ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Spartanburg County

Roger L. Couch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SANDY LYNN WESTMORELAND,

APPELLANT

APPELLATE CASE NO. 2014-002636

FINAL BRIEF OF APPELLANT

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STATEMENT OF ISSUES ON APPEAL

1.

Whether the court erred by allowing the coroner, who admitted he had never testified about the manner of death in a prior case, to opine, where he was not qualified as an expert, that the cause of the decedent's death was a homicide since this was impermissible opinion by a lay witness that was extraordinarily prejudicial where appellant's defense was accident, and the jury was charged on the law of accident?

2.

Whether the court erred by instructing the jury that voluntary intoxication was not a defense where the evidence in this case was undisputed that appellant was heavily medicated in the hospital emergency room for medical purposes, and was nonetheless allowed to leave to drive home, since this instruction on voluntary intoxication should not have been charged given the facts of this case, and it was consequently was very confusing and misleading?

STATEMENT OF THE CASE

Appellant was indicted by the Spartanburg County Grand Jury for the offenses of murder, and failure to stop and render aid. R. 388 – 391. His case was called to trial on December 1, 2014, before the Honorable Roger L. Couch, and a jury. Abel Gray and Megan Moricle were the assistant solicitors. Matthew Shealy represented appellant. R. 1.

At the conclusion of the trial on December 4, 2014, the jury found appellant guilty on both counts. R. 374, ll. 16-22. Judge Couch sentenced appellant to thirty years for murder, and he imposed a twenty-five year sentence for failure to stop and render aid. R. 380, ll. 11-18.

This appeal follows.

STATEMENT OF FACTS

Introduction

This is a highly unusual case where appellant went to the emergency room for treatment. He was heavily medicated, but allowed to drive home anyway after an altercation with his gay friend in one of the treatment rooms at the emergency room The Emergency Room supervisor even opined that if appellant was *legally intoxicated* with a .10 blood-alcohol content that did not necessarily mean that he, the physician, would consider him too impaired to drive. The same reasoning apparently applied to medications, which on their face, would appear mind altering. The state alleged that appellant intentionally ran over his friend in the parking lot of the Mary Black Hospital after his release. Appellant testified that this was a tragic accident wherein he pulled over to give his friend a ride, and due to his altered state he unintentionally hit his friend with his car. The trial judge correctly determined there was evidence of accident, and he charged the jury verdict options of accident, and involuntary manslaughter, in addition to murder.

Relevant facts

Clay Lyles was taking a shortcut through the Mary Black Hospital parking lot on May 15, 2012, on his way to the store to buy cigarettes when he saw a man "laying flat on his back." Lyles went inside the hospital and informed them that he did not know if "he's dead or alive." He showed security personnel where to find the body. "So she got somebody to walk down there, and they walked down there and they find out he was dead." R. 38, ll. 1-20.

Travis Haney was one the security guards working in the emergency room on the night of March 14, 2012. He remembered passing room five in the emergency room. The decedent, Michael Daniels, came outside the room with "a bloody nose." He was upset and crying. Haney

said a very short investigation led security to believe appellant had allegedly punched the decedent. Appellant later testified his choices then became to "go home" or "go to jail." R. 40, l. 11 – 43, l. 5.

When the emergency room doctors allowed appellant to leave, Haney walked appellant to his car and watched him drive away. R. 43, l. 4 – 44, l. 7. Haney remembered that appellant was calm at the time when he got to his car. He watched appellant as appellant observed that the decedent had taken his own belongings out of appellant's car in the parking lot after appellant struck him, and before appellant went to leave. "We told him goodnight and he said goodnight. He got in his car and left." Haney testified that appellant was not slurring his speech, and Haney said he did not think appellant was impaired at the time. R. 47, l. 11 – 48, l. 8.

Spartanburg County sheriff's Deputy Jeff Valentine also accompanied appellant to his car when he was discharged from the emergency room. Valentine did not agree with Haney's assessment of appellant's demeanor. Valentine said appellant was upset that the decedent had gone into appellant's vehicle and taken his personal belongings out. Valentine maintained appellant wanted to "file a report for him for carbreaking." R. 52, l. 20 – 54, l. 3.

Michael Hart, a paramedic with Spartanburg EMS, saw the decedent's body lying in the grass outside of the hospital. Hart estimated that the vehicle that hit him went through the shrubbery and reentered the road about thirty to forty feet from the decedent. R. 62, l. 10 – 63, l. 10. Deputy Jack Campbell remembered arriving at the Mary Black Hospital at about 9:40 that morning. He viewed the decedent lying in the grass, and seeing "a number of bits and pieces of what looked to be automobile parts or components thereof." R. 64, l. 10 – 66, l. 23.

The police began looking for "a vehicle similar to what was noted to be a purple Ford Explorer." R. 77, l. 9 – 79, l. 11. Such a vehicle was quickly matched with appellant's residence in Woodruff, South Carolina. The police saw appellant come out of his Woodruff house, and he

confirmed his identity to them. Appellant agreed to go to the police station with the deputies. R. 77, l. 23 – 81, l. 3.[1]

Deputy Bryant testified that appellant first told him that he had hit a deer "around the Dillon Drive area." R. 109, ll. 13-16. Appellant then told him the statement about the deer was not true, he told Bryant as he was leaving the hospital, that "he was trying to pull over to tell Mike [the decedent] to get in the car, and that's when he said he had accidently hit Mike with the car. He had got out to see if Mike was okay, but he wasn't breathing.[2] R. 112, ll. 3-20.

Michael Duncan was with the Highway Patrol MAIT team. The MAIT team determined that this was a hit and run, and that it possibly could also have been intentional. R. 121, l. 20 – 124, l. 8. Duncan testified that the automobile showed the tire tracks went off the road into the bushes and it continued through the bushes back onto the road without stopping. R. 123, l. 10 – 125, l. 10. Duncan estimated the speed of the vehicle was between 29 and 37 miles per hour. R. 125, ll. 11-16.

Opinion testimony

The state called Spartanburg County coroner Rusty Clevenger as a witness. He had been the coroner for about three years at the time of this incident. R. 141, ll. 4-8. Clevenger admitted he had never testified before as to the manner of death. R. 142, ll. 10-12.

The solicitor, nonetheless, attempted to offer the coroner "as an expert in determining the manner of death." Defense counsel Shealy objected, arguing that the coroner was merely an elected

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[1] Dr. David Wren, the pathologist, testified that when the decedent was struck by an automobile, it dislocated his head from his neck, apparently, killing him instantly. R. 99, ll. 1-21; R. 103, ll. 12-17.

[2] In moving for a directed verdict motion on the failure to render aid charge defense counsel argued the statute only applied where there was a living human being capable of being aided. The judge ruled that even if it was obvious the decedent was dead it still

position, and that he was not qualified to testify as to the manner of death. R. 142, l. 23 – 143, l. 7. The judge stated *unless* the coroner was qualified as an expert "he will not be allowed to offer opinions." The solicitor *then withdrew* his request to qualify Clevenger as an expert. R. 142, l. 23 – 143, l. 23.

Clevenger then testified that the causes of death were either natural, accident, homicide, suicide, or undetermined. R. 143, l. 24 – 144, l. 5. Clevenger admitted it could not always be determined whether a person was killed intentionally. R. 144, ll. 18-23. When Clevenger testified that he ruled the cause of death was a homicide, defense counsel immediately objected that the coroner was giving impermissible opinion testimony. The judge overruled the objection. R. 144, l. 21 – 145, l. 12.

Other evidence

Doctor Mark Rody was the medical director at the emergency room at Mary Black Hospital on March 14, 2012. He remembered treating appellant that evening. R. 156, l. 22 – 157, l. 23. Appellant was initially treated by Doctor Carter in the emergency room. Appellant was complaining of very extreme abdominal pain, and blood in his urine. R. 157, l. 24 – 158, l. 10. Dr. Dr. Rody noted that appellant had had four hernias and had a history of kidney stones. R. 158, ll. 11-12. Appellant was given pain medication -- narcotics -- by Dr. Carter. R. 158, l. 20 – 162, l. 9. The solicitor asked Dr. Rody about appellant's "tolerance" for these strong medications. Dr. Rody answered that appellant took many powerful medications, including Lortab 10s, three times a day. R. 162, l. 12 – 163, l. 3. Dr. Rody maintained appellant would have built up a tolerance to this pain medication that a "normal" person would not have had. R. 163, ll. 15-21.

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was a jury question on criminal liability under the statute, S.C. Code §56-5-1230. R. 211, l. 12 – 218, l. 24.

Dr. Rody claimed appellant would not have been discharged if he was intoxicated on pain medication that had been given him to him in the emergency room. Dr. Rody maintained appellant was fit to be discharged despite the strong medication he was given. R. 164, l. 1 – 165, l. 19.

On cross-examination, defense counsel Shealy asked about medications appellant was prescribed and had taken that night. Dr. Rody acknowledged Lortab was a sedating medication and Dr. Rody added: "If my wife took one Valium 10, she would sleep for three days . . . if you or I took a Valium 10, we would probably take us a nice, long nap." R. 167, l. 8 – 168, l. 18.

On redirect examination, Dr. Rody said he felt comfortable in discharging appellant that evening. R. 173, l. 8 – 174, l. 6. On re-cross examination, defense counsel asked Dr. Rody if he would let someone leave the emergency room and drive home with an alcohol level of .10. Dr. Rody answered that it would depend on the situation. ".1 is the next guy's zero versus, you know, .1 may [mean] the next person [was] intoxicated." When pressed about allowing a person with a .10 to drive, Dr. Rody only responded that appellant allegedly "looked good, he was interacting with me well, had a normal mental status . . . just walking and talking fine." Dr. Rody said this was true "despite it being illegal for him to drive." R. 174, l. 22 – 176, l. 2.

As will be seen infra, defense counsel Shealy objected to the judge charging the jury that voluntary intoxication was not a defense, since these medications had been prescribed in the emergency room. The trial judge maintained that appellant or any other person could have refused treatment for pain with narcotics or other pain killers.

Appellant testified in his own defense that he was fifty-two years old. The decedent had been his best friend and in a relationship for the past eighteen years. R. 220, l. 5 – 221, l. 22. Appellant was disabled because of all his health problems including "back surgery, neck surgery,

emphysema, COPD, and diabetes." R. 223, ll. 17-23. Appellant took "a fair number of medications" including Lortab and Valium. R. 223, l. 24 – 224, l. 3.

Appellant remembered that fatal day. The decedent was upset that day because he had spent the last twenty dollars appellant gave him on what turned out to be fake crack cocaine, "a piece of soap." The decedent took appellant to the emergency room. Appellant was given an MRI there. He gave the decedent his glasses, his false teeth, his wallet and his keys. R. 226, ll. 13-21. Appellant did not receive his glasses back prior to driving. R. 227, l. 24 – 229, l. 11.

Appellant testified that after his altercation with the decedent in the emergency room he was walked to his car by security. He was told that he could either leave or go to jail. Appellant testified he had degenerative eye disease, and he "got in the car and left as they wanted me to do." R. 235, ll. 1-19.

As appellant was driving his five-speed Explorer, he saw the decedent on the side of the road, on the side of his "bad eye." Appellant "jerked the car to pull over to pick him up. I don't know . . . I can't say what happened other than me jerking the car. I don't know if I mashed the clutch instead of the brakes. I don't know." Appellant felt a bump, and he realized he had hit the decedent. "I said, my God, you know, what happened. I turned around and came back. He was dead . . . I just flipped out. I ain't never been to jail in my life. I was high. I didn't know what to do. I just flipped out. I just wanted to go home." Appellant left the scene, and drove home. R. 235, l. 18 – 239, l. 20.

Appellant was stopped on the way home by the police because he had a light out. He told the officer that he had hit a deer, and he was allowed to go home. "I just kept telling myself to go home and go to bed, this is a terrible nightmare, you'll wake up and everything will be alright." R. 239, l. 21 – 240, l. 7.

Appellant told the jury he initially lied because he had never been to jail and he was scared. R. 242, ll. 15-20. Appellant testified that hitting the decedent was an accident, and that he had absolutely no reason to intentionally hit or kill the decedent. R. 244, l. 22 – 245, l. 7.

On cross-examination, the solicitor asked appellant why he drove without his glasses if his eyes were so bad. Appellant "because the officer walked me to the car and said either leave or go to jail." R. 252, ll. 2-10.

Charge conference

The solicitor asked for a jury instruction that voluntary intoxication was not a defense "in this situation." The judge asked for the defense's position on the voluntary intoxication charge. Defense counsel argued that voluntary intoxication as a jury charge did not apply in this case since appellant was injected with medication in the emergency room. Defense counsel maintained that the jury could find that the incident was simply an accident or the result of criminal negligence -- involuntary manslaughter. R. 302, l. 10 – 303, l. 5.

The judge asked if the jury instruction should be on voluntary intoxication or involuntary intoxication. The solicitor maintained that both legal concepts should be charged. Defense counsel continued to object to a jury instruction on voluntary intoxication since it was not applicable. R. 303, ll. 3-25.

While noting the lack of precedent on this unusual issue, the judge observed that appellant was given pain medications at the hospital and appellant said he was high from that medication. The judge nonetheless maintained appellant could have refused the medications. The judge added that he did not understand how accepting medication at a hospital "takes it out of the realm of voluntary intoxication." R. 304, l. 21 – 305. l. 6. The judge reasoned that appellant could have refused the medications, and he also could have refused to drive. R. 305, ll. 14-19.

The judge noted that in his charge book on voluntary intoxication, it included voluntary intoxication from drugs. The judge told the attorneys that during the Civil War soldiers had their arms and legs amputated, and they were only given a bullet to bite on to handle the pain. "This is just an interesting question, I have not had come up before. Apparently, there is not too many cases on it where we can find anything." The judge said in his opinion the evidence revealed voluntary intoxication. R. 307, l. 20 – 308, l. 24. Defense counsel disagreed. "It is simply not voluntary intoxication." R. 308, l. 11 – 309, l. 24.

The solicitor, respectfully not adding anything to the legal discussion, maintained that appellant was not entitled to a jury instruction on accident or involuntary manslaughter. The solicitor continued to repeat his view of the evidence that appellant intentionally hit the decedent. R. 310, l. 2 – 311, l. 24. The judge ultimately agreed there was evidence of accident and involuntary manslaughter so he would charge them. The judge also agreed that a jury instruction that malice could be inferred from the use of a deadly weapon -- an automobile – would be improper. R. 311, l. 20 – 314, l. 22.

The judge charged the jury murder, involuntary manslaughter and accident. R. 353, l. 5 – 356, l. 16. The judge charged the jury on intoxication as follows:

> First of all, under the law, *insanity caused by drugs or alcohol may be a defense if the insanity is permanent and destroys the defendant's ability to know right from wrong if the, if the intoxication was voluntary. However, when voluntary intoxication has not proved—produced permanent insanity, it is not a defense to a crime. A person who voluntarily becomes intoxicated is just as responsible for the acts committed while intoxicated as the person who is not intoxicated.*
>
> Now, involuntary intoxication, however, is the opposite of that. If someone becomes involuntarily intoxicated, then it can be a defense to the charges in a crime of specific intent. And, so, if, for example, someone is intoxicated as a result of a trick, artifice, or force, or had no choice in the intoxication, then that, that could provide a defense to a crime requiring specific intent.

Also, you could find, as a jury, that intoxication was not a factor in this case, that the defendant was not intoxicated at the time of the offense, and if it's not a factor in this case at all, then it would not be a factor for you to consider at all. *In other words, the question for you, the jury, to determine is whether or not the defendant was intoxicated at the time of the event, whether or not that intoxication was either voluntary or involuntary.*

If the intoxication was voluntary, that means that the—it would not be a defense to the crime unless it produced permanent insanity. If the intoxication was involuntary—if the intoxication was involuntary, then it would be a defense to a crime requiring specific intent.

R. 356, l. 17 – 357, l. 24. (emphasis added).

ARGUMENT

1.

The court erred by allowing the coroner, who admitted he had never testified about the manner of death in a prior case, to opine, where he was not qualified as an expert, that the cause of the decedent's death was a homicide, since this was impermissible opinion by a lay witness that was extraordinarily prejudicial where appellant's defense was accident, and the jury was charged on the law of accident

The coroner was not qualified as an expert in this case. He had never testified as to the manner of death in any prior court case. Defense counsel objected to the coroner being qualified as an expert, and the judge correctly ruled that if the coroner was not an expert, he could not give an opinion. The solicitor then withdrew his motion to qualify the coroner as an expert.

Strangely, when the coroner opined that the decedent died as a result of a "homicide," the judge overruled the defense's objection to this improper opinion. This was totally inconsistent with the judge's prior correct ruling that if the coroner was not an expert -- which he was not -- that he could not give an opinion on the manner of death.

Rule 702, SCRE, provides "if 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." See, also, Rule 703 and 704, SCRE. In this case, the coroner was not an expert and his opinion that the decedent died as a result of a homicide embraced the ultimate issue to be decided by the jury where the coroner was not an expert. A homicide is not an accident, and

accident was appellant's defense. The prejudice from this inadmissible opinion was therefore manifest.

Our Supreme Court considered a related matter in State v. Commander, 396 S.C. 254, 721 S.E.2d 413 (2011). In Commander, the Supreme Court considered the expert opinion of the pathologist that the autopsy and background information provided to him led him to conclude the victim's death was "a homicide." Even thought *the expert testimony* rendering an opinion in that case was not error, our Supreme Court noted that it was problematic that a forensic pathologist could render an opinion outside of his medical expertise that would invade the province of the jury. The Supreme Court held that expert testimony that addressed the issue of guilt or innocence or the state of mind of the accused was inadmissible. See, State v. Commander, 396 S.C. at 268, 721 S.E.2d at 420-421 (2011).

The jury was given the verdict option of not guilty by reason of accident. In Commander, as here, homicide implying criminal culpability had the very real possibility of confusing the jury intending to cause it to convict based upon the opinion. The pathologist in Commander was an expert. Here, the coroner was not an expert.

The trial judge here correctly observed that if the coroner was not qualified as an expert, he would not give an opinion on the manner of death. Yet, when the coroner opined that the decedent died as a result of a homicide, the judge overruled the objection. The inadmissible opinion testimony in this case was very prejudicial because a normal lay person on the jury would view this opinion as ruling out that the decedent died as a result of an accident. This improper opinion testimony by the unqualified coroner entitles appellant to a new trial.

2.

The court erred by instructing the jury that voluntary intoxication was not a defense where the evidence in this case was undisputed where appellant was heavily medicated in the hospital emergency room, and allowed to leave to drive home, since the instruction of intoxication was very confusing and misleading.

As seen, there was an abundance of evidence that appellant was treated with narcotics for his extreme pain while at the Mary Black emergency room. The emergency room physician candidly testified that even if appellant had a .10 blood-alcohol reading, that whether he discharged him and allowed him to drive would "depend." The emergency room supervisor naturally maintained that appellant appeared alright when he was discharged, and allowed to drive.

Defense counsel correctly objected to the jury instruction that voluntary intoxication was not a defense to a crime as not being proper given the evidence in this case. The trial judge observed that appellant could have refused the medication in the emergency room, and noted that soldiers during the Civil War had limbs amputated without the benefit of any pain medication. Therefore, the judge reasoned, appellant's intoxication was voluntary because he could have refused to take the medication given to him by the physicians, despite severe pain just like in the Civil War.[3]

Defense counsel was correct in opposing the voluntary intoxication jury instruction because it was not applicable to the facts of this case, and it therefore was going to be confusing. Again, the judge charged the jury on intoxication:

> First of all, under the law, *insanity caused by drugs or alcohol may be a defense if the insanity is permanent and destroys the defendant's ability to know*

[3]Defense counsel never abandoned his objection to the jury instruction on voluntary intoxication. His agreement to a less damaging jury instruction was not a waiver of his consistent objection that voluntary intoxication was not an issue, and should not be charged. The issue remains was it error to charge voluntary intoxication. R. 302, l. 3 – 314, l. 22; R. 333, l. 20 – 339, l. 7.

right from wrong if the, if the intoxication was voluntary. However, when voluntary intoxication has not proved—produced permanent insanity, it is not a defense to a crime. A person who voluntarily becomes intoxicated is just as responsible for the acts committed while intoxicated as the person who is not intoxicated.

Now, involuntary intoxication, however, is the opposite of that. If someone becomes involuntarily intoxicated, then it can be a defense to the charges in a crime of specific intent. And, so, if, for example, someone is intoxicated as a result of a trick, artifice, or force, or [the person] had no choice in the intoxication, then that, that could provide a defense to a crime requiring specific intent.

Also, you could find, as a jury, that intoxication was not a factor in this case, that the defendant was not intoxicated at the time of the offense, and if it's not a factor in this case at all, then it would not be a factor for you to consider at all. *In other words, the question for you, the jury, to determine is whether or not the defendant was intoxicated at the time of the event, whether or not that intoxication was either voluntary or involuntary.*

If the intoxication was voluntary, that means that the—it would not be a defense to the crime unless it produced permanent insanity. If the intoxication was involuntary—if the intoxication was involuntary, then it would be a defense to a crime requiring specific intent.

R. 356, l. 17 – 357, l. 24. (emphasis added).

The judge instructed the jury that voluntary intoxication was not a defense unless it caused permanent insanity, and destroyed the defendant's ability to know right from wrong. The judge defined involuntary intoxication as being the result of "trick, artifice, or force, or [the person] had no choice in the intoxication."

The judge's instruction as a whole, including that voluntary intoxication was not a defense unless it produced permanent insanity was wholly confusing to the jury, and the judge should not have given this intoxication instruction. The instruction, as a whole, was improper and misleading.

It is error to give juror instructions that confuse or mislead the jury. Giving irrelevant jury instructions is reversible error. The purpose of jury instructions are to enlighten the jury as to what law is applicable to a certain state of facts in order that a just, fair and proper verdict can be reached.

State v. Leonard, 292 S.C. 133, 355 S.E.2d 270 (1987); State v. Simmons, 269 S.C. 649, 239 S.E.2d 656 (1977); Wright v. Harris, 228 S.C. 144, 89 S.E.2d 97 (1955).

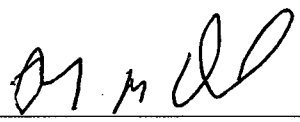
The judge should not have instructed the jury on voluntary intoxication given the facts of this case. When he chose to do so, it was not surprising his instructions were totally confusing and impossible for normal jurors to apply when they spoke of intoxication being a defense when it produced "permanent insanity." The instruction did not enlighten the jurors in this case, and it hopelessly confused them.

The issue in this case was whether appellant intentionally hit the decedent, or if he hit him as a result of criminal negligence (involuntary manslaughter) or purely by accident. Under the highly unusual facts of this case a jury instruction on voluntary intoxication should not have been given. If appellant hit the decedent because he failed to wear his glasses or as the result of some other defect in his ability to drive, it was simple enough for the state to argue that this was criminal negligence on appellant's part, and not an accident. If appellant intentionally hit the decedent, the verdict was properly murder. Defense counsel correctly argued that an intoxication instruction should not have be given. The confusion it obviously caused denied appellant his right to a fair trial where the jury was able to apply its findings as the trier of facts to the applicable law. Some matters, like flight, are best left to the arguments of counsel because a jury instruction creates more problems than solutions. See State v. Grant, 275 S.C. 404, 408, 272 S.E.2d 169, 171 (1980).

CONCLUSION

By reason of the foregoing arguments, appellant's conviction should be reversed, and this case remanded to the Spartanburg Court of General Sessions for a new trial.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 2nd day of March, 2016.

CERTIFICATE OF COUNSEL FOR APPELLANT

The undersigned certifies that to the best of my ability the Final Brief 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."

March 2nd, 2016

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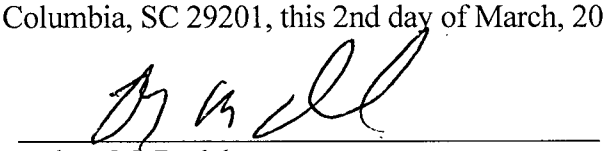
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Final Brief of Appellant in the above referenced case has been served upon Donald J. Zelenka, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 2nd day of March, 2016.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

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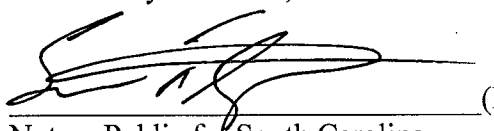
this 2nd day of March, 2016.



(L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2033.