go toward proving the elements of abuse and neglect." (R. 122). As seen in Torres, photographs of a horrific nature may still be more probative than prejudicial in the Rule 403 balancing test. Here, the photographs depict the circumstances in which the victim was left to die. While the images are disturbing, these images provide probative value in addition to the testimony offered. Like Thompson and unlike Jones, the photographs depict the nature of Victim's injuries near death.

Here, there is a dispute about whether or not Victim was cared for prior to his death, giving the photographs probative value. Like Kornahrens, the images show what Appellant did to Victim. Also, the photographs provide insight to the nature of Victim's injuries which is in

dispute. Appellant contends that there is not a factual dispute, because she did not contest the weight loss, maggots, or presence of an ulcer. (R. 27-28). Nonetheless, the care or lack thereof provided by Appellant is firmly in dispute. (R. 26-28). The photographs provide insight as to the level of neglect provided in the present case by showing Victims emaciated nature, ulcers, and multitude of bug bites. The images also show Victim's hair, feet, toenails, hair, and bed.

When photographs are used to corroborate testimony, it is "well settled" that the ruling is not an abuse of discretion. State v. Torres, 390 S.C. 618, 623, 703 S.E.2d 226, 229 (2010) (citing State v. Nance, 320 S.C. 501, 508, 466 S.E.2d 349, 353 (1996)). State's Exhibits 9 and 10 were introduced to corroborate the testimony of Dr. Janice Ross regarding the decubitus ulcers on Victim's back. (R. 423). State's Exhibits 41-45, 48, and 60 corroborate the testimony of Jessica Wade regarding the condition of Victim when she saw him. (R. 250). The Court noted these photographs had value in that they corroborated the testimony of Dr. Ross. (R. 123).

Lastly, the photographs are not unfairly prejudicial because they do not suggest an improper basis upon which to make a decision. The photographs need not be simply outweighed but must be outweighed substantially. The Court took steps to ensure the photographs were not unfairly prejudicial by redacting private areas and the facial expression of Victim. (R. 138). The photographs accurately depict the state of Victim and speak directly to the circumstance of neglect that the victim was left in.

Even if the photographs were improperly admitted, the error is harmless. "In some cases, the evidence of guilt is so overwhelming, and the prejudicial effect of an improper ruling is so insignificant by comparison, that it is clear beyond a reasonable doubt that the improper ruling was harmless error." State v. McDonald, 412 S.C. 133, 142, 771 S.E.2d 840, 844 (2015). "There is no definitive rule of law governing harmless error; it must be determined from its relationship

to the entire case." State v. Simmons, 423 S.C. 552, 566, 816 S.E.2d 566, 573 (2018). The State produced evidence showing that Victim's cause of death was sepsis due to e-coli entering his bloodstream. (R. 434; 436). Victim's bloodstream did not contain any of the medicine he was prescribed. (R. 401). Victim was dehydrated and only had a small amount of bile in his stomach. (R. 431). Victim had insect bites on the left side of his body. (R. 426). A witness stated the entire home smelled like urine, rotting garbage, and body odor. (R. 250). Lastly, there was significant testimony regarding the condition of Victim including that he was "emaciated" weighing approximately 40 pounds, he was just skin and bones, his skin was gray he was covered in filth, was laying on a sheet that was covered in feces, and his hair was greasy. (R. 214; 215; 250).

The trial court properly found the probative value of the photographs were not substantially outweighed by the danger of unfair prejudice because they depict the situation Victim was left in, corroborate testimony, and aid the jury in determining disputed facts.

III. The trial court did not commit reversible error in admitting evidence that established a sufficient chain of custody.

The State properly established a sufficient chain of custody because the blood samples did not become fungible until after they were extracted from the body.

Relevant Facts

Victim's time of death was determined to be 4:00 PM on December 20, 2017. (R. 266). Victim's body was transported in a sealed body bag by the Lexington County Deputy Coroner. (R. 421). The autopsy was conducted at 8:30 AM on December 21, 2017. (R. 421). During this autopsy, Dr. Ross took blood samples from the body. (R. 429). Appellant objected to the admittance of these blood samples taken from the body, on the basis that there was not a sufficient chain of custody related to the blood before it was extracted. (R. 415). The State noted that they have never had to establish a chain of custody with respect to the body and that the blood was inside the body before it was removed. (R. 416). The evidence was admitted. (R. 416).

STANDARD OF REVIEW

Generally, courts will uphold the chain of custody if the safeguards instituted ensure the integrity of the evidence, even if every person associated with the procedure is not personally identified. State v. Hatcher, 392 S.C. 86, 93, 708 S.E.2d 750, 754 (2011). "We have never held the chain of custody rule requires every person associated with the procedure be available to testify or identified personally, depending on the facts of the case." South Carolina Dep't of Soc. Servs. v. Cochran, 364 S.C. 621, 629, 614 S.E.2d 642, 646 (2005).

Analysis

With fungible evidence, a complete chain of custody must be established as far as practicable. State v. Carter, 344 S.C. 419, 544 S.E.2d 835 (2001). Proof of chain of custody need not negate all possibility of tampering but must establish a complete chain of evidence as far as

practicable. Benton v. Pellum, 232 S.C. 26, 100 S.E.2d 534 (1957); Sligh v. Johnson, 288 S.C. 364, 342 S.E.2d 620 (Ct. App. 1986). The party offering the specimen is required to establish, as far as practicable, the complete chain of evidence. State v. Williams, 297 S.C. 290, 376 S.E.2d 773 (1989). However, the specimen must be traced from when it is taken from the human body to the final custodian by whom it is analyzed. State v. Carter, 344 S.C. 419, 544 S.E.2d 835 (2001); State v. Smith, 326 S.C. 39, 482 S.E.2d 777 (1997) (The State must prove a chain of custody for a blood sample from the time it is drawn until it is tested).

Other states have also recognized that the chain of custody only begins when the evidence is acquired by the state. The Supreme Court of Montana has held "[a] continuous chain of possession must be established after the acquisition by the State, *not before*." State v. Conrad, 785 P.2d 185, 189 (Mont. 1990) (emphasis added). Also, the Alabama Court of Criminal Appeals has stated "[p]roper analysis of a chain of custody question, however, does not begin at the time of the offense; the chain of custody begins when the item of evidence is seized by the State." Burrell v. State, 689 So.2d 992 (Ala. Crim. App. 1996).

Here, Appellant takes issue with the removal and storage of Victim's body, prior to the autopsy. Appellant argues that the blood in Victim's body is fungible and thus requires effort to complete a chain of custody prior to the autopsy. However, as noted in Carter, "the specimen must be traced from *when it is taken from the human body* to the final custodian by whom it is analyzed." State v. Carter, 344 S.C. 419, 544 S.E.2d 835 (2001) (citing Benton v. Pellum, 232 S.C. 26, 100 S.E.2d 534 (1957) (emphasis added). Thus, the specimen becomes fungible when it is taken from the body, establishing the beginning of the chain of custody.

The State properly established this chain of custody by introducing testimony from Janice Ross. (R. 421). The State has met this burden by introducing evidence about the individuals that

removed the body, the process SLED undertakes to ensure integrity of evidence, and the opinion of experts that relied on the credibility of such evidence. Not all persons associated with the procedure must be identified personally. South Carolina Dep't of Soc. Servs. v. Cochran, 364 S.C. 621, 629, 614 S.E.2d 642, 646 (2005). The State identified the office responsible for removing the body as the Lexington Deputy Coroner. (R. 219). The State need not negate all possibility of tampering, it simply must establish that the safeguards taken ensure the integrity of the evidence.

The State established a sufficient chain of custody for the blood samples from the time they were drawn from Victim's body. Yet, Appellant contends that bacteria could have entered Victim's blood stream after his death, putting its spread at issue. However, Dr. Ross stated that sepsis is an infection that affects organs by going through the bloodstream. (R. 433-434). Thus, the e-coli had to enter Victim's blood prior to his death. Appellant could have attacked the credibility of the samples on cross examination, but the State properly maintained a chain of custody. The State properly established a chain of custody, and no prejudice was suffered on the part of Appellant. This court should affirm.

CONCLUSION

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

Respectfully submitted,

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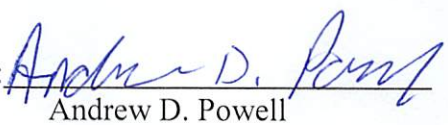
BY: 
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THE STATE, Respondent,

v.

CANDIE MCKAY SHEARIN, Appellant.

CERTIFICATE OF COUNSEL

The undersigned certifies this Final Brief of Respondent 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."

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PROOF OF SERVICE

I, Grace Sommer, certify that I have served the within Final Brief of Respondent on Gary Johnson, II, Esquire, counsel of record for the Appellant, by electronic mail to the address listed for counsel in AIS.

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

This 29th day of January, 2024.

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Attachments: SHEARIN Candie - FBOR (03489393xD2C78).PDF

Good Morning Mr. Johnson,

Attached please find a Final Brief of Respondent in The State v. Candie McKay Shearin (2022-001594). This document will be filed today with the Court of Appeals via the AIS OneDrive System.

If you will, please confirm receipt of this email.

Thank you,

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