RECEIVED
Dec 06 2024
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County
The Honorable J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

MARCUS D. BATSON,

APPELLANT.

Appellate Case No. 2023-001593

INITIAL BRIEF OF RESPONDENT

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

R. BRANDON LARRABEE
Assistant Attorney General
S.C. Bar No. 104865

Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-6305

HON. BARRY J. BARNETTE
Solicitor, Seventh Judicial Circuit
180 Magnolia Street, 3rd Floor
Spartanburg, South Carolina 29306-2335
(864) 596-2575

ATTORNEYS FOR RESPONDENT

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

Cases

APPELLANT'S STATEMENT OF ISSUE ON APPEAL

Whether the court erred where it admitted Appellant's two-and-a-half-hour long interrogation and confession, where, among other things, Appellant was shackled at the wrists and ankles, and where Investigator Reece promised to help Appellant if he confessed, since the confession was not voluntarily made under the totality of the circumstances?

RESPONDENT'S COUNTER-STATEMENT OF ISSUES ON APPEAL

Whether Appellant's statement was voluntary, and thus admissible, when law enforcement did not use specific promises or threats against Appellant and Appellant decided to confess after he was shackled in preparation for transport.

STATEMENT OF THE CASE

Respondent accepts Appellant's statement of the case for the purposes of this appeal.

STATEMENT OF FACTS

On July 6, 2021, a Spartanburg electrical contractor and one of his employees found a bloody baseball bat next to a dumpster outside the contractor's business. (Tr. p. 109, l. 6–p. 110, l. 5). At the time, the contractor believed that the bat had likely been used to kill a dog. (Tr. p. 110, ll. 6–7).

Upon learning about the bat the next day, the contractor's daughter called the police and provided surveillance footage to law enforcement. (Tr. p. 106, ll. 6–13; p. 110, ll. 10–11). The bat was picked up by Clay Risen, then working as a Spartanburg police officer. (Tr. p. 113, ll. 18–20; p. 114, ll. 8–13; p. 116, ll. 1–15).

Two days later, retired college professor Sharon Porter received a phone call from a neighbor of her cousin, Ronald Glenn. (Tr. p. 120, ll. 16–22). Prior to the call to Porter, two neighbors tried to visit him. But they could not establish contact, prompting the call to Porter. (Tr. p. 128, l. 15–p. 129, l. 7). Porter then tried to reach her cousin. (Tr. p. 120, l. 16 – p. 121, l. 11; p. 121, ll. 17–18). When Glenn did not respond, Porter called the police and went to Glenn's house. (Tr. p. 121, ll. 12–21).

Glenn was a retired school teacher who had lived on Winsmith Avenue for 30 or 40 years. (Tr. p. 119, l. 8–p. 120, l. 4). Glenn sold alcohol—though apparently not wine—and cigarettes out of his house. (Tr. p. 127, ll. 11–21). He also provided boarding to Appellant and a man named Matthew Booker. (Tr. p. 125, l. 16–p. 126, l. 2).

Matthew Booker was married to Melody Booker. (Tr. p. 139, ll. 10–13). Though the two had separated, they were still "[b]est friends," and Melody hoped they could reconcile. (Tr. p. 142, ll. 5–8). Melody sometimes took food to Booker; for example, on July 5, she had brought him chicken livers from KFC. (Tr. p. 141, ll. 16–23). Complicating Matthew Booker's life were

medications that made him impotent. (Tr. p. 142, l. 21–p. 143, l. 12). Melody Booker said her husband was not gay, but based on what he told her, she believed Appellant and Glenn were engaged in a sexual relationship. (Tr. p. 147, ll. 14–15; p. 148, ll. 15–18; p. 152, ll. 3–9).[1]

Jeremy Drake, a patrol officer for the Spartanburg Police Department, was among the law enforcement officers sent to Glenn's house on July 8. (Tr. p. 152, l. 21–p. 153, l. 2; Tr. p. 153, ll. 8–23). Drake and other officers spotted two bodies in the house—finding Booker's body on his floor and viewing Glenn's body through a window. (Tr. p. 156, l. 4–p. 158, l. 21).

After hearing that Drake had seen a body in Glenn's room, Ronnie Horn, an investigator for the Spartanburg Police Department, kicked down the bedroom door, which was locked with a deadbolt. (Tr. p. 161, ll. 14–17; p. 166, l. 13–p. 167, l. 16). Glenn was lying on the floor, dead. (Tr. p. 167, ll. 17–24). He was found without pants. (Tr. p. 175, ll. 17–18). Based on the evidence gathered and presented at trial, prosecutors theorized that the two men had been beaten to death with a baseball bat.

Appellant was among those who spoke to law enforcement at the house. He spoke twice to Matthew Davis, a SLED agent. (Tr. p. 177, ll. 4–11; p. 180, ll. 8–18). During their discussions, Batson told Davis that Timothy Geter, whom Batson did not like, was in a relationship with Glenn. (Tr. p. 181, l. 8–p. 184, l. 21). Batson also told Davis that Booker was not gay. (Tr. p. 186, ll. 16–19).

During the investigation into the murders, law enforcement gathered video evidence that suggested Appellant—sometimes accompanied by Barbara Riaz—moved between Glenn's home

---

[1] Barbara Riaz, an acquaintance of Appellant, testified that she also understood that Batson and Glenn were sexually involved. (Tr. p. 217, l. 23–p. 218, l. 8). During her testimony, Riaz admitted that she told a law enforcement official that she had trouble remembering some timing details from the period surrounding the killings because she was drunk. (Tr. p. 215, ll. 2 – 23).

and Riaz's home several times beginning at around 1:39 a.m. on July 6 and continuing until 5:22 a.m. (Tr. p. 355, l. 19–p. 363, l. 16). According to testimony, in one video, Appellant can be seen carrying something. (Tr. p. 362, ll. 9–16). In one video omeone stops near the dumpster where the baseball can be found. (Tr. p. 362, l. 24–p. 363, l. 13). Appellant later told police that he dumped the baseball bat. (Tr. p. 363, ll. 14–16). Testing on the bat revealed a DNA profile that was

> approximately 1.5 quadrillion times more likely if [a Spartanburg County evidence technician],[2] [Appellant] and two unidentified, unrelated individuals contributed to the mixture than if [the technician] and three unidentified, unrelated individuals contributed to the mixture.

(Tr. p. 312, ll. 10–14). Riaz remembered that on July 6, Appellant "had a wad of money" that she later described as "liquor-house money." (Tr. p. 209, ll. 12–19).

Sexual assault kits were used on Booker and Glenn's bodies. (Tr. p. 277, l. 2–p. 278, l. 10). No foreign DNA was found on Matthew Booker's oral, rectal, or penile swabs. (Tr. p. 318, l. 7–p. 320, l. 10). Similarly, no foreign DNA was found on Ronald Glenn's oral, rectal, or penile swabs. (Tr. p. 321, l. 6–p. 322, l. 5). Nor was any foreign DNA found on a sample of Glenn's pubic hair. (Tr. p. 327, ll. 2–14).

However, a mixture of DNA was found on Glenn's fingernail scrapings; examination found that the resulting DNA profile found on Glenn's left fingernail was "approximately 40 quintillion times more likely if Ronald Glenn and [Appellant] contributed to the mixture than if Ronald Glenn and an unidentified, unrelated individual contributed to the mixture." (Tr. p. 322, l. 6–Tr. p. 323,

---

[2] Edgar Guthro, an evidence technician for the Spartanburg Police Department, (Tr. p. 197, ll. 11–24), touched the handle of the bat before he knew it was evidence in an investigation. (Tr. p. 200, l. 18–p. 201, l. 21). Risen has also accidentally came into direct contact with the bat. (Tr. p. 116, ll. 18–21).

l. 25). The profile found on Glenn's right fingernails was found to be "50 octillion times more likely if Ronald Glenn and [Appellant] contributed to the mixture than if Ronald Glenn and an unidentified, unrelated individual contributed to the mixture." (Tr. p. 324, l. 14–p. 325, l. 17).

At trial, defense counsel argued against the admission of the videotape of an interrogation of Appellant during which Appellant, after some hesitation, confessed to carrying out the murders because Glenn and Booker were raping him. (State's Exh. 11). During the interview, as Appellant appeared uncomfortable discussing the nature of his interactions with another man, Investigator William Reece said:

> Look here, we ain't judging nobody here man. That is not what we do. That ain't why we're here. We're just here to get to the bottom of what the heck's going on, dude. And at the same time, help the man that's sitting in front of me. Cuz I'm going to tell you right now, we're the only one that can help you right now. We really are.

(Exh. 11, 14:00:23–14:00:55). Later, as the interview is about to wrap up and Appellant is in shackles, the following exchange occurred:

> REECE: Since you ain't got no remorse, good luck to you
>
> APPELLANT: Remorse for what? I didn't do nothing.
>
> REECE: The evidence lines up that you did.
>
> APPELLANT: So evidence—cuz I had sexual orientation [*sic*] with this man, so [inaudible] evidence lines up like that?
>
> INVESTIGATOR CHINDAR RYANT: That's not everything we got. [Inaudible].
>
> APPELLANT: Then what the f*** is you talking about?
>
> REECE: We give you an opportunity man to say, hey, I screwed up. That's what we're here for.
>
> APPELLANT: I did not do anything, bro.

> RYANT: Cuz if something happened, now is the time for you to tell us what happened.
>
> [CROSSTALK]
>
> REECE: If I was sitting where you are, this is the only time I can help myself. It really is, Marc, this is the only time
>
> RYANT: I guarantee you, if you were to be honest with us, you'd feel a whole lot better.
>
> REECE: And, at least we would understand and be able to say, hey, this is why this happens. Not, this guy don't care. . . .

(Exh. 11, 14:46:28–14:47:14). Shortly after that, Appellant confessed to killing the two men.[3]

At a pretrial hearing on the interrogation, Chindar Ryant, one of the investigators who interrogated Marcus Batson, said that Batson was allowed to smoke a cigarette after the interview. (Tr. 61, ll. 8–10). She also noted that he was provided with water. (Tr. p. 61, ll. 11–12). Further, Ryant testified that officers did not promise Appellant leniency, did not physically pressure him and did not misrepresent any of the evidence that law enforcement had at the time. (Tr. p. 61, ll. 13–20). On cross-examination, Ryant testified that Batson did not use the restroom, "[b]ut if he wanted to, he could have." (Tr. p. 63, ll. 15–18). She also conceded that Batson was not given food. (Tr. p. 63, ll. 23–24).

Like Ryant, Investigator William Reece testified that Batson was not pressured, either through physical force or other means of coercion. (Tr. p. 69, ll. 21–24). Reece also recalled that Appellant was not deprived of sleep and was given water, but did not receive any food. (Tr. p. 69, l. 25–p. 70, l. 6). Reece also testified that he did not make any promises of leniency, though he did promised Appellant he could smoke before being transported. (Tr. p. 70, ll. 7–11). Nor did

---

[3] Batson was properly Mirandized prior to making any incriminating statements. (Tr. p. 66, l. 15–p. 69, l. 5).

Reece misrepresent the state's evidence. (Tr. p. 70, ll. 12–15). Reece noticed during the interrogation that Appellant's story appeared to be shifting. (Tr. p. 71, l. 24–p. 72, l. 1). On cross-examination, Reece said that Appellant never asked to use the restroom. (Tr. p. 75, ll. 6–8).

During his argument against admission, Appellant's counsel argued that there were no breaks in the course of a two-and-a-half-hour interview, and that Appellant did not confess until he had been placed in shackles. (Tr. p. 79, l. 16–p. 80, l. 7). Counsel also argued that the officers made impermissible promises. *Id.*

In response, the solicitor argued that the statement should be admitted. (Tr. p. 81, l. 18–p. 83, l. 5). The solicitor noted the shifting nature of Appellant's story during the interview, and that the shackles did not automatically render the statement involuntary. *Id.*

Counsel for Appellant replied. that Appellant's statement did not substantially change until he was placed in shackles. (Tr. p. 83, l. 17–p. 84, l. 7). Counsel said that "what may have started out as a voluntary interview became involuntary due to the circumstances surrounding it." (Tr. p. 84, ll. 5–7).

The following day, the court found the statement admissible. (Tr. p. 86, ll. 5–20). The court held that Appellant was in custody, was Mirandized, and was not subjected to pressure or promised anything in exchange for his statement. *Id.*

During the trial, an exhibit containing the interview was admitted into evidence without objection. (Tr. p. 337, l. 14–p. 338, l. 8).[4] Additionally, Investigator Ryant testified about her recollection of the interview without objection. (Tr. p. 338, l. 9–p. 343, l. 3). Investigator Reece also testified as portions of the interview with Appellant were played. (Tr. p. 354, ll. 12–17; p.

[4] The exhibits have different numbers. However, based on a review of the record, the exhibit introduced at trial appears to include some if not all of Exhibit 11 broken into shorter clips.

364, l. 16–p. 370, l. 17). No contemporaneous objections to the testimony were made on the record during that testimony. *Id.*

The jury found Batson guilty of the murders of Glenn and Booker. (Tr. p. 434, ll. 2–15). The trial court sentenced Batson to prison for the remainder of his natural life. (Tr. p. 436, ll. 19–24). This appeal follows.

STANDARD OF REVIEW

Under recent South Carolina precedent, on appeal from a ruling on the admissibility of a statement by a defendant, "the question of voluntariness presents a mixed question of law and fact." *State v. Miller*, 441 S.C. 106, 119, 893 S.E.2d 306, 313 (2023). As a result, the factual determinations underlying a circuit court's ruling on whether a statement was voluntary is reviewed under an any-evidence standard. *See id.* "However, the ultimate legal conclusion—whether, based on those facts, a statement was voluntarily made—is a question of law subject to de novo review." *Id.*

ARGUMENT

I. There was no error in admitting the defendant's statement when he was not mistreated, officers made no impermissible promises or threats, and his statement was willful and voluntary.

Appellant argues that the trial court should have excluded his videotaped confession because it did not constitute a voluntary statement. Appellant is incorrect.

Not all police interrogation tactics violate a suspect's due process rights or protection against self-incrimination. Instead, the Supreme Court "has long held that certain interrogation techniques, either in isolation or as applied to the unique characteristics of a particular suspect, are so offensive to a civilized system of justice that they must be condemned under the Due Process Clause of the Fourteenth Amendment." *Miller v. Fenton*, 474 U.S. 104, 109, 106 S. Ct. 445, 449, 88 L. Ed. 2d 405 (1985). The suspect's rights are violated, the high court found, when law enforcement officers employed torture and interrogation techniques "revolting to the sense of justice" to draw out statements that were later used against a defendant at trial. *See id.* (quoting *Brown v. Mississippi*, 297 U.S. 278, 286, 56 S.Ct. 461, 465, 80 L.Ed. 682 (1936)). Our courts have frequently framed the inquiry in terms of whether the defendant's will was overborne. *See State v. Johnson*, 422 S.C. 439, 455, 812 S.E.2d 739, 747 (Ct. App. 2018) ("If a suspect's will is overborne and his capacity for self-determination critically impaired, use of the resulting confession offends due process." (quoting *State v. Saltz*, 346 S.C. 114, 136, 551 S.E.2d 240, 252 (2001))).

The rights guaranteed by the Constitution do not prohibit law enforcement officers from discussing the potential benefits of talking to officers, or the risk of refusing to do so. *See id* at 456, 812 S.E.2d at 748 ("Isolated incidents of police deception . . . and discussions of realistic penalties for cooperative and non-cooperative [defendants] . . . are normally insufficient to

preclude free choice." (cleaned up) (quoting *State v. Parker*, 381 S.C. 68, 91, 671 S.E.2d 619, 630-31 (Ct. App. 2008) (alterations in original))). Instead, when considering the back-and-forth between suspects and law enforcement over potential penalties, courts look to "whether law enforcement offered specific promises of leniency, rather than general remarks that a cooperative attitude would be to the accused's benefit." *State v. Miller*, 441 S.C. 106, 121, 893 S.E.2d 306, 314 (2023); *see also State v. Miller*, 375 S.C. 370, 387, 652 S.E.2d 444, 453 (Ct. App. 2007) ("Although the officers and [an assistant attorney general] told [the defendant] it was in his best interest to cooperate, no one made any direct or implied promise of leniency. As a result, [the defendant's] statements were made in the 'hope' of leniency rather than as a consequence of a 'promise.'").

A promise does not render a statement involuntary unless the promise causes the statement. *See State v. Rochester*, 301 S.C. 196, 200, 391 S.E.2d 244, 246–47 (1990) ("A statement induced by a promise of leniency is involuntary only if so connected with the inducement as to be a consequence of the promise."); *State v. Miller*, 375 S.C. at 386, 652 S.E.2d at 452 (same) (collecting cases).

Here, no impermissible threats or promises were made—and even if it could be argued, contrary to law and fact, that such a promise or threat was made, there is no reason to believe it caused Appellant's statement.

As to whether the officers' comments constituted a promise of leniency, *Arrowood* is instructive. In that case, the court found a confession admissible after officers and the defendant gave conflicting testimony about whether the officers promised to get charges in North Carolina dropped and get the defendant a favorable sentencing arrangement in South Carolina in return for cooperation. *See State v. Arrowood*, 375 S.C. 359, 363–65, 652 S.E.2d 438, 440–441 (Ct. App.

2007). During his testimony, one officer said any offer to help defendant would have consisted of a statement that the officer would testify about the defendant's cooperation. *Id.* at 364, 652 S.E.2d at 441. This court held that "the officers' offer to attest to Arrowood's cooperation did not constitute promises of leniency." *Id.* at 368, 652 S.E.2d at 443.

The officers' statements in the current case strongly resemble those in *Arrowood.* In fact, the officers at one point suggested to Appellant not that they would help him if he made a statement, but that he would be *helping himself.* (Exh. 11, 14:46:54–14:46:58); *see also State v. Rochester*, 301 S.C. 196, 199–201, 391 S.E.2d 244, 246–47 (finding that a polygraph examiner's statement that "it would be certainly, probably, in [the defendant's] best interest to tell the truth" did not render the confession involuntary because it was "not on its face an inducement or hope of lighter punishment").

What is not permitted by our law—and what the officers did not do in this case—is using a specific promise of leniency to pry a confession out of an unwilling suspect. *See* Promise, MERRIAM-WEBSTER, https://www.merriam-webster.com/dictionary/promise (last visited June 20, 2024) (defining a promise as "a declaration that one will do or refrain from doing something *specified*" (emphasis added)); *cf.* Promise, BLACK'S LAW DICTIONARY (11th ed. 2019) ("The manifestation of an intention to act or refrain from acting in *a specified manner*, conveyed in such a way that another is justified in understanding that a commitment has been made; a person's assurance that the person will or will not do something." (emphasis added)).

Nor can the officers' other comments be credibly argued to amount to a threat. A sarcastic remark of "good luck to you" is hardly a threat. In this instance, it was meant to emphasize to Appellant that cooperating could be beneficial, and lack of cooperation could not. Again, Appellant can point to no law saying that is not permitted, because the law clearly says it is.

Instead, the officers in this case provided Appellant with input that he could use in making a choice about whether to cooperate. Certainly, they hoped that Appellant would confess, but the law does not prohibit persuasion. It prohibits force.

Even so, there is no indication that officer's statements directly led to an involuntary confession by Appellant. Contrary to Appellant's brief, his confession *did not* immediately follow the statements Appellant portrays as problematic. In the immediate aftermath of those remarks, Appellant maintained his innocence. It was only after further discussions with officers—discussions that likewise did not include promises or threats—that Appellant concluded it was in his best interest to give the officers a self-serving version of the truth. The stray comments that Appellant highlights did not constitute threats or promises, but even if they did, there is no evidence that those comments caused Appellant's confession. *See Johnson*, 422 S.C. at 456, 812 S.E.2d at 748 (finding that an "isolated" reference to the death penalty given long before the suspect's confession did not render a statement involuntary).

Appellant's reliance on *Collins* is misplaced. *See generally State v. Collins*, 442 S.C. 444, 900 S.E.2d 426 (2024). In that case, our supreme court found that a confession should be suppressed when law enforcement actively misled a suspect about whether the officer would keep Collins' statements confidential. *See id.* at 456–460, 900 S.E.2d at 432–434. The court held: "This *misstatement of the law* and *false assurance by law enforcement* regarding [the defendant's] constitutional rights violated due process." *Id.* at 459, 900 S.E.2d at 434 (emphases added); *see also id.* ("Such *misleading statements* undermine the fundamental fairness that every defendant is entitled to under the law . . . ." (emphasis added)).

Here, the officers did not misstate the legal consequences of Batson choosing to give a statement about the killings. They certainly did not assure Appellant that his statements to them

would remain confidential. *See id.* at 454, 900 S.E.2d at 431–32 (framing the issue in Collins as whether "a false promise of confidentiality give rise to coercion and, thus, a lack of voluntariness, because it intentionally misleads a suspect about *the law*, i.e., the legal consequences and risks of proceeding with an interview with law enforcement, as distinguished from misleading a suspect about *the facts* in an investigation?"). Throughout Appellant's interrogation, law enforcement instead did what the law says they are entitled to do: Present the suspect with options and allow him to choose which avenue to take. But the choice remained with Appellant. That choice was—and could be—informed but not coerced by the investigators' statements. *See State v. Von Dohlen*, 322 S.C. 234, 243–44, 471 S.E.2d 689, 695 (1996) ("The present record reveals, not a defendant whose will was overborne by police, but one who, after considering his options, knowingly waived his *Miranda* rights and voluntarily decided to confess the details of the crime to police."), *overruled on other grounds by State v. Burdette*, 427 S.C. 490, 832 S.E.2d 575 (2019).

As to the other conditions of the interview, Appellant points to no case law finding the use of shackles to be a determining factor in analyzing whether a statement was voluntary. In any event, while the use of shackles to prepare Appellant for transfer might have focused his mind, it did so only because it emphasized the consequences of his calculation. Nor has Appellant been able to explain why this Court should assume that the shackles were placed on Appellant to influence his willingness to make a statement, rather than their most obvious purpose—to prepare Appellant for transfer before Reece and Ryant tried one more time to persuade Appellant to come clean.

Finally, there is no reason to believe that the amount of time devoted to this interrogation was excessive under state and federal precedents. *See Berghuis v. Thompkins*, 560 U.S. 370, 386–87, 130 S. Ct. 2250, 2263, 176 L. Ed. 2d 1098 (2010) ("The interrogation was conducted in a

standard-sized room in the middle of the afternoon. It is true that apparently he was in a straight-backed chair for three hours, but there is no authority for the proposition that an interrogation of this length is inherently coercive. Indeed, even where interrogations of greater duration were held to be improper, they were accompanied, as this one was not, by other facts indicating coercion, such as an incapacitated and sedated suspect, sleep and food deprivation, and threats."); *State v. Myers*, 359 S.C. 40, 47, 596 S.E.2d 488, 492 (2004) (finding trial court did not err in admitting statements when, among other factors, "[n]ot one of the interrogations lasted more than a few hours"); *Von Dohlen*, 322 S.C. at 245, 471 S.E.2d at 696 (upholding questioning "from approximately 7:00 to 10:00 p.m." when defendant was given breaks).

Furthermore, even if the statement was not voluntary, any error in its admission was without a doubt harmless.

"[T]he erroneous admission of an involuntary statement is still subject to a harmless error analysis." *Collins*, 442 S.C. at 460, 900 S.E.2d at 434. Harmless error is determined following a case-specific analysis of whether the alleged error meaningfully contributed to the conviction of the defendant. *See id.* at 460, 900 S.E.2d at 434–35 (collecting cases); *see also State v. Reeves*, 301 S.C. 191, 194, 391 S.E.2d 241, 243 (1990) ("Error is harmless when it could not reasonably have affected the result of the trial. The harmless error doctrine 'should be employed guardedly, however, and on a case by case basis.'" (citations omitted) (quoting *State v. Morris,* 289 S.C. 294, 297, 345 S.E.2d 477, 479 (1986)).

Given the manner of the victims' deaths, there is no doubt that they were murdered. The State introduced evidence, including forensic evidence, conclusively tying Appellant to the murder weapon, and showing that his DNA was present under the fingernails of one of the victims. There

is no reason to believe that the removal of Appellant's statement from the record would have resulted in a different verdict.

CONCLUSION

The record supports the trial court's finding that Appellant's statement was voluntary and admissible. In the alternative, any error resulting from the admission of that statement was beyond a doubt harmless. For those reasons, this Court should affirm Appellant's conviction.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

R. BRANDON LARRABEE
Assistant Attorney General
S.C. Bar No. 104865

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305

By: *s/R. Brandon Larrabee*
R. BRANDON LARRABEE
ATTORNEYS FOR RESPONDENT

December 6, 2024.