STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Frank R. Addy, Circuit Court Judge

Appellate Case No. 2013-001857

THE STATE, ...RESPONDENT

v.

MATTHEW ANTWAIN JACKSON, ...APPELLANT.

INITIAL BRIEF OF RESPONDENT

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ATTORNEYS FOR RESPONDENT

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RESPONDENT'S STATEMENT OF ISSUE ON APPEAL

1. Whether the trial court properly declined Appellant's request to charge the jury on the lesser offense of cruelty to children where: (1) cruelty to children is not a lesser included offense of infliction of great bodily injury upon a child; and (2) no evidence was presented at trial from which it could be inferred the lesser, rather than the greater, offense was committed. And whether, to the extent it was error to decline to charge cruelty to children, any such error was harmless beyond a reasonable doubt.

STATEMENT OF THE CASE

Appellant was indicted at the June 2011 term of the grand jury for Greenwood County for inflicting great bodily injury upon a child (2011-GS-24-1328). He was represented by Assistant Public Defenders Meghan Flannery and Janna Nelson of the Eighth Circuit Public Defender's Office. The State was represented by Assistant Solicitors Elizabeth White and Aaron Taylor of the Eighth Circuit Solicitor's Office. On August 7-8, 2013, Appellant proceeded to trial by jury before the Honorable Frank R. Addy, pursuant to which he was found guilty as indicted. He was sentenced to twenty (20) years' imprisonment suspended upon the service of twelve (12) years' imprisonment and five (5) years' probation. (Tr.p.1; Indictment & Sentencing Sheet). Appellant timely filed a notice of intent to appeal and subsequently submitted a Brief in support of his appeal. This Brief of Respondent follows.

STATEMENT OF FACTS

On January 20, 2011, Appellant beat his twenty-three (23) month old son (the victim) so severely that he was rushed to the Self Regional Medical Center in Greenwood and then airlifted to a level-one trauma center in Greenville Hospital for emergency treatment.

During opening statements, the solicitor told the jury Appellant was charged with the crime of inflicting great bodily injury upon a child. He said the State intended to prove beyond a reasonable doubt that Appellant beat the victim so badly he almost died and had to be airlifted to a hospital in Greenville for treatment. The solicitor said Appellant had given two different stories in an attempt to explain the victim's injuries but that a medical expert would say that neither story was possible. Finally, the solicitor said Appellant's behavior after the injuries were inflicted raised a red flag because he first called his mother instead of 911. (Tr.p.40, line 14-p.43, line 7). Next, Appellant's counsel presented Appellant's theory of defense: that he accidentally dropped the victim while they were playing, thereby causing the victim's injuries. Counsel argued Appellant called his mother instead of 911 because he did not have a phone in his house and because his neighbor was already calling 911 when Appellant was finally handed a cell phone. Counsel acknowledged Appellant first lied to the police about the cause of the injuries but argued this was simply a bad decision because Appellant was afraid of being blamed. (Tr.p.43, line 13-p.46, line 10).

During the State's case-in-chief the victim's mother, Lashondra Warden-Fair, testified Appellant first told her the victim's injury happened when he fell off the couch, but Appellant later changed his story and claimed it happened when he and the victim were wrestling and Appellant accidentally dropped the victim. (Tr.p.46, line 18-p.54,

line 5). Appellant's mother, Undrea Segar, testified about the phone call she received from Appellant shortly after the incident and arriving on the scene before EMS. Segar testified she did not see any bruising on the victim when she dropped him off with Appellant before the incident. (Tr.p.58, line 2-p.64, line 3). Greenwood County EMS responder Rodney Free described how he discovered the victim lying behind the couch with his eyes open but with a low respiratory rate and shallow breathing. Free testified he was told the victim fell off the back of a couch and landed on the floor. He transported the victim to the hospital in what he considered an emergency transport. Free testified the victim started vomiting on the way to the hospital, and he explained nausea is a key sign of a head injury. In a written report Free noted bruises on the victim's legs. He testified that after the initial drop-off at the Greenwood hospital a determination was made to fly the victim to a level-one trauma center in Greenville, because it was better able to handle severe cases. (Tr.p.66, line 4-p.70, line 20).

Outside the presence of the jury, the parties discussed the admissibility of a photograph the State intended to introduce showing injuries to the victim's buttocks. During the discussion, Appellant argued the photo was not necessary because the injuries were not something that could cause death, and an injury creating a risk of death is an element of the crime. The State responded that evidence of the multiple injuries was needed to dispute Appellant's claim that the victim was injured from an accidental fall. (Tr.p.73, line 2-p.78, line 8). After introducing the victim's medical records from the Self Regional Medical Center in Greenwood, the State called Officer Martin Haralson of the City of Greenwood Police Department to the stand. Officer Haralson was on duty the night of January 20, 2011, and was called to the Medical Center to investigate a possible

child abuse case. He learned from the treating physician the victim was a two-year-old child with severe head trauma the doctor felt was due to child abuse. Officer Haralson saw bruising on the victim's legs and said the victim's eyes were open but he was unresponsive. Appellant told Officer Haralson the victim was injured when he fell from the couch and landed on the top of his head. (Tr.p.81, line 14-p.87, line 8).

Next, Detective Phillip Nichols of the City of Greenwood Police Department testified about searching Appellant's house and taking photographs and measurements inside. He also testified about going to Greenville to see the victim the following day. Detective Nichols testified the victim was having trouble sitting due to painful bruising all over his body, particularly his buttocks and thighs. Appellant told Detective Nichols he had exclusive custody of the victim in the days leading up to the incident but denied striking his child or participating in any activities that would cause such grave injuries. (Tr.p.91, line 15-p.98, line 8; p.100, line 7-p.102, line 5).

The State then called Dr. Mary-Fran Crosswell to the stand and offered her as an expert in child abuse pediatrics. The trial court admitted Dr. Crosswell as an expert without objection and gave the jury a brief charge on expert witness testimony. (Tr.p.104, line 12-p.107, line 7). Using a diagram, Dr. Crosswell described the victim's injuries including extensive bruising covering his buttocks, around his hips, and extending down his thighs, all of which indicated different sources of impact. She testified the victim also had a bruise on his ear that was not common for accidental injuries. Based on these injuries alone, Dr. Crosswell opined the victim had been hit multiple times. (Tr.p.117, line 1-p.119, line 13). Dr. Crosswell next testified about her review of the emergency room (ER) records and the reason the victim was flown to

Greenville for treatment. She explained the records showed the victim was not very responsive, was having difficulty breathing, and had a deviated gaze which was indicative of a brain injury. The CT scan of the victim's head confirmed a subdural hemorrhage and displacement of the brain, which can be a life-threatening injury without intervention and medical care. Dr. Crosswell testified it was possible a fall from nineteen inches could have caused the head injury alone; however, an isolated fall could not have caused the head injury along with the multiple bruises on multiple planes on the victim's body. Dr. Crosswell testified the injuries to the victim's face were caused by multiple blunt force trauma to his head. She opined wrestling would not cause this degree of bruising, and that the victim's injuries were not due to accidental trauma. (Tr.p.119, line 14-p.123, line 1). On re-direct, Dr. Crosswell testified she would characterize the victim's head injury as a life-threatening injury. She also testified a seizure would not be a cause of all of the bruising suffered by the victim. (Tr.p.129, line 17-p.132, line 16).

After the State rested, Appellant moved for a directed verdict on the indicted offense. He argued there had been no testimony there was a substantial risk of death to the victim, which was a required element of the offense. Appellant conceded that, in a light most favorable to the State, there was sufficient evidence for the lesser included offense of unlawful conduct toward a child so that it could go to the jury, but argued there was not sufficient evidence of the indicted offense of infliction of great bodily injury upon a child. The trial court denied the motion for a directed verdict. (Tr.p.132, line 24-p.138, line 23).

On the morning of the second day of trial, the trial court held a charge conference outside the presence of the jury. Appellant asked the judge to charge the jury on the

lesser included offense of second-degree assault and battery. After hearing arguments from both parties, the trial court denied the request. Appellant then modified his argument and requested a charge on "cruelty to children" under Section 63-5-80 of the Code, claiming such a charge was "supported by the evidence." The trial judge took the request under advisement and the trial resumed. (Tr.p.142, line 20-p.149, line 8).

Appellant then testified in his own defense, describing his interactions with the victim leading up to the January 20, 2011 incident. Appellant testified he was playing with the victim while waiting for the bathtub to fill with warm water. He claimed he was lifting the victim up over his head when he suddenly felt a sharp pain in his left wrist that caused him to release his grip with one hand and drop the victim toward the ground. Appellant testified he tried to grab the victim as he fell, but by the time he did, the victim's head had already hit the floor. Appellant said when he picked the victim up his head was dropping back and his eyes were rolling, which scared the "daylights" out of him. Appellant testified he did not have a cell phone, so he ran outside to a friend's house to get help. He said he noticed a lady come out from a different house and asked her to call 911. Appellant testified his friend then came out and gave him a cell phone. He claimed that since 911 had already been called, he called his mother because she is a "certified CNA" and lived less than two minutes away. (Tr.p.149, line 18-p.157, line 25). Appellant acknowledged he talked to a police officer when he was at the hospital. He claimed he initially told the officer the victim fell off the couch because he was scared, explaining that, when "you're a young, black man with dreads, you easily get judged by anybody." (Tr.p.160, line 19-p.161, line 6). Appellant insisted he simply dropped the

victim by accident, and he testified he regretted lying to the police. (Tr.p.163, lines 8-22).

After the defense rested, Appellant said he had no other specific requests to charge "other than the lesser included we've talked about." The trial judge questioned if Appellant was not going to request a charge on accident to which counsel replied: "Oh, Your Honor, I guess we do." After agreeing to charge the law of accident, the trial judge asked the solicitor to explain why he believed cruelty to children is not a lesser included offense. (Tr.p.175, line 19-p.177, line 13). The solicitor responded:

> I actually do believe it is a lesser included. However, I don't think there's any testimony that can substantiate that this isn't at least placing the child at risk of harm or – and I don't have the exact language. Placing the – "cause to be done unlawfully or maliciously any bodily harm to the child so that his life or health is in danger." That testimony, that's – I'm quoting from unlawful conduct toward a child. I don't see how the jury could find anything less than that, based on the testimony that's been presented. I mean, no one is saying this has been a simple punch with just a black eye or depriving a child of food, anything like that. I think the testimony is uncontroverted that this child spent four days in the hospital and was in critical condition.

(Tr.p.177, line 14-p.178, line 2). Appellant then argued the evidence could be interpreted to show the infliction of pain and suffering which would thereby substantiate the crime of cruelty to children. The trial judge considered Appellant's theory of defense as set forth in his testimony, noting it was a claim that all of the victim's injuries were completely accidental. He questioned how the jury could possibly conclude Appellant inflicted mere pain and suffering if they decided he was not telling the truth about the accident. Ultimately, the trial court held: "[B]ased upon the evidence that's been presented today, I'm inclined not to charge 63-5-80." (Tr.p.178, line 3-p.179, line 25).

Appellant's closing argument focused on the defense theory that the victim's injuries were caused by an accident. He referenced Dr. Crosswell's admission that the head injury could have been caused by an accidental fall, and he then argued her opinion that the bruising could not have been caused by an accidental fall was not credible. Next, Appellant argued that even if the jury believed Dr. Crosswell's testimony about the bruising, that bruising alone could not rise to the level of creating a substantial risk of death. He asked the jury to consider unlawful conduct toward a child as an option because putting the life or health of the victim at risk was a lower standard than creating a substantial risk of death. (Tr.p.185, line 10-p.189, line 14).

The trial judge charged the jury on the State's burden of proof, the presumption of innocence, reasonable doubt, the roles of the judge and jury, direct evidence, circumstantial evidence, credibility of witnesses, expert witnesses, and criminal intent. He also charged the elements of infliction of great bodily injury upon a child and the elements of the lesser included offense of unlawful conduct toward a child, but did not charge the elements of cruelty to children. Neither party had exceptions or additions to the charge. (Tr.p.198, line 7-p.209, line 22). After deliberating for approximately one hour, the jury found Appellant guilty of infliction of great bodily injury upon a child. Appellant made a post-trial motion for a judgment notwithstanding the verdict, and that motion was denied. (Tr.p.210, line 2-p.216, line 11). After hearing facts in mitigation and considering Appellant's criminal history, the trial court sentenced Appellant to twenty (20) years' imprisonment suspended upon the service of twelve (12) years' imprisonment and five (5) years' probation. (Tr.p.227, line 21-p.231, line 10).

ARGUMENT

I.

The trial court properly declined Appellant's request to charge the jury on the lesser offense of cruelty to children where: (1) cruelty to children is not a lesser included offense of infliction of great bodily injury upon a child; and (2) no evidence was presented at trial from which it could be inferred the lesser, rather than the greater, offense was committed. Furthermore, to the extent it was error to decline to charge cruelty to children, that error was harmless beyond a reasonable doubt.

Appellant argues the trial court erred in refusing to charge the lesser offense of cruelty to children because the severity of the child's injury was a question for the jury and because the State's expert witness opined the bruises on the victim's body could not have happened during a fall Appellant testified was an accident. The State submits Appellant's argument is without merit and should be dismissed for several reasons. First, cruelty to children is not a lesser included offense of the indicted crime of inflicting great bodily injury upon a child. Second, even if it is a lesser included offense, the trial judge did not err by refusing to charge cruelty to children where there was no evidence tending to show Appellant was guilty of only the lesser offense. Finally, where the jury found Appellant guilty of inflicting great bodily injury upon a child rather than the second-tier lesser included offense of unlawful conduct toward a child, Appellant could not have been prejudiced by the trial court's failure to charge the third-tier lesser offense of cruelty to children, and any error was necessarily harmless beyond a reasonable doubt.

Standard of Review

In criminal cases, the appellate court sits to review errors of law only. State v. Wilson, 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001). The court is bound by the trial court's factual findings unless they are clearly erroneous. State v. Baccus, 367 S.C. 41,

48, 625 S.E.2d 216, 220 (2006). The appellate court does not reevaluate the facts based on its own view of the preponderance of the evidence but simply determines whether the trial judge's ruling is supported by any evidence. State v. Moore, 374 S.C. 468, 473-74, 649 S.E.2d 84, 86 (Ct. App. 2007).

Cruelty to Children is not a Lesser Included Offense of Inflicting Great Bodily Injury Upon a Child

In a criminal case, the trial court's subject matter jurisdiction is limited to those crimes charged in the indictment and all lesser included offenses. State v. Burton, 356 S.C. 259, 264, 589 S.E.2d 6, 8 (2003); State v. Watson, 349 S.C. 372, 375, 563 S.E.2d 336, 337 (2002). The test for determining whether a crime is a lesser included offense of the crime charged is whether the greater of the two offenses includes all the elements of the lesser offense. State v. Northcutt, 372 S.C. 207, 215, 641 S.E.2d 873, 877 (2007); Burton, 356 S.C. at 264, 589 S.E.2d at 8. Under this "elements test," the lesser offense is included in the greater only if each of its elements is always a necessary element of the greater offense. State v. Easler, 327 S.C. 121, 134, 489 S.E.2d 617, 624 (1997). If the lesser offense includes an element not included in the greater offense, then the lesser offense is not included in the greater. Northcutt, 372 S.C. at 215, 641 S.E.2d at 877. When an offense fails to strictly satisfy the elements test, the appellate courts will nevertheless construe it as a lesser included offense if the offense has traditionally been considered a lesser included offense of the greater offense charged. Id.; Watson, 349 S.C. at 376, 563 S.E.2d at 338.

The elements of infliction of great bodily injury upon a child are: (1) infliction of; (2) great bodily injury; (3) upon a child. S.C. Code Ann. § 16-3-95 (Supp. 2011). "For purposes of this section, 'great bodily injury' means bodily injury which creates a

substantial risk of death or which causes serious or permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ." Id. The elements of "cruelty to children" are either: (1)(a) cruelly, (b) ill-treating, (c) a child; (2)(a) depriving, (b) a child, (c) of necessary sustenance or shelter; or (3)(a) infliction of; (b) unnecessary pain or suffering, (c) upon a child. S.C. Code Ann. § 63-5-80 (Supp. 2011).

Infliction of great bodily injury upon a child does not require the actor to act "cruelly" when inflicting that bodily injury upon the child. It also does not require the deprivation of "necessary sustenance or shelter." Likewise, infliction of great bodily injury upon a child does not strictly require that the infliction of injury causes "pain" or "suffering." Finally, there appears to be no historical antecedent in South Carolina case law suggesting cruelty to children is considered a lesser included offense of infliction of great bodily injury upon a child. Because cruelty to children does not satisfy the elements test, and has not traditionally been considered a lesser included offense of infliction of great bodily injury upon a child, the trial court did not err in denying Appellant's request to charge cruelty to children to the jury.

No Evidence Supporting a Jury Charge on Cruelty to Children

The law to be charged to the jury is determined by the evidence presented at trial. State v. White, 361 S.C. 407, 412, 605 S.E.2d 540, 542 (2004). "A trial judge is required to charge the jury on a lesser-included offense if there is evidence from which it could be inferred the lesser, rather than the greater, offense was committed." State v. Green, 397 S.C. 268, 289, 724 S.E.2d 664, 674 (2012). Conversely, a trial judge does not err by refusing to charge a lesser included offense where there is no evidence tending to show

the defendant was guilty of only the lesser offense. White, 361 S.C. at 407, 605 S.E.2d at 542. Indeed, the trial court may and should refuse a charge on a lesser included offense where there is no evidence that a defendant committed the lesser rather than the greater offense. State v. Smith, 315 S.C. 547, 446 S.E.2d 411 (1994). "The mere contention that the jury might accept the State's evidence in part and reject it in part is insufficient to satisfy the requirement that some evidence tends to show the defendant was guilty only of the lesser offense." State v. Geiger, 370 S.C. 600, 608, 635 S.E.2d 669, 674 (Ct. App. 2006). In reviewing a trial judge's jury instructions, the appellate court must view the jury charge as a whole and in light of the evidence and issues from trial. State v. Simmons, 384 S.C. 145, 178, 682 S.E.2d 19, 36 (Ct. App. 2009). An appellate court will not reverse a trial judge's decision regarding a jury charge absent an abuse of discretion. State v. Santiago, 370 S.C. 153, 159, 634 S.E.2d 23, 26 (Ct. App. 2006).

As described above, the elements of infliction of great bodily injury upon a child are: (1) infliction of; (2) great bodily injury; (3) upon a child where "'great bodily injury' means bodily injury which creates a substantial risk of death or which causes serious or permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ." S.C. Code Ann. § 16-3-95 (Supp. 2011). By comparison, a person can be guilty of cruelty to children for purposes of Appellant's argument if he or she only: (1) cruelly ill-treats a child; or (2) inflicts unnecessary pain or suffering upon a child. S.C. Code Ann. § 63-5-80 (Supp. 2011).

Here, the State offered testimony from Dr. Crosswell, an expert in child abuse pediatrics. She described the extensive bruising covering the victim's buttocks, hips, and thighs, all of which indicated different sources of impact. She also described a bruise on

his ear that was not common for accidental injuries. Based on these injuries alone, Dr. Crosswell opined the victim had been hit multiple times. (Tr.p.117, line 1-p.119, line 13). Dr. Crosswell also described the subdural hemorrhage and displacement of the brain revealed by a CT scan of the victim's head, which can be a life-threatening injury without intervention and medical care. She testified it was possible a fall from nineteen inches could have caused the head injury; however, an isolated fall could not have caused both the head injury and the multiple bruises on multiple planes on the victim's body. In particular, Dr. Crosswell testified the bruises to the victim's face were caused by multiple blunt force trauma to his head. She opined that the victim's injuries were not due to accidental trauma. (Tr.p.119, line 14-p.123, line 1). On re-direct, Dr. Crosswell testified she would characterize the victim's head injury as a life-threatening injury. (Tr.p.129, line 17-p.132, line 16). Thus, the only evidence offered by the State demonstrates Appellant intentionally inflicted bodily injury upon the victim, and those injuries, taken as a whole, created a substantial risk of death.

By comparison, Appellant only offered evidence that the victim's injuries were entirely accidental. He insisted he simply dropped the victim once, by accident, but he never claimed he cruelly ill-treated the victim, or inflicted unnecessary pain or suffering. (Tr.p.163, lines 8-22). Indeed, Appellant specifically told Detective Nichols he had exclusive custody of the victim in the days leading up to the incident but denied striking his child or participating in any activities that would cause such grave injuries. (Tr.p.101, line 19-p.102, line 5).

Appellant argues the jury could have believed his testimony that the head injury was accidental and could also have believed Dr. Crosswell's testimony that the bruises

were not received in the fall and that Appellant inflicted them. He contends under this scenario, the jury could have concluded the bruises were only of the severity contemplated by the cruelty to children statute. But these are merely contentions that the jury might accept the State's evidence in part and reject it in part. This is insufficient to satisfy the requirement that some evidence tends to show Appellant was guilty of only the lesser offense. State v. Geiger, 370 S.C. 600, 608, 635 S.E.2d 669, 674 (Ct. App. 2006). Because there is no evidence tending to show Appellant was guilty of only the lesser offense, the trial court did not err in denying Appellant's request to charge cruelty to children to the jury.

Harmless Error

Errors are considered to be harmless when they could not reasonably have affected the result of the trial. State v. Adams, 354 S.C. 361, 380, 580 S.E.2d 785, 795 (Ct. App. 2003). "It is a rule of practically universal application in appellate procedure that an accused cannot avail himself of error as a ground for reversal where the error has not been prejudicial to him." State v. Hariott, 210 S.C. 290, 298, 42 S.E.2d 285, 288 (1947). Indeed, Appellate courts will generally not set aside a judgment based on insubstantial errors not affecting the result. State v. Sherard, 303 S.C. 172, 176, 399 S.E.2d 595, 597 (1991). The harmlessness of an error generally depends on the materiality of the error in relation to the case as a whole. State v. Haselden, 353 S.C. 190, 196, 577 S.E.2d 445, 448 (2003). Thus, when a review of the entire record establishes an error is harmless beyond a reasonable doubt, an appellate court should not reverse a conviction. State v. Thompson, 352 S.C. 552, 562, 575 S.E.2d 77, 83 (Ct. App. 2003).

In the case at bar, even assuming the trial judge erred in declining to instruct the jury on the lesser offense of cruelty to children, any error was entirely harmless and had no impact on the ultimate outcome of Appellant's case in light of the verdict returned by the jury. The jury's verdict reflected it would not have convicted Appellant of cruelty to children even if the option had been available. The jury found Appellant guilty beyond a reasonable doubt of inflicting "great bodily injury" upon the victim and thereby rejected any argument that he inflicted lesser injuries that merely endangered "the life or health of the child." Such lesser injuries would have been a requirement for finding Appellant guilty of unlawful conduct toward a child, the lesser included offense that was charged by the trial court. S.C. Code Ann. § 63-5-70 (Supp. 2011). In other words, the jury concluded the injuries inflicted by Appellant necessarily rose above the level of those required for finding Appellant guilty of cruelty to children. For these reasons, any error in failing to charge cruelty to children was harmless beyond a reasonable doubt and Appellant's conviction should be affirmed.

CONCLUSION

For all of the foregoing reasons, the State respectfully requests that the judgment, conviction, and sentence of the lower court be affirmed.

Respectfully submitted,

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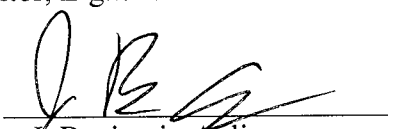
BY: 
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ATTORNEYS FOR RESPONDENT

Columbia, South Carolina
November 20, 2014

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Frank R. Addy, Circuit Court Judge

Appellate Case No. 2013-001857

THE STATE, ...RESPONDENT

v.

MATTHEW ANTWAIN JACKSON, ...APPELLANT.

PROOF OF SERVICE

I, Angela Bennett, Administrative Assistant, hereby certify that I have served the within *Initial Brief of Respondent* and *Designation of Matter* , both dated November 20, 2014, on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record:

David Alexander, Appellate Defender
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I further certified that all parties required by Rule to be served have been served. This 20th, day of November, 2014.

Angela Bennett
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ALAN WILSON
ATTORNEY GENERAL

November 20, 2014

David Alexander, Appellate Defender
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Re: The State v. Matthew Antwain Jackson
Appellate Case No. 2013-001857

Dear Counsel:

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

Sincerely,

J. Benjamin Aplin
Assistant Attorney General
S.C. Bar No. 8729

JBA/ab
Enclosures

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