

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of General Sessions
Frank R. Addy, Jr., Circuit Court Judge

Indictment Numbers 2013-GS-24-56, 57

The State of South Carolina, Respondent

v.

Edward Dean, Appellant.

Motion to Dismiss State's Appeal

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The respondent, Edward Dean, respectfully moves this Court for an order dismissing the State's appeal of the Honorable Frank R. Addy, Jr.'s order granting him a new trial because orders granting a new trial in a criminal case are not appealable.

INTRODUCTION

All along, Dean believed the Solicitor's Office would reward Adrian Gaston's testimony with probation. Prior to trial, the State consistently represented to Dean and to the court below that it had no deals with Gaston. At trial, the Solicitor's Office, law enforcement, and Gaston lead Dean's jurors to believe Gaston would plead guilty, as indicted, and be sentenced to anywhere from fifteen years up to two sentences of life without parole, plus 93 years and 300 days. Recognizing the importance of knowing Gaston's ultimate sentence, the Court suggested holding Dean's new trial motion in abeyance until Gaston's charges were resolved. In order to be aware of Gaston's ultimate sentence, the trial court took jurisdiction over Gaston's case.

Over a year after Dean's trial, we finally found out what happened to Adrian Gaston. As predicted, Gaston did not go to prison. Rather than take Gaston before Judge Addy—pursuant to the Court taking jurisdiction over Gaston's case—the Solicitor's Office allowed Gaston to appear before the Honorable Thomas Russo in Saluda County, which is in the Eleventh Judicial Circuit.¹ Judge Russo placed Gaston on probation. Because the prosecution deceived Dean's jurors, Dean moved for a new trial. Judge Addy convened a hearing on April 13, 2016. By written order dated May 4, 2016, Judge Addy granted Dean a new trial.

¹ Avoidance is "evidence of guilty knowledge and intent." *See, e.g., State v. Beckham*, 334 S.C. 302, 315, 513 S.E.2d 606, 612 (1999).

FACTUAL BACKGROUND

On August 13, 2013, John Lester Hart, Jr. reported a first-degree burglary, grand larceny, and malicious injury to real property at his home in Greenwood County. When Mr. Hart came home from work, he found the doors of his son's 1969 Chevy Impala open and the front door of the house and the storage room door in the garage forced open. Inside the garage, the door to a metal storage cabinet was forced open. Guns were taken from the metal storage cabinet in the spare bedroom.

The Greenwood County Sheriff's Department documented and collected forensic evidence. Outside the house, law enforcement discovered a shoe print (on the driveway) and an Ed Hardy Lighter (on the ground outside the home) that did not belong to the homeowner. Law enforcement located a shoe print on the front door that was similar to the shoe print on the driveway. Law enforcement photographed the crime scene, including the shoe prints. Law enforcement also collected two shotgun barrels (belonging to the homeowner) from the spare bedroom and a hammer and a crowbar (believed to be used in the break in) from the storage area to be processed for latent prints. *Law enforcement never linked any of this forensic evidence to Dean.*

On August 27, 2012, a witness² told law enforcement that stolen firearms were located both inside and underneath the residence of 120-B Taggart Street in Greenwood, South Carolina. The occupants of Apartment B consented to a search. Underneath

² During a pre-trial motions hearing before Judge Addy on December 11, 2013, law enforcement and the Solicitor's Office denied knowing the identity of this person. Pursuant to this Court's order, the Solicitor's Office further inquired of law enforcement and retrieved the identity of the informant. Based on this new information, this Court ordered immediate disclosure during the hearing.

apartment B, law enforcement found a rifle from Mr. Hart's residence. Apartment B was Dean's neighbor's residence.

Dean lived in apartment A. Dean's mother purportedly gave consent to search apartment A. Inside apartment A, law enforcement located ammunition of the same caliber as that stolen from Mr. Hart. Law enforcement, however, never linked this ammunition to Mr. Hart. No guns were found in Dean's residence.

On September 4, 2012, law enforcement obtained an arrest warrant for Dean for possession of stolen goods less than \$2,000.00. On September 11, 2012, law enforcement obtained arrest warrants for Dean for first-degree burglary, grand larceny over \$10,000.00, and malicious injury to real property less than \$2,000.00. All four warrants were served on Dean on September 12, 2012. At about the same time, law enforcement apprehended Adrian Gaston, Antwine Anderson, and two juveniles, ending the four cohorts August 2012 crime spree that will be discussed in more detail below. Law enforcement charged Gaston and Anderson with the offenses on Simpkins Road.

DEAN'S EFFORTS TO LEARN ABOUT GASTON'S DEAL

Within days of his arrest, Dean served Rule 5 and *Brady*³ Motions. Paragraphs three and four of the *Brady* Motion requested:

Any and all promises, rewards, and inducements made to all co-defendants, witnesses or potential witnesses, regardless of whether they will testify at trial.

Any offers or grants of immunity made to any witness relating to any fine, forfeiture, sentence, charge reduction, prosecution or punishment in this or any other case or potential case.

³ *Brady v. Maryland*, 373 U.S. 83 (1963).

On December 11, 2013, Dean moved to dismiss the charges against him because law enforcement and the Solicitor's Office failed to comply with his Rule 5 and *Brady* Motions. In the alternative, Dean moved the Court to compel disclosure of *Brady* material. Among other requests, Dean moved, "The Court should compel the State to disclose its deal with Adrian Gaston," citing *State v. Hinson*, 293 S.C. 406, 361 S.E.2d 120 (1987) (defendant was entitled to renew motion for new trial to determine whether prosecution had failed to disclose promise of immunity made to prosecution witness in exchange for witness' testimony).

During the hearing on this motion, the Court inquired, "Has the State made any assurance to Mr. Gaston with regard to [his] other cases in return for his testimony in this case?"⁴ The prosecutor responded, "No." The Court followed up, "So they're [sic] no deals whatsoever?" The prosecutor assured the Court, "No deals." Tr. (12/11/13) 19.

On Dean's behalf, undersigned counsel countered:

I have a hard time believing that Mr. Gaston is testifying in order to give information to help the State seek a prison sentence of life without the possibility of parole. I think that— And I can't believe that Mr. Geoly would allow him to do that unless they had some sort of assurance that they were going to get some benefit from the State. That they haven't even at a minimum promised that they would tell a sentencing Judge, which might be someone other than the Judge who tries this case, about his cooperation. And that his cooperation was substantial enough to, you know, if it happens to lead to convictions. I just simply find that incredible. And I think that where we're going to be is, is

⁴ Paragraph eight of Dean's *Brady* Motion asked for the criminal histories of the co-defendants. The State finally disclosed Adrain Gaston's criminal history on December 3, 2013. At the same time as this disclosure, the State disclosed numerous incident reports and witness statements regarding Gaston's other pending criminal charges in Greenwood County. In fact, this disclosure revealed for the first time that Adrian Gaston committed additional burglaries after he was released on bond and while cooperating with the Solicitor's Office.

after – If there’s any convictions in these two cases, then I think we’re going to be later on in that term of court, or we’re going to be in the next term of court, and *[the Solicitor is] going to be walking in here and it’s going to be the Solicitor’s office with arms around Mr. Geoly and Mr. Gaston asking for him to – That’s assuming they don’t dismiss it, but asking for him to get probation or some other kind of leniency.* And if that were to happen, I’m putting everybody on notice, . . . we’re going to get a transcript and we’re going to be saying that we were misled and that the Court was misled.

Tr. (12/11/13) 19-20 (emphasis added).

The Court proposed:

A possible solution, Mr. Grose, would be for the Court to— whichever trial Court ends up hearing this case to hold sentencing, assuming for the moment that your client were to be convicted, hold both the issue of sentencing as well as your new trial [motion] in abeyance pending the sentencing of Mr. Gaston. And in that way, *if what you’re describing comes to pass, your client could receive a new trial if the representation today should differ from what actually transpires subsequently.*

Tr. (12/11/13) 20-21 (emphasis added).

The prosecutor inquired, “You were just suggesting that whatever Court hears this [trial] hold, if there is a conviction, hold that sentencing in abeyance. Are you ruling that that is going to be what happens?” Tr. (12/11/13) 21.

The Court further explained the suggestion:

I am strongly recommending if this trial Judge were to hear that case, I would have – Mr. Grose has a point that if all of a sudden a burglary first degree – I’m hearing that there’s no deals, there’s no testimony, there’s no assurances, there’s being no bargaining, there’s been no promise made and if that is in fact the case and Mr. Gaston wants to plead straight up to a burglary first degree, that’s perfectly fine. *If, however, that burglary first degree suddenly becomes a petty [sic] larceny, that does seem somewhat peculiar.* Not saying necessarily that that would happen or anything

along those lines would transpire, but I can't predict the future and in being unable to predict the future, the way that I suggested the case should proceed would be ***the only way I could see where we could get verification and do justice to all concerned.***

Tr. (12/11/13) 21-22 (emphasis added).

The prosecution immediately back peddled. Although still claiming no deals had been made with Gaston, the prosecutor informed the Court, "I don't know what [Mr. Geoly] is telling his client." Undersigned counsel responded, "He's telling his client he knew [sic] that she's [sic] going to get a sweetheart deal." The Court, understandably, did not want to "ask Mr. Geoly about any conversation he has had with his client." Nor did the Court want the parties interfering with Gaston's attorney-client relationship with Mr. Geoly. Tr. (12/11/13) 22-23.

The prosecutor then acknowledged, "***Mr. Gaston, he maybe [sic] testifying in hopes that something will happen after it's all said and done.***" Undersigned responded:

And [from] where does that expectation of hope come? That expectation of hope comes from the awesome power that the Solicitor's office has in the State of South Carolina. Something has happened. They have either through body language or through the wink and the nod or through something they've directly said, they have given him that hope that he's probably going to walk out of this courtroom a free man one day. ***I'll be surprised if he goes to prison, Your Honor.***

Tr. (12/11/13) 23 (emphasis added).

This motion was addressed in the Court's order dated January 7, 2014. Dean moved to reconsider on January 14, 2014. By written order dated January 22, 2014, the Court emphasized "that the State shall be under a continuing duty to disclose any promises, agreements, deals or arrangements made with any of the State's witnesses."

In his Pre-trial brief, filed on January 27, 2014, Dean “renew[ed] his motion to compel disclose of any deals or offers made to co-defendant Adrian Gaston in return for his testimony.” Following the Court’s suggestion, Dean’s Pre-trial Brief added:

If convicted, then Mr. Dean will ask the Court to defer sentencing and consideration of new trial motions until after the State resolves the charges against Adrian Gaston. This motion is based on the hearing before Judge Addy on December 11, 2013. If it turns out that the State and Adrian Gaston have an arrangement, then Mr. Dean will move for a new trial. *See Giglio v. United States*, 405 U.S. 150 (1972) (due process requires prosecutor to disclose all material evidence to the jurors, including any promises regarding future prosecution).

A copy of this Pre-trial Brief was provided to the Honorable Doyet A. Early, III when this case was called for trial the week of January 27, 2014. Dean renewed these motions on the record. However, before the jurors were sworn, the case was continued because of inclement weather.

The State tried Dean before Judge Addy and a jury from March 3-5, 2014. Dean provided a copy of the Pre-Trial Brief to the Court and orally renewed his motion to disclose Gaston’s deal. Throughout Deal’s trial, the prosecution maintained that no promises had been made to Gaston. When cross-examined at trial about his pending charges, Gaston testified that he did not have any hope of reward from the State. The Solicitor’s Office, law enforcement, and Gaston, in fact, all lead the jurors to believe that Gaston would plead guilty, as indicted, on all charges where he would face the possibility of two sentences of life without the possibility of parole, plus 93 years and 300 days imprisonment.

After the jurors found Dean guilty on all charges, the Court requested a pre-sentencing investigation and deferred sentencing to June 9, 2014. The Court also took

jurisdiction over Gaston's case, as well as the case of the third co-defendant, Antwine Anderson.

Prior to sentencing, and prior to Dean even filing a new trial motion, the State served its Response to Defendant's Motion for a New Trial. This pleading began to set up the prosecution's defense for Gaston's and Mr. Geoly's expectation of favorable treatment.

Following sentencing, Dean served his new trial motion. This motion remained pending, *i.e.* held in abeyance pursuant to Judge Addy's suggestion to see how the Solicitor's Office ultimately resolved Gaston's cases. In his written motion, Dean stressed that a new trial motion based on favorable consideration to Gaston

is not ripe until the parties and counsel see whether the State extends Mr. Gaston favorable consideration. Based on the State's Response to Defense Motion for New Trial, it appears that the State is setting up its defense for when Mr. Gaston receives ultimately favorable consideration. Additionally, the State appears to be preparing for the situation where Mr. Gaston's attorney states that he had always expected that the State would provide favorable consideration to Mr. Gaston for his cooperation.

The motion added "Counsel for Dean further requests that the Court and prosecution provide him with notice of the proceedings relating to co-defendants, Mr. Gaston and Mr. Anderson"⁵ and pointed out in footnote two of this pleading that "Judge Addy has retained jurisdiction over these cases, so he will be aware of how the State resolves them."

⁵ On February 10, 2015, Anderson resolved his Greenwood County charges, as ordered, before this Court. On February 11, 2015, in a separate proceeding before the Honorable Knox McMahan, Anderson resolved his Saluda County charges.

GASTON'S CRIME SPREE AND PROBATION DEAL⁶

Adrian Gaston's crime spree, ultimately resulting in a deal for probation, began on August 12, 2012, with the first-degree burglary, grand larceny, and malicious injury to real property at the incident location on Simpkins Road in Bradley that is involved in this case.

Over the next two and a half weeks, Gaston, Antwine Anderson, and two juveniles committed or attempted to commit the following crimes in Greenwood County:

- August 17 – Second-degree burglary and petit larceny at a residence on Grendel Avenue in Greenwood;
- August 29 – Second-degree burglary and petit larceny at a residence on Hitching Post Road in Greenwood;
- August 30 – Second-degree burglary, grand larceny, and malicious injury to real property at a residence on Magnolia Drive in Greenwood;
- August 30 – Attempted second-degree burglary of a residence on Vines Road in Greenwood;
- August 30 – Second-degree burglary and petit larceny at an adjacent residence on Vines Road in Greenwood; and
- August 31 – Attempted second-degree burglary, malicious injury to real property, and contributing to the delinquency of a minor at a residence on Pheasant Drive in Ninety Six.

It is undisputed that Dean was *not* involved in any of these crimes committed by Gaston and his cohorts between August 17 and 31, 2012.

Not long after his arrest, Gaston retained Mr. Geoly and began cooperating with law enforcement and the Solicitor's Office. After being released on a personal

⁶ To be clear, Dean recognizes the Solicitor's Office authority to offer probation to this unsavory, notorious criminal. Rather, because of this authority, Dean believes the process should be honest and transparent. A principled criminal justice system requires nothing less.

recognizance bond, Gaston's crime spree continued with a second-degree burglary and petit larceny at a residence on McKeller Drive in Greenwood on May 17, 2013, and a first-degree burglary, petit larceny, and malicious injury to real property at another residence on McKeller Drive on May 21, 2013. The Magistrate Court again released Gaston on a personal recognizance bond, but Gaston's crime spree did not end. He then conspired to commit a burglary at a residence on Dixie Drive in Hodges. It is undisputed that Dean was *not* involved in any of Gaston's May 2013 crimes.

On May 14, 2015, Judge Addy was presiding over a term of General Sessions Court in Greenwood County.⁷ Contrary to Judge Addy's order assuming jurisdiction over his charges, the Eighth Circuit Solicitor's Office took Gaston to Saluda County, in the Eleventh Judicial Circuit, to plead guilty before the Honorable Thomas Russo.⁸ Gaston pleaded guilty to seven counts of non-violent second-degree burglary and two counts of non-violent attempted burglary charges. In order for this plea to be possible, the Solicitor's Office reduced Gaston's two first-degree burglary charges to non-violent second-degree burglary charges. All fourteen of Gaston's other Greenwood County charges were dismissed "in exchange for pleas to 9 counts of burglary." Judge Russo sentenced Gaston to seven years imprisonment, suspended on the service of 128 days,

⁷ See <http://www.sccourts.org/calendar/dspTermsCRCir.cfm?circuitNo=8> (last viewed June 7, 2015).

⁸ Because of Judge Addy's order assuming jurisdiction, Dean questions whether Judge Russo had jurisdiction to preside over Gaston's guilty plea. Additionally, this Court should require disclosure by the prosecution of all representations the State made to Judge Russo, including all in chambers discussions and otherwise off-the-record discussions since Judge Russo is a potential witness at the hearing on the motion for a new trial. *In re Whetstone*, 354 S.C. 213, 217, 580 S.E.2d 447, 449 (2003) (a judge may be called as a witness about a matter he presided over when an "critical, relevant reason" exists for the testimony).

with credit for 128 days, and five years probation. Probation may terminate “after 2 years if no violations and restitution is paid.” According to the sentencing sheet, a restitution hearing will be held to determine the amount of restitution. Other than the possibility of restitution, there are no special conditions of probation.⁹

ARGUMENT

The state does not have a right to appeal an order granting a new trial.

In its notice of appeal, the State contends, “This notice of appeal is filed pursuant to S.C. Code. Ann. § 14-3-330 because the Order is a final judgment vacating the jury’s verdict of guilty rendered on March 5, 2014.” A new trial order, however, is not a final judgment, so this provision does not apply.

Additionally, our Supreme Court consistently holds that the State cannot appeal an order granting a defendant a new trial. *E.g. State v. Johnson*, 376 S.C. 8, 654 S.E.2d 835 (2007) (held that state had no right to appeal order for new trial); *State v. Smith*, 383 S.C. 159, 679 S.E.2d 176 (2009); *State v. Simmons*, 279 S.C. 165, 303 S.E.2d 857 (1983).

Under the circumstances of this case, Judge Addy was justified in granting Dean a new trial. The Circuit Courts of South Carolina have “the inherent power to control the order of the court's business to safeguard the rights of litigants.” *State v. Langford*, 400 S.C. 421, 448, 735 S.E.2d 471, 485 (2012) (internal punctuation omitted). “[P]rosecutors . . . are ministers of justice and not mere advocates. Their special responsibility carries with it specific obligations to see the defendant is accorded procedural justice.” *State v. Jones*, 343 S.C. 562, 578, 541 S.E.2d 813, 822 (2001) (internal citations and quotations

⁹ Gaston also plead guilty to one count of attempted second-degree burglary occurring in Saluda County for an identical, current sentence. Saluda County Indictment No. 2013GS4100034. The State dismissed a conspiracy charge. Saluda County Indictment No. 2013-GS-41-00033.

omitted) (citing *State v. Quattlebaum*, 338 S.C. 441, 527 S.E.2d 105 (2000) and Comment, Rule 3.8 of Rule 407, SCACR). *See also Berger v. United States*, 295 U.S. 78, 88 (1935) (A prosecutor “is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done.’). Our Supreme Court consistently cautions prosecutors about adopting a “‘win at all costs’ attitude.” *State v. Inman*, 395 S.C. 539, 564, 720 S.E.2d 31, 45 (2011). *See also State v. Dawkins*, 297 S.C. 386, 388, 377 S.E.2d 298, 299 (1989) (“This case is a prime example of a prosecutor striving to obtain a conviction regardless of the costs, only to have the conviction reduced to vulnerability because of the improper tactics utilized.”); and *State v. Williams*, 326 S.C. 130, 485 S.E.2d 99 (1997) (new trial ordered when evidence supported finding of improper influence by state concerning potential defense witness’ refusal to be interviewed by defense counsel).

Here, the State’s conduct implicated Dean’s fundamental Sixth Amendment right to confront and cross-examine Gaston. *See also* S.C. Const. Art. I, § 14; S.C. Code Ann. § 17-23-60. “Included in the Confrontation Clause protection is the right to cross-examine any State’s witness as to possible sentences faced when there exists a substantial possibility the witness would give biased testimony in an effort to have the solicitor highlight to a future court how the witness cooperated in the instant case.” *State v. Gillian*, 360 S.C. 433, 454, 602 S.E.2d 62, 73 (Ct. App. 2004) (internal quotations omitted) *affirmed as modified on other grounds*, 373 S.C. 601, 646 S.E.2d 872 (2007). *See also State v. Sims*, 348 S.C. 16, 25, 558 S.E.2d 518, 523 (2002) (“Because of the

number of charges pending against [the witness] and the severity of the potential sentences, we find the evidence was probative on the issue of bias and should have been admitted.”); *State v. Mizzell*, 349 S.C. 326, 334, 563 S.E.2d 315, 319 (2002) (“We believe the defendant's Sixth Amendment right to effective cross-examination in this case outweighs the right of the State to shield the jury from knowledge of the possible sentence for a defendant who faces the same charges as a witness against him.”).

Additionally, “[t]he fact that a cooperating witness avoided a *mandatory minimum* sentence is critical information that a defendant must be allowed to present to the jury.” *State v. Gracely*, 399 S.C. 363, 374-75, 731 S.E.2d 880, 886 (2012) (emphasis in original). *See also State v. Brown*, 303 S.C. 169, 171, 399 S.E.2d 593, 594 (1991) (“The fact [a cooperating witness] was permitted to avoid a mandatory prison term of more than three times the duration she would face on her plea to conspiracy is critical evidence of potential bias that appellant should have been permitted to present to the jury.”).

The prosecution concealing its deal Gaston prejudiced Dean. Gaston is “the only witness to directly link [Dean] to the burglary,”¹⁰ *Mizzell*, 349 S.C. at 335, 563 S.E.2d at 320, so his testimony was central to the State’s case. “When the reliability of a given witness may well be determinative of guilt or innocence, nondisclosure of evidence affecting credibility falls within this general rule” requiring disclosure. *Giglio*, 405 U.S. at 154 (internal quotations omitted). The Solicitor’s Office, law enforcement, and Gaston lead the jurors to believe that Gaston would plead guilty to all charges, as indicted, and

¹⁰ As set forth in Dean’s initial new trial motion, Antwine Anderson provided Dean with a written statement acknowledging Anderson did not commit any crimes with Dean.

face the possibility of a minimum of fifteen years imprisonment¹¹ to a maximum of two life sentences plus 93 years and 300 days imprisonment. The average juror would view a witness facing a fifteen-year minimum sentence as more credible than someone getting credit for 128 days and lenient terms of probation for such a vast crime spree. “[D]eliberate deception of a court and jurors by the presentation of known false evidence is incompatible with rudimentary demands of justice.” *Id.* at 153 (internal quotations omitted).

Had Dean been allowed to cross-examine Gaston about probation being the reward for his testimony, then the jurors would have been less inclined to believe Gaston and would have acquitted Dean. “A new trial is required if the false testimony could in any reasonable likelihood have affected the judgment of the jury.” *Id.* at 154 (internal quotations an punctuation omitted). *See also State v. Johnson*, 376 S.C. 8, 11, 654 S.E.2d 835, 836 (2007) (“The trial judge did not abuse his discretion by granting a new trial” when improperly admitted polygraph evidence raised the possibility “[t]he jury could have believed that the State made each witness pass a polygraph test before they were able to testify at trial as part of their individual plea bargains.”).

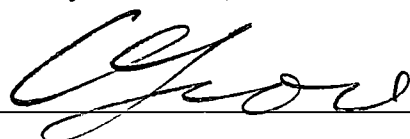
¹¹ The fifteen-year minimum sentence for “first degree burglary may not be suspended according to section 24-21-410 of the South Carolina Code.” *State v. Jacobs*, 393 S.C. 584, 589, 713 S.E.2d 621, 624 (2011).

CONCLUSION

The State violated Dean's Confrontation Rights as guaranteed by the Sixth Amendment to the United States Constitution by failing to disclose its deal with Gaston pursuant to *Giglio v. United States*, 405 U.S. 150 (1972), and *Riddle v. Ozmint*, 369 S.C. 39, 44; 631 S.E.2d 70, 73 (2006). Judge Addy was justified in ordering a new trial. This Court should dismiss the State's appeal.

IT IS SO MOVED.

Respectfully Submitted,

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In The Court of Appeals

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Edward Lee Dean,..... Respondent.

Certificate of Service

I certify that I have served this pleading on the State of South Carolina by placing a copy in the United States Mail, postage prepaid, on the date reflected below, addressed as follows:

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SC Court of Appeals

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Columbia, SC 29211

Re: *State v. Edward Lee Dean*
Indictment Numbers 2013-GS-24-56, 57

Dear Ms. Kitchens:

On May 10, 2016, the State filed a Notice of Appeal. I have not yet received notice of the appellate case number. Enclosed for filing, along with certificate of service, please find the following:

1. Mr. Dean's Notice of Cross Appeal; and
2. The original and six copies of Mr. Dean's Motion to Dismiss the State's Appeal.

Thank you for your attention to this matter. Please let me know if I can answer any questions or provide additional information.

With kindest regards, I am

Yours very truly,



E. Charles Grose, Jr.

cc: Mr. Edward Dean
Ben Aplin, Esquire
The Honorable David M. Stumbo
Clerk of Court, Greenwood County County

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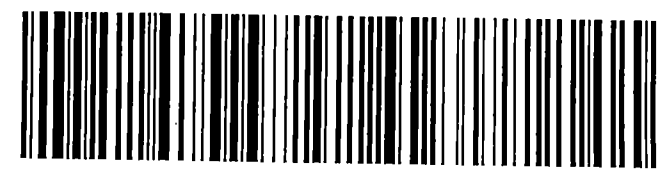
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The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
P.O. 11629
Columbia, SC 29211


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