STATE OF SOUTH CAROLINA RECEIVED

IN THE COURT OF APPEALS APR 15 2015

SC Court of Appeals

Appeal from York County
The Honorable John C. Hayes, III, Circuit Court Judge

Appellate Case No. 2014-000960

THE STATE,

Respondent,

v.

DOMINIQUE JULIUS AGURS,

Appellant.

INITIAL BRIEF OF RESPONDENT

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The trial court did not abuse its discretion in admitting the booking photos of Appellant taken when he was arrested for the current offense. The photos were relevant, and it was made clear that the photos were taken when Appellant was arrested for the current offenses. As such, the photographs in no way suggest that Appellant had a prior criminal record.

III.

The trial court did not abuse its discretion in denying Appellant's request for a mistrial based on a note from the alternate juror prior to closing arguments. There were no discussions among the jurors, and the alternate's note was written and submitted to the court by him in order to clarify a procedural matter. Therefore, there were no premature deliberations. Moreover, any possible prejudice was removed through the court's instructions and dismissal of the alternate juror. As such, the extreme remedy of a mistrial was not warranted.

IV.

There is no error, much less cumulative error, and any preserved errors are harmless beyond a reasonable doubt in light of the overwhelming evidence of guilt. A defendant is entitled to a fair trial, not a perfect one. In light of the overwhelming evidence of guilt, even a perfect trial would not prevent the inevitable result of Appellant's conviction.

STATEMENT OF THE CASE

Dominique Julius Agurs ("Appellant") was indicted for Distribution of Crack Cocaine. (R. p. __, Indictment) A notice of intent to seek life without parole was served on February 24, 2014.[1] (Tr. p. 17-19) Appellant proceeded to a jury trial before the Honorable John C. Hayes on April 21-22, 2014. Appellant was found guilty. As this was a "third strike" offense, Appellant was sentenced to life imprisonment. (Tr. p. 308)

[1] Appellant declined a plea offer of twelve years, a plea offer of eighteen years, and a plea offer of twenty years. (Tr. pp. 17-19.)

STATEMENT OF FACTS

On March 5, 2013, officers with the York County Drug Enforcement Unit ("DEU") utilized a confidential informant ("CI") to make a controlled drug purchase. (Tr. pp. 70-78) The CI approached DEU officers after he received several traffic tickets which could have resulted in up to 30 days' imprisonment. (Tr. pp. 89-90) He entered an agreement to "work off" the charges by attempting to make controlled purchases of narcotics. (Tr. pp. 90-91, pp. 109-110, pp. 155-157)

The CI informed officers he could purchase crack cocaine from "a black guy named DJ."[2] (Tr. p. 93, p. 157) He had known DJ for about 6 months and was able to telephone him to set up a drug deal. (Tr. pp. 93-94) He made the phone call from his cell phone at the Rock Hill Law Enforcement Center. (Tr. p. 94, p. 157) The call was recorded. (Tr. p. 94, p. 158) The CI arranged to meet DJ to purchase a gram of crack cocaine for $80. (Tr. pp. 96-97)

The CI was thoroughly searched at the Rock Hill Law Enforcement Office prior to the transaction. (Tr. pp. 73-74, pp. 79-80, p. 98, p. 159) He was outfitted with video and audio surveillance equipment. (Tr. pp. 74-75, p. 82, p. 98-99, p. 159-160) The CI was monitored by a surveillance team. (Tr. pp. 75-76) Officer Tanya Ervin ("Ervin") drove the CI to the buy location in an undercover vehicle. (Tr. p. 76, p. 83, pp. 97-98, pp. 127-132) In a further phone call with DJ the meeting location was changed to a Burger King on Saluda Street. (Tr. p. 102, p. 131, p. 164)

The deal was visually monitored from a distance by Ervin and a surveillance team. The team also had live feed of the audio. (Tr. p. 133, p. 167) Ervin parked across the street at a Dollar General store, and the CI walked over to the Burger King to wait for

[2] The initials "DJ" coincide with Appellant's first name and middle name, Dominique Julius.

DJ. (Tr. p. 102, pp. 132-133, pp. 165-166) DJ pulled up in a white car, and the CI got in. (Tr. p. 103, pp. 168-169) Crack cocaine was visible in the console of the car. (Tr. p. 103) The CI gave DJ $80 and took the crack cocaine in the console. (Tr. pp. 103-104, pp. 117-119) The CI walked back across the street and rode back to the police department with Ervin. (Tr. p. 104, pp. 120-121, pp. 134-136, p. 166)

Back at the police department, the CI gave the crack cocaine he purchased from DJ to Investigator Leland Harrelson ("Harrelson"). (Tr. p. 105, pp. 170-175) Harrelson then showed him a six-photograph lineup. (Tr. pp. 106-107, pp. 195-201) The CI identified Appellant as the man he knew as "DJ." (Tr. p. 107, pp. 112-114) The CI also identified Appellant in court. (Tr. pp. 108-109) Following his arrest on March 21, 2013, during booking Appellant provided the same phone number the CI had dialed to initiate the drug transaction. (Tr. p. 158, pp. 203-204) The substance purchased by the CI was ultimately determined to be .53 grams of crack cocaine. (Tr. p. 244)

ARGUMENT

I.

The trial court did not abuse its discretion in denying Appellant's request for mistrial where (1) the police officer's comment did not directly reference prior criminal history and was, at worst, an inadvertent vague reference and (2) the State did not attempt to introduce Appellant's prior criminal record.

"A mistrial should only be granted when 'absolutely necessary,' and a defendant must show both error and resulting prejudice in order to be entitled to a mistrial." State v. Stanley, 365 S.C. 24, 34, 615 S.E.2d 455, 460 (Ct. App. 2005) (citations omitted). "The less than lucid test is therefore declared to be whether the mistrial was dictated by manifest necessity or the ends of public justice, the latter being defined as the public's interest in a fair trial designated to end in just judgment." State v. Prince, 279 S.C. 30, 33, 301 S.E.2d 471, 472 (1983).

The decision to grant or deny a mistrial is within the sound discretion of the trial judge and will not be overturned on appeal absent an abuse of discretion amounting to an error of law. State v. Crim, 327 S.C. 254, 257, 489 S.E.2d 478, 479 (1997). Our courts favor the exercise of wide discretion of the trial judge in determining the merits of such motion in each individual case. State v. Howard, 296 S.C. 481, 483, 374 S.E.2d 284, 285 (1988). "It is only in cases of abuse of discretion which result in prejudice that this court will intervene and grant a new trial." Id.

In the present case, Harrelson was asked if he was able to identify the driver of the white vehicle based on the video. (Tr. p. 190) Harrelson responded that he knew the individual prior to the date of the drug buy because "[Harrelson] had dealt with him before when [Harrelson] was on the Street Crimes Unit with the City of Rock Hill." (Tr. p. 190) Appellant immediately objected and moved for a mistrial because Harrelson's

response "brought in information that – as to [Appellant's] past history." (Tr. pp. 190-191) The trial court declined to grant a mistrial, finding there was no "manifest necessity" to do so based on that single answer. (Tr. p. 192) Appellant agreed with the trial court that a curative instruction would only call more attention to the comment and therefore should not be given. (Tr. p. 192) The trial court did not abuse its discretion in denying the mistrial.

Harrelson's testimony that he recognized Appellant is not objectionable; the only portion of Harrelson's answer at issue is that he recognized Appellant from his police work with the street crimes unit. However, Harrelson's testimony that he knew Appellant from his police work did not directly indicate that Appellant had any sort of criminal history. Police officers undoubtedly know many people in a given locality from their work. Police officers have contact not only with the people they arrest but also with victims of crime and the general community in which they work. Harrelson did not indicate that he knew Appellant from previous arrests or convictions, only that he knew Appellant from his work in the street crimes unit in Rock Hill.[3] The testimony certainly did not indicate any prior bad act and certainly did not allude to any drug-specific history.[4] It was never again referenced that Harrelson knew Appellant from police work.

The present case most closely resembles State v. Council, 335 S.C. 1, 515 S.E.2d 508 (1999). In Council, a SLED agent testified that he retrieved a fingerprint card from SLED records for comparison. Council moved for a mistrial, arguing that the jury was aware from this testimony that Council had a prior criminal record. As in the present

[3] Nothing in the record indicates the actual context of Harrelson's knowledge of Appellant.
[4] In fact, Harrelson testified that he now works with the City of Rock Hill in the drug enforcement unit, a position he had held for 4 years. (Tr. p. 145.) Therefore, reference to the street crimes unit would not lead to an inference of prior narcotics arrests as it apparently was a separate entity.

case, the defense did not desire a curative instruction, and the trial court agreed. The Supreme Court found that "it is questionable whether the jury even understood the implication of [the agent's] statement." Id. at 12, 515 S.E.2d 514. The Supreme Court found the testimony was "only an inadvertent vague reference ... to [the defendant's] prior criminal record," and the Court noted that the State never attempted to introduce the defendant's criminal record. Id.

Even if Harrelson's testimony is considered an oblique reference to a criminal past, "[a] vague reference to a defendant's prior criminal record is not sufficient to justify a mistrial where there is no attempt by the State to introduce evidence that the accused has been convicted of other crimes." State v. Thompson, 352 S.C. 552, 561, 575 S.E.2d 77, 82 (Ct. App. 2003). See also State v. George, 323 S.C. 496, 476 S.E.2d 903 (1996) (noting defendant's involvement in illegal narcotics was merely suggested and no testimony was presented concerning such behavior where witness was asked if defendant was involved in the drug business), State v. Wiley, 387 S.C. 490, 692 S.E.2d 560 (Ct. App. 2010) (mention of outstanding warrant in State's opening argument to explain basis for traffic stop not sufficiently prejudicial to warrant mistrial) As such, Harrelson's statement did not warrant a mistrial.

II.

The trial court did not abuse its discretion in admitting the booking photos of Appellant taken when he was arrested for the current offense. The photos were relevant, and it was made clear that the photos were taken when Appellant was arrested for the current offenses. As such, the photographs in no way suggest that Appellant had a prior criminal record.

Appellant expressed concern with the introduction of the booking photo from his arrest for the current charge on March 21, 2013, during pre-trial motions. (Tr. pp. 12-13)

Defense counsel explained that the case had been called for trial on prior occasions when Appellant was not present, and on those occasions the booking photo was needed to show Appellant for comparison with the video of the CI buy. (Tr. p. 12) Defense counsel stated that because Appellant was present for trial, it was not necessary to introduce the photo. (Tr. pp. 12-13) Specifically, Appellant's objection was articulated as "They don't need photographs. They have the opportunity to look at my photo- my client and with him being present if that piece of evidence comes in at this point, Your Honor." (Tr. p. 13, lines 10-13) The State argued that the photo would assist the jury in determining that Appellant was properly identified as the person in the video. (Tr. pp. 12-13) The trial court overruled the objection pre-trial and again when the booking photos were introduced. (Tr. p. 13, p. 228)

As a preliminary matter, Appellant's objection was not specific nor did it raise any concern regarding the fact that any "mug shot," as such, was inadmissible. "[A] specific objection to the admission of evidence must be made to preserve the issue for appeal." McKissick v. J.F. Cleckley & Co., 325 S.C. 327, 344, 479 S.E.2d 67, 75 (Ct. App. 1996). "The objection should be sufficiently specific to bring into focus the precise nature of the alleged error so that it can be reasonably understood by the trial judge." Id. "The same ground argued on appeal must have been argued to the trial judge." Id.

Even if preserved as an objection based on relevance, there was no error in admitting the photographs. Appellant's arguments are without merit because the booking photo was relevant to identification and because its probative value substantially outweighed any danger of undue prejudice. The admission or exclusion of evidence is left to the sound discretion of the trial judge. State v. Gaster, 349 S.C. 545, 564 S.E.2d 87 (2002); State v. Saltz, 346 S.C. 114, 551 S.E.2d 240 (2001). A court's ruling on the

admissibility of evidence will not be reversed on appeal absent an abuse of discretion or the commission of legal error which results in prejudice to the defendant. State v. Douglas, 369 S.C. 424, 429, 632 S.E.2d 845, 847-848 (2006); State v. Rice, 375 S.C. 302, 314, 652 S.E.2d 409, 415 (Ct. App. 2007); State v. Hamilton, 344 S.C. 344, 543 S.E.2d 586 (Ct. App. 2001) (overruled on other grounds by State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005). An abuse of discretion occurs when the trial court's ruling is based on an error of law or a factual conclusion without evidentiary support. State v. Irick, 344 S.C. 460, 463, 545 S.E.2d 282, 284 (2001); State v. McDonald, 343 S.C. 319, 540 S.E.2d 464 (2000); State v. Mattison, 352 S.C. 577, 575 S.E.2d 852 (Ct. App. 2003).

As a general rule, all relevant evidence is admissible. State v. Aleksey, 343 S.C. 20, 538 S.E.2d 248 (2000); Rule 402, SCRE. Evidence is relevant if it has a direct bearing upon and tends to establish or make more or less probable the matter in controversy. In the Matter of Care and Treament of Corley, 353 S.C. 451, 577 S.E.2d 451 (2003); State v. King, 349 S.C. 142, 561 S.E.2d 640 (Ct. App. 2002); Rule 401, SCRE ("'Relevant evidence' means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.").

Here, the identity of the person who met with the CI and sold him crack was relevant to guilt or innocence at trial, particularly where Appellant questioned the photo lineup (Tr. pp. 266-267), questioned the time stamp on the video (Tr. pp. 214-217, pp. 272-273), and questioned the credibility of the CI who identified Appellant. An alibi defense was also mentioned in pretrial discussions, and the solicitor may have anticipated that such a defense might be raised. (Tr. p. 17) The booking photos had a tendency to make the determination of identity more probable than it would be without the photos;

therefore the photos are relevant. Rule 401, SCRE. In this regard, it is particularly interesting to note that the booking photos reveal that Appellant had a fairly unique thin chinstrap beard when he was arrested just over 2 weeks after the undercover purchase. (State's Exhibits 7 and 8) The still photo from the undercover buy shows the suspect with the same distinctive thin chinstrap beard. (State's Exhibit 3) While it is true that jurors could view Appellant in court and compare his appearance to the video, it is better to have them compare the way he looked at the time of the incident to the video.[5]

"Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." Rule 403, SCRE; see also State v. Cooley, 342 S.C. 63, 536 S.E.2d 666 (2000) (although evidence is relevant, it should be excluded where danger of unfair prejudice substantially outweighs its probative value). A trial judge's decision regarding the comparative probative value and prejudicial effect of evidence should be reversed only in exceptional circumstances. Hamilton, 344 S.C. at 357, 543 S.E.2d at 593. The appellate courts review a trial court's decision regarding Rule 403 pursuant to the abuse of discretion standard and are obligated to give great deference to the trial court's judgment. Id. at 358, 543 S.E.2d at 593. See Aleksey, 343 S.C. at 35, 538 S.E.2d at 256 (trial judge is given broad discretion in ruling on questions concerning relevancy of evidence, and his decision will be reversed only if there is a clear abuse of discretion).

Appellant failed to argue any prejudice from the photos in his objection to the trial court. On appeal, Appellant argues the introduction of the photos from his *current* arrest

[5] The trial occurred more than a year after the initial CI purchase. A person's appearance can certainly change over the course of a year, particularly as to features such as facial hair.

were "presented solely for the improper purpose of drawing attention to Appellant's past criminal record in order to suggest that Appellant was guilty in the present case." There is no indication in the booking photo from his *current* arrest that he was ever arrested in the past, much less that he had any prior criminal record. The arrest on March 21, 2013, was for the offense for which he is on trial, and this was made clear to the jury. (Tr. pp. 201-203, pp. 225-229) Appellant's assertion of prejudice requires a premise that if a person is arrested once, he must have been arrested before. If such were the case, any person on trial would be prejudiced by the imagined existence of a prior record. This is an unreasonable logical leap where, as here, the State went to great lengths to ensure that the jury understood the photos were from the arrest for the charges for which he was on trial. Since Appellant was on trial, it should come as no great surprise that he was arrested and booked in this case. In fact, the trial court instructed the jury that the fact Appellant was charged raises no inference of guilt. (Tr. p. 289)

Appellant points to the three criteria for admission of a "mug shot" from State v. Denson, 269 S.C. 407, 412, 237 S.E.2d 761, 763-764 (1977):

> (1) The Government must have a demonstrable need to introduce the photographs; and
> (2) The photographs themselves, if shown to the jury must not imply that the defendant has a prior criminal record; and
> (3) The manner of introduction at trial must be such that it does not draw particular attention to the source or implication of the photographs.

The rationale for the three criteria outlined in Denson is that such photographs can be prejudicial where they imply a defendant's prior bad acts. State v. Traylor, 360 S.C. 74, 85, 600 S.E.2d 523, 528, n. 12 (2004). There was no such concern in the present case. It was made clear to the jury that the photograph was taken on March 21, 2013, just over 2

weeks after the CI buy on March 5, 2013, when Appellant was arrested for that CI buy. (Tr. pp. 201-203, pp. 225-229) As such, the photograph raised no implication of a prior bad act; it was associated only with the alleged crimes for which Appellant was on trial. Because the picture did not raise an inference of prior criminal activity, the trial court did not abuse its discretion in admitting the photograph. Id. (no prejudice to defendant where jury was informed that mug shots were taken upon his arrest for charges on trial); State v. Washington, 658 S.W.2d144 (Tenn. Crim. App., 1983) (where mug shot of defendant admitted at trial bore the date of the offense charged at the trial, pictures did not raise inference of prior criminal activity and were therefore properly admitted). Further, any error in the admission was harmless, particularly in light of the overwhelming evidence of Appellant's guilt.

III.

The trial court did not abuse its discretion in denying Appellant's request for a mistrial based on a note from the alternate juror prior to closing arguments. There were no discussions among the jurors, and the alternate's note was written and submitted to the court by him in order to clarify a procedural matter. Therefore, there were no premature deliberations. Moreover, any possible prejudice was removed through the court's instructions and dismissal of the alternate juror. As such, the extreme remedy of a mistrial was not warranted.

After the State rested and Appellant informed the court he would not testify, the court received a note from the jury. (Tr. p. 255) The note inquired about the booking photos of the defendant, asking if the photos were allowed and, if so, why they were not shown to the jury. (Tr. p. 255) Appellant moved for a mistrial, arguing the jury's note indicated they had failed to follow the court's instructions not to consider or discuss the case until they were told to do so. (Tr. p. 255-256) The trial judge took the motion for

mistrial under advisement and summoned the jury to the courtroom.[6] (Tr. pp. 256-257) The trial judge asked the foreman whether the jury had been discussing the case. (Tr. pp. 257-258) The foreman replied that there were no discussions. (Tr. p. 258) The alternate then indicated he personally wrote the note because "it was just a question that [he] had [him]self," and that there had been no discussions about the question. (Tr. p. 258) The alternate juror was dismissed. (Tr. p. 258) The trial court denied the Appellant's motion for mistrial, noting that any issue had been cured. (Tr. pp. 259-260)

Appellant's argument fails for several reasons. First, Appellant's argument fails because there was no actual deliberation. Jurors are not to *discuss* the case before it is given to them for consideration. The court's inquiry indicates that no jurors discussed or were even aware of the alternate's question; the alternate only conveyed his question to the trial court. As such, the alleged "deliberation" occurred only inside the mind of the alternate. Premature deliberations are forbidden because "the human mind is constituted such that when a juror *declares* himself, touching any *controversy*, he is apt to stand by his *utterances to the other jurors* in defiance of evidence." State v. McGuire, 272 S.C. 547, 552, 253 S.E.2d 103, 105 (1979). [Emphasis supplied.] A juror is permitted to "keep his own counsel," though he may not express his thoughts on the case to other jurors. Id. Here, the alternate juror made no declarations or utterances to his fellow jurors, and his note to the judge did not touch on any matter in controversy. In the absence of actual premature deliberation, Appellant's argument for a mistrial on that basis fails.

Further, State v. Hoffman, 312 S.C. 386, 440 S.E.2d 869 (1994) is instructive in this matter. In Hoffman, on the fourth day of trial, the jury sent out a note asking for clarification of a witness' testimony, whether a jury had the right to ask for clarification

[6] The trial judge agreed with defense counsel's suggestion that the entire jury should be brought in "so that if somebody disagrees with what the foreman says, they can be – their opinion can be voiced." (Tr. p. 257.)

of testimony, and whether there was a procedure where a juror could ask a question of a witness. The Hoffman court first noted that the trial judge had not condoned premature deliberations and in fact gave a standard instruction forbidding premature deliberations. The trial judge found that "the note showed that the jury was merely attempting to define their role in the trial process rather than deliberating on the merits." Id. at 392, 440 S.E.2d 873. In affirming the trial court's denial of the motion for mistrial, the Hoffman court found the judge's findings supported by the record and any potential harm cured by the instruction issued regarding premature deliberations.

In the present case, as in Hoffman, the trial court gave ample instruction during the trial regarding premature deliberations. (Tr. pp. 63-64, p. 123, p. 257) Further, as in Hoffman, the juror's question indicates a procedural concern more than any consideration of the merits of the case. The alternate merely asked if the photos were allowed into evidence and, if so, why they were not shown to the jury. The photos were, in fact, allowed in evidence. The juror's question seems particularly logical in light of the fact that other photographs admitted into evidence had been published to the jury when admitted. (See for example Tr. p. 188, p. 198) As such, the present case does not warrant the extreme measure of a mistrial.

Moreover, Appellant failed to show any prejudice. The trial court in the present case also removed the alternate from the case, presumably in an abundance of caution. Combined with the trial court's instructions, the removal of the alternate juror certainly prevented any possible prejudice. In grasping at some conceivable prejudice, Appellant argues that the solicitor was able to tailor his closing argument as to the issue of identity. Interestingly, the solicitor had prepared a Power Point slide presentation for his oral argument. (Tr. p. 260) He shared the entire presentation with defense counsel as soon as

the juror issue was resolved. (Tr. p. 260) The solicitor would have to be quick indeed in order to create his presentation within seconds of finding out about the juror question. If anything, the defense, in reviewing the Power Point, gained an advantage by previewing the solicitor's argument before making its own. (Tr. pp. 260-262)

IV.

There is no error, much less cumulative error, and any preserved errors are harmless beyond a reasonable doubt in light of the overwhelming evidence of guilt. A defendant is entitled to a fair trial, not a perfect one. In light of the overwhelming evidence of guilt, even a perfect trial would not prevent the inevitable result of Appellant's conviction.

This case does not warrant reversal on cumulative error. As argued above, the State submits there were no trial court errors to consider for a cumulative error analysis. The record reflects the trial court exercised its discretion soundly in each instance. However, the cumulative effect of any errors this Court might find fails to undermine the fact that Appellant did receive a fair trial. Our courts repeatedly stated that "'... the Constitution entitles a criminal defendant to a fair trial, not a perfect one." State v. Mitchell, 330 S.C. 189, 199-200, 498 S.E.2d 642, 647-48 (1998) (finding reversal on cumulative error doctrine not warranted).

The evidence of Appellant's guilt was simply overwhelming. The CI identified the man known to him for several months prior to the buy as "DJ" (the initials of Appellant's first and middle names) from a lineup and in court. The CI's interaction with Appellant was recorded on video. The video makes it clear that the man in the Cadillac was Appellant. In comparing the still shot from the video and Appellant's booking photo approximately 2 weeks later, it is clear that Appellant is indeed the man in the video. His fairly distinctive thin chinstrap beard in both the video and booking photos helps to confirm the identification. The jury also had the opportunity to view Appellant in court to

determine whether he was the man in the video. The CI was carefully searched before the buy, and he was monitored visually and electronically throughout the operation. The CI returned to law enforcement with crack cocaine. The conversation with the man in the car in which the CI asks about the weight of the substance confirms that the transaction occurred at that point. When he was booked, Appellant provided as his phone number the same number the CI had called to set up the meeting. Appellant certainly had a fair trial, and no alleged error or combination of the alleged errors would have changed the result.

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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STATE OF SOUTH CAROLINA

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THE STATE,

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v.

DOMINIQUE JULIUS AGURS,

Appellant.

PROOF OF SERVICE

I, Anne Mueller, 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:

John H. Strom, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
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I further certify that all parties required by Rule to be served have been served. This 15th day of April, 2015.

Anne Mueller

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Legal Assistant

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ALAN WILSON
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Division of Appellate Defense
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RE: State v. Dominique Julius Agurs
Appellate Case No. 2014-000960

Dear Mr. Strom:

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

Sincerely,

Mary W. Leddon
Assistant Attorney General
Bar # 76192

MSW/aam
Enclosures

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