ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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APR 30 2015
SC Court of Appeals

Appeal from Pickens County

G. Edward Welmaker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GARY CLIFFTON HAMILTON,

APPELLANT

APPELLATE CASE NO. 2014-001665

INITIAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Did the trial court err by admitting testimony of a so-called expert in "child sex abuse dynamics" where the testimony concerned information within the realm of lay knowledge, the state presented no evidence of the expert's reliability, the testimony improperly bolstered the minor complainant's credibility, and the testimony was unfairly prejudicial to Appellant?

STATEMENT OF THE CASE

On September 11, 2012, a Pickens County grand jury indicted Appellant for criminal sexual conduct with a minor in the first degree (2012-GS-39-1527). On July 22, 2014, less than one week before his trial, Appellant was indicted for lewd act upon a minor (2014-GS-39-1485). Both indictments alleged conduct occurring in August 2011. R. * (indictments). The cases were tried before the Honorable G. Edward Welmaker and a jury beginning on July 28, 2014. Brandi Hinton represented the state, and Teal Johnson represented Appellant. Tr. 1. The jury found Appellant guilty as charged. Tr. 433, line 25 – Tr. 434, line 5. Judge Welmaker sentenced Appellant to thirty-two years' imprisonment for the criminal sexual conduct conviction and to fifteen years' imprisonment for the lewd act conviction. He ordered the sentences to be served concurrently. Tr. 439, line 23 – Tr. 440, line 4; R. * (sentence sheets).

Appellant filed a timely notice of appeal. This brief follows.

ARGUMENT

The trial court erred by admitting testimony of a so-called expert in "child sex abuse dynamics" where the testimony concerned information within the realm of lay knowledge, the state presented no evidence of the expert's reliability, the testimony improperly bolstered the minor complainant's credibility, and the testimony was unfairly prejudicial to Appellant.

Relevant facts

Minor's mother, Christine Wilson,[1] was close friends with Appellant's daughter, Julie Ann Hamilton. When Christine's mother kicked Christine and her two children out of the house, Christine had nowhere to go. Julie agreed to allow Christine's two children to stay in the home she shared with Appellant and her mother in August of 2011. Tr. 210, lines 3-10; Tr. 211, lines 21-23; Tr. 220, lines 7-20. At the tender age of three, Minor had endured a difficult life. When she was only six-months old, she was in the car with Christine and Minor's father, when Minor's father discharged a firearm during a drive-by shooting. Christine was charged and pled guilty to discharging a firearm within a dwelling related to this incident. Tr. 214, line 11 – Tr. 215, line 12. Christine admitted to smoking marijuana around Minor. Tr. 219, lines 18-23. Minor also saw her father beat Christine and threaten her with a knife at various times. Tr. 216, lines 8-22. Christine was addicted to drugs, and Minor's father was an alcoholic, who was serving a prison sentence for methamphetamine. Tr. 215, line 25 – Tr. 216, line 2; Tr. 217, lines 1-14.

Minor, who was six-years old at the time of trial, claimed that when she was three-years old, Appellant "put his finger in [her] butt" while the two were outside of the church. Tr. 188, lines 15-16; Tr. 190, line 8 – Tr. 191, line 24; Tr. 209, lines 24-25. She thought that

[1] Christine revealed that she had been sexually abused. Tr. 226, lines 11-13.

Appellant told her that it would hurt worse if she kept moving. Tr. 192, lines 9-14. Further, she claimed that Appellant pulled his pants down, pulled on his wiener, and screamed while they were at the church. Tr. 192, lines 17-23. Minor told her mother about the alleged sexual assault in late August or early September, approximately one month after the alleged incident. Tr. 193, lines 23-24; Tr. 211, lines 10-23. Christine claimed she called the police the day Minor made the accusations and that Minor was evaluated medically the following day. Tr. 212, line 19 – Tr. 213, line 7; Tr. 226, lines 14-19.

The allegations were transferred to the Anderson County Sheriff's Office from Pickens on November 11, 2011. Tr. 233, line 13 – Tr. 234, line 2. Five months later, Investigator Michele Hendrix met with Appellant at his home on April 5, 2012. Tr. 234, lines 8-12. Appellant denied touching Minor. Tr. 236, lines 14-24. During this meeting, Appellant was having problems with his diabetes and "a problem with his fingers." His fingers were "swollen and some of them were starting to crack open." Tr. 237, line 22 – Tr. 238, line 3.

On April 19, 2012, Appellant, who was "very immobile" and "had injuries to his hands," went to the Sheriff's Office where he was interrogated by James Collins. Tr. 245, lines 17-23; Tr. 250, lines 2-4. When Collins confronted Appellant with Minor's allegations, Appellant offered several explanations of how he may have accidentally touched Minor. Collins refused to believe Appellant and "challenged" each of his explanations. Tr. 249, line 2 – Tr. 251, line 10. Collins "went back and forth" with Appellant until Appellant grew tired and frustrated and said he had touched Minor. Only then did Collins prepare a written statement for Appellant to sign. Tr. 251, lines 10-19. Collins prepared the statement "because of [Appellant's] lack of education, his special

ed[ucation], his injuries to his hands; he wasn't able to hold a pencil." Tr. 253, lines 20-25. According to the written statement, Appellant rubbed Minor's vagina in the church parking lot. Tr. 254, line 13 – Tr. 255, line 21. Although the written statement made no reference to any penetration, Collins claimed Appellant told him that he had inserted his finger into her vagina. Tr. 255, line 25 – Tr. 256, line 3. Inexplicably, Collins permitted Appellant to leave the Sheriff's Office and return home with his wife and daughter. Tr. 271, lines 19-22; Tr. 272, lines 15-16.[2]

Later, the case was transferred to the Central Police Department and Khristy Justice took over the investigation. Tr. 282, lines 19-23. On April 26, 2012, Justice met with Appellant at the Police Department. Tr. 283, lines 18-19. Appellant's written statement to Justice was similar to his written statement to Collins: Sometime in August 2011, he rubbed on Minor's vagina in the church parking lot, but did not penetrate her. Tr. 288, lines 3-18; Tr. 298, line 9 – Tr. 299, line 5; Tr. 299, line 22 – Tr. 301, line 23. During this meeting, Appellant continued to have problems with his hands. According to Justice, "his hands were busted open, pus coming out of them. We weren't even able to print them." Tr. 288, lines 14-18.

Dr. Mary Fran Croswell examined Minor on November 28, 2011. Tr. 366, lines 10-14. Although Minor disclosed sexual abuse to Dr. Croswell, the examination revealed no physical signs of sexual abuse. Essentially, Minor had "a normal exam." Tr. 369, lines 10-

[2] Appellant's daughter, Julie Ann, and his wife claimed that during the car ride home, Appellant said, "Please don't hate me" and handed them a copy of his statement to Collins. Tr. 272, line 17 – Tr. 273, line 6; Tr. 324, line 7 – Tr. 325, line 13. Julie Ann was angry with Appellant and noted that when she was sexually abused as a child, Appellant removed her from the environment and threatened to kill the abuser. She moved out of her parents' home because she did not want her two-year old daughter around Appellant. Tr. 273, lines 10-21; Tr. 275, lines 2-14.

25. According to Dr. Crosswell, the majority of sexual abuse examinations are "normal" "because the injury, if it occurred, has healed without leaving any signs, or the type of abuse didn't leave an injury that we could see with the eye." Tr. 371, lines 5-8. Without indicating which studies, Dr. Crosswell claimed that medical studies supported her assertion that "up to eighty-five percent of children do not have specific findings in cases where the perpetrator has been criminally convicted for the abuse." Tr. 371, lines 21-25. On cross-examination, Dr. Crosswell was forced to admit that a normal exam "could be consistent with no sexual abuse." Tr. 372, lines 22-25.

Over Appellant's vehement objection, the prosecution called Shauna Galloway-Williams as an "expert" witness in "child sexual abuse dynamics." During arguments on the motion to exclude, the prosecutor stated "the purpose of her testimony is just to explain to the jury about child abuse in general. ... She never met with the child. She did not view the forensic video." However, the prosecutor maintained "there are, you know, multiple issues that are not common knowledge to the jury as it relates to child sexual abuse." Tr. 331, line 18 – Tr. 332, line 11. Appellant objected that the testimony would "only bolster any testimony" already presented. Tr. 332, lines 15-20; Tr. 333, lines 5-6. Further, relying on Watson v. Ford Motor Co., 389 S.C. 434, 699 S.E.2d 169 (2010), Appellant objected the testimony "would not aid the trier of fact at all; would only confuse the trier of fact." Tr. 332, lines 21-24; Tr. 333, lines 7-11. Citing State v. Douglas, 380 S.C. 499, 671 S.E.2d 606 (2009), Appellant explained the trial court must find the subject matter of the proposed "expert" testimony "is beyond the ordinary knowledge of the jury." Tr. 332, line 24 – Tr. 333, line 3. Here, the subject matter was clearly within the purview of lay people and

required no expertise. Tr. 333, lines 4-5. Appellant objected that the testimony simply was not probative. Tr. 333, line 6.

The prosecutor explained the proposed testimony would cover "issues such as delayed disclosure, how children usually communicate, potential inconsistencies with the victim." Tr. 33, lines 15-17. Relying on State v. Weaverling, 337 S.C. 460, 523 S.E.2d 787 (Ct. App. 1999), the trial judge overruled the objection provided the testimony stayed within the parameters set forth by the prosecutor. Specifically, the trial judge found the testimony "would be probative for the jury and helpful to them." Tr. 334, lines 13-24. Thereafter, Appellant requested an in-camera hearing regarding the testimony, which the trial judge permitted. When the judge asked if the hearing were to cover her qualifications, Appellant responded, "Just, I guess, what her testimony would be." When the judge asked if Appellant had "issues with her qualifications," Appellant responded, "No. I don't have any issue about her qualifications; just what her testimony would be." Tr. 334, line 25 – Tr. 335, line 19. Thereafter, Galloway-Williams testified in-camera. Tr. 336, line 19 – Tr. 343, line 11.

Appellant asked no questions during the in-camera hearing. Tr. 343, lines 15-25. However, Appellant renewed her objections explaining how the testimony would bolster Minor's testimony and would appeal to the "passions and prejudices of the jury." Tr. 344, lines 5-11. The trial judge permitted the testimony in large part, but refused to permit the prosecutor to elicit the proposed testimony concerning "the dishonesty of adults or children." Tr. 346, lines 2-20.

In front of the jury and over Appellant's renewed contemporaneous objection, Galloway-Williams testified as an expert in "child sexual abuse dynamics." Tr. 351, line 19

– Tr. 352, line 15. Galloway-Williams had never met Minor or Appellant. Tr. 352, line 24 – Tr. 353, line 6. However, she told the jury that

> Grooming ... is when a perpetrator of someone who's going to harm a child develops a trusting relationship with them by given them special attention, giving them gifts, doing things to really enhance their relationship, and doing that in a way to not only enhance the relationship and develop trust, but also to sort of test the waters with the child to see how far they may be able to take the relationship.

Tr. 353, lines 9-25. Further, the "expert" claimed that "most children are abused by someone that's known, loved and trusted to the child and to the family." She further claimed that "grooming" included "cultivating that relationship with the family." This explained "why children have a hard time telling someone or letting someone know that this has happened to them." Tr. 354, lines 1-9.

Next, the "expert" claimed that "[i]n most cases that we see at the Julie Valentine Center and in my experience and in what the research tells us, most children don't tell right away." She concluded that based on her "experience and training and education, it's very common that children don't disclose or that they delay their disclosure." Tr. 355, lines 2-11. Tying the delayed disclosure testimony to grooming, the "expert" claimed "one of the strongest factors or one of the biggest influences [on disclosure] is that relationship that the child has with the perpetrator." Tr. 355, lines 19-23. Children may fear that something will happen if they tell, including having to move and not having a caregiver. Tr. 356, lines 1-6.

Then, the "expert" explained the difference between a full disclosure and a partial disclosure. She claimed that "[w]hat we know is that disclosure is a process." This meant that children would not tell "every single detail about what's happened to them the first time that they tell someone." Tr. 356, lines 7-23. She further commented that children and adults

communicate differently depending upon the age of the child and the child's level of verbal skills. Tr. 357, lines 9-19.

Finally, the "expert" informed the jury of children who were at "high risk" of being sexually abused. She claimed substance abuse by the caregiver, single parent households, very young age with less verbal skills, disabled children, and children with behavioral problems placed children at a greater risk of being sexually abused. Tr. 357, line 20 – Tr. 358, line 16.

During her closing argument, the prosecutor emphasized Galloway-Williams' testimony to the jury and encouraged them to rely upon it when deliberating and arriving at a verdict.

> Shauna Galloway-Williams came in and testified. And she came to testify about child abuse in general. And the reason her testimony is so important is that she's a trained professional. She sees this every day. And the things that she said, having never met [Minor], not knowing anything about the situation, or [Appellant] describes [Minor]'s situation; that it's someone you know, you love and you trust. [Minor] testified that she liked [Appellant.] [Appellant] was probably, at that time, the most stable thing that she had. It's somebody that grooms you, they take you in, they're kind to you, they work on that trust with you. That's exactly what [Appellant] did. And as Shauna stated, [Minor] is at high risk. Her mom admitted to having substance abuse problems. She comes from a single-parent family. Her dad is incarcerated. She was at high risk. [Appellant] knew that. [Appellant] took advantage of that.

Tr. 398, line 23 – Tr. 399, line 13.

Discussion

The South Carolina Rules of Evidence and case law govern the admission and scope of expert testimony. Pursuant to the Rule, "[i]f scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience,

training, or education, may testify thereto in the form of an opinion or otherwise." Rule 702, SCRE. In Watson v. Ford Motor Co., 389 S.C. 434, 699 S.E.2d 169 (2010), the South Carolina Supreme Court specified the following three-prong test for expert testimony:

> [E]xpert testimony receives additional scrutiny relative to other evidentiary decisions. Specifically, in executing its gatekeeping duties, the trial court must make three key preliminary findings which are fundamental to Rule 702 before the jury may consider expert testimony. First, the trial court must find that the subject matter is beyond the ordinary knowledge of the jury, thus requiring an expert to explain the matter to the jury. Next, while the expert need not be a specialist in the particular branch of the field, the trial court must find that the proffered expert has indeed acquired the requisite knowledge and skill to qualify as an expert in the particular subject matter. Finally, the trial court must evaluate the substance of the testimony and determine whether it is reliable.

Id. at 446, 699 S.E.2d 169, 175 (internal citations omitted) (emphasis added). The first and third prongs of the Watson test were not met in this case.

Turning to the first prong, the testimony offered by Galloway-Williams was not of a subject matter beyond the ordinary knowledge of the jury. Although Galloway-Williams was qualified as an expert in "child sex abuse dynamics," the law governing forensic interviewing is applicable here. There is simply no field of study regarding "child sex abuse dynamics" and the real job of Galloway-Williams is to conduct forensic interviews. Although the prosecutor tried to take the testimony outside the ambit of forensic interviewing by creating a fictitious area of expertise, Galloway-Williams is simply a forensic interviewer as revealed through her testimony and in South Carolina's case law.

In State v. Kromah, 401 S.C. 340, 737 S.E.2d 490 (2013), the South Carolina Supreme Court proclaimed: "[W]e state today that we can envision no circumstance where

[a forensic interviewer's] qualification as an expert at trial would be appropriate." Id. at 357, n.5, 737 S.E.2d at 499 n.5. In State v. Douglas, 380 S.C. 499, 502-503, 671 S.E.2d 606, 608 (2009), the South Carolina Supreme Court found the trial court erred in qualifying a forensic interviewer as an expert because the testimony simply did not require expert qualification. The forensic interviewer's testimony concerned only "her personal observations and experiences, and her interview with the Victim in th[e] case." Id.

The only purpose of Galloway-Williams' testimony at Appellant's trial was to improperly bolster Minor's testimony. "It is undeniable that the primary purpose for calling a 'forensic interviewer' as a witness is to lend credibility to the victim's allegations. When this witness is qualified as an expert the impermissible harm is compounded." Kromah, 401 S.C. at 358, 737 S.E.2d at 499. "[E]ven though experts are permitted to give an opinion, they may not offer an opinion regarding the credibility of others." State v. Portillo, 408 S.C. 66, 71, 757 S.E.2d 721, 724 (Ct. App. 2014) (quoting Kromah, 401 S.C. 340 at 358, 737 S.E.2d at 499). "The assessment of witness credibility is within the exclusive province of the jury." State v. McKerley, 397 S.C. 461, 464, 725 S.E.2d 139, 141 (Ct. App. 2012). Therefore, it is improper for a witness to bolster the testimony or credibility of another witness. See Smith v. State, 386 S.C. 562, 569, 689 S.E.2d 629, 633 (2010) (finding a "forensic interviewer's . . . opinion testimony improperly bolstered the victim's credibility").

In McKerley, the trial court allowed a witness to testify as an expert in "forensic interviewing and child abuse assessment." 397 S.C at 463, 725 S.E.2d at 141. The witness had interviewed the alleged victim twice and concluded that both interviews were

"compelling" for sexual abuse. Further, the witness determined that the alleged victim's statements were consistent with other information in the case. Id. at 466, 725 S.E.2d at 142. The Supreme Court determined that there was no other way to interpret the language used in the expert's testimony other than to mean she believed the victim was being truthful. The Court further held, "In light of [the expert's] extensive inadmissible testimony bolstering the credibility of the victim . . . we cannot say the erroneous admission of [the expert's] testimony did not contribute to the jury's decision," therefore finding harmful error. Id. at 467, 725 S.E.2d at 143.

The Supreme Court has also held that it is improper "for an expert to comment on the veracity of a child's accusations of sexual abuse." State v. Jennings, 394 S.C. 473, 716 S.E.2d 91 (2011). Interestingly, Jennings involved a challenge to the testimony of Shauna Galloway-Williams, the same witness at issue in this case. Galloway-Williams interviewed the three alleged victims of sexual abuse and issued separate reports for each child that were admitted into evidence. She concluded in her reports that each child provided a "compelling" disclosure of abuse by the defendant and that the children provided details that were consistent with the background information received. 394 S.C. at 476-481, 716 S.E.2d at 92-95. The Court held the conclusions in Galloway-Williams' reports improperly vouched for the children's veracity and thus the trial court abused its discretion by admitting the reports into evidence. It further held the error was not harmless because there was no physical evidence presented at trial and the children's credibility was the sole issue in the case. Id. at 94-95, 716 S.E.2d at 480.

The reason that it is unnecessary to qualify a forensic interviewer as an expert or to qualify someone as an expert in the fictitious field of "child sex abuse dynamics" is

because the information imparted by such a witness is within the jury's knowledge. A juror can understand that a victim of sexual abuse may not disclose immediately for a variety of reasons. Likewise, a juror can understand a disclosure may become more detailed as specific questions are asked and the party making the disclosure is made to feel more comfortable. The jury did not need expert testimony to explain this subject matter as it did not involve scientific, technical, or other specialized knowledge. See Rule 702, SCRE.

In closing argument, the prosecutor argued that the jury should believe Minor because of Galloway-Williams' testimony. As the prosecutor put it, Galloway-Williams is "a trained professional [who] sees this every day." Although Galloway-Williams had never met Minor and knew nothing of her situation, Galloway-Williams "describe[d Minor]'s situation" when she testified that a child is most often sexually abused by someone the child knows, someone the child loves, and someone the child trusts. The prosecutor then lined up the testimony of Galloway-Williams concerning grooming with the evidence in the case by asserting that Appellant was "the most stable thing" in Minor's life and Appellant had been kind to Minor. The prosecutor continued with this theme by focusing on Galloway-Williams' testimony that Minor was at high risk for sexual abuse because her mother had substance abuse problems, she was from a single parent family, and her father was incarcerated. Tr. 398, line 23 – Tr. 399, line 13. While it is clear that the prosecutor urged the jury to believe Minor in light of Galloway-Williams' testimony, the jury was persuaded by Galloway-Williams being allowed to testify as an expert. As the Court noted in Kromah, "[A]lthough an expert's testimony theoretically is to be given no more weight by a jury than any other witness, it is an

inescapable fact that jurors can have a tendency to attach more significance to the testimony of experts." 401 S.C. at 357, 737 S.E.2d at 499.

The trial judge relied on State v. Weaverling, 337 S.C. 460, 523 S.E.2d 787 (Ct. App. 1999) to permit the qualification of Galloway-Williams as an expert and to permit her to testify regarding matters not requiring expertise. Appellant is aware of this Court's recent decision in State v. Brown, 411 S.C. 332, 768 S.E.2d 246 (Ct. App. 2015)[3] affirming a trial judge's decision to admit "expert" testimony from Shauna Galloway-Williams. The Brown case is very similar to the one presented here. However, in Brown, this Court relied upon Weaverling to arrive at its decision. In light of the Supreme Court's holdings in Kromah and Jennings, Weaverling is no longer good law. Even if Brown were rightly decided, the case is easily distinguished from the instant matter. In Brown, the defendant "cross-examined the minor victims extensively regarding their delays in disclosure as well as the varying accounts of the abuse they gave authorities." Brown, 411 S.C. at 251, 768 S.E.2d at 341. In light of the cross-examination, the minor victims' delayed disclosure "undoubtedly became a fact at issue in this case, raising questions of credibility or accuracy that might not be explained by experiences common to jurors." Id. No such cross-examination took place in Appellant's case – Minor disclosed the alleged abuse within a month of the alleged incident.

Turning to the third prong of the Watson test, the state failed to show Galloway-Williams' testimony would be reliable. Recently, in State v. Chavis, Op. No. 27491 (S.C. Sup. Ct. Filed Feb. 4, 2015), the Court held that State v. White, 382 S.C. 265, 676 S.E.2d

[3] Mr. Brown filed a petition for writ of certiorari with the South Carolina Supreme Court on March 13, 2015.

684 (2009) should apply in qualifying child abuse assessment experts because their testimony is non-scientific. "Under White, two threshold determinations must be made. First, the qualifications of the expert must be sufficient, and second, there must be a determination that the expert's testimony will be reliable." Id. (citing White, 382 S.C. at 273, 676 S.E.2d at 688). The Court found that the trial court improperly qualified the child abuse assessment expert in Chavis because there was "simply no evidence that her conclusions or impressions taken from [the] interviews were accurate." Id. Although "no formulaic approach for determining the foundational requirements of qualification and reliability in non-scientific evidence," "evidence of mere procedural consistency does not ensure reliability without some evidence demonstrating that the individual expert is able to draw reliable results from the procedures of which he or she consistently applies." Id. Galloway-Williams' testimony was also unreliable because the state presented no evidence that her opinions were reliable. She testified about her experience and research, but provided no specific information about what her experience was, what the research consisted of, whether her experience involved peer-reviewed studies, or any other information that could be used to evaluate the reliability of her testimony.

Not only was Galloway-Williams' testimony used to bolster Minor's testimony, it was also unfairly prejudicial to Petitioner. Under Rule 403, SCRE, relevant evidence "may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice." Any probative value arising from Galloway-Williams' testimony did not substantially outweigh its clear and obvious danger of unfair prejudice. Her "expert" testimony was used solely by the state to reinforce and reiterate the reasoning for the complainants' actions and behavior. See Jolly v. State, 314 S.C. 17, 21, 443 S.E.2d 566,

569 (1994) ("Improper corroboration testimony that is *merely cumulative to the victim's testimony*, however, cannot be harmless, because it is precisely this cumulative effect which enhances the devastating impact of improper corroboration.") (emphasis in original).

The admission of this testimony in this case, where no physical evidence was introduced and the jury's decision depended upon the child's credibility, was prejudicial error that requires reversal. The qualification of Galloway-Williams as an "expert" in "child sex abuse dynamics" was erroneous and prejudicial to Appellant. In light of the prosecutor's capitalization of the testimony during her closing argument to argue the jury should believe Minor due to the testimony of an "expert" witness who was a "trained" professional and described Minor's situation without having any knowledge of Minor, this Court must find the error was not harmless.

CONCLUSION

Appellant respectfully requests this Court reverse his convictions and remand for a new trial.

Respectfully submitted,

Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT

This 30th day of April, 2015.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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G. Edward Welmaker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GARY CLIFFTON HAMILTON,

APPELLANT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Initial Brief of Appellant and Designation of Matter in the above referenced case has been served upon Salley W. Elliott, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Mr. Gary Clifton Hamilton, #360860, at Kirkland Correctional Institution, 4344 Broad River Road, Columbia, SC 29210, this 30th day of April, 2015.

Susan B. Hackett

Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 30th day of April, 2015.

_____(L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.