THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY
J. Michael Baxley, Circuit Court Judge

Indictment Nos. 2011-GS-32-0242
2011-GS-32-0243
2011-GS-32-0244

EX PARTE:

South Carolina Department of Disabilities
and Special Needs, ... Appellant.

IN RE:

State of South Carolina, ... Respondent,

v.

Rocky A. Linkhorn, ... Respondent.

INITIAL REPLY BRIEF OF APPELLANT

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S.C. Code Ann. § 44-23-430.

S.C. Code Ann. § 44-38-10.

S.C. Code Ann. § 44-38-310

S.C. Const. art V, § 4.

ARGUMENTS

I. The Circuit Court did not have subject matter jurisdiction to issue the Order on appeal.

The Appellant South Carolina Department of Disabilities and Special Needs ("DDSN") contends that the Circuit Court lacked subject matter jurisdiction to issue the Order Granting Solicitor's Rule to Show Cause. Former Circuit Court Judge J. Michael Baxley lacked subject matter jurisdiction to order the involuntary admission of Linkhorn to DDSN. The Respondents State of South Carolina and Rocky Linkhorn dispute DDSN's position, but they take differing approaches to this important jurisdictional question.

The State relies upon the Chief Justice's Order dated March 12, 2013, in the case of *State of South Carolina v. Rocky Linkhorn* which ordered that "the Honorable J. Michael Baxley be vested with exclusive jurisdiction to hear and dispose of the above case." (R. ___). That Order authorized Judge Baxley to "decide all matters pertaining to this case." (R. ___). The State contends that the Chief Justice's Order therefore confers authority on Judge Baxley to order the involuntary admission of Linkhorn to DDSN.

Interestingly, the State further relies on an earlier Order issued by the Chief Justice dated August 14, 2003, which vested Judge Baxley with "statewide jurisdiction over enforcement of all outstanding and future orders issued by Courts

of General Sessions *committing defendants to the Department of Mental Health* pursuant to S.C. Code Ann. Sections 44-23-430 or 17-24-40." (R. ___). (Emphasis added). The relevance or applicability of the August 14, 2003 Order is not readily apparent given that, by its express terms, that Order addressed orders "committing defendants to the Department of Mental Health" and not orders committing defendants to DDSN. Furthermore, that Order addressed commitment proceedings under S.C. Code Ann. § 44-23-430 or 17-24-40, but makes no mention of proceedings under S.C. Code Ann. § 44-20-450.

The inapplicability of August 14, 2003 Order is particularly evident given revisions to the superseding Order issued by the Chief Justice on May 7, 2014, following the retirement of Judge Baxley. In the May 7, 2014 Order, the Chief Justice reassigned certain prior duties, which had been assigned to Judge Baxley, to Judge Frank R. Addy, Jr. However, the Chief Justice includes the following new paragraph, which had not been part of the superseded Order:

> IT IS FURTHER ORDERED that the Honorable Frank R. Addy, Jr. is vested with statewide jurisdiction over enforcement of all outstanding and future orders issued by Courts of General Sessions committing defendants to the Department of Disabilities and Special Needs pursuant to S.C. Code Ann. § 44-20-450(8). This includes jurisdiction over any currently pending enforcement actions, any actions that may be initiated during the period this Order remains effective, as well as any actions by the Department of Disabilities and Special Needs to stay enforcement of such commitment orders. Any pleadings related to the commitment orders shall be filed in the county where the commitment order was

> issued with a copy also mailed to Judge Addy and General Counsel of the Department of Disabilities and Special Needs.

(R. ___). The fact that the current Order includes the foregoing language shows the intent of the Chief Justice to make a change in the prior, superseded order. That prior order did not include this language and thus had not vested any authority in Judge Baxley in September 2013 "over enforcement of all outstanding and future orders issued by Courts of General Sessions committing defendants to the Department of Disabilities and Special Needs pursuant to S.C. Code Ann. § 44-20-450(8)."

Nonetheless, to the extent that the State argues that the March 12, 2013 Order and/or the August 14, 2003 Order by the Chief Justice vested authority in Judge Baxley to issue the Order Granting Solicitor's Rule to Show Cause, those Orders of the Chief Justice would be in contravention of S.C. Code Ann. § 44-20-450 and beyond the authority granted by the South Carolina Constitution. S.C. Code Ann. § 44-20-450 vests the jurisdiction for "[p]roceedings for the involuntary admission of a person with intellectual disability or related disability to the services of the department" specifically in the probate court or the family court. *See*, S.C. Code Ann. § 44-20-450(A). The statute does not provide for concurrent jurisdiction in the circuit court. Instead, S.C. Code Ann. § 44-20-450(G) specifically provides for *appellate* jurisdiction in the circuit court, and interestingly that appellate jurisdiction is vested in the Court of Common Pleas, not in the Court of General Sessions.

Despite the clear statutory grant of jurisdiction by S.C. Code Ann. § 44-20-450, the State cites to Article V, Section 4 of the South Carolina Constitution as authorizing the Chief Justice to override the exclusive jurisdiction conferred by the General Assembly. Article V, Section 4, which sets out the powers of the Chief Justice, provides in part that "[t]he Chief Justice shall set the terms of any court and shall have the power to assign any judge to sit in any court within the unified judicial system." S.C. Const. art V, § 4. The State contends that the Chief Justice thus had authority to assign any judge to any court to hear any case, which would somehow include the authority to assign Judge Baxley to hear a matter the jurisdiction over which is conferred exclusively to the probate and family courts. However, the Chief Justice did not assign Judge Baxley to sit as a probate judge to hear a case that the probate court, rather than the Circuit Court, had jurisdiction to hear. Likewise, the Order on appeal was not issued by Judge Baxley sitting as a probate judge. That Order was not issued by the Lexington County Probate Court. Instead, Judge Baxley issued his Order as a Circuit Court Judge. But the Chief Justice is not vested with the authority to assign a case to the Circuit Court where the General Assembly vested jurisdiction in an inferior court.

Just recently, the Supreme Court reaffirmed that "South Carolina circuit courts are vested with original jurisdiction in civil and criminal cases, except those cases in which exclusive jurisdiction shall be given to inferior courts, and shall have such appellate jurisdiction as provided by law." *Ex parte Harrell v. Attorney*

General of State of South Carolina, 409 S.C. 60, 760 S.E.2d 808, 813 (2014), *citing Rainey v. Haley*, 404 S.C. 320, 745 S.E.2d 81 (2013). By the clear language of S.C. Code Ann. § 44-20-450, the General Assembly vested jurisdiction in the probate and family courts over judicial admissions to DDSN. The Chief Justice lacks the authority to override that, and as a result, the State's reliance on the Orders issued by the Chief Justice is misplaced. Those Orders do not and cannot confer jurisdiction upon Judge Baxley to adjudicate a matter within the jurisdiction of the probate court, and as a result, his Order should be ruled null and void *ab initio*.

In contrast to the State, the Respondent Rocky A. Linkhorn argues that Judge Baxley's Order did not infringe on the probate court's exclusive jurisdiction because "the court's order did not involuntarily commit respondent Linkhorn to the appellant's care or in any way interfere with the probate court's jurisdiction." *See*, Linkhorn's Brief, p. 10. Linkhorn is mistaken. In his Order, Judge Baxley specifically directed that "DDSN shall, within five (5) days of August 20, 2013, take custody of the Defendant, remove him from the Lexington County Detention Center, and house him in a secure facility." (R. ___). While Judge Baxley further directed that involuntary commitment proceedings be re-initiated in the Lexington County Probate Court, he also enjoined DDSN from opposing the involuntary admission proceedings. Linkhorn argues that Judge Baxley did not "interfere" with the probate court's exclusive jurisdiction, but that assertion ignores the realities. In actuality, Judge

Baxley bypassed S.C. Code Ann. § 44-20-450 completely and ordered the judicial commitment of Linkhorn to DDSN and to a particular housing placement, i.e. a "secure facility." He then ordered that his actions be, in effect, ratified by a probate court proceeding which would be conducted with DDSN enjoined by his order from taking a legal position that should have been adjudicated in the probate court from the outset. With all due respect to Linkhorn, that constitutes interference with the probate court's exclusive jurisdiction and the ability of DDSN to receive a fair and just adjudication by the very court vested with exclusive jurisdiction by the legislature.

Furthermore, the "inherent authority" argument urged by Linkhorn does not override the exclusive jurisdiction established by the General Assembly. The statutory scheme creates a judicial process, but that was ignored and thwarted by Judge Baxley, and that cannot be justified in the name of "inherent authority." In short, Judge Baxley's assumption of jurisdiction over a matter vested in the probate court was an abuse of authority and his Order should be ruled null and void *ab initio*.

II. The Circuit Court failed to give proper notice to DDSN and failed to follow proper procedures in adjudicating the Motion for Rule to Show Cause.

DDSN has argued that the lower court failed to follow proper procedures in the issuance of the Order Granting Solicitor's Rule to Show Cause. Without dispute,

there was no Rule to Show Cause ever issued. Instead, Judge Baxley's Order was issued based upon a Motion for Rule to Show Cause that was filed by the Eleventh Circuit Solicitor's Office and that was not verified nor supported by any affidavits or a verified complaint. The Motion for Rule to Show Cause requested that DDSN "be ruled into this Court to show just cause for services being denied to this defendant *as previously ordered by this Court.*" (R. ___). (Emphasis added). However, DDSN was never given notice of any previous order by the Court that was the subject of the never-issued Rule to Show Cause. Of course, as the record clearly demonstrates, there was no such order.

In response, the State contends that DDSN is complaining only of "technical errors" that should not have prevented the hearing from proceeding. DDSN respectfully disagrees. The proper issuance of a Rule to Show Cause should not be trivialized or discounted as a "technical error." A Rule to Show Cause serves the important purposes of vesting jurisdiction and providing notice. In the case at bar, a Rule to Show Cause was not issued – only a motion was filed. A Rule to Show Cause must be supported by an affidavit or a verified complaint. *See*, *Toyota of Florence, Inc. v. Lynch*, 314 S.C. 257, 442 S.E.2d 611 (1994). Here, that was not done. A Rule to Show Cause is not a substitute for a declaratory judgment action; instead, it is designed to address the failure of a party to comply with a prior order of the court. Here, despite the motion falsely stating that DDSN was denying services "previously ordered by this Court," there was never notice given to DDSN of any

order that it had allegedly violated. Most certainly, DDSN was never given notice by the motion filed by the Solicitor's Office or by any correspondence from Judge Baxley that he was contemplating the broad injunctive relief awarded in this case. These are not "technical errors." Instead, these are indicative of a process that was riddled with procedural and jurisdictional errors and shortcuts that resulted in a decision that violates the basic notions of due process.

Remarkably, Linkhorn argues that DDSN did not preserve at the hearing its objections to the process or jurisdiction. That is clearly incorrect. DDSN's counsel voiced objections at the outset of the hearing to the lack of a proper Rule to Show Cause to confer jurisdiction as well as to the lack of notice of any order that DDSN is alleged to have violated. (Tr. 18-24, 36-38). Those arguments were summarily rejected by Judge Baxley. (Tr. 37-38).

As indicated, the Solicitor's motion requested that DDSN "be ruled into this Court to show just cause for services being denied to this defendant as previously ordered by this Court." (R. ___). There was no such order, and neither Judge Baxley nor the State nor Linkhorn has yet to identify an order that DDSN violated and that could properly be the subject of the never-issued Rule to Show Cause.

Instead, by his very words, Judge Baxley acknowledged the lack of an order, but he proceeded with the hearing so as to "investigate" and to "get to the bottom of this." (Tr. 38). A Rule to Show Cause is intended to enforce a prior order through contempt proceedings. No authority, however, has been found where a South

Carolina appellate court has allowed a judge to conduct an "investigation" or for that matter to issue broad-based declaratory or injunctive relief unrelated to any prior court order by use of a Rule to Show Cause. Likewise, no authority has been found where a South Carolina appellate court has allowed a judge to adjudicate an issue of statutory construction by use of a Rule to Show Cause. In short, because DDSN was never found to be in violation of any prior court order, the Order Granting Solicitor's Rule to Show Cause should be found to be null and void.[1]

III. The Circuit Court erred in its interpretation of the term "intellectual disability" and in its construction of S.C. Code Ann. § 44-20-450 so as to allow for the involuntary commitment to DDSN of persons, like Rocky Linkhorn, having a head injury or spinal cord injury but no "intellectual disability" (formerly referred to as "mental retardation").

The Appellant DDSN argues that Judge Baxley erred in his interpretation of the term "intellectual disability" and in his construction of S.C. Code Ann. § 44-20-450 so as to allow for the involuntary commitment to DDSN of persons, like Rocky Linkhorn, having a head injury or spinal cord injury but no "intellectual disability" (formerly referred to as "mental retardation"). In reply to the arguments offered by

[1] The State and Linkhorn implicitly agree that this case was not a typical or accepted usage of a Rule to Show Cause. In fact, in order to avoid the impact of South Carolina case law that holds the failure to support a Rule to Show Cause with an affidavit or verified complaint as being a "fatal defect," both the State and Linkhorn distinguish this case as "factually different" from current precedent because DDSN was never subject to being held in contempt. *See*, Linkhorn's Brief, p. 6 ("the state did not seek to have DDSN held in contempt in this case").

the State and Linkhorn, DDSN relies on its prior discussion of the statutory language and the application of rules of statutory construction as set out in its opening brief.

It is noteworthy, however, that in addressing the statutory construction of S.C. Code Ann. § 44-20-450, the State simply reiterates the conclusions of Judge Baxley, including lengthy quotes from the Order on appeal. Importantly, both the State and Linkhorn do not address or even attempt to refute the key points made by DDSN.

In particular, as DDSN has pointed out, S.C. Code Ann. § 44-20-450 is part of the "South Carolina Intellectual Disability, Related Disability, Head Injuries and Spinal Cord Injuries Act," which constitutes Chapter 20 of Title 44. S.C. Code Ann. § 44-20-450 provides the process for a judicial admission to DDSN which is by statute limited to persons with an "intellectual disability" or a "related disability." The Act treats the concepts of intellectual disability, related disability, head injuries and spinal cord injuries as distinct concepts. S.C. Code Ann. § 44-20-450, however, makes no mention of an involuntary admission for persons with a "head injury" or a "spinal cord injury." It only makes mention of persons with an "intellectual disability" or a "related disability." If the General Assembly had intended to allow an involuntary admission for persons with a "head injury" or a "spinal cord injury," it certainly would have so included those persons in S.C. Code Ann. § 44-20-450 or by a separate statute.[2] Thus, there is clear legislative intent not to provide for the

[2] In considering these critical distinctions, it is important to recognize that the General Assembly has even provided for separate "divisions" within DDSN for "Intellectual

involuntary admission of persons with a "head injury" or a "spinal cord injury" to DDSN. Neither the State or Linkhorn address this point.

Moreover, as DDSN pointed out, by the express statement of the General Assembly, the definition of "person with intellectual disability" as contained in S.C. Code Ann. § 44-23-10(21) has no application to Chapter 20 and specifically S.C. Code Ann. § 44-20-450. The definitions contained in S.C. Code Ann. § 44-23-10, including the definition of "person with intellectual disability" as contained in S.C. Code Ann. § 44-23-10(21), are only to be applied "[w]hen used in [Chapter 23], Chapter 9, Chapter 11, Chapter 13, Articles 3, 5, 7, and 9 of Chapter 17, Chapter 24, Chapter 27, Chapter 48, and Chapter 52, unless the context clearly indicates a different meaning." S.C. Code Ann. § 44-23-10. Notably absent from that list is Chapter 20. Neither the State or Linkhorn address this point.

Disability" and "Head and Spinal Cord Injury." *See*, S.C. Code Ann. § 1-30-35. The "head injuries" and "spinal cord injuries" are actually governed by a separate statutory scheme, which is codified in Chapter 38 of Title 44. *See,* S.C. Code Ann. § 44-38-10, *et seq*. The Head and Spinal Cord Injury Division was created by S.C. Code Ann. § 44-38-310, which provides in part as follows:

> There is established within the Department of Disabilities and Special Needs the South Carolina Head and Spinal Cord Injury Service Delivery System. The system shall operate as a division of the department to be known as the Head and Spinal Cord Injury Division. The department must develop, coordinate, and enhance the delivery of services to persons with head and spinal cord injuries.

S.C. Code Ann. § 44-38-310. Chapter 38 does not, however, provide for the judicial admission of persons to the Head and Spinal Cord Injury Division.

Moreover, there is no evidence that the General Assembly intended "person with intellectual disability" to include persons with a "head injury" or a "spinal cord injury," when such terms are distinct alternatives and not included in the concept of "intellectual disability" or its predecessor term "mental retardation." In fact, the statutes in Chapter 23 that govern a criminal defendant's fitness to stand trial do not even include the term "person with intellectual disability." *See*, S.C. Code Ann. § 44-23-410 to -460. Of those statutes which make up Article 5 of Chapter 23, the term "intellectual disability" is used only in S.C. Code Ann. § 44-23-410, but in that statute the term is actually used in each instance together with a reference to "related disability." This reinforces the point that the term "intellectual disability" under Chapter 23 was not intended to be all inclusive of intellectual disability, related disability, head injury, and spinal cord injury, which is how Judge Baxley has applied that definition in S.C. Code Ann. § 44-23-10(21). Otherwise, the reference to "related disability" would be surplusage.[3] Neither the State or Linkhorn address this point.

In sum, the State and Linkhorn, like Judge Baxley, undertake to re-write the statutory scheme to allow for the involuntary admission to DDSN of persons with "head injuries" or "spinal cord injuries." That change in the law, if so desired, is the

[3] It is well settled that statutes "should be so construed that no word, clause, sentence, provision or part shall be rendered surplusage, or superfluous." *Abraham v. Palmetto Unified School District No. 1,* 343 S.C. 36, 538 S.E.2d 656, 662 (Ct. App. 2000), *citing Matter of Decker,* 322 S.C. 215, 471 S.E.2d 462, 463 (1995).

prerogative of the General Assembly which is also authorized to provide the funding necessary for such a change in the law. A policy determination such as this is not the prerogative of the courts through a stilted exercise of statutory construction – one that violates the General Assembly's express usage of its definitions as well as other rules of statutory construction. The current statutory scheme does not create absurd results as Linkhorn claims; it simply reflects a policy decision not to permit involuntary admissions of persons with "head injuries" or "spinal cord injuries." If the State and Linkhorn seek a policy change, that is to be effected by the political process with an amendment of the applicable laws by the General Assembly. DDSN should not be subjected to an expanded role by judicial fiat.

IV. The broad injunctive relief ordered by the Circuit Court will have the effect of violating the state and federal statutory and constitutional rights of current and future DDSN clients who are not parties to this litigation and who have not been afforded due process before being ordered into more restrictive placements as required by the Order on appeal.

The Appellant DDSN reads Judge Baxley's Order as providing broad injunctive relief that will detrimentally impact current and future DDSN clients who are not parties to this litigation. Even if the Court agrees with the State and Linkhorn on the statutory construction of the term "intellectual disability" as used in S.C. Code Ann. § 44-20-450, the Court is urged to overturn and vacate Judge Baxley's broad

injunctive rulings to limit any prospective relief granted to the parties to this case, namely Rocky Linkhorn.

The State and Linkhorn do not read Judge Baxley's injunctive rulings as broadly as DDSN. The State contends that Judge Baxley's Order is prospective only and does not impact current placements of DDSN clients who are judicial admissions that are unfit to stand trial. The State further argues that the Order "simply does not require the placement of Linkhorn or any other individual found incompetent to stand trial in the future to be housed in the most restrictive placement possible." *See*, State's Brief, p. 23.

Similarly, Linkhorn argues that DDSN has misinterpreted Judge Baxley's Order. Linkhorn argues that the Order "does not prescribe a method or manner of treatment of DDSN clients." *See*, Linkhorn's Brief, p. 26.

DDSN's reading of Judge Baxley's Order differs from that of the Respondents. DDSN's concerns arise from Paragraph 4 of the remedies portion of the Order, which reads:

> Either the Director of DDSN, or the South Carolina Commission on Disabilities and Special Needs pursuant to § 44-20-430, shall develop admission and intake procedures consistent with this Order for all criminal defendants found to be suffering from an "intellectual disability" as defined in S.C. Code Ann.§ 44-23-10(21), and further shall provide for the development of secure facilities necessary thereto; or in the alternative, shall provide funds and necessary contractual arrangements to henceforth house such defendants in secure facilities operated by other entities.

(R. ___). Judge Baxley has ordered the development of "admission and intake procedures" for "all criminal defendants found to be suffering from an 'intellectual disability' as defined in S.C. Code Ann. § 44-23-10(21)." Literally, the use of the term "all criminal defendants" makes it inclusive of all criminal defendants found incompetent to stand trial – not necessarily prospective ones but current ones as well. Judge Baxley, in fact, does not limit his ruling to persons suffering from a head injury or spinal cord injury, like Linkhorn. He likewise does not exclude those criminal defendants who have already been judicially admitted to DDSN under S.C. Code Ann. § 44-20-450.

As for the remainder of Paragraph 4, Judge Baxley then orders the development of "secure facilities." Finally, he uses the term "such defendants," which arguably encompasses all criminal defendants found incompetent to stand trial as described in the previous clause of Paragraph 4, and requires DDSN to provide the funds or contractual arrangements "to henceforth house *such defendants* in secure facilities operated by other entities." (R. ___). (Emphasis added). This Paragraph 4 therefore appears to mandate (note the repeated use of work "shall") that DDSN house all criminal defendants found incompetent to stand trial in a "secure facility."

Linkhorn describes such an order as "preposterous," and DDSN agrees. While Linkhorn denies that that is the intent of Paragraph 4, DDSN cannot be so sure and hence has asked this Court to overturn and vacate Paragraph 4. For the constitutional

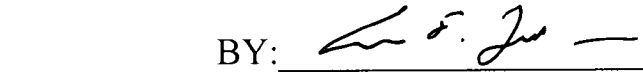
and fiscal reasons discussed at length in DDSN's opening brief, and which are not disputed by the parties, this Court is requested, at the very least, to vacate Judge Baxley's broad injunctive rulings. In other words, even if this Court allows Judge Baxley's statutory construction to stand, then in the interests of good governance and separation of powers, the implementation and funding of such a change in the law should be left to the executive and legislative branches. And certainly, Judge Baxley's rulings should not be permitted to violate the statutory and constitutional rights of numerous current and prospective DDSN clients who are not parties to this litigation.

CONCLUSION

Based on the foregoing discussion and analysis, the Appellant South Carolina Department of Disabilities and Special Needs respectfully renews its request that this Court reverse the Order of former Circuit Court Judge J. Michael Baxley filed September 26, 2013, and vacate the prospective relief ordered therein. In the alternative, the Appellant requests that the Court vacate the Order and remand for a new hearing that is conducted with proper notice and with the exclusion of an expert witness opining on issues of law.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY: 

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY
J. Michael Baxley, Circuit Court Judge

Indictment Nos. 2011-GS-32-0242
2011-GS-32-0243
2011-GS-32-0244

EX PARTE:

South Carolina Department of Disabilities
and Special Needs, ... Appellant.

IN RE:

State of South Carolina, ... Respondent,

v.

Rocky A. Linkhorn, ... Respondent.

APPELLANT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

The Appellant South Carolina Department of Disabilities and Special Needs proposes that the following be included in the Record on Appeal in addition to the matters previously designated:

(1) Order of Chief Justice Jean Hoefer Toal, filed May 7, 2014

DAVIDSON & LINDEMANN, P.A.

BY: _____

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September 19, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
J. Michael Baxley, Circuit Court Judge

Indictment Nos. 2011-GS-32-0242
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EX PARTE:

South Carolina Department of Disabilities
and Special Needs, ... Appellant.

IN RE:

State of South Carolina, ... Respondent,

v.

Rocky A. Linkhorn, ... Respondent.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Appellant, South Carolina Department of Disabilities and Special Needs, does hereby certify that service of the **Initial Reply Brief of Appellant** and **Appellant's Designation of Matter to be Included in the Record on Appeal** in the above-captioned matter was made upon all counsel of record by placing copies in the United

States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 19th day of September 2014:

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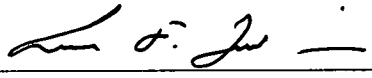

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September 19, 2014

HAND DELIVERED

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Post Office Box 11629
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RE: Ex Parte: South Department of Disabilities and Special Needs
In Re: State of South Carolina v. Rocky A. Linkhorn
Appellate Case Number: 2013-002208
Indictment Numbers: 2011-GS-32-0242; 2011-GS-32-0243; 2011-GS-32-0244
Our File Number: 79.9313

Dear Ms. Kitchings:

Please find enclosed for filing the originals and one copy each of the **Initial Reply Brief of Appellant** and **Appellant's Designation of Matter to be Included in the Record on Appeal** with regard to the above referenced matter. Please file the originals and return a clocked-in copy of each document to me in the enclosed envelope.

By copy of this letter, I am serving copies on all counsel of record.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.

Andrew F. Lindemann

AFL/
Enclosures

cc: (w/ Enclosures)

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