

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

The State, Respondent,

v.

Tavario Dormell Brunson, Appellant.

Appellate Case No. 2012-211593

Appeal from Florence County
William H. Seals, Jr., Circuit Court Judge

Memorandum Opinion No. 2015-MO-009
Heard January 22, 2014 – Filed March 4, 2015

REVERSED

Appellate Defender Susan Barber Hackett, of Columbia,
for Appellant.

Attorney General Alan McCrory Wilson, Chief Deputy
Attorney General John W. McIntosh, and Senior
Assistant Deputy Attorney General Donald J. Zelenka, all
of Columbia, and Solicitor Edgar Lewis Clements, III, of
Florence, for Respondent.

JUSTICE PLEICONES: Reversed pursuant to Rule 220(b)(1), SCACR, and the following authority: *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014). We stay this relief until all stays issued in *Aiken* are lifted.

REVERSED.

BEATTY and HEARN, JJ., concur. KITTREDGE, J., dissenting in a separate opinion in which TOAL, C.J., concurs.

JUSTICE KITTREDGE: I dissent. For the reasons set forth in the dissent of Chief Justice Toal in *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014), I would affirm Appellant's conviction and sentence.

TOAL, C.J. concurs.