STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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OCT 22 2014

SC Court of Appeals

Appeal from Horry County
Steven H. John, Circuit Court Judge

Appellate Case No. 2013-002229

THE STATE,

Respondent,

v.

ZACHARY BULLOCK,

Appellant.

INITIAL BRIEF OF RESPONDENT

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STATEMENT OF ISSUE ON APPEAL

In response to Appellant's objection that the State was improperly bolstering the testimony of his codefendants by eliciting hearsay testimony from the lead detective regarding the codefendants' prior consistent statements, the trial judge correctly limited the State by not allowing questions or answers that would vouch for the truthfulness or credibility of the codefendants.

STATEMENT OF THE CASE

A Horry County Grand Jury indicted Appellant for first-degree burglary. (R.* Indictment.) On October 7, 2013, Appellant proceeded to a trial before the Honorable Steven H. John and a jury. John M. Hilliard, Esquire, represented Appellant, and Assistant Solicitor J. Stephen Grooms represented the State. The jury found Appellant guilty and Judge John sentenced him to fifteen years' imprisonment. (Tr. 235, 244.)

On October 15, 2013, Appellant filed a Notice of Appeal.

STATEMENT OF FACTS

On January 12, 2012, Appellant, De'Aisha Denton, and Emmanuel "Manny" Foriest burglarized Joseph Skipper's (Victim) house and stole three televisions, an iPad, at least one laptop computer, a necklace, and a .45 caliber Glock handgun. (Tr. 55, lines 1-2; Tr. 57, lines 3-6; Tr. 72, lines 8-14; Tr. 78, lines 4-13; Tr. 140, line 23-Tr. 141, line 4; Tr. 142, lines 6-9; Tr. 143, lines 9-13.) All three were arrested and charged with the burglary. (Tr. 80, lines 13-20; Tr. 145, lines 10-16.) Appellant proceeded to trial, where his two codefendants testified for the State.

Officer Blake Odom of the Mount Pleasant Police Department testified he responded to a call about a burglary on January 12, 2013. (Tr. 50, line 4-Tr. 51, line 6.) When he arrived at the scene, he saw the back sliding glass door was shattered and found a decorative brick that was used to shatter it. (Tr. 52, line 11-Tr. 54, line 8.) He testified the items missing from the home were a Glock handgun, an Apple iPod, a laptop computer, a TV, and a necklace.[1] Officer Odom attempted to lift latent fingerprints from objects believed to have been touched by the burglars, but he was unsuccessful due to the size and texture of the surfaces. (Tr. 55, lines 7-Tr. 56, line 4.)

Victim testified Appellant lived next door to him and knew he had a gun in the house. (Tr. 60, lines 3-9; Tr. 69, line 16.) He was at work on January 12, 2012, when he received a call from his sister-in-law that his back glass door was broken. (Tr. 62, lines 7-13.) He asked his sister-in-law to call 911 and hurried home to find a brick had been thrown through the glass. (Tr. 62, lines 13-19.) After waiting for the police to arrive,

[1] While Officer Odom testified an iPod was stolen, the rest of the record reflects that the stolen item was an iPad. (Tr. 72, lines 8-9; Tr. 78, lines 11-13; Tr. 144, lines 2-3.) Also, other testimony in the record indicated more than one TV was stolen. (Tr. 57, lines 3-6; Tr. 72, lines 3-7; Tr. 144, lines 2-5.)

Victim went into the house to see what was missing. (Tr. 63, lines 12-18.) He testified three TVs, at least one laptop computer (possibly two), an iPad, a diamond necklace, and a .45 caliber loaded handgun were taken. (Tr. 72, lines 3-Tr. 73, line 13.)

De'Aisha Denton testified she was friends with Appellant and that Emmanuel "Manny" Foriest was her boyfriend in January of 2012. (Tr. 75, line 10-Tr. 76, line 19.) She stated she was contacted by Appellant in January of 2012 and asked if she was interested in making some money. (Tr. 77, lines 4-9.) She and Foriest met with Appellant, and she agreed to drive them to a house near Appellant's house so they could burglarize it. (Tr. 77, lines 18-24.) She testified that on January 12, 2012, she drove Appellant and Foriest to the home, dropped them off, drove around, and picked them back up when Foriest called her. (Tr. 78, lines 4-17.) She stated that Appellant picked that particular house because he knew there was a gun inside. (Tr. 78, line 25-Tr. 79, line 3; Tr. 132, lines 21-22.) After the burglary, Appellant made a phone call to someone to sell the items they had stolen, and everyone got a share of the money. (Tr. 79, line 11-Tr. 80, line 1.)

Denton testified that she was able to show Detective Scott Bogart the house they broke into. (Tr. 81, lines 3-5.) She implicated Appellant and Foriest in her confession. (Tr. 81, lines 9-13.) When asked if she was telling the jury the same story she told police after she was arrested, she said yes. (Tr. 81, lines 14-16.) Defense counsel made no objection to Denton's testimony regarding implicating the others. Denton testified her bond was modified to a personal recognizance bond after agreeing to testify in this case. (Tr. 85, lines 4-25.)

Next, Emmanuel Foriest testified Appellant was his best friend and he was dating Denton in January of 2012. (Tr. 137, line 8-Tr. 138, line 15.) He recounted how Denton

received a call from Appellant about making some money. (Tr. 139, lines 14-18.) Appellant picked the house in his neighborhood because he knew there was a Glock .45 and wanted to get it. (Tr. 140, lines 1-20.) Foriest testified he went to the back of the house with Appellant and picked up a rock, or brick, and threw it against the window.[2] (Tr. 140, line 25-Tr. 141, line 22.) He stated both he and Appellant wore gloves during the burglary. (Tr. 142, lines 22-25.) He, like Denton, testified they sold the stolen items and split the money. (Tr. 144, line 21-Tr. 145, line 9.) Foriest stated he told police he and Appellant committed the burglary and Denton drove. (Tr. 146, lines 7-14.) Defense counsel made no objection when he implicated Appellant. Foriest testified that his testimony at trial was the same as what he told the detective after his arrest. (Tr. 146, lines 20-22.) He explained he was testifying because the State agreed to reduce his charge from first-degree to second-degree burglary and his sentence would be between zero and ten years. (Tr. 148, line 23-Tr. 149, line 8.)

Detective Scott Bogart of the Horry County Police Department testified he was assigned this burglary case in January of 2012. (Tr. 165, lines 24-25.) When asked what Denton told him, defense counsel objected and the trial judge dismissed the jury. (Tr. 167, lines 10-13.) Defense counsel argued the State was attempting to bolster the testimony of Denton by eliciting hearsay from Detective Bogart that her story was consistent today with what she told him in the past. (Tr. 167, lines 18-21.) The State argued it was not bolstering because Detective Bogart was the lead detective and, thus,

[2] Although Foriest referred to throwing a rock through a window, Victim and Officer Odom referred to it as a sliding glass door. Also, Foriest's testimony referred to what he threw as a rock and a brick, while Officer Odom referred to it as a brick and Victim referred to it as a brick and a paver. (Tr. 54, lines 4-6.; Tr. 62, line 19; Tr. 64, lines 4-6.)

had to believe the codefendants' statements were credible in order to make the arrests. (Tr. 167, line 23-Tr. 168, line 3.) The State argued:

> I don't believe this is bolstering. This is the lead detective. No arrests were made until after he talked with these Defendants if he didn't believe their statement to be credible, not on would have ever been arrested in the first place. This is how the case developed. The Defendant can testify Ms. Denton took him to this residence. [Defense counsel] challenged that on the record that she didn't even know which neighborhood she was in. He's gonna [sic] testify to his investigation and how his arrests were made as a result of this testimony. He also goes - - testify to the fact that a gun was taken and the type of gun that was taken. I guess we've already gotten into that but, Your Honor, without this testimony, being able to talk to the Defendants, we've got a big gap in this case.

(Tr. 167, line 23-Tr. 168, line 11.)

The trial court limited the State in the following way:

> You can't frame your questions such that this witness believes their statements to be true, that in any way he's vouching for their truthfulness or their believability or credibility. . . . You can ask him what he did, you know, what information he received, how he acted on that information and what he found but you cannot ask him any questions that would indicate his belief of the truthfulness of those two prior witnesses.

(Tr. 168, lines 12-21.)

After the jury returned, the State continued its questioning of Detective Bogart by asking, "Could you please tell the Court what steps were taken in your investigation and how we arrived here today?" (Tr. 170, lines 9-10.) As part of his answer, Detective Bogart stated, "That was the first step is to show credibility, her statement was to have her show us where the burglary took place." (Tr. 170, lines 21-23.) Defense counsel objected, and the trial court struck the testimony and cautioned Detective Bogart not to indicate believability or credibility because it is the job of the jury. (Tr. 170, line 24-Tr.

171, line 5.) The State then asked who Denton implicated in her statement, and defense counsel objected. (Tr. 171, lines 22-24.) The trial judge allowed Detective Bogart to state what Denton told him without any additional comments. (Tr. 172, lines 1-2.) Detective Bogart testified Denton implicated herself, Foriest, and Appellant with no further objection from defense counsel. (Tr. 172, lines 5-7.) The State later asked, "[W]hat did you determine from talking to Mr. Foriest as far as to the case itself about the credibility of Mr. Foriest?" (Tr. 174, lines 5-7.) Defense counsel objected to the form of the question, and the trial judge asked the solicitor to rephrase the question. (Tr. 174, lines 9-11.) Detective Bogart testified Foriest implicated himself, Denton, and Appellant with no objection from defense counsel. (Tr. 174, lines 1-19.)

Next, Detective Bogart testified that Foriest told him the purpose of the burglary was to break into Victim's residence for the pistol. (Tr. 174, lines 21-23.) At that point defense counsel renewed his objection to the line of questioning, and the trial judge allowed him to testify as to what Foriest said but not any other comments. (Tr. 174, line 25-Tr. 175, line 4.)

Defense counsel requested the trial court charge the jury on second-degree burglary. (Tr. 192, line 4-Tr. 193, line 2.) The trial judge agreed to do so. (Tr. 194, lines 19-21.) In his discussion about that charge, he pointed out that Denton stated in a portion of her testimony that she was uncertain where the gun came from, which contradicted other statements she made. (Tr. 193, line 25-Tr.194, line 10.) The trial judge stated, "But I can't make decisions, as I've indicated already, about credibility and believability." (Tr. 194, lines 6-8.) He again stated it is the jury's job to judge credibility believability. (Tr. 199, lines 23-25.) A third time he stated he had to include a jury charge on second-degree burglary because to not allow it as a lesser included "would

have the Court imposing its beliefs as to the credibility and the believability of the witnesses and not leaving it to the jury for their determination." (Tr. 201, lines 3-7.) During the actual charge to the jury, the trial judge stated, "I told you at the very beginning one of your jobs as the judges of the facts in this case would be to judge the credibility and the believability of the witnesses that have appeared before you under oath in this case." (Tr. 223, lines 17-21.)

Ultimately, the jury found Appellant guilty of first-degree burglary, and the trial court sentenced him to fifteen years' imprisonment. (Tr. 235, 244.)

ARGUMENT

In response to Appellant's objection that the State was improperly bolstering the testimony of his codefendants by eliciting hearsay testimony from the lead detective regarding the codefendants' prior consistent statements, the trial judge correctly limited the State by not allowing questions or answers that would vouch for the truthfulness or credibility of the codefendants.

Appellant argues the trial judge erred in allowing a detective to testify about inadmissible hearsay statements implicating Appellant made by two codefendants when both testified against Appellant at trial, the trial testimony was consistent with the prior statements, the hearsay testimony improperly bolstered the testimony of the codefendants, and the credibility of the two witnesses was a critical factor for the jury to determine. Specifically, Appellant argues that none of the three common law exceptions to the rule against hearsay allowing prior consistent statements of a witness apply in this case.[3] He further argues Rule 801(d)(1)(B), SCRE, and the exceptions therein do not apply in this situation. The State agrees that these hearsay exceptions do not apply here. However, the State submits the detective's testimony was not hearsay and, thus, was properly admitted.

"The 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. An abuse of discretion occurs when the trial court's ruling is based on an error of law or, when grounded in factual conclusions, is without evidentiary support." State v. Brown, 401 S.C. 82, 736 S.E.2d 263 (2012).

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[3] Jolly v. State, 314 S.C. 17, 443 S.E.2d 566 (1994).

In State v. Brown, 317 S.C. 55, 451 S.E.2d 888 (1994), the Supreme Court considered the defendant's allegation that testimony by two police officers about receiving information before establishing a surveillance, receiving complaints while in the neighborhood, and being "familiar with" the neighborhood was inadmissible hearsay. The Court examined the applicability of the hearsay rule to testimony concerning police investigations in light of United States v. Love, 767 F.2d 1052 (4th Cir. 1985):

> Evidence is not hearsay unless it is an out of court statement offered to prove the truth of the matter asserted. Additionally, an out of court statement is not hearsay if it is offered for the limited purpose of explaining why a government investigation was undertaken. Here, these statements were not entered for their truth but rather to explain why the officers began their surveillance. These statements are not hearsay and, therefore, the trial judge committed no error in allowing these statements into evidence.

Brown, 451 S.E.2d at 894 (citations omitted) (emphasis added).

In numerous other cases, the appellate courts have held testimony concerning why an investigation or surveillance was undertaken was admissible. See, *e.g.*, Caprood v. State, 338 S.C. 103, 525 S.E.2d 514, 518 (2000) (finding statements made regarding unrelated crimes not hearsay where "officers were explaining their actions in pursuing the defendants and the statements were not offered for their truth"); State v. Thompson, 352 S.C. 552, 575 S.E.2d 77, 81 (Ct. App. 2003) (finding testimony of police officers regarding statements made by a bystander that driver of the car they were looking for lived in a home about 200 yards from where the car was parked was offered to explain and outline officers' investigation and their reasons for going to the specific home); State v. Kirby, 325 S.C. 390, 481 S.E.2d 150, 153 (Ct. App. 1996) (concluding testimony by police officer about dispatcher's call was not hearsay where offered to explain "the

reason for the initiation of police surveillance of the vehicle in question"); State v. Green, 318 S.C. 426, 458 S.E.2d 73, 75 (Ct. App. 1995) (finding testimony that officers were in the neighborhood where the defendant was found because the officers had received complaints from residents concerning drug activity was not hearsay; the complaints were offered to explain why the officers were in the area stopping individuals and asking them for identification, not for the truth of the matter asserted); State v. Johnson, 318 S.C. 194, 456 S.E.2d 442, 444 (Ct. App. 1995) (ruling testimony that defendant was in a "high drug traffic area" was not hearsay because it was introduced as "background information" about the investigation).

In State v. Sims, 304 S.C. 409, 405 S.E.2d 377 (1991), the Supreme Court considered the defendant's argument that the arresting officer's testimony should have been excluded as hearsay. The arresting officer testified that when he arrived at the scene, a woman met him and said, "He has a gun," and "He's going to kill my sister," speaking of the defendant. The officer further testified that as he approached the defendant, the defendant reached toward his pocket and the officer had to forcibly restrain Sims's hand while he retrieved a gun from the defendant's pocket. The Court there stated:

> Here, the officer's testimony was not hearsay as it was not offered to prove that Sims intended to kill the woman in question. Rather, the evidence was offered to explain the officer's actions in restraining Sims when he reached towards his pocket. The evidence was not hearsay and was properly admissible.

Sims, 405 S.E.2d at 383.

In State v. Rivers, 186 S.C. 221, 196 S.E. 6 (1938), the trial judge allowed testimony regarding a conversation with a deceased officer. The Supreme Court held the testimony was properly admitted not as to the truth of the conversation from the person,

but whether the words were actually spoken to the deceased officer and to disclose that he acted in the line of his duty on information imparted to him by another. Rivers, 196 S.E. at 11.

The first challenged testimony by Detective Bogart in regard to Denton was when the State asked, "And what did De'Aisha Denton tell you?" Defense counsel argued the State was attempting to bolster the testimony of Denton by eliciting hearsay from Detective Bogart that her story was consistent today with what she told him in the past, and the State argued it was not bolstering because Detective Bogart was the lead detective and, thus, had to believe the codefendants' statements were credible in order to make the arrests. In other words, Detective Bogart used what Denton told him in furtherance of his investigation. Additionally, it appears from the record the trial judge sustained the objection because he informed the State it could not frame its questions "such that this witness believes their statements to be true, that in any way he's vouching for their truthfulness or their believability or credibility." Rather, he limited the State's questioning to "ask him what he did, . . . what information he received, how he acted on that information and what he found" but did not allow the State to "ask him any questions that would indicate his belief of the truthfulness of those two prior witnesses." (Tr. 168, lines 12-21.) Because Appellant received the relief he sought, he should not now be heard to complain. State v. McEachern, 399 S.C. 125, 146, 731 S.E.2d 604, 614 (Ct. App. 2012). "Where an objection is sustained, the trial court has rendered a favorable ruling to the party, and it therefore becomes necessary that the sustained party move to cure, or *move for a mistrial if such a cure is insufficient,* in order to create an appealable issue." Id. at 146, 731 S.E.2d at 615.

The second challenged testimony by Detective Bogart regarding Denton was, "That was the first step is to show credibility, her statement was to have her show us where the burglary took place." (Tr. 170, lines 21-23.) Defense counsel objected, and the trial court struck the testimony and cautioned Detective Bogart not to indicate believability or credibility because it is the job of the jury. First, this testimony was not hearsay because it was not an out of court statement made by Denton to Detective Bogart that he repeated for the court. Rather, it was an explanation of the investigation, which involved Detective Bogart asking her to drive him to the crime scene to show him where the burglary took place. Furthermore, by striking the testimony and cautioning the witness, the trial judge sustained the objection. Again, once the objection was sustained and cured by the trial judge's striking of the testimony, it was incumbent upon Appellant to object to the sufficiency of the curative instruction. Striking a statement is a form of curative instruction. See State v. Heller, 399 S.C. 157, 172-74, 731 S.E.2d 312, 321-22 (Ct. App. 2012) (finding issue not preserved when defendant accepted the court's curative instruction of striking the matter from the record). Because Appellant received the relief he sought, he should not now be heard to complain. McEachern, 399 S.C. at 146, 731 S.E.2d at 614. Any argument that striking the testimony was not sufficient to cure the error is not preserved for review because Appellant accepted the trial court's ruling and did not contemporaneously object to the sufficiency of the curative charge.

> Where a defendant receives the relief requested from the trial court, there is no issue for the appellate court to decide. No issue is preserved for appellate review if the objecting party accepts the judge's ruling and does not *contemporaneously* make an additional objection to the sufficiency of the curative charge or move for a mistrial. Because he accepted the ruling and did not contemporaneously move for a mistrial or object to the

> sufficiency of the court's curative instruction, this issue is not preserved for our review.

Heller, 399 S.C. at 174, 731 S.E.2d at 321. See also State v. Jones, 325 S.C. 310, 316, 479 S.E.2d 517, 520 (Ct. App. 1996) (holding a curative instruction is usually deemed to cure an alleged error; no issue is preserved for appellate review if the complaining party accepts the trial court's ruling and does not contemporaneously object to the sufficiency of the curative charge).

The third challenged testimony regarding Denton was the State's asking, "Who did Ms. Denton implicate in her statement?" (Tr. 171, lines 22-24.) The trial court allowed Detective Bogart to state what Denton told him without any additional comments. Following this instruction, the State again asked who Denton implicated and he answered that she implicated herself, Foriest, and Appellant. Appellant argues because Detective Bogart's trial testimony about Denton's statement was consistent with Denton's trial testimony, this bolstered her testimony and was improper. However, by simply asking who she implicated in her statement, no improper bolstering occurred. Rather than bostering Denton's testimony, Detective Bogart's testimony concerning who she implicated in her statement was part of the explanation of his investigation. Detective Bogart was simply explaining how what she told him led him to arrest the three codefendants and charge them with first-degree burglary. See United States v. Love, 767 F.2d 1052 (4th Cir. 1985) (finding statements offered for the limited purpose of explaining why a government investigation was undertaken are not hearsay). Furthermore, this statement was not hearsay because it was not an out of court statement offered for the truth but was only offered for this limited purpose.

Detective Bogart's first challenged testimony regarding Foriest also did not involve an out of court statement made by Foriest that would qualify as hearsay. Instead, what was objected to by Appellant was the question asked by the State: "[W]hat did you determine from talking to Mr. Foriest as far as to the case itself about the credibility of Mr. Foriest?" (Tr. 174, lines 5-7.) Following the objection, the trial judge asked the State to rephrase its question. Thus, the objection was sustained and cannot now be complained about. See McEachern, 399 S.C. at 146, 731 S.E.2d at 614. The second challenged testimony regarding Foriest involved Detective Bogart testifying about what Foriest told him about the gun. Detective Bogart testified that Foriest told him the purpose of the burglary was to break into Victim's residence for the pistol. (Tr. 174, lines 21-23.) This testimony provided evidence to support the charge of first-degree burglary, which was based on Appellant's taking a gun during the crime. The trial court allowed Detective Bogart to testify to what Foriest told him but not any other comments. The testimony that followed did involve an out of court statement; however, it was not offered to prove the truth of the matter asserted. Rather, the statements were "offered for the limited purpose of explaining why a government investigation was undertaken." See Love, 767 F.2d 1052. The information Detective Bogart gathered from both Denton and Foriest were used to develop a full picture of the crime to determine whom to charge and the proper charges to bring against Appellant.

In the present case, Detective Bogart's testimony is a clear example showing action based upon information and was not offered to prove what Denton or Foriest told him. Reviewing the challenged testimony in the context of his testimony as a whole, it is apparent the testimony was merely offered to have Detective Bogart describe the events leading up to Appellant's arrest. As such, Detective Bogart's testimony was not

inadmissible hearsay and was properly before the jury. See Burton v. York Cnty. Sheriff's Dep't, 358 S.C. 339, 594 S.E.2d 888, 896 (Ct. App. 2004) (finding statement from witness regarding a party's affair with a deputy, that an investigation had been conducted, and that deputies had been suspended, was merely offered to show why the newspaper was requesting access to the Sheriff's Department records and not for the truth of the information obtained).

Further, even if this Court finds any of the challenged testimony was improperly admitted, Appellant has not demonstrated reversible error. Whether an error is harmless depends on the circumstances of the particular case. State v. Taylor, 333 S.C. 159, 508 S.E.2d 870 (1998); State v. Reeves, 301 S.C. 191, 391 S.E.2d 241 (1990). "No definite rule of law governs this finding; rather, the materiality and prejudicial character of the error must be determined from its relationship to the entire case." State v. Mitchell, 286 S.C. 572, 336 S.E.2d 150, 151 (1985) (finding improper admission of hearsay evidence is reversible error only when the admission causes prejudice). Error is harmless when it could not reasonably have affected the result of the trial. Id.; State v. Key, 256 S.C. 90, 180 S.E.2d 888 (1971). Where a review of the entire record establishes the error is harmless beyond a reasonable doubt, the conviction should not be reversed. State v. Pickens, 320 S.C. 528, 466 S.E.2d 364 (1996); State v. King, 349 S.C. 142, 561 S.E.2d 640 (Ct. App. 2002). Here, both Denton and Foriest testified regarding the burglary, their roles in it, and Appellant's role. Their testimony was consistent with Victim's and with each other's. Because both codefendants gave unchallenged testimony regarding Appellant's role in the burglary, Detective Bogart's testimony about the two codefendants' prior consistent statements or about their implication of Appellant could not reasonably have affected the jury's determination of guilt.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

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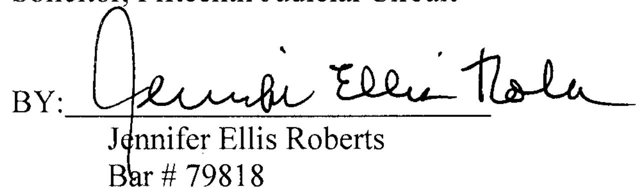
BY: 
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ATTORNEYS FOR RESPONDENT

October 22, 2014

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County
Steven H. John, Circuit Court Judge

Appellate Case No. 2013-002229

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THE STATE,

Respondent,

v.

ZACHARY BULLOCK,

Appellant.

PROOF OF SERVICE

I, Angela Bennett, certify that I have served the within Initial Brief of Respondent and Designation of Matter on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Kathrine H. Hudgins, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 22nd day of October, 2014.

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OCT 22 2014
SC Court of Appeals

October 22, 2014

Kathrine H. Hudgins, Esquire
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RE: State v. Zachary Bullock
Appellate Case No. 2013-002229

Dear Ms. Hudgins:

I am enclosing two (2) copies of the Initial Brief of Respondent and Designation of Matter in the above-referenced case.

Sincerely,

Jennifer Ellis Roberts
Assistant Attorney General
Bar # 79818

JER/ab
Enclosures

cc: Honorable Jenny A. Kitchings (original enclosed)
Victim Services