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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Patrick Cleburne Fant, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MATTHEW TIMOTHY MOON,

APPELLANT

APPELLATE CASE NO. 2025-000139

FINAL BRIEF OF APPELLANT

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STATEMENT OF ISSUES ON APPEAL

1. Did the trial court err by overruling appellant's objections to irrelevant testimony about his false statement he served in the military because isolated, unrelated falsehoods have no legitimate bearing on credibility?

2. Did the trial court impermissibly comment on the facts by instructing the jury a knife is an example of a "deadly weapon" for purposes of establishing the aggravating circumstance element of first-degree burglary?

STATEMENT OF THE CASE

In June 2024, the Greenville County grand jury indicted appellant Mathew Moon for threatening the life of a public official, third-degree assault and battery, malicious damage to personal property, first-degree burglary, and second-degree arson. R. 593-595. On January 13–15, 2025, he went to trial before Judge Patrick Fant, III, and a jury. R. 1. He was represented by Jeremy Crane and Lawrence Crane. R. 1. The state was represented by Allen Fretwell and Sarah Shugars. R. 1.

The jury ultimately found Moon guilty of first-degree burglary, malicious damage to personal property, threatening a public official, and assault and battery. R. 583:18-25. It acquitted him of arson. R. 584:1-2. The trial court issued concurrent sentences: thirty-five years for burglary, ten years for malicious damage to personal property, five years for threatening a public official, and thirty days for assault and battery. R. 590:13-591:3, 596-603.

This appeal follows.

STATEMENT OF FACTS

On July 17, 2021, Storey Gilchrist and her friend Hannah Story were sitting in Gilchrist's kitchen around 5 p.m. R. 27:10-28:3. Hannah Story saw a man, appellant Mathew Moon, approaching on the back porch. R. 28:2-8, 31:16-32:5, 89:21-90:6, 92:19-93:2. Gilchrist was not expecting another visitor, and she quickly locked the backdoor. R. 28:7-11, 30:11-31:4. Moon began banging on the backdoor, kicking it, and yelling. R. 31:4-32:15, 91:22-92:11. The two women then ran out the front door and left in Story's car. R. 32, 93:4-16. Gilchrist called 911, and Story called Gilchrist's husband, Andrew. R. 33:1-11, 93:14-94:19.

Moon testified at trial and largely agreed with Gilchrist's and Story's testimony. He explained he is a mountain biker, had been out riding his bike around town that day, and was heading home. R. 462:19-469:15. On the way he went down Hudson Road. R. 470:2-8, 472:6-10, 475:6-11. He then smelled something like burned electronics and turned up Breeds Hill Way where the Gilchrists live, although he did not know them. R. 27:10-14, 475:16-476:1. Moon then saw a fog or smoke coming from the Gilchrists' house, and he went down the driveway to investigate. R. 476:3-17. In the garage he saw a Jeep on fire. R. 477:10-15. He then ran to the screened-in porch in the backyard and started yelling and banging on the back door of the house. R. 67:2-4, 478:13-479:6. He saw Gilchrist and Story inside, and they ran out the front door. R. 480:7-13.

Moon then began searching for something to put out the fire. R. 481:17-25. He hoped there was a fire extinguisher in the grill, so he flipped it over searching for one to attempt to put out the fire. R. 481:3-482:7. He did not find one, however. R. 482:8-9. He admitted to flipping the grill because he was "freaking out" and his "mind was racing." R. 482:14-22. At that point though, he figured the people inside were notified and there was nothing more to do. R. 481:16-

20, 484:9-14. He then brought his bike back around to the front of the house and began smoking a cigar. R. 483, 501:10-502:12, 94:3. Then Deputy Marisa Bracken and other law enforcement officers arrived. R. 483:25, 485:21-486:2.

The state published State's Exhibit 22, a compilation of various bodycam recordings of the events following Bracken's arrival.[1] R. 140:14-141:22, 604. On it, Moon is seen coming up the driveway on his bike, and then he and Bracken get into a small physical altercation. State's Ex. 22, at 0:15-3:00. He was quickly arrested for striking Bracken and then placed in the back of Bracken's vehicle. State's Ex. 22, at 2:30-3:15. While handcuffed and on the ground, he told Bracken that after he gets out of jail, "I'll fuck you up so bad you don't even fucking know what you livin' with." State's Ex. 22, at 1:10-1:45; R. 121:8-10. Later on that video compilation, Moon stated: "I served in Iraq, I served in Iran, I been shot four times." State's Ex. 22, at 10:40-10:50. He also stated, "I've served this country in Iraq, Afghanistan [and you can] come around and look at the bullet holes in my arm." State's Ex. 22, at 27:30-28:00. At trial he testified those statements were untrue and he never served in the military. R. 505:11-506:11.

When he was arrested, Bracken and Deputy Wesley Bird searched his person and backpack. R. 198:21-199:11. They found Moon's cell phone and wallet, a BIC lighter and small cigars, an eight-inch folding knife, some bottles of vodka, and a water bottle. R. 117:7-118:10, 198:21-199:11, 496:7-494:3, 608; State's Ex. 35. From State's Exhibit 35, it appears the knife is eight inches long only if one includes the handle in the measurement; the blade appears to be just four inches. State's Ex. 35, at 2:05. Moon testified that although he had one beer earlier in the day, he did not drink any of the vodka and had merely purchased the bottles to take home for the

[1] Throughout trial she was referred to as Deputy Bracken, although she changed her name to Marisa Roberts at some point. R. 109:19-21.

weekend. R. 493:12-24. Bracken also explained that, by coincidence, she spoke with Moon approximately an hour before these events when she saw him resting on the side of the road with his bike. R. 171:25-172:6. In their approximately half-hour exchange, he appeared completely sober and was friendly. R. 190:2-9, 172:20-171:16. She also did not smell alcohol on him when she arrested him. R. 188:22-189:3.

To summarize the remaining evidence presented at trial, the state extensively demonstrated Moon was on the scene, a fact which Moon admitted. R. 492:24-493:2. For example, Deputy Michael Land testified about the GPS data from his phone. Generally, it corroborated Moon's story: he rode around town that day, went up Dawson Road, and moved around outside the Gilchrists' home on Breeds Hill Way. R. 340:20-344:9, 606; State's Ex. 75. Kristina Weppler, a crime scene investigator for Greenville County, testified she lifted Moon's palm print from the Gilchrists' grill, which Moon also stipulated. R. 297:11-19, 305:16-308:19, 605. Most of the rest of the evidence presented pertained to the arson charge and is not further described here. Further facts are addressed below as they relate to each issue on appeal.

While it was deliberating, the jury requested to be re-instructed on the elements of each offense. R. 577:23-578:12, 609. It also asked, "Does 'armed' mean on his person or out and in his hands?" R. 630, 579:19-24. The court instructed the jury to refer to its charge. R. 630; 579:19-580:25. After deliberating for over five hours, the jury acquitted Moon of arson and found him guilty of the remaining charges. R. 577:20-2, 583:7-584:3.

STANDARD OF REVIEW

In general "[t]he admission or exclusion of evidence is left to the sound discretion of the trial judge, whose decision will not be reversed on appeal absent an abuse of discretion." *State v. Swafford*, 375 S.C. 637, 640, 654 S.E.2d 297, 299 (Ct. App. 2007) (quoting *State v. Saltz*, 346 S.C. 114, 121, 551 S.E.2d 240, 244 (2001)).

As to the second issue, whether a given jury charge is an unconstitutional comment on the facts should be reviewed de novo on appeal. The question is whether the charge given violates Article V, section 21 of the South Carolina Constitution. That section is a limitation on the judicial authority of this state, and as such its application raises a question of law just the same as similar provisions limiting the authority of the General Assembly and Executive. *State v. Frasier*, 437 S.C. 625, 633, 879 S.E.2d 762, 766 (2022) (application of constitution is question of law reviewed de novo); *Hutchison v. York Cnty.*, 86 S.C. 396, 68 S.E. 577, 578 (1910) (constitutional questions are questions of law).

ARGUMENT

I. The solicitor impermissibly impeached Moon with evidence of an irrelevant falsehood.

The state repeatedly elicited testimony about Moon's false statement he served in the military. That fact has absolutely no relevance to any of the material issues at trial, and moreover it is not a proper method of impeachment. The testimony therefore should have been excluded.

a. Relevant Facts

While examining Deputy Wesley Bird, the state asked about Moon's statement that he served in the U.S. military, which was recorded and published in State's Exhibit 22.

> Q: Did you hear the defendant discuss having any prior military service?
>
> A: I do remember. At one point, he blurted out that he had served in Iraq and Iran and had been shot four times.
>
> Q: And as someone with military experience, did what the defendant appear to say, did it appear he was being truthful?
>
> A: It did not due to him saying that he had served in Iran which I have no knowledge of our military ever setting foot in.
>
> Q: And if someone had been shot while serving this country, let alone four times, would they be eligible for ---
>
> MR. JEREMY CRANE: Your Honor, objection. What's the relevance? Objection on relevance.
>
> THE COURT: Overruled.
>
> MS. SHUGARS: Thank you, Your Honor.
>
> Q: If someone was shot while serving this country let alone four times, would they be eligible for Veterans Affairs benefits?
>
> A: Absolutely.
>
> Q: And what would it indicate to you if the VA had no record of this defendant?

A: It would seem incredulous that they would not seek whether it be disability or just further care for the injuries they sustained. I served with a lot of men on deployments who had been shot, and every single one I know is a member of the VA as well as myself.

R. 204:18-205:21.

When cross-examining Moon, the very last questions from the state continued this inquiry:

Q: You told Deputy Bird you served in the military; is that correct?

A: Yes, I did.

Q: What was your pay grade?

A: Huh? I didn't have one.

Q: You didn't have a pay grade?

A: No.

MR. JEREMY CRANE: Your Honor, objection. This is irrelevant whether or not he served.

THE COURT: Overruled.

Q: You didn't have a --- did you have a rank?

A: No.

Q: What branch of the military did you serve in?

A: No.

Q: You did not serve in the military?

A: No.

Q: But you did tell Deputy Bird that you served in the military?

A: Yes, I did.

Q: So you never served in Afghanistan or Iraq?

A: No.

Q: Like you previously stated?

A: Right?

Q: So you admit lying about having military experience?

A: Yes, ma'am.

R. 505:11-506:11.

b. Argument

First, Deputy Bird's testimony was entirely irrelevant. "'Relevant evidence' means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Rule 401, SCRE. "Under Rule 401, evidence is relevant if it has a direct bearing upon and tends to establish or make more or less probable the matter in controversy." *State v. Lyles*, 379 S.C. 328, 337, 665 S.E.2d 201, 206 (Ct. App. 2008) (quoting *State v. Preslar*, 364 S.C. 466, 475, 613 S.E.2d 381, 386 (Ct. App. 2005)). Whether Moon served in the military, had ever been shot, or received benefits from Veteran's Affairs had no "direct bearing" on any disputed issue and was of no "consequence" to this case. *Id.*; *State v. Saltz*, 346 S.C. 114, 128, 551 S.E.2d 240, 247 (2001). Those facts did not make it more likely he entered the Gilchrists's porch with felonious intent, set the garage and Jeep ablaze, or maliciously damaged the grill. These statements were of absolutely no moment, and the trial court erred by overruling Moon's objection.

Second, as to Moon's cross-examination, the state is not permitted to call just any falsehood of the defendant to the jury's attention. 70 Corpus Juris, *Witnesses* § 1082, at 864 (1935) ("A witness cannot be impeached by evidence showing particular instances in which he has been untruthful . . . ."). As counsel objected at trial, it "is irrelevant whether or not [Moon] served." There can be no genuine dispute the substance of his statement is not germane to his guilt for activities at the Gilchrists' home. All this testimony showed was that Moon once lied about an entirely separate and unrelated matter. It is not probative of his credibility, nor a proper method of impeachment. It is merely human: "evidence that a witness has lied in the past has questionable

value 'since very few people, other than the occasional saint, go through life without ever lying.'" *Vanover v. State*, 433 S.C. 31, 41-42, 856 S.E.2d 160, 165 (Ct. App. 2021) (quoting *Redmond v. Kingston*, 240 F.3d 590, 593 (7th Cir. 2001) (Posner, J.)). Virtually every single person on this earth has lied at one point or another. Pointing that fact out does not "hav[e] any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Rule 401, SCRE.

This evidence is no different than if the state asked Moon if he had ever lied about stealing a cookie from the cookie jar or said he was busy and could not get together with a friend, even though he was not. *See* 70 Corpus Juris, *supra* § 937, at 770 ("A witness is not necessarily unworthy of credit because he may at one time or another have acted badly in matters not immediately germane to the suit . . . ."). A party does not have carte blanch to impeach every witness with any given falsehood no matter how disconnected to the matter at hand. *See Vanover*, 433 S.C. at 42, 856 S.E.2d at 166 (holding, as to non-defendant witness, "lies that have no similarity whatsoever to the accusations on trial" are not admissible under Rule 404(b) as prior bad acts). This testimony was simply irrelevant to the issues before the jury and should have been excluded.

Admission of the evidence was also not harmless. Taken together, this utterly irrelevant commentary and attack on Moon's credibility went to the very heart of the case. Moon admitted to virtually all of the substantive conduct of the alleged crimes (other than the arson, which he was acquitted of). As to the burglary, his entire defense was that he had no intention of committing a felony when he ran in the back porch and started banging on the door—he wanted only to alert the occupants to the fire. R. 495:10-21. As to the malicious damage to personal property charge, Moon stipulated his handprint was on the grill and admitted he knocked it over, but he testified it

was in search of a fire extinguisher and therefore not malicious. R. 481:7-482:22. On the assault and battery, he admitted to touching Deputy Bracken, but he said he was "blocking their assault," not outright punching her. R. 502:16-503:13. Considered in context, Moon's credibility was *everything* at trial. Although some witnesses recounted the details of these events slightly differently, that simply makes it a matter for the jury. One where credibility would determine the outcome, and that determination was tainted by this irrelevant testimony about an entirely unimportant and unrelated lie. *Cf. State v. Saltz*, 346 S.C. 114, 124, 551 S.E.2d 240, 246 (2001) ("Erroneously admitted corroboration testimony is not harmless merely because it is cumulative. On the contrary, 'it is precisely this cumulative effect which enhances the devastating impact of improper corroboration.'" (quoting *Jolly v. State*, 314 S.C. 17, 21, 443 S.E.2d 566, 569 (1994))), *overruling recognized by Thompson v. State*, 423 S.C. 235, 246, 814 S.E.2d 487, 492 (2018)).

Further, to many jurors in South Carolina, lying about serving in the military, about being shot four times, is a grave offense. Once the jury heard his lie—and had it repeatedly emphasized—they were too likely to disbelieve him and think him a terrible person for an irrelevant, illegitimate reason. To many, stolen valor is serious mark on one's character. Moon was never going to recover from this attack. This evidence cannot be considered harmless because it allowed and encouraged the jury to make the outcome-determinative credibility evaluation on the basis of a single, unrelated, and extraordinarily prejudicial falsehood. The jury never should have been permitted to hear Bird's irrelevant opinion that because Moon did not go to the VA, his assertion of military service "would seem incredulous." And the solicitor should not have been permitted to attack Moon's credibility with this irrelevant fact.

II. Whether something constitutes a "deadly weapon" to aggravate burglary is a question of fact, and the trial court unconstitutionally commented on that factual question by listing examples of deadly weapons.

a. Relevant Facts

The trial court instructed the jury on first-degree burglary as follows:

> Next, the State must prove beyond a reasonable doubt that the defendant intended to commit a crime, either a felony or a misdemeanor at the time of the entry.
>
> . . .
>
> Finally, the State must prove beyond a reasonable doubt the existence of one of the following aggravating circumstances such as, . . . four, when entering, while in the dwelling, or in immediate flight, the defendant or an accomplice was armed with a deadly weapon or explosive.
>
> A deadly weapon is any article, instrument or substance which is likely to cause death or great bodily harm. Whether an instrument has been used as a deadly weapon depends on the facts and the circumstances of each case.
>
> The following are examples of instruments which may be deadly weapons: a pistol, a shotgun, a rifle, a dirk, a dagger, a knife, a slingshot, metal knuckles, a razor, gasoline, a firebomb or Molotov cocktail and lighter fluid. A gun may be a deadly weapon even if it is not operating.

R. 571:11-572:24. It then instructed the jury second-degree burglary is a lesser-included offense that does not require the state to establish an aggravating circumstance. R. 572:25-573:19. During the charge conference Moon objected that the list of examples of deadly weapons is a "statement of fact" because "you can have a knife and not have it be a deadly weapon or may have a jury be able to consider it to not have been a deadly weapon." R. 519:10-16. He was overruled. R. 519:17-18.

b. Argument

The trial court should not have provided the jury with examples of deadly weapons and identified a knife as a deadly weapon. Trial courts are not permitted to make comments on the facts to the jury. S.C. Const. art. V, § 21 ("Judges shall not charge juries in respect to matters of fact, but shall declare the law."); *see, e.g.*, *State v. Brown*, 443 S.C. 196, 199-200, 904 S.E.2d 448,

449-50 (2024) (collecting cases). This is because by simply stating that some evidence might lead to certain inferences or conclusions, "the trial court has directly commented upon facts in evidence, elevated those facts, and emphasized them to the jury." *State v. Stewart*, 433 S.C. 382, 392, 858 S.E.2d 808, 813 (2021) (quoting *State v. Burdette*, 427 S.C. 490, 502-03, 832 S.E.2d 575, 582 (2019)).

Whether Moon possessed a "deadly weapon" in the commission of a burglary was a question of fact for the jury to determine. *See State v. Davis*, 309 S.C. 326, 344, 422 S.E.2d 133, 144 (1992) ("Whether an object has been utilized as a deadly weapon depends upon the facts and circumstances of each case."), *overruled in unrelated part by Brightman v. State*, 336 S.C. 348, 520 S.E.2d 614 (1999); *State v. Johnson*, 187 S.C. 439, 198 S.E. 1, 4 (1938) (affirming conviction for assault and battery of a high and aggravated nature because jury could conclude, as matter of fact, that defendant's fists satisfied aggravating circumstance of use of a deadly weapon). Therefore, any intimation by the trial court of its opinion as to what constitutes a deadly weapon is improper. 16 Corpus Juris, *Criminal Law* § 2274, at 922-23 (1918) ("Questions of fact in criminal proceedings are to be tried by the jury, and it is not for the court to give instructions as to matters of fact or to assume that a contested fact has been proved; and it has been held that every fact essential to constitute the crime charged must be submitted to the jury, although not disputed." (footnotes omitted)).

The court told the jury that a knife "may be a deadly weapon" as a matter of law. That is a direct comment on a factual question the jury needed to decide. That is not permitted. This instruction virtually guaranteed the jury would determine Moon's admitted possession of a knife satisfied the deadly weapon requirement in aggravation.

The instruction is similar to those comment-on-the-facts cases concerning permissive inferences where our courts have repeatedly rejected even longstanding instructions. *See, e.g.*, *Brown*, 443 S.C. at 198, 904 S.E.2d at 449 ("[W]e conclude the trial court erred in charging the jury that 'malice can be inferred if one kills another during the commission of a felony,' as it amounts to an improper charge on the facts."); *Stewart*, 433 S.C. at 391, 858 S.E.2d at 813 ("The jury charge instructing a jury it may infer knowledge or possession when a substance is found on property under the defendant's control should no longer be given."); *State v. Grant*, 275 S.C. 404, 407, 272 S.E.2d 169, 171 (1980) ("While an instruction on flight has been acceptable law for some time in most jurisdictions, we are inclined to think that henceforth it is more appropriate for the judge to decline any charge whatsoever on this issue.").

This instruction is actually more prejudicial and improper than those that have been addressed in recent years because it did not clearly inform the jury the list of examples was merely a suggestion. As the Supreme Court has noted, "Even telling the jury that it is to give evidence of the use of a deadly weapon only the weight the jury determines it should be given does not remove the taint of the trial court's injection of its commentary upon that evidence." *Burdette*, 427 S.C. at 502-03, 832 S.E.2d at 582. Here, the trial court did not even take such remedial measure: there was no instruction that the list of items that "may" be deadly weapons was not conclusive, that it was ultimately up to the jury to decide if a given item—or particular knife—is a deadly weapon. The trial court stated only, "Whether an instrument has been used as a deadly weapon depends on the facts and the circumstances of each case." Never was the jury clearly and directly instructed it needed to determine if the knife Moon admittedly possessed was actually a deadly weapon. Following this instruction, no jury was likely to conclude otherwise, regardless of the facts and circumstances involved—even the smallest, weakest pocketknife would almost certainly suffice.

That procession of thought is precisely why our courts are forbidden from commenting on the facts.

In addition to being improper commentary, this instruction should not be given because there is no need for it. The jury can on its own determine what amounts to a deadly weapon. Of course a Molotov cocktail or shotgun are deadly weapons; it is not necessary for the trial court to weigh in on the matter. *See Burdette*, 427 S.C. at 503, 832 S.E.2d at 583 ("It is axiomatic that some matters appropriate for jury argument are not proper for charging. 'Do jurors need the court's permission to infer something? The answer is, of course not.'" (quoting *State v. Belcher*, 385 S.C. 597, 612 n.9, 685 S.E.2d 802, 810 n.9 (2009))). For other weapons, however, the court's input is even more problematic precisely because the issue is less clear. Imagine, for example, a burglary committed by someone possessing a slingshot. There can be—and should be—serious debate about whether such a weapon truly is deadly, and only the jury can make that determination. *Cheeks*, 401 S.C. at 328, 737 S.E.2d at 484 ("It is always for the jury to determine the facts, and the inferences that are to be drawn from these facts."). This instruction needlessly injects the trial court's opinion into the matter, and it prejudices and predisposes the jury to find the state has proven an element of the offense.

The South Carolina Supreme Court has "held in other settings that it is improper to give examples of conduct the jury may consider when determining whether the State has proven an element of a crime or when determining whether certain other facts have been proven or disproven." *Burdette*, 427 S.C. at 502, 832 S.E.2d at 582. This is another such case. The given examples are like those requested in *State v. Hughey*, 339 S.C. 439, 529 S.E.2d 721 (2000), *overruled in unrelated part by Rosemond v. Catoe*, 383 S.C. 320, 680 S.E.2d 5 (2009):

> Hughey requested the following examples of legal provocation [sufficient to constitute voluntary manslaughter]: pulling a knife on

> a defendant, pointing a gun at a defendant, spitting in a defendant's face, assault of a family member, sudden mutual combat where one of the participants is killed by the other without a previously informed intention to do so, finding one's spouse in the act of adultery, or the deceased having molested a defendant's minor child.

339 S.C. at 452, 529 S.E.2d at 728. There the trial court correctly refused the requested examples since they "constitute[d] a direct charge on the facts because Hughey alleges that a knife was pulled on him, [the decedent] spit in his face, and there was sudden mutual combat." *Id.*; *see also State v. Johnson*, 45 S.C. 483, 23 S.E. 619, 621 (1896) ("The third ground cannot be sustained, as the charge requested would have required the circuit judge to pass upon a question of fact, to wit, whether the fowl house was an appurtenance to the dwelling house of [victim]."). The list of deadly weapons here is almost exactly the same as the request in *Hughey* because Moon had a knife in his possession. It was improper for the same reason.

Juries should not be charged with any specific examples of deadly weapons. That term is adequately explained without examples, just as the trial court instructed here: "A deadly weapon is any article, instrument or substance which is likely to cause death or great bodily harm." This instruction was nothing more than "an improper court-sponsored emphasis of a fact in evidence—that the deed was done with a deadly weapon—and it should no longer be permitted." *Burdette*, 427 S.C. at 503, 832 S.E.2d at 582.

CONCLUSION

Appellant respectfully requests this court reverse his convictions for first-degree burglary, malicious damage to personal property, and third-degree assault and battery.

Jordan Wayburn
Appellate Defender

ATTORNEY FOR APPELLANT

This 17th day of November, 2025.

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CERTIFICATE OF COUNSEL

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

Jordan Wayburn
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MATTHEW TIMOTHY MOON,

APPELLANT

APPELLATE CASE NO. 2025-000139

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Final Brief of Appellant in the above-referenced case has been served upon Ambree M. Muller, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 17th day of November, 2025.

Jordan Wayburn
Appellate Defender

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