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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Darlington County
The Honorable Roger E. Henderson, Circuit Court Judge

THE STATE,……RESPONDENT

v.

ERIC ANTON GRAHAM,……APPELLANT

FINAL BRIEF OF RESPONDENT
Appellate Case No. 2023-000160

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APPELLANT'S STATEMENT ON APPEAL

Whether the court erred in resentencing Appellant to life imprisonment, where the court did not make any specific findings as to the *Aiken v. Byars* factors or conclusions of law, since the sentencer of a juvenile defendant facing life without parole sentence must consider the evidence and analyze the *Aiken* factors before imposing sentence?

RESPONDENT'S COUNTER ARGUMENT ON APPEAL

Did the sentencing court err in resentencing the Appellant to life without parole without any specific findings or conclusions of law when it is not mandated pursuant to the *Aiken v. Byars* decision, and sufficient evidence was provided by both parties during the hearing for the sentencing court to consider the factors listed in *Aiken v. Byars*?

STATEMENT OF THE CASE

On December 7, 1996, deputies from the Darlington County Sheriff's Office responded to a shooting that occurred in the Appellant's residence. Once they arrived, they saw the victim, seventeen-year-old Curtisha Wingate slumped over on a couch covered with a blanket. (Court's Exhibit 1, Trial Transcript dated August 28, 1998, R. 217 l. 10-13; R. 219 l. 5-10). Appellant Eric Anton Graham, also seventeen years of age, was the victim's boyfriend. When deputies arrived, they saw the Appellant emotional on the floor being held by his uncle and cousin. (Court's Exhibit 1, Trial Transcript dated August 28, 1998, R. 217 l. 10-13; R. 458 l. 20-24). Deputies placed the Appellant in handcuffs. The murder weapon was found next to the Appellant, so deputies took the weapon into evidence. (Court's Exhibit 1, Trial Transcript dated August 28, 1998, R. 247 l. 23-24; R. 248 l. 16-20).

The Appellant was later taken to the Sheriff's department for questioning. After being read his *Miranda* rights he told Deputies that he was guilty of voluntary manslaughter and that was what he'd plead to. (Court's Exhibit 1, Trial Transcript dated August 28, 1998, R. 187 l. 22 – R. 188 l. 2). Appellant did indicate he shot the victim. (Court's Exhibit 1, Trial Transcript dated August 28, 1998, R. 188 l. 2-5). After he made that statement, his father came into the interrogation room and told Deputies that his son wanted a lawyer. All questioning ceased after his father informed them that his son would not be answering questions without counsel present.

On August 28, 1998, Appellant's case was called for trial. Appearing before the Honorable Paul M. Burch was the Appellant along with his counsel Karl H. Smith. Representing the State of South Carolina was Assistant Solicitor Billie E. Blackmon of the Fourth Circuit Solicitor's office.

During the trial Dr. Edward Lee Proctor testified. Dr. Proctor was qualified as an expert in forensic pathology. (Court's Exhibit 1, Trial Transcript dated August 28, 1998, R. 385 l. 17). Dr.

Proctor performed the autopsy on the victim on December 7, 1996. (Court's Exhibit 1, Trial Transcript dated August 28, 1998, R. 385 l. 24-25). Dr. Proctor testified that the imprint of the entrance site along the surrounding muscle was the actual imprint of the barrel of a gun. This imprint was around the wound. (Court's Exhibit 1, Trial Transcript dated August 28, 1998, R. 387 l. 18-22). This indicated that the wound was a contact wound. The gun was pressed up against the skin under the chin. (Court's Exhibit 1, Trial Transcript dated August 28, 1998, R. 388 l. 4-8). Dr. Proctor also testified that the bullet traveled straight through the entrance site, through the roof of the mouth, through the sinuses where it exited out of the frontal skull. (Court's Exhibit 1, Trial Transcript dated August 28, 1998, R. 390 l. 5-10; R. 391 l. 25 – R. 392 l. 1). Dr. Proctor determined that the victim died as a result of a gunshot wound to the base of the chin area. The actual cause of death was a gunshot wound with the bullet subsequently passing through the brain, causing extensive swelling and fragmentation and hemorrhaging to the brain matter itself. (Court's Exhibit 1, Trial Transcript dated August 28, 1998, R. 392 l. 6-10).

After one day of trial, a jury of his peers found the Appellant guilty of murder. Upon conviction Appellant appeared before the trial judge for sentencing. The trial judge sentenced the Appellant to a period of incarceration for the remainder of his natural life without the possibility of parole for the offense of murder.

While serving his sentence, the United States Supreme Court decided the case of *Miller v. Alabama,* 567 U.S. 460, 132 S.Ct. 2455 (2012). In *Miller,* the United States Supreme Court decided that a mandatory sentence of life imprisonment without parole for those under the age of eighteen at the time of the crime violates the Eighth Amendment's prohibition on cruel and unusual punishment. Due to the *Miller* decision the South Carolina Supreme Court granted certiorari in the case of *Aiken v. Byars*, 401 S.C. 534, 765 S.E.2d 572 (2014). In *Aiken,* the South Carolina Supreme

Court decided to apply the *Miller* standards to South Carolina juveniles who were sentenced to life without parole. In *Aiken,* the South Carolina Supreme Court determined that this is retroactive, so any juvenile sentenced to life without parole was allowed to petition the court for a resentencing. Appellant petitioned the court for resentencing.

On January 19, 2023, all interested parties appeared before the Honorable Roger E. Henderson for a resentencing hearing. Appearing before the sentencing judge was Appellant along with his counsel Elizabeth Franklin-Best. Appearing representing the State of South Carolina was Assistant Solicitor Kelley Jackson of the Fourth Judicial Circuit.

During this hearing Appellant's mother Bobby-Gene Graham testified as well as his father Raymond Graham. They testified how much the Appellant loved the victim, (*Aiken* hearing R. 19 l. 16-25), that the Appellant was raised in a good home that was actually built by his father, (*Aiken* hearing R. 33 l. 24), and that the Appellant attended church. (*Aiken hearing* R. 23 l. 21 – R. 24 l. 4). Reverend William C. Daniels who was the pastor for the Appellant and the victim also testified. Reverand Daniels testified about how tight knit the Appellant's and victim's family were. (*Aiken* hearing R. 36 l. 18-20). Reverend also testified about mercy and forgiveness. (*Aiken* hearing R. 38 l. 9 – R. 40 l. 4). Testifying for the Appellant was Dr. Elizabeth Cauffman who considered herself a teaching expert. (*Aiken* hearing R. 87 l. 7-9). She never examined the Appellant because she was brought in as a developmental psychologist, she was there to teach science not to give any diagnoses. (*Aiken* hearing R. 107 l. 13-17). She testified in order to explain the hallmark features of youth. The brain of a teenager functions differently than an adult.

Testifying for the State of South Carolina was William Sumner of the Darlington Police Department. Officer Sumner was the resource officer for Darlington High School. (*Aiken* hearing R. 66 l. 1-7). There was an incident involving the Appellant bringing a gun to school. This gun was

taken off campus provided to another person who fired a shot. (*Aiken* hearing R. 67 l. 4-5). They were stopped in a car being driven by the Appellant. The car was registered to the Appellant's father. They discovered that the Appellant was driving with a suspended license. (*Aiken* hearing R. 154 l. 20-22). A pistol was also found inside the car under the driver's seat; however, this was not the gun used in this incident. *Aiken* hearing R. 71 l. 1-11). Appellant later confessed that he threw that gun into a lake near Hartsville. (*Aiken* hearing R. 68 l. 9-13). Appellant was later charged with driving under suspension, unlawful possession of a pistol, and armed robbery.[1] (*Aiken* hearing R. 711 l. 16-19).

Ernest Ray of the South Carolina Department of Corrections also testified on behalf of the State. During his testimony Mr. Ray stated that while in custody, the Petitioner committed twenty-six infractions, eleven major and fifteen minor. (*Aiken* hearing R. 82 l. 4-10). Mr. Brian Kendall, warden of Leiber Correctional Institution, the prison where the Appellant began his sentence also testified. Warden Kendall testified that Leiber is classified as a level III institution. This means it is a close custody maximum custody prison. (*Aiken* hearing R. 115 l. 20-24). There was a request for a transfer of prisoners to Mississippi, Mr. Kendall recommended the Appellant. He felt that the Appellant should be transferred because he kept getting cell phones. (*Aiken* hearing R. 116 l. 24 – R. 117 l. 3). Because inmates can continue their illegal activity on the streets through the use of a cellphone, possessing a cell phone is a great hazard. (*Aiken* hearing R. 117 l. 7-13). Of the twenty-six infractions that the Appellant had while he was in prison five involved possession of a cell phone. (*Aiken* hearing R. 80 l. 13-14, 19-20, 21-22; R. 81 l. 3-4, 17-18).

At the conclusion of the hearing the sentencing judge stated:

> "I have a strong feel for this matter. As I said I've reviewed everything I spent all last weekend going through everything. Spent about three days pulling through

[1] The armed robbery was later nolle prossed.

everything I had and I'm very familiar with the facts and I've had the opportunity today to hear from both sides and this is a very emotional matter" (R. p. 162 l. 5-13).

The sentencing judge took all of the evidence under advisement to make a determination at a future date. On January 23, 2023, the sentencing judge signed a sentencing order sentencing the Appellant to a term of incarceration for the remainder of his natural life without the possibility of parole.

ARGUMENT

1. **The circuit court did not err in resentencing the Appellant to life without parole without listing the factors under *Aiken v. Byars* or conclusions of law when the *Aiken v. Byars* decision does not mandate this be included in the sentencing order. Within the hearing sufficient evidence was provided revealing that the *Aiken* criteria was considered prior to the final decision.**

Relevant Factors

The Appellant, who was a minor when he committed this murder, was previously sentenced to a lifetime period of incarceration without the possibility of parole. Pursuant to the South Carolina Supreme Court decision of *Aiken v. Byars,* Appellant was afforded a new sentencing hearing. During this hearing numerous individuals testified on behalf of the Appellant and the State. At the conclusion of this hearing the sentencing judge stated that he reviewed all of the evidence that was presented. The sentencing judge also stated, "I will follow the law as it has been handed down to me and all other judges." (*Aiken* hearing R. 162 l. 18-20). About two weeks later the sentencing judge imposed a sentence of life without the possibility of parole. This sentence was handed per order without any further explanation.

Standard of review

In criminal cases the appellate court sits to review errors of law only. *State v. Wilson,* 345 S.C. 1, 545 S.E.2d 827, 829 (2001). On appeal, the trial court's ruling will not be disturbed absent a prejudicial abuse of discretion amounting to an error of law. *State v. Smicklevich,* 268 S.C. 411, 234 S.E.2d 230 (1997). An abuse of discretion occurs when a trial court's decision is unsupported by the evidence or controlled by an error of law. *State v. Bryant,* 372 S.C. 305, 312, 642 S.E.582, 586 (2007). When considering whether a sentence violates the Eighth Amendment's prohibition on cruel and unusual punishment, the appellate court's standard of review extends only to the correction of error of law. *State v. Finley,* 427 S.C. 419, 423, 831 S.E.2d 158 (Ct. App. 2019).

Discussion

In *Miller,* the United States Supreme Court held that a mandatory life sentence without the possibility of parole for a juvenile offender violated the Eighth Amendment prohibition against cruel and unusual punishment.[2] *Miller,* 567 U.S. at 465, 470. In *Miller* the United States Supreme Court decided:

> Mandatory life without parole for a juvenile precludes consideration of his chronological age and its hallmark features – among them, immaturity, impetuosity, and failure to appreciate risks and consequences. It prevents taking into account the family and home environment that surrounds him – and from which he cannot usually extricate himself – no matter how brutal or dysfunctional. It neglects the circumstances of the homicide offense, including the extent of his participation in the conduct and the way familial and peer pressures may have affected him. Indeed, it ignores that he might have been charged and convicted of a lesser offense if not for incompetencies associated with youth – for example, his inability to deal with police officers or prosecutors (including on a plea agreement) or his incapacity to assist his own attorneys.

Id. 567 U.S. at 477-478.

[2] Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. U.S. Const. Amend. VIII.

Miller, did not categorically bar life sentences for juvenile murderers; rather, the Court held that a sentencing court is required to "take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison." *Id.,* 567 U.S. at 476. The United States Supreme Court held that a sentencing authority must consider youth as "more than a chronological fact," but also a factor which carries with it immaturity, irresponsibility and recklessness. *Id.* The United States Supreme Court held a juvenile convicted of murder could still be sentenced to life without parole, but only after "a judge or jury had the opportunity to consider mitigating circumstances before imposing the harshest penalty for juveniles." *Id.,* 567 U.S. at 489.

The United States Supreme Court left it up to the states to figure a way to allow juveniles to have the hallmark features of youth considered. As a result, the South Carolina Supreme Court decided the case of *Aiken v. Byars,* 410 S.C. 534, 765 S.E.2d 572 (2014). In *Aiken,* the South Carolina Supreme Court applied the *Miller* factors to South Carolina juveniles sentenced to life without parole. They also ordered that *Miller* should be applied retroactively. *Aiken,* 410 S.C. at 540-541. The South Carolina Supreme Court acknowledged that *Miller* applied only to mandatory sentencing schemes rather than discretionary schemes such as in South Carolina. However, in *Aiken* the South Carolina Supreme Court stated, "whether their sentence is mandatory or permissible, any juvenile offender who receives a sentence of life without the possibility of parole is entitled to the same constitutional protections afforded by the Eighth Amendment's guarantee against cruel and unusual punishment." *Id.,* 410 S.C. at 544, 765 S.E.2d at 577. In *Aiken,* the South Carolina Supreme Court held that juveniles previously sentenced under our discretionary scheme who receive a life without parole sentence were nevertheless entitled to resentencing to allow them

"to present evidence specific to their attributes of youth and allow the judge to consider such evidence in light of its constitutional weight." *Id.*

In *Aiken* the South Carolina Supreme Court determined that the *Miller* factors must be considered during a separate hearing to determine whether or not a juvenile should be subject to a life without parole sentence. In *Aiken* the Supreme Court created the following criteria:

> Consequently *Miller* establishes a specific framework, articulating that the factors a sentencing court consider at a hearing must include: (1) the chronological age of the offender and the hallmark features of youth, including "immaturity, impetuosity, and failure to appreciate the risks and consequences;" (2) the "family and home environment" that surround the offender; (3) the circumstances of the homicide offense, including the extent of the offender's participation in the conduct and how familial and peer pressures may have affected him; (4) the "incompetencies associated with youth – for example, [the offender's] inability to deal with police officers or prosecutors (including on a plea agreement) or [the offender's] incapacity to assist his own attorneys; and (5) the "possibility of rehabilitation."

Aiken, 410 S.C. at 544, *quoting, Miller,* 132 S.Ct. at 2468.

Just as the United States Supreme Court in *Miller,* the South Carolina Supreme Court explained that juveniles could still receive a sentence of life without parole, but only after "an individualized hearing where the hallmark features of youth are fully explored." *Id.,* 410 S.C. at 545, 765 S.E.2d at 578.

Within their brief the Appellant argues that the sentencing court erred by not placing within the order specific findings of the *Aiken v. Byars* factors prior to issuing a sentence of life without parole. There is nothing in *Aiken* that states the sentencing judge must list detailed factors that was considered or state any findings of facts of conclusions of law. The Appellant is entitled to a separate sentencing hearing where the hallmark features of youth are raised. The Appellant was given this hearing.

During the separate hearing all of the *Aiken* factors were presented by both parties, so it was considered. Examples of the evidence provided relating to the *Aiken* factors include:

1. Hallmark features of youth – During this hearing both of the Appellant's parents testified, as well as the pastor of both families. It was explained that the Appellant and the victim were in a very loving relationship. The Appellant was a good student that made good grades. Dr. Elizabeth Cauffman, a psychologist and professor of psychological science at UC Irvine testified. (*Aiken* hearing R. 84 l. 5-6). Dr. Cauffman did not examine Appellant personally, she made it clear that she was not a clinician. (*Aiken* hearing R. 107 l. 13-17) She was a developmental psychologist who was presented to teach science, considered herself a "teaching expert" (*Aiken* hearing R. 87 l. 7-9). Dr. Cauffman was brought in to explain the hallmark features of youth, how the young brain is different than an adult brain, and how that must be considered during sentencing after the arrest of a juvenile for committing a violent act.

2. Home and family environment – The Appellant's mother and father testified as to the Appellant's home environment. He was raised in a very clean and loving home. His mother testified that the Appellant has an older brother that served in the military, and she raised three young ladies that she was not related to. (*Aiken* hearing R. 18 l. 6-7; R. 18 l. 25 – R. 19 l. 6). She explained that the Appellant had chores to do and a curfew and there were consequences if he did not follow them. (*Aiken* hearing R. 21 l. 22 – R. 22 l. 1). Appellant and his family lived in the same home for his entire life, a home that was built by his father. (*Aiken* hearing R. 33 l. 2-4) The family was also avid church goers. (*Aiken* hearing R. 23 l 5 – R. 24 l. 4). The Appellant's father testified that they had about eight other family members that were living around them, and their family was very close. (*Aiken* hearing R. 33). His brother was a retired military officer and lived close to them; he served as a mentor to the Appellant. (*Aiken* hearing R. 21 l. 18 – R. 22 l. 4).

3. Circumstances of the crime – Investigator William Huggins testified on behalf of the State. He testified that when he got to the crime scene, he saw the victim slumped over a chair covered. (*Aiken* hearing R. 43 l. 3-6). When he got to the scene the Appellant was screaming and crying. (*Aiken* hearing R. 43 l. 8). He was the officer that transported the Appellant to the county detention center, and while being transported the Appellant showed no remorse. (*Aiken* hearing R. 47 l. 13-16). Investigator Huggins also read the autopsy report into the record for the sentencing judge to hear the injuries inflicted on the victim by the Appellant.

4. Incompetency of youth – The Appellant had no mental health issues, was on no medications, nor abusing alcohol or drugs. The only time he got into trouble at school was when he carried a firearm to school and got expelled. After the murder he expressed to law enforcement that this was more like voluntary manslaughter and that is what he will plead to. (R. 26 l. 22 – R. 27 l. 2). This was not brought up during the hearing; however, this was testified to during the trial and the transcript of the original trial was introduced as exhibit number one by the State. So, this statement was reviewed by the sentencing court. It revealed that the Appellant was aware of the criminal justice system and was in no way incompetent, he understood his charges, knew how to deal with law enforcement and prosecutors, and had the ability to assist his attorneys.

5. Possibility of rehabilitation – Mr. Ernest Ray of the South Carolina Department of Corrections was brought in by the State to testify regarding the Appellant's behavior during

> his twenty-six years of incarceration in the Department of Corrections. During his period of incarceration Mr. Ray testified that the Appellant had infractions for, refusing or failing to obey orders; failing or refusing to respond to employee questions; failure to report to work; refusing to work; obscene, vulgar or profane language; possession of an alcoholic beverage; six counts of possession of contraband; possession of distilling alcoholic beverages; five counts of possession of a cellphone; trafficking or use of possession of marijuana; trafficking use or possession of marijuana and tobacco; damaging or destroying South Carolina Department of Corrections property. In total Mr. Ray testified that the Appellant had a total of twenty-six (26) infractions at the Department of Corrections. Mr. Bryan Kendall, Warden of Leiber Correctional Institution also testified. Mr. Kendall explained that the Appellant had so many infractions he was recommended for transfer to Mississippi as part of a project to send their most difficult and problematic inmates. (R. 116 l. 24 –117 l. 3; R. 120 l. 8-11).

As listed above each criterion was addressed either during the hearing or evidence was introduced to the court. The State would argue that there is nothing in *Aiken v. Byars* stating the sentencing court is obligated to state specific findings of law or a conclusion of fact. It only must be shown that the Appellant had a sentencing hearing where this information was presented and considered.

In *State v. McCarty,* 437 S.C. 355, 878 S.E.2d 902 (2022), the South Carolina Supreme Court decided that in "stand your ground" immunity hearings the trial court must place in the record or order, that specific credibility or factual findings as to any aspect of the testimony. This is due to the fact that during these hearings the burden of proof is on the defendant by a preponderance of the evidence. An *Aiken v. Byars* hearing is a sentencing hearing. This is not a hearing to determine guilt or if the Appellant's actions were justified as being in self-defense. The Appellant was already found guilty by a jury of his peers, so the only thing remaining is a determination of his sentence. Due to the fact the Appellant was a juvenile at the time he committed this offense he was granted a hearing where other criteria were examined. However, there exists no burden of proof on either side. As in any other sentencing, the trial court is not obligated to explain its sentence or how it came up with the conclusion. All that must be revealed is that the

proper mitigation was presented and considered by the sentencing judge. As stated by the South Carolina Supreme Court in *State v. Smart*:

> In a resentencing hearing afforded to a juvenile originally sentenced to life without parole – as with almost any other sentencing proceeding there is no burden of proof or persuasion placed on either party and there is no presumption for or against any sentence; instead, both the State and the juvenile defendant have a mutual burden of production to provide the resentencing court with any evidence and arguments they believe bear on factors governing the resentencing or otherwise relate to what should be the appropriate sentence.

State v. Smart, 439 S.C. 641, 889 S.E.2d 573 (2023).

In the United States Supreme Court case of *Jones v. Mississippi,* 593 U.S. 98 (2021), the United States Supreme Court determined that a judge does not have to make an on-the-record sentencing explanation with an implicit finding of an offender's permanent incorrigibility. The United States Supreme Court also determined that an on-the-record sentencing explanation is not necessary to ensure that a sentencer considers the defendant's youth. *Jones,* 593 U.S. at 114. In *Jones* the United States Supreme Court reasoned why it is not necessary for a court to establish that they considered the *Miller/Aiken* criteria. In *Jones* it states:

> If the sentencer has discretion to consider the defendant's youth, the sentencer necessarily *will* consider the defendant's youth, especially if defense counsel advances an argument based on the defendant's youth. Faced with a convicted murderer who was under 18 at the time of the offense and with defense arguments focused on the defendant's youth, it would be all but impossible for a sentencer to avoid considering that mitigating factor.

Id. (emphasis in original).

It is clear by statements of the court at the conclusion of this hearing that it was taken very seriously. Any Circuit Court Judge faced with the possibility of placing a person in prison for the remainder of their natural life would take it seriously. Therefore, that person would consider all of the criteria that are mandatory pursuant to *Aiken.* The sentencing judge made it clear how much attention he placed on this case even prior to the hearing. The judge stated on the record that he

spent the entire weekend going through all of the evidence, and three days "pulling through" everything. (*Aiken* hearing R. 162 l. 7-8). This effort was exerted before the hearing. So can anyone doubt that he did not consider the criteria, especially since it was brought before him by evidence submitted by both sides?

Within his brief the Appellant raised the same favorable evidence raised during the hearing. Just because there was some favorable evidence, and he was still given a life sentence, does not mean it was not considered. The decision still remains that of the sentencing court, and although another judge may have ruled more favorably does not mean this court did not consider all the criteria presented during this hearing. As the United States Supreme Court determined in *Jones:*

> It is true that one sentencer may weigh the defendant's youth differently than another sentencer or an appellant court would, given the mix of all the facts and circumstances in a specific case. Some sentencers may decide that a defendant's youth supports a sentence less than life without parole. Other sentencers presented with the same facts might decide that life without parole remains appropriate despite the defendant's youth. But the key point remains that, in a case involving a murderer under 18, a sentencer cannot avoid considering the defendant's youth if the sentencer has discretion to consider that mitigating factor.

Id., 593 U.S. at 115.

Within his brief the Appellant alleges that the sentencing court possibly had not weighed the information, although it was presented to the court through testimony and exhibits. Since there is no burden either side must satisfy and the sentencing court is not a fact finder, there exists no rule of law that forces the court to state any findings of facts or conclusions of law. The information that was presented was proof that there were factors to consider. The *Aiken* factors were the only thing presented during the hearing. Appellant had an *Aiken v. Byars* hearing where he was able to present evidence in mitigation and the State was able to present evidence regarding the facts of the case and the Appellant's lack of rehabilitation. The court had sufficient information to make a reasoned decision. That decision was displayed on the sentencing order, just like any other

sentence given under South Carolina law. It has never been stated in any case that specific findings must be stated after an *Aiken v. Byars* hearing or any other sentencing. This case should be upheld, and the decision of the sentencing judge should stand without remand for specific findings and conclusions.

CONCLUSION

The sentencing judge made no error in the decision to sentence the Appellant to life without parole. The State respectfully requests this Honorable Court to affirm the decision of the sentencing judge.

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August 2, 2024

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The Honorable Roger E. Henderson, Circuit Court Judge

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Respondent,

v.

ERIC ANTON GRAHAM,

Appellant.

Appellate Case No. 2023-000160

CERTIFICATE OF COMPLIANCE

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

This is the 2nd day of August 2024.

s/Tommy Evans, Jr.
Tommy Evans, Jr.
Assistant Attorney General

ATTORNEY FOR RESPONDENT

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Appellate Case No. 2023-000160

PROOF OF SERVICE

I, Tommy Evans, Jr., as the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Final Brief of Respondent, Certificate of Compliance, and Proof of Service has been forwarded to Appellant's counsel, Joanna K. Delany, Esq., via email today, August 2, 2024 to JDelany@sccid.sc.gov, and her assistant Kaylynn Warren at KWarren@sccid.sc.gov.

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

This is the 2nd day of August 2024.

s/Tommy Evans, Jr.
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Brandy Rankin

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Subject: The State v. Eric Anton Graham - Final Brief of Respondent - Appellate Case No. 2023-000160
Attachments: Graham.Eric - Final Brief of Respondent, Certificate of Compliance, Proof of Service - 8-2-24 (03654379xD2C78).pdf

Follow Up Flag: Worldox

Dear Ms. Delany,

Please find attached the Respondent's Final Brief, Certificate of Compliance, and Proof of Service. These documents will be filed today with the South Carolina Court of Appeals today, August 2, 2024, along with a copy of this email. Have a great weekend!

Sincerely,
Brandy Rankin

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