THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Clifton Newman, Circuit Court Judge

Case No. 2015-CP-40-1601

City of Columbia..... Respondent,

v.

Cedric Xavier Heyward .....Appellant.

INITIAL BRIEF OF RESPONDENT

Jessica R. Mangum
Office of the City Attorney
Post Office Box 667
Columbia, South Carolina 29202
(803) 737-4242

Attorney for Respondent

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STATEMENT OF ISSUES ON APPEAL

I. Did the trial court correctly rule that the Respondent had reasonable suspicion to conduct a traffic stop and utilize a K-9 free air sniff during that traffic stop?

II. Did the trial court correctly rule that Respondent complied with all relevant chain of custody requirements?

STATEMENT OF THE CASE

This is an appeal from the circuit court's denial of Appellant's appeal for his conviction for simple possession of marijuana in the City of Columbia. On May 27, 2011, the Appellant, Cedric Xavier Heyward, was arrested for simple possession of marijuana. Following a jury trial in the City of Columbia Municipal Court on March 4, 2015, the Appellant was found guilty and subsequently sentenced by the Honorable Judge Dana Turner.

On March 13, 2015, the Appellant filed an appeal to challenge his conviction and claimed that the municipal court failed to suppress evidence; specifically, that the search and seizure violated the Fourth Amendment and that the evidence was improperly admitted over Appellant's objections to perceived chain of custody issues.

The Honorable Clifton Newman heard oral arguments on August 14, 2015 and subsequently denied the appeal by written order dated January 12, 2016.

On February 12, 2016, the Appellant served notice of appeal via hand-delivery to the Office of the City Attorney. On February 17, 2016, the Appellant filed clocked copies of the Notice of Appeal with the Richland County Clerk of Court as well as the Court of Appeals. By letter dated April 25, 2016 the Deputy Clerk for the Court of

Appeals notified Appellant that he had failed to request and file the Transcript from the lower court. By letter dated May 3, 2016, Appellant acknowledged his failure to request and provide the transcript of the hearing in Common Pleas. Appellant mailed the Transcript on June 2, 2016 and the Court subsequently received the Transcript on June 6, 2016.

On June 24, 2016, approximately one hundred and thirty-three days following Appellant's notice of Appeal to the City of Columbia, Appellant clocked and served his brief upon the City of Columbia and the Court of Appeals.

STATEMENT OF FACTS

On May 11, 2011, narcotics officers from the City of Columbia Police Department (hereinafter "City" "CPD") received an anonymous tip and complaint about drug activity at an apartment complex near the 5000 block of Fairfield Rd, within the Columbia city limits. Trial Tr. pp. 26-28. In response to the complaint of drug activity, CPD Officer Ronnie Arnold responded to that location to watch apartment building fourteen (14) and determine whether the complaint was valid. Trial Tr. p. 26, lines 10-14. Officer Arnold testified that the apartment complex was located in an area well-known for heavy crime and drug activity, and he responded to the location in an unmarked police vehicle to conduct surveillance and verify the complaint. Trial Tr. p. 27, lines 5-11. During the course of his surveillance of that building, Officer Arnold observed a black male fitting the description in the complaint exit the building and leave in a vehicle. Because he was operating an unmarked vehicle, Officer Arnold immediately radioed to another marked patrol unit, operated by Sergeant Boyd Webb, to

give a description of the man and the vehicle he was following. Trial Tr. pp. 27-28. Sergeant Webb followed the vehicle down Fairfield Road and shortly thereafter initiated a traffic stop for two traffic violations: improper lane change and failure to use a turn signal. Trial Tr. pp. 33-34.

Following the traffic stop, Sergeant Webb approached the driver, later identified as Cedric Heyward (hereinafter "Appellant"), and requested his license, registration, and proof of insurance. Trial Tr. p. 35, lines1-2. Shortly thereafter, Sergeant Webb requested assistance from a K-9 unit, advised the Appellant of the basis for the traffic stop, and asked that the Appellant exit his vehicle. Trial Tr. pp. 35-36. When the Appellant exited his vehicle, he chose to leave the car door open. Trial Tr. p. 66, lines 11-13. Sergeant Webb then requested permission to search the vehicle. Trial Tr. p. 38, line 10. Sergeant Webb testified that Appellant's body language and behavior immediately changed, and that Appellant sat down on the rear of the vehicle. Trial Tr. p. 38, lines 16-21. Sergeant Webb had to ask the Appellant to move so that he could record the license tag number, and afterwards he returned to his patrol car (to check the status of the license tag, determine whether any warrants were outstanding, etc.). Trial Tr. pp. 38-39.

While Sergeant Webb verified the license tag and waited for confirmation on any outstanding warrants, Sergeant Chris Williams, a certified drug-detection dog handler, arrived on scene. Trial Tr. p. 38. Sergeant Williams and his K-9 partner, Zorro, subsequently performed an exterior check ("free air sniff") of the vehicle, and Zorro alerted to a narcotics odor emanating from the open driver door. Trial Tr. pp. 66-68. Without any direction or instruction from Sergeant Williams, Zorro then independently entered the Appellant's vehicle through his open driver door and continued to alert on the

dashboard of the vehicle. Trial Tr. pp. 66-68. Shortly thereafter, the officers successful recovered a quantity of marijuana from behind the dashboard, and the Appellant was arrested and charged with simple possession of marijuana. Sergeant Webb also issued the Appellant warning citations for the traffic violations that triggered the stop. Approximately fourteen minutes elapsed from the time that Sergeant Webb first initiated the traffic stop to the Appellant's arrest for simple possession of marijuana.

ARGUMENT

I. THE TRIAL COURT PROPERLY DENIED APPELLANT'S MOTION TO SUPPRESS DRUG EVIDENCE BECAUSE THE SEARCH AND SEIZURE DID NOT VIOLATE THE FOURTH AMENDMENT.

Appellant argues the trial court erred in failing to suppress the drug evidence seized following a K-9 free-air sniff and subsequent alert to narcotics hidden inside his vehicle. He claims that, absent reasonable suspicion, law enforcement officers are prohibited from asking questions unrelated to the traffic stop because such questions automatically transform a routine traffic stop into a criminal investigation and thereby lead to an impermissible prolongation of the detention. Similarly, Appellant further contends that law enforcement is prohibited from using drug-detection dogs during routine traffic investigations. Ultimately, Appellant concludes that a parallel investigation and subsequent search and seizure of narcotics was per se unreasonable because the officers did not have a separate and distinct reasonable suspicion that Appellant was engaged in criminal activity. The City of Columbia disagrees and submits that Appellant's arguments are wholly without merit.

First, contrary to Appellant's assertion, reasonable suspicion is **not** required for officers to engage in questioning unrelated to the purposes of the initial traffic stop. Second, the use of drug-detection dogs during routine traffic stops is neither unreasonable nor prohibited because a free-air sniff for contraband on the exterior of a vehicle does not compromise a legitimate privacy interest. Contrary to established precedent, Appellant claims that off-topic questions and exterior free-air dog sniffs are per se improper and unreasonable unless law enforcement can articulate facts to support reasonable suspicion beyond that which was required to initiate the original traffic stop. However, significant evidence was presented at trial to show that neither the unrelated questions about narcotics activity nor the use of an exterior free-air dog sniff measurably prolonged the traffic stop. Moreover, the evidence in the record shows that law enforcement actively followed traditional protocols and pursued the ordinary inquiries inherent to a routine traffic stop (checking a license, registration, proof of insurance, etc). For all of these reasons, the trial court's ruling should be upheld and the Appellant's conviction affirmed.

Standard of Review

In criminal cases, the appellate court sits to review errors of law only. State v. Wilson, 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001). "The admission of evidence is within the discretion of the trial court and will not be reversed absent an abuse of discretion. An abuse of discretion occurs when the trial court's ruling is based on an error of law, or, when grounded in factual conclusions, is without evidentiary support." State v. Wright, 391 S.C. 436, 442, 706 S.E.2d 324, 236 (2011) (internal citations omitted). "On appeals from a motion to suppress based on Fourth Amendment grounds, [the appellate court] applies a deferential standard of review and will reverse if there is clear error." State v.

Moore, 415 S.C. 245, 251, 781 S.E.2d 897 (2016) (quoting State v. Tindall, 38 S.C. 518, 521, 698 S.E.2d 203, 205 (2010). "The clear error standard means that an appellate court will not reverse a trial court's finding of fact simply because it would have decided the case differently." Id. Instead, "the appellate court must affirm if there is any evidence to support the trial court's ruling." Id.

Analysis / Discussion

The Fourth Amendment prohibits unreasonable searches and seizures, and the temporary detention of an individual during a traffic stop constitutes a seizure that must be reasonable under the circumstances. Whren v. United States, 517 U.S. 806, 809 (1996). It is generally understood that an officer's "decision to stop an automobile is reasonable where the police have probable cause to believe that a traffic violation has occurred." Whren, 517 U.S. at 810 (explaining that even a minor traffic offense yields probable cause to support the stop of a vehicle). Moreover, the seizure of a motorist "for a traffic violation justifies a police investigation of that violation." Rodriguez v. U.S., 575 U.S. __, 6 (2015).

However, the length of time required to effectuate a traffic stop and complete an investigation can be highly subjective and necessarily shifts with the attendant facts and circumstances surrounding the particular case and traffic violation(s). In Rodriguez v. U.S., 575 U.S. __ (2015), the Supreme Court explained, "Like a *Terry* stop, the tolerable duration of police inquiries in the traffic-stop context is determined by the seizure's "mission" – to address the traffic violation that warranted the stop, and attend to related safety concerns." Id. at 5. In addition to "determining whether to issue a traffic ticket, an officer's mission includes 'ordinary inquiries incident to the traffic stop.' Typically, such

inquiries involve checking the driver's license, determining whether there are outstanding warrants against the driver, and inspecting the automobile's registration and proof of insurance." Id. at 6 (internal citations omitted). The purpose of these checks is to help ensure the safety of vehicles on the roadways as well as advance the government's "legitimate and weighty interest in officer safety." Id. at 5-6. It is well recognized that "[t]raffic stops are 'especially fraught with danger to police officers,'" and officers must therefore follow "certain negligibly burdensome precautions in order to complete [their] mission safely." Id. at 7. See generally, e.g., Pennsylvania v. Mimms, 434 U.S. 106 (1977); Delaware v. Prouse, 440 U.S. 648 (1979); Illinois v. Caballes, 543 U.S. 405 (2005); and Arizona v. Johnson, 555 U.S. 323 (2009).

However, certain temporal restrictions may often apply during traffic stops and "[a] seizure that is justified solely by the interest in issuing a warning ticket to the driver can become unlawful it if is prolonged beyond the time reasonable required to complete that mission." Caballes, 543 U.S. at 407, 125 S.Ct. at 837. See also, State v. Provet, 405 S.C. 101, 108, 747 S.E.2d 453, 457 (2013) (explaining that "[a] traffic stop supported by reasonable suspicion of a traffic violation remains valid until the purpose of the traffic stop has been completed.") (internal citations omitted). However, officers cannot "extend the duration of an [otherwise completed] traffic stop in order to question the motorist on unrelated matters unless he possesses reasonable suspicion that warrants an additional seizure of the motorist." Provet, 405 S.C. at 108, 747 S.E.2d at 457 (internal citations omitted). Furthermore, officers "cannot avoid this rule by employing dilatory tactics." Id. Nonetheless, it is important to highlight the South Carolina Supreme Court's emphasis that such restrictions do not prohibit or otherwise "limit the **scope** of the

officer's questions to the motorist during the traffic stop." Id. at 109, 747 S.E.2d at 457 (emphasis added).

> As the United States Supreme Court has recently emphasized, 'an officer's inquiries into matters unrelated to the justification for the traffic stop, this Court has made plain, **do not** convert the encounter into something other than a lawful seizure, so long as those inquiries do not **measurably extend** the duration of the stop." (emphasis added)

Id. (citing Arizona v. Johnson, 555 U.S. 323, 333 (2009)).

Likewise, the temporal restrictions on traffic stops do not prohibit the use of dog sniffs. The use of a dog sniff does not "change the character of a traffic stop that is lawful at its inception and otherwise executed in a reasonable manner, unless the dog sniff itself infringed" upon a constitutionally protected privacy interest. Illinois v. Caballes, 543 U.S. 405, 408 (2005) (holding that "[a] dog sniff conducted during a concededly lawful traffic stop that reveals no information other than the location of a substance that no individual has any right to possess does not violate the Fourth Amendment."). In addition, "official conduct that does not compromise any legitimate interest in privacy is not a search subject to the Fourth Amendment." Id. at 409. Because defendants do not possess a legitimate privacy interest in contraband, "governmental conduct that *only* reveals the possession of contraband 'compromises no legitimate privacy interest.'" Id. at 408 (internal citations omitted). Accordingly, "the use of a well-trained narcotics-detection dog ... during a lawful traffic stop generally does not implicate legitimate privacy interests." Caballes, 543 U.S. at 409. Thus, absent reasonable suspicion, the primary concern "is not whether the dog sniff occurs before or after the officer issues a ticket ... but whether conducting the sniff" measurably prolongs the stop and renders the seizure unlawful. Rodriguez v. U.S., 575 U.S. at 6.

Because the focus of an unrelated series of questions as well as an impromptu free-air dog sniff is whether the action measurably prolongs the traffic stop, it is important to recognize the difference between the following: 1) traffic stops where the alleged prolongation occurs after the completion of the stop; and 2) traffic stops where the alleged prolongation occurs before the completion of the stop. The South Carolina Supreme Court has clearly explained the relevant differences between prolongation that occurs both before a traffic stop is complete and after the traffic stop is complete. See, e.g., State v. Tindall, 388 S.C. 518, 698 S.E.2d 203 (2010) (holding that the continued detention of a motorist for questioning after the initial traffic stop is complete exceeds the scope of the stop and is thereby illegal unless the officer has reasonable suspicion of a serious crime); and State v. Hewins, 409 S.C. 93, 760 S.E.2d 814 (2014) (explaining that the continued detention after a warning citation was completed was improper and the officer could not articulate facts to support reasonable suspicion to further detain the driver and conduct a pat-down for weapons or a free air sniff of the vehicle with a drug-detection dog); see also, State v. Provet, 405 S.C. 101, 747 S.E.2d 453 (2013) (holding that the officer's off-topic questions did not measurably extend the duration of the traffic stop and there was reasonable suspicion to further detain the suspect and conduct a voluntary search of the vehicle after the purposes of the traffic stop had been completed); and State v. Morris, 411 S.C. 571, 769 S.E.2d 854 (2011) (holding that the officer had reasonable suspicion of criminal activity, the traffic stop was not unduly prolonged or burdensome, and the officer had probable cause to conduct a warrantless search of the entire vehicle for drug evidence).

In the case at bar, Appellant mistakenly relies upon the holding in State v. Tindall, 388 S.C. 518, 698 S.E.2d 203 (2010), wherein the Court addressed the continued, prolonged detention of a motorist after the purposes and mission of the initial traffic stop had been completed. In Tindal, an officer stopped a motorist for multiple moving violations, including speeding, following too closely, and failure to maintain the lane of travel. After the stop, the officer asked the driver to sit in his patrol vehicle while he called dispatch to verify the motorists' license and vehicle information. Tindal, 388 S.C. at 522, 698 S.E.2d at 205. Three minutes later, the officer received confirmation that the motorist was clear and the officer advised that he would issue the driver a warning ticket. At that moment, unlike the case at bar, the officer in Tindal accomplished the basic, underlying purposes of the traffic stop. Nonetheless, he did not issue the warning ticket and continued to question the driver for an additional six to seven minutes. Id. The driver later consented to a search of his vehicle and was charged with trafficking cocaine. Id. However, because the officer had already completed all of the requisite license and registration checks, the Court found the officer had clearly exceeded the scope of the initial traffic stop. Id. at 524, 698 S.E.2d at 206. Moreover, because the officer could not articulate any additional, reasonable suspicion of serious crime to justify the continued detention, the Court ruled that the evidence and the driver's statements to law enforcement should have been suppressed.

Clearly, Appellant's reliance on Tindal is misplaced. In the case at hand, Appellant committed a series of moving violations that gave law enforcement reasonable suspicion to initiate a traffic stop. In addition, the evidence in the record shows that the officers quickly engaged in the normal tasks inherent to a traffic stop, i.e., checking

Appellant's license, registration, proof of insurance, and the status of any outstanding warrants. In marked contrast to the facts in Tindal, Sergeant Williams' drug-detection dog performed a free-air sniff while the investigating officer was still waiting to receive confirmation on the status of Appellant's warrants, etc. Clearly, the basic tasks and purposes of the initial traffic stop were not yet complete. Thus, the stop was not measurably prolonged and the officers did not need to articulate additional reasonable suspicion of serious crime to continue the detention.[1]

Likewise, the primary issue is whether Sgt. Webb's actions measurably prolonged the Appellants detention at the scene prior to the completion of the stop. Clearly, the evidence in the record shows that none of Sgt. Webb's actions, e.g., off-topic questions, requests for a K-9 unit, etc., measurably prolonged the stop. Because Sgt. Webb had to wait to receive confirmation of the Appellant's license, registration, warrants, etc. from dispatch, he was clearly permitted to pursue off-topic questions and employ Sgt. Williams' drug-sniffing dog to search for narcotics.

II. THE TRIAL COURT PROPERLY DENIED APPELLANT'S MOTION TO *SUPPRESS THE DRUG ANALYSIS BECAUSE THE CITY* ESTABLISHED THE CHAIN OF CUSTODY AS FAR AS PRACTICABLE.

Appellant argues the trial court erred in failing to suppress the results of the drug analysis because the City failed to properly establish the chain of custody. Specifically, Appellant contends that the City failed to establish a complete chain of custody as far as

[1] Appellant's discourse on the merits of Navarette v. California, 134 S.Ct. 1683 (2014), and the requisite elements for anonymous tips to establish reasonable suspicion suggests a misapprehension about the underlying dichotomy between the prolongation of a detention *before* a traffic stop is complete and prolongation *after* a traffic stop is complete. Because the purpose of the initial stop was not yet complete, law enforcement did not need to establish a subsequent basis for reasonable suspicion of serious crime (and no measurable extension occurred to render the initial detention unlawful).

practicable because the evidence custodian did not testify at trial as to how the narcotics were stored or handled while in the custody of the Columbia Police Department's drug laboratory. Appellant further claims that the City could not verify the handling of the narcotics because the drugs were removed from the evidence locker and were unaccounted for up to eleven (11) days prior to their testing. Accordingly, Appellant insists the City failed to prove the chain of custody as far as practicable. The City of Columbia disagrees and submits that Appellant's arguments are wholly without merit and not supported by the record.

First, contrary to Appellant's assertions, the narcotics were not missing or otherwise unaccounted for during the period Appellant alleged. As shown by the evidence in the record and the Chain of Custody form (see City Exhibit #2), there are three (3) individuals identified on the chain: MPO Webb (the arresting officer who seized the drugs), Donna Martin (evidence custodian who logged the narcotics into the evidence room), and Officer Potash (certified chemical analyst who tested the narcotics). Trial Tr. pp. 51-53. Following his seizure of the narcotics, MPO Webb delivered the marijuana to Donna Martin at the CPD Property Room. Ms. Martin subsequently logged the marijuana into evidence. Trial Tr. pp. 51-53. According to the chain of custody form, the marijuana remained in evidence from May 28, 2011 until June 8, 2011, when it was signed for and removed by Officer G.D. Potash for testing.

At trial, however, it appeared that Appellant did not understand how to read the chain of custody form (he asserted that the marijuana had been checked out and remained unaccounted for during the eleven-day period prior to their testing). Trial Tr. pp. 51-56. Regardless, the City provided the officer who seized the narcotics as well as the analyst

who tested the narcotics – and the evidence and testimony at trial clearly demonstrated a reasonable assurance that the condition of the narcotics remained unaltered from the time they were obtained until their introduction at trial.

Finally, the evidence and testimony in the record demonstrates that the City properly complied with the chain of custody requirements and proved the chain to the extent practicable. For all of these reasons, the trial court's ruling should be upheld and the Appellant's conviction affirmed.

Standard of Review

In criminal cases, the appellate court sits to review errors of law only. State v. Wilson, 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001). "We are bound by the trial court's factual findings unless they are clearly erroneous." Id. "This same standard of review applies to preliminary factual findings in determining the admissibility of certain evidence in criminal cases." Id. "The admission of evidence is within the discretion of the trial court, and the court's decision will not be reversed absent an abuse of discretion." State v. Pagan, 369 S.C. 201, 208, 631 S.E.2d 262, 265 (2006). "An abuse of discretion occurs when the trial court's ruling is based on an error of law, or upon factual findings that are without evidentiary support." Id.

Analysis / Discussion

The Supreme Court "has long held that a party offering in evidence fungible items such as drugs or blood samples must establish a complete chain of custody as far as practicable." State v. Hatcher, 392 S.C. 86, 92, 708 S.E.2d 750, 753 (2011) (citing State v. Sweet, 374 S.C. 1, 6, 647 S.E.2d 202, 205 (2007); see also Benton v. Pellum, 232 S.C. 26, 33, 100 S.E.2d 534, 537 (1957) (stating "it is generally held that the party offering

such specimen is required to establish, at least as far as practicable, a complete chain of evidence). In addition, "the evidence must not leave it to conjecture as to who had it and what was done with it between the taking and analysis." State v. Taylor, 360 S.C. 18, 598 S.E.2d 735 (Ct. App. 2004). "Testimony from each custodian of fungible evidence, however, is not a prerequisite to establishing a chain of custody sufficient for admissibility." Hatcher, 392 S.C. at 91, 708 S.E.2d at 753 (citing Sweet, 374 S.C. at 7, 647 S.E.2d at 206). "Where other evidence establishes the identity of those who have handled the evidence and reasonably demonstrates the manner of handling of the evidence, our courts have been willing to fill gaps in the chain of custody due to an absent witness." Id.

In addition, the Court has explained that "[p]roof of chain of custody need not negate all possibility of tampering so long as the chain of possession is complete ... [and] ... we have found evidence inadmissible only where there is a missing link in the chain of possession *because the identity of those who handled the [substance] was not established as far as practicable.*" Id. at 92. Moreover, "it is not an abuse of discretion for the trial judge to admit the evidence in the absence of proof of tampering, bad faith, or ill-motive." Id. at 93, 708 S.E.2d at 754. Most importantly, the Court has emphasized that

> It is unnecessary ... that the police account for 'every hand-to-hand transfer' of the item; it is sufficient if the evidence demonstrates a reasonable assurance the condition of the item remains the same from the time it was obtained until its introduction at trial. To expect the [prosecuting authority] to produce every possible individual who may have had fleeting contact with the evidence would cause unnecessary logistical problems concerning chain of custody.

Id. at 94 (citing Commonwealth v. Herman, 288 Pa.Super. 219, 431 A.2d 1016, 1019 (1981) (holding the absence of testimony from a crime lab custodian who merely logged

in the seized marijuana was not fatal to the chain of custody where the officers who seized the drugs and the chemist who tested them did testify at trial).

In the case at bar, there was ample evidence at trial from the arresting officer that seized the narcotics as well as the certified analyst that tested the narcotics and the manner of handling was well established. Moreover, all the parties who handled the narcotics were readily identified on the chain of custody form. In addition, there was sufficient testimony to establish that the condition of the narcotics remained unaltered from the time they were seized until they were introduced at trial. Because there was sufficient evidence to establish the chain of custody as far as practicable, the trial court did not abuse its discretion and the marijuana was properly admitted over Appellant's objections.

CONCLUSION

For the reasons stated, the Respondent respectfully requests that this Court dismiss the appeal or, in the alternative, affirm the judgment of the circuit court.

Respectfully submitted,

JESSICA R. MANGUM
Office of the City Attorney
Post Office Box 667
Columbia, South Carolina 29202
(803) 737-4242

Attorney for Respondent

Columbia, South Carolina

July 25, 2016

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
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PROOF OF SERVICE

The undersigned hereby certifies that she served a copy of *Initial Brief of Respondent* upon the Appellant by placing it in the United States mail, first class postage prepaid to his attorney of record at his address at 1701 Main Street, Suite 103, Columbia, SC 29201 on this 25th day of July, 2016:

July 25, 2016

Jessica R. Mangum
Office of the City Attorney
Post Office Box 667
Columbia, South Carolina 29202
(803) 737-4242

Attorney for Respondent

We Are Columbia

Office of the City Attorney
Post Office Box 667 • Columbia, SC 29202 • (803) 737-4242 • Fax (803) 737-4250

July 25, 2016

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: City of Columbia v. Cedric Xavier Heyward
C/A File No.: 2015-CP-40-1601

Dear Ms. Kitchings:

Enclosed for filing, please find the original and three (3) copies of the *Initial Brief of Respondent* and *Designation of Matter* along with the *Proofs of Service* in the above referenced case. Please return the extra copies to the courier of this letter.

By copy of this letter, I am serving same on the attorney for the Appellant.

Sincerely,

Jessica R. Mangum
Assistant City Attorney

JRM/jlh
Enclosure(s) as Stated

cc: (w/encl.): Jonathan Scott Comish, Esquire