



The Supreme Court of South Carolina

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June 18, 2015

The Honorable Connie Reel-Shearin
Clerk of Court, Florence County
180 N Irby St MSC-E Rm B11
Florence SC 29501-3456

REMITTITUR

Re: The State v. Tavario D. Brunson
Lower Court Case No. 2011-GS-21-01197
Appellate Case No. 2012-211593

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

cc:

Donald J. Zelenka, Esquire

Susan Barber Hackett, Esquire

Edgar Lewis Clements, III, Esquire

**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.