

ORIGINAL

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ABBEVILLE COUNTY
Thomas E. Hughston, Jr., Circuit Court Judge

RECEIVED

JUN 30 2015

Appellate Case No. 2013-002655

SC Court of Appeals

THE STATE,

Respondent,

vs.

CHARLES MOODY BRANDENBURG, JR.,

Appellant.

SUPPLEMENTAL RECORD ON APPEAL

ROBERT M. PACHAK
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211-1589
(803) 7341330

MEGAN HARRIGAN JAMESON
Assistant Attorney General
S.C. Bar No. 100108

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727

Attorney for Appellant

DAVID M. STUMBO
Solicitor, Eighth Judicial Circuit

P.O. Box 516
Greenwood, SC 29648
(864) 942-8800

ATTORNEYS FOR RESPONDENT

TABLE OF CONTENTS

Motion to Quash	1
Motion for Severance.....	7
Temporary Order	13
Certificate of Counsel	16

STATE OF SOUTH CAROLINA)
 COUNTY OF ABBEVILLE)
)
 STATE)
 VS.)
 CHARLES BRANDENBURG)
 _____)

WARRANTS 2012A0110100250 and
 2013A0120100037
 MOTION TO QUASH

FILED
 STATE OF SOUTH CAROLINA
 COUNTY OF ABBEVILLE
 2013 DEC -4 AM 9:35
 EMILY T. HARRISON
 CLERK OF COURT

Charles Brandenburg has been indicted for a violation of S. C.

Code § 16-3-1730. The indictment in this case does track the wording of the statute. However, in explaining “stalking,” the indictment simply quotes the definition used in the statute.

The indictment contains no factual statements as to what Mr. Brandenburg did that would constitute “stalking.”

The United States Supreme Court in *United States v. Cruikshank*, 92 U.S. 542, 558 (1875) held “It is an elementary principle of criminal pleading, that, where the definition of an offence, whether it be at common law or by statute, includes generic terms, it is not sufficient that the indictment shall charge the offence in the same generic terms as in the definition, but it must state the species,-it must descend to particulars.” This quote was cited with approval in *Russell v. United States*, 369 U.S. 749 (1962). Russell was decided after the passage in 1946 of Rule 7(c), of the Federal Rules of Criminal Procedures. Rule 7(c) eliminated technical errors in indictments. Thus, the United States Supreme Court has said that even in the era of modern

pleadings in criminal cases, generic terms are not sufficient in an indictment.

The reason for such a rule is simple. When a generic term, such as "stalking," is used, the state must put the defendant on notice of what was done by the defendant to make the act criminal.

The South Carolina Supreme Court has also recognized the need for particularity in pleadings in an indictment. In *State v. Johnston*, 149 S.C. 195, 146 S.E. 657 (1929) the court

first recognized that "It is quite true that many of the formalities and technicalities required in

indictments under the common law have been abrogated under the provisions of section 89 of the

Code of Criminal Procedure, vol. 1, Code of 1922" *Id.* at ___, 146 S.E. at 659-660. Even

under the more relaxed standard for reviewing an indictment, the court reversed the case stating

"The serious objection to the indictment was the second, which challenged the instrument for

failure to allege to whom the false statements were made. This should have been done, in our

opinion." *Id.* at ___, 146 S.E. at 660. The same is true in the present case. What facts support

the allegation that the defendant committed the offense of stalking? What are the facts that the defendant

must answer to establish his innocence? The stalking statute contains numerous ways in which a person

may commit stalking, none of which are alleged in *Brandenburg's* indictment.

The court in *Johnston* further noted that right of the defendant in the

constitutional provision "to be fully informed of the nature and cause of the accusation" is

equally strong as the former provision that said "No person shall be held to answer for any crime

or offense until the same is fully, fairly, plainly, substantially and formally described to him."

See, Johnston, at ___, 146 S.E. at 660. See, also, State v. Jeffcoat, 54 S.C. 196, 32 S.E. 298

(1899). The indictment in the present case simply does not “fully, fairly, plainly, substantially and formally” advise Mr. Brandenburg of the charges against him.

In Tucker the court said, “As stated in Zupancic, supra and Donachy, supra, the indictment must answer the questions of “who, what, where, and how.” The question of who (the defendant), what (the amount of money embezzled), and where (the county from which the money was allegedly embezzled), were properly answered by the respective counts of the indictment. But, the question of how the embezzlement was accomplished is not sufficiently stated. It would be fundamentally unfair to require the defendant in this case to defend against twelve counts of the indictment as they are presently framed.” Tucker, at 163.2 The same problem exists in this case. The questions of “who” and “what” are sufficiently answered in the present indictment. The questions of “how” and “where” are not. How did the stalking occur? One is left only to speculate.

The South Carolina Supreme Court in State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005) said the indictment is a notice document. As such all objections to the indictment must be made before a jury is sworn. The indictment must still be a notice of more than the fact that a defendant is accused of violating a certain statute. The indictment must state the underlying facts that make up that crime. As the court said in Gentry, the indictment must be sufficiently clear for “the defendant to know what he is called upon to answer.” Id. at 102, 610

S.E.2d at 500. The indictment in the present case fails in that regard.

In *State v. Gunn*, 313 S.C. 124, 437 S.E.2d 75 (1993) the Supreme Court held a vague indictment was saved because under the state grand jury procedure, the defendant could review the testimony before the grand jury. No such testimony is available in this case. In fact, the grand jury could have one theory of what Mr. Brandenburg did that was criminally negligent and the trial jury could have a completely different theory. Thus, under the vague indictment, Mr. Brandenburg could be convicted by the trial jury on a theory that was specifically rejected by the grand jury.

In *State v. Couch*, 54 S.C. 286, 32 S.E. 408 (1899) the South Carolina Supreme Court held an indictment defective because it did not contain the name of the person to whom the defendant sold the illegal liquor. The court said "It is the office of an indictment to fully disclose to the accused the nature and cause of the accusation. Any indictment which fails to fully disclose the offense to the accused is defective." *Id.* at ____, 32 S.E. at 408. The Couch decision was interpreting the same constitutional provision that is found today in Article I, § 14 which provides that a criminal defendant has the right "to be fully informed of the nature and cause of the accusation" In the present case the indictment simply does not fully inform Mr. Brandenburg of the nature and cause of the accusation. As such the indictment violates Article I, §§ 3 and 14 of the Constitution of the State of South Carolina. The indictment should be dismissed.

Respectfully submitted,



Patricia Bolen, Assistant Public Defender

Attorney for Mr. Brandenburg

Dec. 4, 2013

FILED
STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON
2013 DEC -4 AM 9:35
EMILY Y. HOGAN
CLERK OF COURT

STATE OF SOUTH CAROLINA)
 COUNTY OF ABBEVILLE)
)
 STATE)
 VS.)
 CHARLES BRANDENBURG)
 _____)

WARRANTS 2012A0110100250 and
 2013A0120100037
 MOTION FOR SEVERANCE

FILED
 STATE OF SOUTH CAROLINA
 COUNTY OF ABBEVILLE
 2013 DEC -11 AM 9:35
 EMILY Y. JOHNSON
 CLERK OF COURT

Defendant, by and through his attorney Patricia Bolen, hereby moves to require the State to try each of his charges separately, rather than in one indictment.

Factual and Procedural History

Defendant was charged with stalking on December 13, 2012, by the Abbeville Sheriff's Office on arrest warrant 2012A0110100250. The allegations in that warrant are that Mr. Brandenburg followed the alleged victim near her home, work, and their children's school. Defendant was subsequently charged with harassment on February 27, 2013, by the Abbeville Police Department on arrest warrant 2013A0120100037. The allegation in that warrant is that Mr. Brandenburg drove by the alleged victim's home and dropped presents for the children over the fence, and that this occurred while there was a restraining order in effect.

Defendant and the alleged victim have a pending family court divorce action in Berkeley County. As a result of a hearing on December 3, 2012, Judge Wayne M. Creech issued a Temporary Order signed on December 28, 2012, and clocked in at the Berkeley County Clerk of Court on January 9, 2013. The Temporary Order included a mutual restraining order.

Defendant has two separate bonds for these incidents, the first of which he has posted, and the second of which he has not posted, and on which he remains in the Abbeville County Detention Center.

Counsel for defendant has been informed by Assistant Solicitor Elizabeth White that she intends to combine both incidents into one indictment for trial purposes. Defendant opposes the combination of both charges into one indictment on the basis that it is prejudicial and violates his constitutional right to a fair trial.

Law

The South Carolina appellate courts have held that severance of charges is proper when offenses are of the same nature but do not arise out of a single chain of circumstances, and are not provable by the same evidence. *State v. Simmons*, 352 S.C. 342 (2002); *State v. Middleton*, 288 S.C. 21 (1986); *State v. Rice*, 368 S.C. 610 (2006); and *State v. Tate*, 286 S.C. 462 (1985). Additionally, severance is proper when joinder would be prejudicial to the defendant. *See State v. Smith*, 122 S.C. 107 (1996); *State v. Tate*, 286 S.C. 462 (1985).

Charges may be tried together, in the trial court's discretion, under limited circumstances: when the charges "are of the same general nature involving connected transactions closely related in kind, place and character". *State v. Simmons*, 352 S.C. 342 at 350 (2002). In *Simmons*, the defendant was accused of committing two burglaries in one night, within about 15 minutes of each other, and within the same 2-block neighborhood. The trial court ordered joinder of the two charges, which the Court of Appeals affirmed, stating that joinder is appropriate when the charges are closely related in kind, place, and character, and when joinder would not prejudice the defendant's substantive rights. *Simmons* at 350. The appellate court also noted that joinder is appropriate if the two offenses "arise from the same series of transactions...and require the same or similar proof." *Simmons* at 351, quoting *State v. Carter*, 324 S.C. 383 (1996).

However, the *Simmons* court also held that joinder is improper when charges "are of the same general nature, but which do not arise out of a single chain of circumstances and are not provable by the same evidence". *Simmons* at 350. When charges do not arise out of a single chain of events and are not

provable by the same evidence, then joinder is improper. *State v. Tate*, 286 S.C. 462 (1985). In *Tate*, the defendant was charged with two forgery charges which the State sought to try on one indictment. The appellate court noted that the two forgery charges were of the same nature, in that in both cases the defendant identified himself, falsely, as the payee of a government check at a liquor store. The appellate court described the charges as "identical but unrelated forgeries". *Tate* at 464. However, the Court found that the two forgeries, despite being "identical", did not arise out of a single course of conduct, and were not connected transactions. Additionally, the forgeries were not provable by the same evidence, as each required the testimony of different witnesses. Joinder of the two forgeries was improper, and the convictions were reversed.

When multiple charges arise from the same transaction, joinder may be proper. For example, in *State v. Carter*, 324 S.C. 383 (1997), the Court upheld the joinder of charges of threatening a public official, attempted armed robbery, and assault with intent to kill, when all charges arose from the same transaction and the evidence was the same for all charges. *See also State v. Spears*, 393 S.C. 466 (2011), in which joinder was proper for charges that arose of the same incident. However, when charges arise from separate transactions, severance is proper. *See Tate, supra*. In *State v. Middleton*, 228 S.C. 21 (1986), the South Carolina Supreme Court reversed the defendant's murder convictions that had been tried together on the basis that joinder was improper. The two murders in *Middleton* were committed within a day of each, within a few miles of each other, and involved similar allegations as to the manner of death. Despite these similarities, the Court found that joinder was improper because the charges were not part of the same chain of circumstances, were not provable by the same evidence, and because joinder was prejudicial to the defendant. The similar nature of the crimes did not make joinder proper.

To determine whether charges arise out of the same transaction, the Court looks at whether there is a single course of conduct or whether the charges are connected transactions. *Tate, supra*. Connected transactions must be closely related in kind, place and character. *Simmons, supra*. Cases in which the Court has upheld joinder include multiple charges that arise out of one incident, incidents that are very

closely related in time and place, such as the burglaries in *Simmons*, or cases involving single, uninterrupted crime sprees (see *State v. Torrence*, 305 S.C. 45 (1991)).

Prejudice to the defendant includes whether it is likely that the jury might infer guilt on one charge based on evidence used to prove the other charge. See *Tate* at 464, *supra*, in which the Court stated “joinder would be prejudicial because it is likely the jury would infer criminal disposition based on evidence of one forgery and on that basis alone find Tate guilty of another forgery”. Additionally, the South Carolina Supreme Court has held that joinder of charges resulting in the admission of otherwise inadmissible *Lyle* evidence is prejudicial to the defendant. See *State v. Smith*, 322 S.C. 107 (1996), in which the Court reversed a homicide by child abuse conviction on the basis that joinder of charges was prejudicial to the defendant under *Lyle*.

Argument

The State is seeking to try the defendant on one indictment for stalking; this indictment encompasses both his stalking warrant and his harassment warrant, in terms of timeframe and allegations. This indictment has apparently been presented on information and is not tied to a warrant. The defense believes that the aforementioned law on joinder and severance applies in this situation, and that accordingly the defendant is entitled to severance of his two charges.

The courts have outlined three prongs of analysis for determining whether severance is proper: 1. Whether the charges arise out of a single chain of circumstances; 2. Whether the offenses are provable by the same conduct; and 3. Whether joinder would be prejudicial to the defendant. Using this analysis, severance is proper in this case.

First, it is clear that the two warrants do not arise out of a single chain of circumstances, nor are they connected transactions. Approximately two and a half months elapse between the two charges. In order to be seen as arising from a single chain of circumstances, the charges must involve connected transactions that are closely related in kind, place and character. See *Simmons*, *supra*. Here, the two

charges are not closely related in time, nor in the nature of the allegation. The harassment charge involves an allegation that the defendant dropped some presents over the alleged victim's fence; the stalking charge involves allegations that the defendant followed the victim. These incidents allegedly took place more than two months apart.

Additionally, the offenses are not provable by the same evidence. The alleged victim is the same in each, but the arresting agency is different. Thus, each charge requires the testimony of different officers. More importantly, the harassment charge requires evidence that there was a restraining order in place, which the stalking charge does not require. Defendant was charged with harassment second degree, which is normally a 30-day misdemeanor. However, harassment second degree can carry a sentence of up to one year if there is a restraining order in place at the time of the incident. S.C. Code Ann. 16-3-1710. Thus, without evidence of a restraining order, the second charge is a lower court charge that carries a maximum of 30 days. The only way to prove the harassment second degree as a General Sessions charge is through the introduction of the family court restraining order. Conversely, the restraining order is not evidence that is required for the first charge of stalking. In fact, the restraining order is not effective until it is clocked in, which was on January 9, 2013. S.C. Rules of Civil Procedure, Rule 58 (a): "A judgment is effective only when so set forth *and entered in the record.*" (emphasis added). The stalking warrant was signed on December 13, 2012, which is well before the restraining order went into effect. Clearly, then, the harassment charges requires evidence that the stalking does not require, and thus the two offenses are not provable by the same evidence.

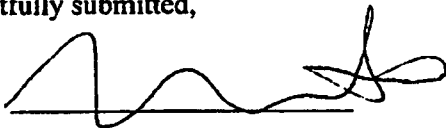
Finally, joinder of the charges is extremely prejudicial to the defendant and violates his rights under the State and Federal constitutions to a fair trial. Just as in *Tate*, a jury is more likely to find the defendant guilty of stalking if they hear evidence of two incidents over a large period of time. An element of stalking is a pattern of conduct; by combining the two charges, the State is unfairly strengthening the evidence of a pattern. Similar to *Middleton*, joinder would allow for the introduction of evidence that would otherwise be inadmissible under *Lyle*. Additionally, the defendant would be severely prejudiced by

the introduction of the restraining order with respect to any alleged conduct that occurred before the restraining order went into effect on January 9, 2013. Allowing the jury to hear that the restraining order was issued would tend to implicate guilt, even though the restraining order was not in effect during the time of the alleged stalking charge.

Thus, joinder of the two separate warrants is improper, and the charges should be severed for the purposes of trial. The defendant was charged with two separate crimes, on two different warrants, by two different law enforcement agencies. The second charge arose approximately two and a half months after the first charge. The second charge requires evidence of a restraining order which was not in effect during the time of the first charge. The charges do not arise out a single chain of circumstance and are not provable by the same evidence. Additionally, joinder into one indictment is prejudicial to the defendant, as it would allow the state to introduce evidence of both incidents, which would tend to show the jury a pattern of conduct. This evidence would ordinarily be inadmissible under *Lyle*, and would therefore be prejudicial to the defendant. The introduction of the restraining order would likewise be prejudicial to the defendant, particularly since it was not even in effect until after the first warrant was signed.

The defense respectfully requests the Court to order that Defendant's two warrants be tried separately rather than combined into one all-encompassing indictment. The State should not be allowed to circumvent the laws of joinder and severance by re-writing an indictment. The defendant was charged separately and should be tried separately.

Respectfully submitted,



Patricia Bolen, Assistant Public Defender
Attorney for Charles Brandenburg
Abbeville, South Carolina
December 3, 2013

4

FILED
STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE
2013 DEC -4 AM 9:35
EMILY T. MCANULTON
CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

IN THE FAMILY COURT OF THE
NINTH JUDICIAL CIRCUIT
CASE NO: 2012-DR-08-1913 2013 JAN -9 AM 10: 35

ANGELA F. BRANDENBURG,)
Plaintiff,)
-versus-)
CHARLES M. BRANDENBURG, JR.,)
Defendant.)

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

TEMPORARY ORDER

DATE OF HEARING: December 3, 2012
TRIAL JUDGE: Wayne M. Creech
PLAINTIFF'S ATTORNEY: Cindy M. Floyd
DEFENDANT'S ATTORNEY: Pro Se
COURT REPORTER: Leah G. Dupree

This matter came before this court with the filing of the Family Court Coversheet, Motion Coversheet, Notice of Motion & Motion For Temporary Relief, Summons, Complaint, and Verification on October 16, 2012. Defendant was served as evidenced by the Affidavit of Personal Service, filed October 29, 2012. Plaintiff moved for custody of the parties' minor children, child support, medical and dental insurance for the minor children, restraining orders, discovery, and attorney fees.

Plaintiff was present with her attorney. Defendant was present, but was not represented by legal counsel. This hearing is pursuant to Rule 21 of the South Carolina Rules of Family Court.

1. Plaintiff shall have sole custody of the parties' minor children.
2. Defendant shall have no visitation with the parties' minor children until he undergoes a mental health evaluation by a licensed psychiatrist as required below recommending under what conditions visitation may safely be exercised.
3. Defendant shall pay child support pursuant the attached worksheet, in the amount of \$237.00 per month, payable through the Berkeley County Family Court Clerk of Court with 5% costs added for a total of \$248.85, commencing January 1, 2013, and due on the 1st day of each and every month thereafter.

CERTIFIED TRUE COPIES OF RECORD IN THIS COUNTY



Page 1 of 3
umma

Mary P Brown
1/9/13
DATE
CLERK OF COURT, FAMILY COURT
BERKELEY COUNTY SOUTH CAROLINA

4. All uncovered medical expenses for the minor children shall be divided, pursuant the attached worksheet, with Plaintiff paying the first \$250.00 per year and thereafter Plaintiff shall pay eighty-three (83%) percent and Defendant shall pay seventeen (17%) percent. Both parties shall sign the designation form for filing with the clerk of court.

5. This action involves a substantial dispute over custody and/or visitation, and the Court will likely not be fully informed about the facts of the case without the appointment of a Guardian *ad litem*. Emily Ayers is hereby appointed Guardian *ad litem*. The original order of appointment has been signed and filed with the clerk of court.

6. The parties shall participate in mediation with Georgia Shobe within 120 days of the date of these instructions (December 20, 2012). The parties and their attorneys shall be properly prepared for mediation and shall participate in good faith with the mediation.

7. The parties are mutually restrained from the following:

a. Harming, harassing, threatening, following, or interfering with the other in any manner whatsoever.

b. Entering or attempting to enter the other's place of residence, employment, or education.

c. Communicating or attempting to communicate with the other except through counsel of record.

d. Selling, encumbering, hiding, wasting, destroying, or disposing of any assets.

e. Incurring any debt in the name or on account of the other.

f. Violating any restriction on any attached Exhibit or Visitation Schedule, which is indicated as applicable to him/her.

8. Defendant must undergo an evaluation by a South Carolina licensed Psychiatrist to determine:

a. Whether Defendant has a diagnosable mental illness and if so, what treatment if any is needed.

b. Under what circumstances or conditions Defendant may safely exercise visitation with the minor children.

c. Defendant must involve his mother, his wife, and the Guardian *ad litem* in the evaluative process in order for the evaluation to be considered valid.

9. The parties shall be allowed to conduct discovery pursuant to the South Carolina Rules of Civil Procedure and the South Carolina Rules of Family Court.

10. Except as otherwise provided herein, each party shall retain use and possession of the assets he/she now has and shall pay any debt associated therewith.

11. Except as otherwise provided, each party shall pay the debts in his/her own name and those shown on his/her financial declaration.

12. All requests for attorney fees for this motion are held in abeyance until the final hearing.

AND IT IS SO ORDERED.

St Wayne M. Creech

WAYNE M. CREECH, Family Court Judge
Ninth Judicial Circuit

Moncks Corner, South Carolina

28th day of December 2012.

FAILURE TO COMPLY WITH AN ORDER OF THE FAMILY COURT CAN RESULT IN UP TO ONE YEAR IN PRISON AND/OR A FINE OF UP TO ONE THOUSAND FIVE HUNDRED DOLLARS AND/OR 300 HOURS UPON THE PUBLIC WORKS OR A COMBINATION OF ALL THREE.

WMC

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ABBEVILLE COUNTY
Thomas E. Hughston, Jr., Circuit Court Judge

Appellate Case No. 2013-002655

THE STATE,

Respondent,

vs.

CHARLES MOODY BRANDENBURG, JR.,

Appellant.

CERTIFICATE OF COUNSEL

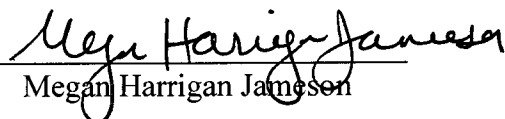
The undersigned certifies that this Supplemental Record on Appeal complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

ALAN WILSON
Attorney General

MEGAN HARRIGAN JAMESON
Assistant Attorney General
S.C. Bar No. 100108

DAVID M. STUMBO
Solicitor, Eighth Judicial Circuit

Post Office Box 516
Greenwood, SC 29648
(864) 942-8800

BY: 
Megan Harrigan Jameson

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

(803) 734-3727

ATTORNEYS FOR RESPONDENT

June 30, 2015

RECEIVED

JUN 30 2015

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ABBEVILLE COUNTY
The Honorable Thomas E. Hughston, Jr., Circuit Court Judge

Appellate Case No. 2013-002655

THE STATE,

Respondent,

vs.

CHARLES MOODY BRANDENBURG, JR.,

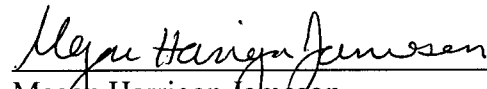
Appellant.

PROOF OF SERVICE

I, Megan Harrigan Jameson, certify that I have served the within Supplemental Record On Appeal on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Robert M. Pachak, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 30th day of June, 2015.



Megan Harrigan Jameson
Assistant Attorney General
S.C. Bar No. 100108

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ABBEVILLE COUNTY
Thomas E. Hughston, Jr., Circuit Court Judge

Appellate Case No. 2013-002655

RECEIVED

JUN 30 2015

SC Court of Appeals

THE STATE,

Respondent,

vs.

CHARLES MOODY BRANDENBURG, JR.,

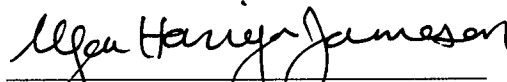
Appellant.

PROOF OF SERVICE

I, Megan Harrigan Jameson, certify that I have served the within Motion to File Supplemental Record On Appeal on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Robert M. Pachak, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 30th day of June, 2015.



Megan Harrigan Jameson
Assistant Attorney General
S.C. Bar No. 100108

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



RECEIVED
JUN 30 2015
SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

June 30, 2015

Robert M. Pachak, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211-1589

Re: The State v. Charles Moody Brandenburg
Appellate Case No: 2013-002655

Dear Mr. Pachak:

Enclosed please find two copies of both Respondent's Motion to File a Supplemental Record on Appeal, and the proposed Supplemental Record on Appeal, along with proofs of service.

Sincerely,

Megan Harrigan Jameson
Assistant Attorney General
S.C. Bar No: 100108

MHJ/aam
Enclosures

cc: The Honorable Jenny A. Kitchings
(with original and 6 copies of motion and original and 9 copies of proposed
Supplemental Record On Appeal)
Ms. Trisha Allen (with motion)