STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM MARION COUNTY
The Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2013-001769

THE STATE

APPELLANT,

V.

CALVIN JERMAINE POMPEY,

RESPONDENT.

INITIAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the court erred in granting the Respondent Calvin Jermaine Pompey immunity from prosecution under the Protection of Persons and Property Act, specifically under S.C. Code Ann. § 16-11-440(A), when there was no evidence to support a finding the victim was unlawfully and forcefully entering, or had unlawfully and forcibly entered the Respondent's vehicle when Respondent shot him?

STATEMENT OF THE CASE

Respondent Calvin Jermaine Pompey ("Respondent") was arrested and indicted for Murder (2012-GS-33-301) in the shooting death of Rondell McEachin. On October 12, 2012, Respondent filed a Motion to Dismiss Indictment, asserting he was entitled to immunity from criminal prosecution under S.C. Code §§ 16-11-440(A) and 16-11-450(A). (Motion, R. pp.).

An evidentiary hearing on the Motion was held before the Honorable D. Craig Brown, Circuit Court Judge, on August 13, 2013. (Tr. 1-85). Respondent was present and was represented by Vick Meetz, Esquire, Assistant Public Defender with the Twelfth Circuit Public Defender's Office. Id. The State was represented by Solicitor E.L. Clements, III, Esquire of the Twelfth Judicial Circuit. Id.

On August 15, 2013, the trial court dictated its Order on the Motion on the record. (Tr. 85-91). Appellant subsequently filed its Notice of Appeal.

The State now respectfully requests this Court reverse the trial court's Order granting the Motion to dismiss the indictment, and remand this case for trial.

STATEMENT OF FACTS

On March 18, 2013, Respondent Calvin Jermaine Pompey ("Respondent") shot and killed the victim, Rondell McEachin, in the parking area outside of Club Fusion in Marion County.

Respondent and his friends go to Club Fusion.

Respondent, Kadeem Kelley, and Joshua Ward all travelled together to Club Fusion on the early morning of March 18, 2013.[1] (Tr. 5, 50-1). It was unclear how long the three were in the club that night. (See Tr. 11, 51). Kelley was only able to say they were at the club for longer than five minutes. (Tr. 11). While the three were inside the club, an altercation broke out between other club goers. (Tr. 5, 51-2; see Tr. 33, 71). Kelley indicated that it did not appear Respondent was not involved in the altercation. (Tr. 5, 11, 13). However, Respondent was removed from the club with those involved in the altercation.[2] (Tr. 5, 11, 13, 52, 59). Respondent denied being involved in the altercation, but he did state that he attempted to break up the fight. (Tr. 52, 59).

After the altercation was over, Kelley and Ward went outside and met up with Respondent. (Tr. 6, 53). Kelley and Respondent both indicated that they met up outside the club no more than a couple minutes after the altercation inside was over. (Tr. 14, 53). The three then headed towards their car, a 2001 Mitsubishi Gallant. (Tr. 14, 53; see Tr. 45). Ward was driving, Respondent was

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[1] Kelley is Respondent's brother-in-law. (Tr. 10, 51).

[2] Kelley later conceded Respondent may have been involved in the fight, but noted that it did not appear that Respondent's clothes were messed up, Respondent was not scratched up, and it did not appear Respondent had been in a fight. (Tr. 13, 15).

sitting in the front passenger seat, and Kelley was sitting in the rear passenger seat. (Tr. 7-9, 17).

The victim was also at Club Fusion with a friend.

Milton Wheeler was with the victim on the day of the shooting. (Tr. 68-9). He testified that both he and the victim went to Club Fusion together that night. (Tr. 71). Wheeler also recalled that they were both removed from the club after there was an altercation between others inside the club. (Tr. 71-2). Wheeler did not see what happened because he was at the bar getting drinks. (Tr. 72). After he and the victim were put out of the club, he recalled Mr. McRae trying to calm down the victim and him. (Tr. 72)

Roderick McRae, the owner of Club Fusion, testified that he was outside in the parking lot on the evening of March 18, 2012. (Tr. 31). He never saw Respondent or Kelley, but he did see the victim with another guy. (Tr. 31). McRae testified that it appeared the two had been involved in an altercation inside the club because they were acting erratic and appeared to be riled up a little bit. (Tr. 31-2, 33). McRae further testified that he was able to calm down the victim, but the victim's friend would not calm down. (Tr. 33, 34, 39, 41-2).

The victim approached Respondent's car.

McRae testified that shortly after he turned away from the victim, the victim hopped a pillar and fell face first. (Tr. 34, 43). McRae noted that he believed the victim was intoxicated based upon the jump attempted by the victim. (Tr. 34). When the victim got up, he started heading towards Respondent's car. (Tr. 35). McRae stated that he attempted to stop the victim, but he was too far

away when McRae saw that he was heading towards the car. (Tr. 37). McRae indicated the victim was not running, but was moving in a hurried motion straight towards the car. (Tr. 35, 37, 45). McRae testified that the victim was heading towards the rear of the car. (Tr. 37-8).

Kelley testified that as he, Respondent, and Ward were getting into the car, the victim and some others were following them to the car. He noted that one guy had his hand under his shirt as if he had something. (Tr. 6). Kelley indicated that Respondent was in the car and was leaning back in the front passenger seat when the victim approached. (Tr. 7, 18). According to Kelley, Respondent's foot was hanging out of the doorway when the victim approached. (Tr. 18). He noted that the victim was inside the car or reaching in the car. (Tr. 8). The victim did not say or do anything when he got to the car. (Tr. 8). Kelley knew Respondent had a gun that night. (Tr. 19). Kelley indicated that Respondent had left the gun in the car when they went into the club. (Tr. 19).

Respondent testified that he, Kelley and Ward went to the car. (Tr. 53). When Respondent got to the car, he started to get in. (Tr. 53). He saw the victim running towards the car with his hand under his shirt. (Tr. 53). Respondent noted that he had brought his gun with him that night, and it was in the glove compartment of the car. (Tr. 54). Respondent also testified that he saw two other people coming after the victim. (Tr. 55).

Respondent shot the victim.

Once the victim leaned into the car, Kelley heard one shot. (Tr. 8). Kelley testified Respondent was the one who let off the shot, and the shot was fired

inside the car. (Tr. 18). McRae also heard one shot. (Tr. 36). When the shot was fired, he noted the car door was open, and the victim was leaning into the car. (Tr. 36-7). McRae also observed that the person in the car had the car door open and his feet were flat on the ground. (Tr. 43). McRae described the person's position as almost a defensive position, and McRae further noted that the person leaned further back the closer the victim go to the car. (Tr. 43, 47).

Wheeler stated,

> Well, when they [Respondent and his friends] was heading over to the car I don't know why he [the victim] was running to the car, but when he got there he check over everything. And then when we made it to car everybody was saying, Pompey, don't do it, don't do it, and next I heard a gunshot and I took off running.

(Tr. 72, ll 17-22). Wheeler never saw the victim with a weapon or anything in his pocket. (Tr. 73). He also never saw him get into an altercation with Respondent, and he did not recall seeing the victim do anything threatening. (Tr. 73). Wheeler only heard one gunshot. (Tr. 73, 74). Wheeler testified that Respondent was in the car when the shot was fired. (Tr. 74). He could not see Respondent's feet, but Respondent was in the car. (Tr. 74). He saw the victim run towards the car door. (Tr. 74). While Wheeler initially testified that he did not see the victim do anything with his hands, he later admitted that he saw the victim raise his hand at Respondent. (Tr. 74, 76).

Respondent testified that when the victim got to the car, Respondent shot. (Tr. 54). He indicated that the victim was on top of him, and was close enough for there to be blood inside the car and on Respondent's clothes after the shot was fired. (Tr. 55). Respondent stated that he was sitting down in the front

passenger seat, and he was leaning back in the seat when he fired the shot. (Tr. 55).

Respondent testified that when he fired the shot, his feet were inside the car. (Tr. 60-1). Respondent also stated that he did not hear the victim or anyone else make a threat. (Tr. 62). He also admitted that he never saw anything other than the victim's hand under the victim's shirt. (Tr. 62). Respondent never saw a weapon. (Tr. 63). Respondent acknowledged that he could have told the victim to back off, but he questioned whether that would have been effective. (Tr. 63). He also noted that he was not sure if he could have shut the door before the victim got to him. (Tr. 63). However, Respondent later agreed that he could have closed the door. (Tr. 65). He further testified that he shot the victim because he felt threatened. (Tr. 65-66).

After the shot was fired.

McRae testified that after Respondent shot the victim, he pointed the gun at the other guy. (Tr. 46). McRae stated that the other guy pleaded for his life. (Tr. 46). Then Respondent pointed the gun at McRae. (Tr. 46). McRae testified that Kelley then intervened and told Respondent that McRae had nothing to do with this, and identified McRae as the owner of the club. (Tr. 46). McRae noted that Respondent was out of the car when he pointed the gun at the victim's friend, but he was in the car when he shot the victim. (Tr. 46-7). He also noted that the victim was really close to the Respondent when he shot him. (Tr. 47).

Kelley testified that he, Respondent, and Ward left the scene immediately after the shooting. (Tr. 9, 27-8). He denied anything was said after the shot was

fired, other than him telling the others to go. (Tr. 27). Respondent indicated that he protected himself after he fired the shot. (Tr. 55-6). He noted that two more people were heading towards the car at that time. (Tr. 55). He also noted that they left as soon as they felt it was safe to leave. (Tr. 56).

Wheeler testified that he took off running after he heard the gunshot. (Tr. 72). When he returned to where the victim was shot, he told others to call 911. (Tr. 72).

The Trial Court found Respondent was entitled to immunity.

On August 15, 2013, the trial court granted immunity. In granting immunity, the court stated as follows:

> Mr. Pompey was charged by indictment, indictment number 2012-GS-33-301 was the offense of murder. This indictment alleges that Calvin Jemaine Pompey did in Marion County on or about March 18, 2012 willfully, feloniously, and intentionally kill the victim Rondell, Rondell McEachin, with malice aforethought either expressed or implied by means of shooting and the victim did die as a proximate result thereof on or about March 18, 2012 in Marion County in violation of Section 16-3-10 of the South Carolina Code of laws.
>
> Pursuant to such indictment Mr. Pompey by and through counsel filed a motion to seeking immunity pursuant to the protection of persons and property act under 16-11-410, et. al., of the South Carolina Code of laws. Section 16-11-420, South Carolina Code Subsection A, states that: It is the intent of the general assembly to codify the common law of castle doctrine which recognizes that a person's home is his castle and to extend the doctrine to include an occupied vehicle and the person's place of business. Subsection E of 16-11-420 states that: The general assembly finds that no person or victim of crime should be required to surrender his personal safety to a criminal, nor should a person or victim be required to needlessly retreat in the face of intrusion or attack. Section 16-11-440 Subsection (a) (1) and (2) states that: A person is presumed to have a reasonable fear of imminent peril, death, or great bodily injury to himself or another person when using deadly force that is intended or likely to cause death or great

bodily injury to another person if the person, one, against whom the deadly force is used is in the process of unlawfully and forcefully entering or unlawfully and forcibly enter a dwelling, residence, or occupied vehicle; or if he removes or is attempting to remove another person against his will from the dwelling, residence, or occupied vehicle; and two, who uses deadly force knows or has reason to relieve that an unlawful and forcible entry or unlawful and forcible act is occurring or has occurred. Subsection D of Section 16-11-440 states that: A person who unlawfully and by force enters or attempts to enter a person's dwelling, residence, or occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or a violent crime as defined in Section 16-1-60.

First, the Court responsibility is to determine the implication of the act. The Court certainly finds that the act is applicable and that all the facts and circumstances surrounded the defendant occupying a vehicle when the incident subject to this indictment took place. A vehicle as defined in 16-11-430 is defined as: A conveyance of any kind whether or not motorized which is designed to transport people or property. Under Subsection -- excuse me, under Section 16-11-440 (a) (1): If someone against whom deadly force is used is in the process of unlawfully and forcefully entering or has unlawfully and forcibly entered a dwelling, a residence, or occupied vehicle, the Court finds that it -- the topic here or the issue here occupied vehicle, not residence or dwelling, and that's what we have here, an occupied vehicle -- and the one who uses deadly force knows or has reason to believe that an unlawful and forcible entry or unlawful and forcible act is occurring the uncontradicted testimony that was heard in this courtroom as the defendant did know such, he did know such, then there is a presumption that the person here, that person being Mr. Pompey, had a reasonable fear of imminent peril of death or great bodily injury. There's a presumption that Mr. Pompey had reasonable fear of imminent peril of death or great bodily injury to himself when using deadly force that is intended or likely to cause death or greet bodily injury to another person.

Furthermore, under Subsection B, as I've already stated, a person who unlawfully and by force enters or attempts to enter an occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or a violent crime as defined in Section 16-1-60. The uncontradicted testimony is that the decedent Mr. McEachin was attempting by force to enter the vehicle occupied by Mr. Pompey; therefore, there has been no testimony that would rebut the presumption of his intentions. It is

presumed that the decedent intended to commit and unlawful act involving force or a violent crime as defined in Section 16-1-60.

The standard of proof that this Court must use in making this determination is by a preponderance of the evidence, has the defendant established by a preponderance of the evidence that he was entitled to use the force which he used in this particular situation. The uncontradicted testimony that was elicited from this witness stand was that there was an altercation in this club, Club Fusion; that the defendant was not involved in the altercation, but the defendant was removed from the club; that the defendant was told to leave the club and that he was in the process of doing so; that the defendant waited on Mr. Kelly and Mr. Moore, whom he arrived at the club with, and that as soon as all three of them were outside of the club that they went to the car, to their car; that Mr. Moore was the driver of this automobile; that Mr. Kelly was getting into the back seat of the automobile behind the driver; that Mr. Pompey was in the front passenger seat and that he was seated in the car. There was some contradictory testimony as to whether or not his feet were in the car or out of the car, but it is uncontradicted that he was seated in the car.

This Court determines that whether his feet were in or out of the car is irrelevant. The decedent and Mr. Wheeler were also removed from Club Fusion. Mr. McEachin, the decedent without provocation, there was no testimony that there was any provocation by this defendant Mr. Pompey, that Mr. McEachin without provocation went hurriedly to the automobile that Mr. Pompey was in after having fallen to the ground; that as he approached the car he did so with his hand under his shirt; that after getting to the car, decedent leaned, decedent being Mr. McEachin, leaned into the car; that as the decedent leaned into the car defendant leaned back. As defendant leaned back, that is when he shot the decedent one time resulting in his death. Per the decedent -- excuse me, per the defendant the decedent never made any verbal threats, nor did the defendant ever see a weapon and that was something that Mr. Clements on cross-examination questioned him about. And there was testimony elicited from other witnesses whether or not there were any verbal threats or whether or not anybody saw a weapon. And while I certainly understand those arguments from counsel and State v. Duncan, there was never any verbal threats from the victim, nor was there ever a weapon retained by the victim in that case.

In State v. Duncan, which is cited at 392 S.C. 404, there was a verbal disagreement between the defendant and the decedent in

that case. The decedent in that case attempted to enter the porch, simply enter the porch of the defendant, and as he attempted to enter the porch that is when that decedent was killed. In that particular case in State v. Duncan our supreme court affirmed the circuit court's finding that the defendant was entitled to immunity under the protection of property -- excuse me, protection of persons and property act. The Supreme Court affirmed the circuit court's finding in that case.

My conclusions, based upon all of the uncontradicted testimony that I have set forth on the record based upon my review of the statutes that apply to this particular situation, this Court after much deliberation and review of the law in this case, I find that the defendant has established by a preponderance of the evidence that he is entitled, he is entitled to immunity under the protection of persons and property act. And that is this Court's ruling.

(Tr. 85, l 12 – Tr. 91, l 25).

ARGUMENT

THE TRIAL COURT ERRED IN FINDING RESPONDENT WAS ENTITLED TO IMMUNITY UNDER THE PROTECTION OF PERSONS AND PROPERTY ACT; THERE WAS NO EVIDENCE TO SUPPORT THE COURT'S FINDING THAT THE VICTIM WAS EITHER IN THE PROCESS OF FORCIBLY ENTERING OR HAD FORCIBLY ENTERED RESPONDENT'S VEHICLE WHEN RESPONDENT FIRED THE FATAL SHOT.

The trial court erred in finding Respondent was entitled to immunity from prosecution under S.C. Code Ann. § 16-11-440(A). Contrary to the trial court's findings, there was no evidence presented at the evidentiary hearing that the victim forcibly entered Respondent's vehicle. Since the victim was not forcefully entering or had not forcibly entered Respondent's vehicle when he was shot, Respondent was not entitled to the presumption afforded under S.C. Code Ann. § 16-11-440(A). As a result, the trial court abused its discretion in finding Respondent was entitled to immunity under the Act.

Standard of Review

Whether a defendant is entitled to immunity under the Protection of Persons and Property Act must be decided prior to trial if either party moves for a determination regarding the Act's application to a defendant's case. State v. Duncan, 392 S.C. 404, 410, 709 S.E.2d 662, 665 (2011). "[W]hen a party raises the question of statutory immunity prior to trial, the proper standard for the circuit court to use in determining immunity under the Act is a preponderance of the evidence." Id. at 411, 709 S.E.2d at 665. S.C. Code § 16-11-440(A) states,

> A person is presumed to have a reasonable fear of imminent peril of death or great bodily injury to himself or another person when using deadly force that is intended or likely to cause death or great bodily injury to another person if the person:

> (1) against whom the deadly force is used is in the process of **unlawfully and forcefully entering**, or has **unlawfully and forcibly entered** a dwelling, residence, or occupied vehicle, or if he removes or is attempting to remove another person against his will from the dwelling, residence, or occupied vehicle; and
>
> (2) who uses deadly force knows or has reason to believe that an unlawful and forcible entry or unlawful and forcible act is occurring or has occurred.

S.C. Code Ann. § 16-11-440(A)(emphasis added).

In criminal cases, the appellate court sits to review errors of law only. State v. Wilson, 345 S.C. 1, 5-6, 545 S.E.2d 827, 829 (2001) (citing State v. Cutter, 261 S.C. 140, 199 S.E.2d 61 (1973). The appellate court is bound by the trial court's factual findings unless they are clearly erroneous. Wilson, 345 S.C. at 6, 545 S.E.2d at 829. Review is limited to determining whether the trial judge abused his discretion. Id. The appellate court may not re-evaluate the facts based on its own view of the preponderance of the evidence, but must determine whether the trial judge's ruling is supported by any evidence. Wilson, 345 S.C. at 6, 545 S.E.2d at 829; see generally Felts v. Richland County, 303 S.C. 354, 356, 400 S.E.2d 781, 782 (1991) ("In law actions, the lower court must be affirmed where there is "any evidence" to support its findings."). "A claim of immunity under the Act requires a pretrial determination using a preponderance of the evidence standard, which this court reviews under an abuse of discretion standard of review." State v. Curry, 406 S.C. 364, 752 S.E.2d 263 (2013). "Section 16–11–450 provides immunity from prosecution if a person is found to be justified in using deadly force under the Act." Id.

At issue in this case is whether the trial court erred in finding the victim forcibly entered or was in the process of forcibly entering Respondent's vehicle when Respondent shot him. The testimony presented at trial did not support the finding. At the hearing, each witness indicated that when the shooting occurred, Respondent was sitting down in the front passenger seat of the car. (Tr. 18, 36, 47). Kelley indicated the car door was open and Respondent's feet were outside the vehicle. (Tr. 18). Mr. McRae similarly testified the car door was open before the shooting. (Tr. 36). McRae also indicated that Respondent's feet were outside the car, and were flat on the ground around the time the shot was fired. (Tr. 43). While Respondent denied that his feet were outside the car door when he shot the victim, he did admit that the vehicle's door was open. (Tr. 54, 61; see Tr. 64-5). Similarly, the victim's friend Wheeler testified that the Respondent was in the car when he shot the victim. (Tr. 74). Altogether, all indicated that the car door was open when the victim leaned in before the shooting.

There was no testimony at the motion hearing that indicated the victim had any physical contact with Respondent before the shooting. None of the witnesses, including Respondent, heard the victim make any threats towards Respondent. (Tr. 22, 27, 47, 62, see Tr. 73). Furthermore, no one saw the victim with a weapon. (Tr. 63, 73; see Tr. 26). In light of this testimony at the motion hearing, Appellant submits Respondent failed to show any force was used by the victim in leaning into the vehicle.

Contrary to the hearing judge's findings, this case is not analogous to the factual scenario presented in State v. Duncan, 392 S.C. 404, 709 S.E.2d 662

(2011). In Duncan, the Supreme Court noted that according to the defendant's girlfriend,

> The victim was opening the screened porch door when respondent exited the front door of the house onto the porch with the gun. At one point, the victim began advancing across the porch and Templeton was "between [the victim] and [respondent]" and was "trying to get [the victim] off the steps and leave." The victim continued to force his way onto the porch.

Duncan, 392 S.C. at 407, 709 S.E.2d at 663. That was far more than the actions taken by the victim in this case. As already noted, by all accounts the victim leaned into an open car door. The victim here neither attempted to open the car door nor took any action to force Respondent to open the door.

In all, Appellant submits that a forcible entry under the Act requires more than a person leaning into an open car door. While the Act does not specifically define what constitutes a forcible entry for the purposes of the presumption afforded in S.C. Code Ann. § 16-11-440(A), the ordinary meaning of the words used in the statute would clearly indicate that something more than leaning into an open door is necessary to support a finding of forcible entry. The primary rule of statutory construction is to ascertain and give effect to the intent of the legislature. Duncan, 392 S.C. at 408, 709 S.E.2d at 664 (citing Mid–State Auto Auction of Lexington, Inc. v. Altman, 324 S.C. 65, 69, 476 S.E.2d 690, 692 (1996)). Unless there is something in the statute requiring a different interpretation, the words used in a statute must be given their ordinary meaning. Id. When a statute's terms are clear and unambiguous on their face, there is no room for statutory construction and a court must apply the statute according to its literal meaning. Duncan, 392 S.C. at 408-09, 709 S.E.2d at 664 (citing Sloan v.

Hardee, 371 S.C. 495, 498, 640 S.E.2d 457, 459 (2007)). Forcible entry is clear and unambiguous. It requires entry by some use of force. In this case, there was no evidence the victim entered Respondent's vehicle using force. To the contrary, the testimony clearly showed the door was open, and the victim only leaned inside. Thus, Appellant submits the trial court abused its discretion in finding Respondent was entitled to immunity under S.C. Code § 16-11-440(A).

CONCLUSION

For the foregoing reasons, the State respectfully requests this Court reverse the trial court's Order granting Respondent immunity from prosecution under the Protection of Persons and Property Act and remand for a trial on the murder indictment.

Respectfully submitted,

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January 21, 2014.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM MARION COUNTY
The Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2013-001769

THE STATE

APPELLANT,

V.

CALVIN JERMAINE POMPEY,

RESPONDENT.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

1. Indictment

2. Motion to Dismiss Indictment filed October 12, 2012

3. Transcript of Hearing on Motion held before the Honorable D. Craig Brown, Circuit Court Judge on August 13 and August 15, 2013: Pages 1-95.

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

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January 21, 2014.

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The Honorable D. Craig Brown, Circuit Court Judge

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THE STATE

APPELLANT,

V.

CALVIN JERMAINE POMPEY,

RESPONDENT.

CERTIFICATE OF SERVICE

I, Alphonso Simon, Jr., counsel for the Respondent, certify that I have served the within Initial Brief of Appellant and Designation of Matter on Respondent by depositing two (2) copies of the same in the United States mail, postage prepaid, addressed to his attorney of record, Robert M. Dudek, Esquire, SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201-3332.

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

This 21st day of January, 2014.

ALPHONSO SIMON, JR.

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ATTORNEY GENERAL

January 21, 2014

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: *State v. Calvin Jermaine Pompey*
Appeal from Marion County
Appellate Case No. 2013-001769

Dear Ms. Kitchings:

Enclosed for filing in your office is the original Initial Brief of Appellant, Designation of Matter and Certificate of Service in the above-captioned matter.

Thank you for your assistance in this matter.

Sincerely,

Alphonso Simon, Jr.,
Assistant Attorney General

AS/dmd
Enclosures
cc: Robert M. Dudek, Esq. (w/two copies of encls.)

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