THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED
NOV 12 2015
SC Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

The Honorable J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2014-CP-08-10

The State..... Appellant,

v.

Norman B. Dudley..... Respondent.

INITIAL BRIEF OF APPELLANT

Catherine Fant, Assistant General Counsel
Email: CatherineFant@scdps.gov
Marcus K. Gore, Assistant General Counsel
Email: MarcusGore@scdps.gov
S C. Department of Public Safety
P.O. Box 1993
Blythewood, South Carolina 29016
Telephone: (803) 896-7965
Attorneys for Appellant

TABLE OF CONTENTS

PAGE

TABLE OF CONTENTS.....i

TABLE OF AUTHORITIES.....ii

STATEMENT OF THE ISSUE ON APPEAL.....1

STATEMENT OF THE CASE.....1

ARGUMENT

I. BY ITS OWN TERMS, S.C. CODE § 18-3-30 DOES NOT GOVERN APPEALS BY THE STATE.....4

II. BECAUSE NO STATUTE OR CASE SETS FORTH THE TIME FRAME FOR APPEALS FROM MAGISTRATE COURT BY THE STATE, PROCEDURAL RULES APPLY.....7

III. ANY DISCREPANCY BETWEEN THE TIME FOR APPEAL BY THE PARTIES IS LAWFUL AND NEITHER IMPLICATES NOR VIOLATES THE EQUAL PROTECTION CLAUSE.....9

CONCLUSION.....12

TABLE OF AUTHORITIES

CASES

CFRE, LLC v. Greenville County Assessor, 395 S.C. 67, 716 S.E.2d 877 (2001).....5

Davis v. County of Greenville, 313 S.C. 459, 443 S.E.2d 383 (1994).....10

Duvall v. S.C. Budget & Control Bd., 377 S.C. 36, 659 S.E.2d 125 (2008).....10

Harleysville Mut. Ins. Co. v. State, 401 S.C. 15, 736 S.E.2d 651 (2012).....10, 11

Hibernian Soc. v. Thomas, 282 S.C. 465, 319 S.E.2d 339 (Ct. App. 1984).....9

Hodges v. Rainey, 341 S.C. 79, 533 S.E.2d 578 (2000).....6

In re November 4, 2008 Bluffton Town Council Election, 385 S.C. 632, 686 S.E.2d 683 (2009).....5

McLeod v. Starnes, 396 S.C. 647, 723 S.E.2d 198 (2012).....9, 10, 11

State v. Belviso, 360 S.C. 112, 600 S.E.2d 68 (Ct. App. 2004).....6, 7

State v. Benjamin, 341 S.C. 160, 533 S.E.2d 606 (Ct. App. 2000).....6

State v. County of Florence, 406 S.C. 169, 749 S.E.2d 516 (2013).....6

State v. Holliday, 255 S.C. 142, 177 S.E.2d 541 (1970).....6

State v. McKnight, 353 S.C. 238, 577 S.E.2d 456 (2003).....6

State v. Oxner, 391 S.C. 132, 705 S.E.2d 51 (2011).....8

State v. Pichardo, 367 S.C. 84, 623 S.E.2d 840 (Ct. App. 2005).....6

Town of Mt. Pleasant v. Roberts, 393 S.C. 332, 713 S.E.2d 278 (2011).....5

STATUTES

S.C. Code Ann. § 18-3-10 (Supp. 2015).....5

S.C. Code Ann. § 18-3-30 (Supp. 2015).....4, 5

OTHER AUTHORITIES

U.S. Const. amend. XIV, § 1.....9

Rule 74, SCRCP 8

Rule 37, SCRCrimP.....7, 8

Black's Law Dictionary 537 (6th ed. 1990).....9

STATEMENT OF THE ISSUE ON APPEAL

DID THE CIRCUIT COURT ERR IN DISMISSING APPELLANT'S APPEAL FROM THE MAGISTRATE COURT AS UNTIMELY?

STATEMENT OF THE CASE

On December 15, 2012, Corporal E.D. McAbee of the South Carolina Highway Patrol cited Respondent Norman B. Dudley for Driving Under the Influence in violation of the S.C. Code of Laws § 56-5-2930. (Ticket No. F594836) The matter came before the Berkeley County magistrate judge in Goose Creek for a jury trial on December 3, 2013. At a pre-trial hearing, Respondent moved to dismiss the charge, claiming the Miranda warnings given by Cpl. McAbee and captured on video were incomplete. The Hon. Edward L. Sessions, relying on State v. Hoyle, 397 S.C. 622, 725 S.E.2d 720 (Ct. App. 2012), granted the motion and dismissed the case. (Magistrate's Return pp. 1-2)

Appellant received notice of the underlying order of dismissal in this case on December 3, 2013. (Appellant's Notice of Appeal and Appeal p.1) On December 31, 2013, Appellant, by and through the undersigned counsel, filed its Notice of Appeal and Appeal with the Berkeley County Clerk of Court by depositing said appeal in the U.S. Mail, in an envelope properly addressed to the Clerk and with sufficient first class postage attached. (Certificate of Service accompanying Appellant's Notice of Appeal and Appeal; Letter from Appellant dated December 30, 2013 to Berkeley County Clerk of Court Mary P. Brown accompanying Appellant's Notice of Appeal and Appeal) Service of the notice and appeal on the Hon. Edward L. Sessions, Berkeley County magistrate judge, and opposing counsel Christopher J. Murphy was accomplished in like manner.[1]

[1] Appellant's Notice of Appeal and Appeal was subsequently file-stamped by the Goose Creek Magistrate Office and Berkeley County Clerk of Court on January 2, 2014 and January 3, 2014, respectively. (File-

On January 21, 2014, Respondent replied to the notice and appeal, claiming Appellant's appeal was untimely pursuant to S.C. Code of Laws § 18-3-30 because it was not filed within ten (10) days of December 3, 2013. (Respondent's Reply p. 2) An appeal hearing was held in the Berkeley County Court of Common Pleas on January 12, 2015 before the Hon. J.C. Nicholson, Jr. At that time, in addition to addressing the merits of the Miranda issue, the parties argued the timeliness of Appellant's appeal. Respondent asserted that South Carolina Code Ann. § 18-3-30 required Appellant to file its Notice of Appeal and Appeal within ten (10) days of the trial court's dismissal ruling. (Tr. dated January 12, 2015, p. 4, line 24 – p. 5, line 14) On the other hand, Appellant averred that the cited statute on its face did not apply to the State, and that court rules provide thirty (30) days for an appeal by the State from magistrate court. (Tr. dated January 12, 2015, p. 4, line 4 – p. 8, line 24; p. 13, lines 10-20) The court took both issues under advisement pending Appellant's procurement of a transcription of the Miranda warnings video. (Tr. dated January 12, 2015, pp. 19-21)

On June 26, 2015, Appellant notified the court that the court reporter could not provide the requested transcript. (Letter to Judge Nicholson dated June 26, 2015) Subsequently, on July 6, 2015, the circuit court held a second hearing on the appeal, during which both the timeliness and Miranda issues again were addressed. (Tr. dated July 6, 2015) As before, Respondent maintained § 18-3-30 governs the State's time for appeal while Appellant continued to state that § 18-3-30 is facially inapplicable and that procedural rules apply. (Tr. dated July 6, 2015, p. 3, lines 17-22; p. 6, line 14 – p. 9, line 13; p. 13, lines 12-16) The hearing concluded with Judge Nicholson asking Respondent's

---

stamped copies of Appellant's Notice of Appeal and Appeal from Goose Creek Magistrate Office and Berkeley County Clerk of Court)

attorney to listen to the Miranda warnings video and then notify the court as to whether he agreed or disagreed with the State's proposed transcription. (Tr. dated July 6, 2015, p 15, line 22 – p. 17, line 17; State's Transcript of Miranda Warnings attached to Letter to Judge Nicholson dated June 26, 2015)

Thereafter, on July 8, 2015, Judge Nicholson's law clerk notified the parties via e-mail that the judge would be ruling on timeliness without reaching the Miranda issue by relying on the 10-day time for appeal set forth in § 18-3-30. In addition, the law clerk indicated that Judge Nicholson would find that applying a different time frame to the State would violate equal protection principles. At the judge's request, Respondent's attorney prepared a proposed order. (E-mail dated July 8, 2015 from Judge Nicholson's law clerk to attorneys for Appellant and Respondent regarding the proposed ruling) On August 3, 2015, Judge Nicholson signed a written order dismissing Appellant's appeal, which was filed with the Berkeley County Clerk of Court on August 14, 2015. (Order Dismissing Appeal) Appellant also received a copy of the order on August 14, and its Notice of Appeal was timely filed with this Court on August 18, 2015. (Notice of Appeal to Court of Appeals and Proofs of Service) This brief followed.

ARGUMENT

Appellant received notice of the magistrate court order dismissing the underlying case on December 3, 2013. (Appellant's Notice of Appeal and Appeal) On December 31, 2013, Appellant filed and served its Notice of Appeal and Appeal from this order. (Certificate of Service for Appellant's Notice of Appeal and Appeal; Appellant's letter dated December 30, 2013 to Berkeley County Clerk of Court Mary Brown accompanying Appellant's Notice of Appeal and Appeal) Because the time for an appeal by the State

from magistrate court is thirty (30) days, Appellant's appeal was timely and the circuit court erred in holding otherwise.

I. BY ITS OWN TERMS, S.C. CODE § 18-3-30 DOES NOT GOVERN APPEALS BY THE STATE

Respondent cited South Carolina Code of Laws Ann. § 18-3-30 as the basis for claiming the State has ten (10) days in which to appeal a decision from magistrates court, and the circuit court agreed. (Tr. dated January 12, 2015, p. 4, line 24 – p. 5, line 14; Tr. dated July 6, 2015, p. 3, lines 17-22; p. 13, lines 12-16; Order Dismissing Appeal) Appellant contends the circuit court erred as a matter of law in dismissing its appeal pursuant to § 18-3-30, because this statute on its face does not apply to the State.

A close reading of § 18-3-30 reveals that it applies only to a *defendant* appealing his sentence in magistrates court upon conviction. Section 18-3-30 provides:

> (A) The appellant, within ten days after sentence, shall file notice of appeal with the clerk of circuit court and shall serve notice of appeal upon the magistrate who tried the case and upon the designated agent for the prosecuting agency or attorney who prosecuted the charge, stating the grounds upon which the appeal is founded.
>
> (B) A person convicted in magistrates court who pays a fine assessed by the court does not waive his right of appeal and, upon proper notice, may appeal his conviction within the time allotted in this section.

S.C. Code Ann. § 18-3-30 (Supp. 2015). Although the statute refers to "the appellant," it does not contemplate the State in this role because immediately thereafter it provides a time frame "within ten days after *sentence* . . . ." Id. (emphasis added). Thus, the statute on its face clearly presupposes a conviction before appeal. This conclusion is supported by subsection (B)'s language stating that "[a] *person convicted* in magistrate's court . . . may appeal his *conviction* within the time allotted in this section." Id. (emphasis added). Because the State cannot be convicted of anything, the statutory language has no

applicability to the State. Moreover, due to the limiting phrases "after sentence" and "a person convicted," the statute by its own terms can never apply to situations like the case at bar where the State has appealed a pre-trial dismissal.

In addition, the statute further directs the appellant to "serve notice of appeal upon the magistrate who tried the case *and upon the designated agent for the prosecuting agency or attorney who prosecuted the charge*, stating the grounds upon which the appeal is founded." Id. (emphasis added). Obviously, if § 18-3-30 regulated appeals by the State, the inclusion of such language without a corresponding duty requiring service by the State would be absurd. See Town of Mt. Pleasant v. Roberts, 393 S.C. 332, 342-43, 713 S.E.2d 278, 283 (2011) ("Courts will reject a statutory interpretation that would lead to a result so plainly absurd that it could not have been intended by the Legislature . . . ."); see generally CFRE, LLC v. Greenville County Assessor, 395 S.C. 67, 74, 716 S.E.2d 877, 881 (2011) (declaring statutes must be read so that "no word, clause, sentence, provision or part shall be rendered surplusage, or superfluous . . . .").

Similarly, the underlying statute authorizing criminal appeals from magistrates court is also facially inapplicable to the State. Section 18-3-10 proclaims that "[e]very *person convicted* before a magistrate of any offense whatever and *sentenced* may appeal from the sentence to the Court of Common Pleas for the county." S.C. Code Ann. § 18-3-10 (Supp. 2015) (emphasis added). By employing the words "convicted" and "sentenced" as prerequisites to appeal, this statute further supports reading § 18-3-30 as having no effect upon the State. See In re November 4, 2008 Bluffton Town Council Election, 385 S.C. 632, 639, 686 S.E.2d 683, 687 (2009) ("[S]tatutes dealing with the same subject matter are in pari materia and must be construed together, if possible, to

produce a single, harmonious result."); accord State v. County of Florence, 406 S.C. 169, 749 S.E.2d 516 (2013).

It is well established that a court cannot employ rules of statutory construction to impose another meaning when the terms of a statute are plain, unambiguous, and convey a clear and definite meaning. Hodges v. Rainey, 341 S.C. 79, 533 S.E.2d 578 (2000); State v. Benjamin, 341 S.C. 160, 163, 533 S.E.2d 606, 607 (Ct. App. 2000) ("When the language of a statute is plain, unambiguous, and conveys a clear and definite meaning, the application of standard rules of statutory interpretation is unwarranted" such that the statutory terms "must be applied according to their literal meaning"). By their own terms, neither of these statutes applies to the State. Hence, the statutory scheme cannot be used as authority for defining the parameters of Appellant's time limit for appealing a case from magistrates court.

This is not surprising in light of the fact that the State's right to appeal in South Carolina generally is controlled by case law, not statutes. State v. McKnight, 353 S.C. 238, 238, 577 S.E.2d 456, 457 (2003) ("While a limited right of appeal in criminal cases has been conferred upon the State by statute in a number of jurisdictions, the extent of the right of the prosecution to appeal in this jurisdiction has been defined by our judicial decisions."), quoting State v. Holliday, 255 S.C. 142, 144, 177 S.E.2d 541, 542 (1970); accord State v. Pichardo, 367 S.C. 84, 96, 623 S.E.2d 840, 846-47 (Ct. App. 2005) ("In South Carolina, the State's right to appeal is defined by our judicial decisions, not statutory law. Thus, the State's right to appeal in a criminal case is a judicially created right.") (internal citation omitted); State v. Belviso, 360 S.C. 112, 600 S.E.2d 68 (Ct. App. 2004) (affirming the State's right to appeal magistrates court dismissals and pre-

trial rulings that suppress evidence and thereby significantly impair the State's ability to prosecute a criminal case). In State v. Belviso, this Court reversed the circuit court's determination that it lacked jurisdiction to hear the State's appeal because § 18-3-10 only authorizes appeals following a conviction and sentencing in magistrates court. Significantly, the Court found the circuit court's reliance on § 18-3-10 misplaced, holding that because the State's right to appeal is judicially created, the Court would look to judicial opinions instead. Belviso, 360 S.C. at 115, 600 S.E.2d at 70. Like the statute at issue in Belviso, § 18-3-30 simply cannot be read as having any bearing on an appeal by the State. It is therefore readily apparent that any timeline governing Appellant's appeal must be found elsewhere in the law.

II. BECAUSE NO STATUTE OR CASE SETS FORTH THE TIME FRAME FOR APPEALS FROM MAGISTRATE COURT BY THE STATE, PROCEDURAL RULES APPLY

Appellant has found no case or statute purporting to delineate the State's time for appeal from magistrates court. In the absence of both judicial and statutory law, therefore, it becomes necessary to turn to the rules of procedure for guidance. While the South Carolina Rules of Criminal Procedure apply to magistrates court, nothing therein addresses the timeliness of appeals to circuit court. Rule 37 of the criminal procedure rules provides, in pertinent part:

> These rules shall apply to every trial court of criminal jurisdiction within this State . . . . They shall apply insofar as practicable in magistrate's courts . . . to the extent they are not inconsistent with the statutes and rules governing these courts. *In any case where no provision is made by statute or these rules, the procedure shall be according to the practice as it has heretofore existed in the courts of the State.*

Rule 37, SCRCrimP (emphasis added). Here, the absence of an applicable rule of criminal procedure necessitates consideration of the civil procedure rules, as they comport with the practice existing in this state for appeals to the Court of Common Pleas.

Rule 74 of the civil rules, which pre-dates Rule 37, SCRCrimP, governs the procedure on appeal to the circuit court from inferior courts. The relevant portion of Rule 74 declares:

> *Notice of appeal to the circuit court must be served on all parties within thirty (30) days* after receipt of written notice of the judgment, order or decision appealed from. *In all such appeals the notice of intention to appeal shall be filed* with the clerk of the court to which the appeal is taken and with the inferior court . . . within the time provided by the statute, *or by this rule when no time is fixed by statute, for service of the notice of intention to appeal. . . .*

Rule 74, SCRCP (emphasis added). Accordingly, per this rule, because no statute provides a time for filing an appeal by the State, the 30-day time limit for service of the appeal also operates as the proper time for filing the notice. Id.; see State v. Oxner, 391 S.C. 132, 705 S.E.2d 51 (2011) (finding the procedural aspects of Rule 74 apply to circuit court proceedings upon appeal of a criminal conviction from magistrates court).

As demonstrated above, no specific statute governs appeals by the State from magistrates court. Furthermore, because the criminal procedure rules are silent on the matter, the only remaining law is that found in Rule 74 of the rules of civil procedure, buttressed by Oxner, supra. Appellant's appeal, filed within thirty (30) days of the magistrate's ruling on December 3, 2013, was therefore timely. (Appellant's Notice of Appeal and Appeal and Proofs of Service; Appellant's letter to Clerk Mary Brown) Accordingly, the circuit court erred in finding Appellant's appeal untimely and the order of Judge Nicholson filed August 14, 2015 must be reversed.

III. ANY DISCREPANCY BETWEEN THE TIME FOR APPEAL BY THE PARTIES IS LAWFUL AND NEITHER IMPLICATES NOR VIOLATES THE EQUAL PROTECTION CLAUSE

The circuit court, sua sponte and in a single, cursory sentence, supported its finding that § 18-3-30 governs appeals by the State by opining that "[i]t would be a violation of the Equal Protection Clause to not hold the prosecuting agency to the same standard as an accused in the courts of this state." (Order Dismissing Appeal) This was error.

The Equal Protection Clause is found in the Fourteenth Amendment to the U.S. Constitution. The Amendment reads in pertinent part: "[N]or shall any State . . . deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV, § 1. This provision "simply means that similarly situated persons must receive similar treatment under the law." Black's Law Dictionary 537 (6th ed. 1990). Thus, "[t]he *sine qua non* of an equal protection claim is a showing that *similarly situated persons* received disparate treatment." McLeod v. Starnes, 396 S.C. 647, 655, 723 S.E.2d 198, 203 (2012) (emphasis added).

Neither the State of South Carolina nor the Department of Public Safety is a "person" within the context of the Clause. See Hibernian Soc. v. Thomas, 282 S.C. 465, 319 S.E.2d 339 (Ct. App. 1984) (finding a governmental agency created and controlled by the State is not a person within the purview of equal protection). Moreover, to Appellant's knowledge, the Equal Protection Clause has never been applied to find the government or its agent is one of the "persons" against whom a defendant's equal protection rights are measured. In short, because the State is not and can never be

"similarly situated" to a criminal defendant, the circuit court's novel application of the Equal Protection Clause is unsupported in law.[2]

Even if it were possible to find that Appellant and Respondent are similarly situated such that the Equal Protection Clause is implicated, there would be no constitutional violation. As our courts have stated, equal protection challenges are generally analyzed under one of three standards: rational basis, intermediate scrutiny, or strict scrutiny. Harleysville Mut. Ins. Co. v. State, 401 S.C. 15, 736 S.E.2d 651 (2012). Specifically, if a classification by the State "does not implicate a suspect class or abridge a fundamental right, the rational basis test is used." Id. At 26, 736 S.E.2d at 656; see McLeod, 396 S.C. at 655-56, 723 S.E.2d at 203 ("Absent an allegation that the classification resulting in different treatment is suspect, a classification will survive an equal protection challenge so long as it rests on some rational basis.") Because neither Appellant's nor Respondent's ability to appeal from magistrates court involves a suspect class or any fundamental right, the existence of separate rules prescribing different time frames for appeal should be evaluated under the rational basis standard.

Under this test, the requirements of equal protection are satisfied when: (1) a classification by the government bears a reasonable relation to the legislative purpose sought to be effected; (2) the members of the class are treated alike under similar circumstances and conditions, and (3) the classification rests on some reasonable basis.

---

[2] It is important to note that equal protection guarantees do not operate to redress situations that are merely unfair. See, e.g. Davis v. County of Greenville, 313 S.C. 459, 465, 443 S.E.2d 383, 386 (1994) ("The fact that [a government] classification may result in some inequity does not render it unconstitutional.") Instead, any perceived unfairness in filing deadlines should be remedied by legislative measures. To this end, of note is a bill pending in the House Judiciary Committee (HB 3076), which would enlarge the time for appeal under § 18-3-30(A) to thirty days after sentencing. This bill evinces possible legislative recognition of the disparity in time for appeal between a defendant and the State. Cf. Duvall v. S.C. Budget & Control Bd., 377 S.C. 36, 659 S.E.2d 125 (2008) (stating a subsequent statutory amendment may be interpreted as clarifying the original intent of the legislature).

Harleysville, 401 S.C. at 26, 736 S.E.2d at 656. Essentially, if a court "can discern any rational basis to support [a] classification, regardless of whether that basis was the original motivation for it, the classification will withstand constitutional scrutiny." McLeod, 396 S.C. at 656, 723 S.E.2d at 203. Thus, if § 18-3-30 is viewed as creating a class of criminal defendants that must appeal their magistrate court convictions within ten days, the classification bears a reasonable relation to the legislative purpose sought, to wit: to aid the orderly administration of justice. Because all members of the purported class are treated the same and the alleged classification rests on a reasonable basis – that ten days is sufficient for a criminal defendant to decide upon and file a notice of appeal – the statute passes constitutional muster.

Similarly, if the legislatively-approved court rule granting the State thirty days to perfect and file an appeal from magistrates court is seen as creating a class of prosecutors subject to a different time for appeal, it too survives constitutional scrutiny. Like that created by § 18-3-30, such a classification would also be reasonably related to the designated purpose of aiding in the administration of justice. As all members of the class are treated alike, the second prong of the rational basis test would also be met. Finally, a very reasonable basis would exist for the creation of such a class. For the most part, criminal cases in magistrates court are prosecuted by law enforcement officers, not lawyers. At the same time, only attorneys can handle any appeals. When the appellate attorney is not present during the magistrate court proceedings, it takes time to be notified by the officer that an appeal might need to be taken, establish what transpired, secure a recording or transcription of the proceedings, determine whether an appealable issue exists, evaluate public policy considerations in taking an appeal, and prepare and file the

appeal, often in an area of the state where the attorney does not work. Because all of the specified requirements are met in this scenario, no constitutional issue would arise.

Ultimately, there is no legal basis to support the circuit court's conclusion that acknowledging the difference between Appellant's and Respondent's respective times for appeal implicates the Equal Protection Clause. In addition, because a reasonable basis exists to permit disparate treatment between the parties, separate provisions for a criminal defendant and the prosecuting agency would not violate equal protection in any event. As a result, it is readily apparent that an equal protection analysis has no bearing on the timeliness of Appellant's appeal.

CONCLUSION

Appellant, having asserted its grounds and legal authority in support thereof, hereby asks this Court to reverse the circuit court order and remand this case for consideration of the merits of the appeal, and to grant such other relief as the Court deems just and proper under the circumstances.

Catherine Fant, Assistant General Counsel
Email: CatherineFant@scdps.gov
Marcus K. Gore, Assistant General Counsel
Email: MarcusGore@scdps.gov
S C. Department of Public Safety
P.O. Box 1993
Blythewood, South Carolina 29016
Telephone: (803) 896-7965
Attorneys for Appellant

November 10, 2015
Blythewood, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

The Honorable J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2014-CP-08-10

The State.....Appellant,

v.

Norman B. Dudley.....Respondent.

PROOF OF SERVICE

I hereby certify that I have served the Initial Brief of Appellant on Respondent Norman B. Dudley, addressed to his attorney of record, Christopher J. Murphy, 136 West Richardson Avenue, Summerville, S.C. 29483, via United States Mail, postage prepaid, on this 10th day of November, 2015.

Monishia L. Davis
Paralegal

November 10, 2015