

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

DEC 14 2016

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

Honorable Jean Toal, Circuit Court Judge

Case No: 2016-002018

Fred S. Davis.....Appellant

v.

Mark Keel, Director of the South Carolina Law Enforcement Division (SLED) and the State of
South CarolinaRespondent

INITIAL BRIEF OF APPELLANT

Charles T. Brooks, III, S.C. Bar # 11762
Attorney for Appellant
THE BROOKS LAW OFFICE, LLC
309 Broad Street
Post Office Box 3512
Sumter, South Carolina 29151
803-418-5708
803-934-9618 [Facsimile]
cbrooks@ctbrooks.com

TABLE OF CONTENTS

Table of Authoritiesii

Statement of Issues on Appeal1

Statement of the Case1

Arguments

I. THE TRIAL COURT ERRED BY GRANTING RESPONDENTS JUDGMENT ON THE PLEADINGS BECAUSE A GENUINE ISSUE EXISTS AS TO THE MATERIAL FACT REGARDING VIABLE REMEDIES AVAILABLE FOR APPELLANT FOR REMOVAL FROM THE SOUTH CAROLINA SEX OFFENDER REGISTRY.
 3

II. THE TRIAL COURT ERRED BY GRANTING RESPONDENTS JUDGMENT ON THE PLEADINGS BECAUSE THE SOUTH CAROLINA SEX OFFENDER REGISTRY LAWS DO NOT PROVIDE AN ADEQUATE AND COMPLETE REMEDY AT LAW, THEREBY MAKING EQUITABLE RELIEF AN APPROPRIATE REMEDY FOR APPELLANT.
 6

Conclusion10

TABLE OF AUTHORITIES

CASES

<i>B & B Liquors, Inc. v. O’Neil</i> , 361 S.C. 267, 270, 603 S.E.2d 629, 631 (Ct. App. 2004)	3, 7
<i>Bennett v. Investors Title Ins. Co.</i> , 370 S.C. 578, 635 S.E.2d 649 (Ct. App. 2006)	2, 6
<i>Bradley v. Doe</i> , 374 S.C. 622, 649 S.E.2d 153 (Ct. App. 2007)	2, 6
<i>Dawkins v. Fields</i> , 354 S.C. 58, 69, 580 S.E.2d 433, 438 (2003)(<i>quoting George v. Fabri</i> , 345 S.C. 440, 452, 548 S.E.2d 868, 874 (2001)	2, 7
<i>Hackworth v. Greenville County</i> , 371 S.C. 99, 102, 637 S.E.2d 320, 322 (Ct. App. 2006) ...	2, 7
<i>Helena Chem. Co. v. Allianz Underwriters Ins. Co.</i> , 357 S.C. 631, 644, 594 S.E.2d 455, 462 (2004)	3, 7
<i>Helms Realty, Inc. v. Gibson-Wall Co.</i> , 363 S.C. 334, 611 S.E.2d 485 (2005)	2, 7
<i>Hooper v. Ebenezer</i> , 377 S.C. 217, 659 S.E.2d 213 (Ct. App. 2008)	2, 3, 6, 7
<i>Houck v. State Farm Fire & Cas. Ins. Co.</i> , 366 S.C. 7, 11, 620 S.E.2d 326, 329 (2005)	2, 6
<i>Medical Univ. of S.C. v. Arnaud</i> , 360 S.C. 615, 602 S.E.2d 747 (2004)	2, 7
<i>Moore v. Weinberg</i> , 373 S.C. 209, 217, 644 S.E.2d 740, 744 (Ct. App. 2007)	2, 7
<i>Mulherin-Howell v. Cobb</i> , 362 S.C. 588, 596-97, 608 S.E.2d 587, 592 (Ct. App. 2005)	3, 7
<i>Pye v. Estate of Fox</i> , 369 S.C. 555, 633 S.E.2d 505 (2006)	2, 6
<i>Rife v. Hitachi Constr. Mack Co., Ltd.</i> , 363 S.C. 209, 609 S.E.2d 565 (Ct. App. 2005)	2, 7
<i>Rosenthal v. Unarco Indus. Inc.</i> , 278 S.C. 420, 422, 297 S.E.2d 638, 640 (1982) <i>citing Wooten v. Std. Life and Casualty Ins. Co.</i> , 239 S.C. 243, 122 S.E.2d 637 (1961)	3

Santee Cooper Resort, Inc. v. S.C. Pub. Serv. Comm'n, 298 S.C. 179, 185, 379 S.E.2d 119, 123 (1989)7

State v. Dykes, Opinion No. 27124 (S.C. Supreme Court)9

STATUTES

S.C. Code Ann. Sec. 23-3-400 *et seq.*3

23-3-430(C), (E), (F), and (G)4

S.C. Code Ann Sec. 23-3-4604

S.C. Code Ann. Section 23-3-540(C) and (H)9

RULES

Rule 12(c), South Carolina Rules of Civil Procedure6

Rule 56, South Carolina Rules of Civil Procedure6

STATEMENT OF ISSUES ON APPEAL

- 1. DID THE TRIAL COURT ERR BY GRANTING RESPONDENTS JUDGMENT ON THE PLEADINGS BECAUSE A GENUINE ISSUE EXISTS AS TO THE MATERIAL FACT REGARDING VIABLE REMEDIES AVAILABLE FOR APPELLANT FOR REMOVAL FROM THE SOUTH CAROLINA SEX OFFENDER REGISTRY?**
- 2. DID THE TRIAL COURT ERR BY GRANTING RESPONDENTS JUDGMENT ON THE PLEADINGS BECAUSE THE SOUTH CAROLINA SEX OFFENDER REGISTRY LAWS DO NOT PROVIDE AN ADEQUATE AND COMPLETE REMEDY AT LAW, THEREBY MAKING EQUITABLE RELIEF AN APPROPRIATE REMEDY AVAILABLE TO APPELLANT?**

STATEMENT OF THE CASE

This case was initiated by Appellant filing on February 4, 2016, a Summons and a Petition for Declaratory Judgment for equitable relief for removal from the registry requirements under “Megan’s Law”, mandating registration with the South Carolina Sex Offender Registry.

Respondents filed an answer generally denying the allegations in Appellant’s Petition for Declaratory Judgment. Respondents also filed a Motion for Judgment on the Pleadings asserting that the Appellant was not entitled to equitable relief because the statute governing removal from the Registry provides an adequate remedy at law.

A hearing was held on September 7, 2016, on the Respondents’/Defendants’ Motion for Judgment on the Pleadings before the Honorable Jean Toal. The Court entered judgment in favor of the motion concluding that the Appellant was not entitled to any equitable remedy and that no equitable jurisdiction applied to the relief the Appellant sought. This appeal follows.

ARGUMENT

Summary judgment is defined by Rule 12(c), SCRCP: If, on a motion for judgment on the pleadings, matters outside the pleadings are presented to and not excluded by the Court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 56. *Hooper v. Ebenezer*, 377 S.C. 217, 659 S.E.2d 213 (Ct. App. 2008).

When reviewing a grant of summary judgment, the appellate court applies the same standard which governs the trial court under Rule 56(c), SCRCP: summary judgment is proper when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. *Id. citing Pye v. Estate of Fox*, 369 S.C. 555, 633 S.E.2d 505 (2006); *Houck v. State Farm Fire & Cas. Ins. Co.*, 366 S.C. 7, 11, 620 S.E.2d 326, 329 (2005); *Bradley v. Doe*, 374 S.C. 622, 649 S.E.2d 153 (Ct. App. 2007); *Bennett v. Investors Title Ins. Co.*, 370 S.C. 578, 635 S.E.2d 649 (Ct. App. 2006).

In determining whether any triable issues of fact exist, the evidence and all reasonable inferences therefrom must be viewed in the light most favorable to the non-moving party. *Id. citing Helms Realty, Inc. v. Gibson-Wall Co.*, 363 S.C. 334, 611 S.E.2d 485 (2005); *Medical Univ. of S.C. v. Arnaud*, 360 S.C. 615, 602 S.E.2d 747 (2004); *Hackworth v. Greenville County*, 371 S.C. 99, 102, 637 S.E.2d 320, 322 (Ct. App. 2006); *Rife v. Hitachi Constr. Mack Co., Ltd.*, 363 S.C. 209, 609 S.E.2d 565 (Ct. App. 2005).

Further, since the purpose of summary judgment is to expedite the disposition of cases where the services of a fact finder are not necessary, it is a drastic remedy. *Id. citing Dawkins v. Fields*, 354 S.C. 58, 69, 580 S.E.2d 433, 438 (2003) (quoting *George v. Fabri*, 345 S.C. 440, 452, 548 S.E.2d 868, 874 (2001)); *Moore v. Weinberg*, 373 S.C. 209, 217, 644 S.E.2d 740, 744

(Ct. App. 2007); *Mulherin-Howell v. Cobb*, 362 S.C. 588, 596-97, 608 S.E.2d 587, 592 (Ct. App. 2005). “Because it is a drastic remedy, summary judgment should be cautiously invoked to ensure that a litigant is not improperly deprived of a trial on disputed factual issues. *Id. citing Helena Chem. Co. v. Allianz Underwriters Ins. Co.*, 357 S.C. 631, 644, 594 S.E.2d 455, 462 (2004); *B & B Liquors, Inc. v. O’Neil*, 361 S.C. 267, 270, 603 S.E.2d 629, 631 (Ct. App. 2004).

I. THE TRIAL COURT ERRED BY GRANTING RESPONDENTS JUDGMENT ON THE PLEADINGS BECAUSE A GENUINE ISSUE EXISTS AS TO THE MATERIAL FACT REGARDING VIABLE REMEDIES AVAILABLE FOR APPELLANT FOR REMOVAL FROM THE SOUTH CAROLINA SEX OFFENDER REGISTRY.

The Respondents argued that judgment should be granted on the pleadings because the pleadings herein presented no cause of action in favor of the plaintiff pursuant to the South Carolina Sex Offender Registry statutes, S.C. Code Ann. Sec. 23-3-400 *et seq.*

The Respondents relied on *Rosenthal v. Unarco Indus. Inc.*, 278 S.C. 420, 422, 297 S.E.2d 638, 640 (1982) citing *Wooten v. Std. Life and Casualty Ins. Co.*, 239 S.C. 243, 122 S.E.2d 637 (1961), asserting a “motion for Judgment on the Pleadings is proper where pleadings entitle a party to judgment without proof, by disclosure of all facts, where the pleadings present no issue of fact or present merely an immaterial issue.”

In further support for the Respondents’ Motion for Judgment on the Pleadings, Respondents argue that the South Carolina Sex Offender Registry law, specifically S.C. Code Ann Sec. 23-3-460, provides that a person is required to register biannually for life and the statute provides remedies for removal. The Respondents argue that since the South Carolina Sex Offender Registry statutes are clear and unambiguous on the face of the statutes, no equitable

remedy exists for the Appellant to be removed from the Registry, other than the statutory remedies provided by the law.

South Carolina Code Ann. Section 23-3-430(E) provides "SLED shall remove a person's name and any other information concerning that person from the sex offender registry immediately upon notification by the Attorney General that the person's adjudication, conviction, guilty plea, or plea of *nolo contendere* for an offense listed in subsection (C) was reversed, overturned, or vacated on appeal and a final judgment has been rendered." Another statutory remedy for removal is found in South Carolina Code Section 23-3-430(F) which provides an offender who receives a pardon "based on a finding of not guilty specifically state in the pardon" shall be removed from the registry. A third category for statutory remedy for removal is found in South Carolina Code Section 23-3-430(G) where a person may be removed if exonerated subsequent to filing a petition for a writ of habeas corpus or a motion for a new trial.

The Appellant argues that equity was appropriate here because the South Carolina Sex Offender Registry laws regarding removal did not provide an adequate or complete remedy at law for Appellant because Appellant could not avail himself of any of the statutory remedies because none of the statutory provisions for removal apply to Appellant's situation because he pled guilty to a qualifying offense and served his time. He has subsequently registered and complied with all of the registry provisions since his release from incarceration. The statutory provisions specify removal is possible in limited situations such as the reversal of a conviction, a specific pardon of not guilty, or exoneration through a new trial or a writ of habeas corpus; none of which apply to Appellant's situation. The statutory provisions do not allow for any type of review for removal especially where there is no evidence of the likelihood of re-offense.

Therefore, in the case where a person pleads guilty and has no grounds to avail him or herself of the statutory grounds for removal from the registry, no adequate and complete remedy exists at law and equitable relief would be appropriate.

After considering the arguments of the parties, the Trial Court concluded that there was no genuine issue of material fact to suggest that Appellant/Plaintiff meets any of the statutory grounds for removal from South Carolina's Sex Offender Registry law, which mandates lifetime registration. Accordingly, the Trial Court concluded that the Respondents/Defendants were entitled to judgment as a matter of law. The Trial Court erred in granting the Respondents' Motion for Judgment on the Pleadings because the issue here, specifically as it relates to the motion, is the fact that Appellant does not have an adequate or complete remedy at law for removal from the Registry because the statutory provisions are not a complete and adequate remedy at law, especially when the statutory provision do not include any review mechanisms for lifelong registration, therefore equitable relief would be appropriate.

While the Trial Court concluded that the Registry laws are unambiguous as to the requirement for registration for life, the genuine issue of fact in dispute here is the law's application to a person, such as Appellant, who has no legal remedy available under the law, thereby requiring that equitable relief be available. As in the case here, if the statutory provisions for removal are limited in nature, then the provisions do not provide a complete and adequate remedy at law and equity is and should be available for relief. A genuine issue of fact then exists as to whether the Appellant can avail himself of relief through and pursuant to the equitable remedies of the court when an adequate and complete remedy does not exist under the law.

The very fact that the South Carolina Sex Offender Registry laws do not provide a remedy at law for Appellant's situation is the reason why Appellant filed an action seeking equitable relief for removal from the Registry. The Trial Court's granting of the Respondents' Motion for Judgment on the Pleadings is the type of drastic remedy that is error, thereby depriving the Appellant of a trial on the disputed factual issues of whether equitable relief can be afforded to the Appellant for removal from the Registry. As a result, the Order of the Trial Court should be reversed and the case remanded for a full hearing on the disputed issues.

II. THE TRIAL COURT ERRED BY GRANTING RESPONDENTS JUDGMENT ON THE PLEADINGS BECAUSE THE SOUTH CAROLINA SEX OFFENDER REGISTRY LAWS DO NOT PROVIDE AN ADEQUATE AND COMPLETE REMEDY AT LAW, THEREBY MAKING EQUITABLE RELIEF AN APPROPRIATE REMEDY FOR APPELLANT.

Summary judgment is defined by Rule 12(c), SCRCP: If, on a motion for judgment on the pleadings, matters outside the pleadings are presented to and not excluded by the Court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 56. *Hooper v. Ebenezer*, 377 S.C. 217, 659 S.E.2d 213 (Ct. App. 2008).

When reviewing a grant of summary judgment, the appellate court applies the same standard which governs the trial court under Rule 56(c), SCRCP: summary judgment is proper when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. *Id. citing Pye v. Estate of Fox*, 369 S.C. 555, 633 S.E.2d 505 (2006); *Houck v. State Farm Fire & Cas. Ins. Co.*, 366 S.C. 7, 11, 620 S.E.2d 326, 329 (2005);

Bradley v. Doe, 374 S.C. 622, 649 S.E.2d 153 (Ct. App. 2007); *Bennett v. Investors Title Ins. Co.*, 370 S.C. 578, 635 S.E.2d 649 (Ct. App. 2006).

In determining whether any triable issues of fact exist, the evidence and all reasonable inferences therefrom must be viewed in the light most favorable to the non-moving party. *Id. citing Helms Realty, Inc. v. Gibson-Wall Co.*, 363 S.C. 334, 611 S.E.2d 485 (2005); *Medical Univ. of S.C. v. Arnaud*, 360 S.C. 615, 602 S.E.2d 747 (2004); *Hackworth v. Greenville County*, 371 S.C. 99, 102, 637 S.E.2d 320, 322 (Ct. App. 2006); *Rife v. Hitachi Constr. Mack Co., Ltd.*, 363 S.C. 209, 609 S.E.2d 565 (Ct. App. 2005).

Further, since the purpose of summary judgment is to expedite the disposition of cases where the services of a fact finder are not necessary, it is a drastic remedy. *Id. citing Dawkins v. Fields*, 354 S.C. 58, 69, 580 S.E.2d 433, 438 (2003) (quoting *George v. Fabri*, 345 S.C. 440, 452, 548 S.E.2d 868, 874 (2001); *Moore v. Weinberg*, 373 S.C. 209, 217, 644 S.E.2d 740, 744 (Ct. App. 2007); *Mulherin-Howell v. Cobb*, 362 S.C. 588, 596-97, 608 S.E.2d 587, 592 (Ct. App. 2005). “Because it is a drastic remedy, summary judgment should be cautiously invoked to ensure that a litigant is not improperly deprived of a trial on disputed factual issues. *Id. citing Helena Chem. Co. v. Allianz Underwriters Ins. Co.*, 357 S.C. 631, 644, 594 S.E.2d 455, 462 (2004); *B & B Liquors, Inc. v. O’Neil*, 361 S.C. 267, 270, 603 S.E.2d 629, 631 (Ct. App. 2004).

Generally, equitable relief is available only where there is no adequate remedy at law. *Santee Cooper Resort, Inc. v. S.C. Pub. Serv. Comm’n*, 298 S.C. 179, 185, 379 S.E.2d 119, 123 (1989). “An adequate remedy at law is one which is as certain, practical, complete and efficient to attain the ends of justice and its administration as the remedy in equity.” *Id.*

Respondents argue that the South Carolina Sex Offender Registry laws provide the complete remedy for statutory removal from the Registry. Appellant argues that the statutory

remedies do not apply to him because the provisions only offer limited situations in which a person can petition for removal from the register and an entire class of people like Appellant do not have adequate relief under the law for removal when no provisions exists when a person has pled guilty, served the sentence and registers in compliance with the law for a certain period of time, and has no remedy for review for lifetime registration. Therefore, the Appellant argues that there is no remedy at law for his removal from the Registry because the remedies are not certain, practical, or complete as they relate to his situation. Consequentially, if no remedy exists at law, the Appellant should be able to avail himself of the equitable remedies of the court.

The Trial Court granted Judgment on the Pleadings, concluding that the South Carolina Sex Offender Registry laws offered an adequate and complete remedy at law for removal from the registry, therefore, equitable relief would not be appropriate for the Appellant. The Trial Court's ruling is in error because a genuine issue as to the material fact of whether the South Carolina Sex Offender Registry laws offered an adequate and complete remedy at law for removal from the Registry for Appellant exists. It was inappropriate for the Trial Court to grant relief on the Motion for Judgment on the Pleadings since there is a dispute between the parties regarding the factual issues of whether the South Carolina Sex Offender Registry laws offer an adequate and complete legal remedy for removal from the Registry, or if equitable relief is available in the absence of adequate and complete legal relief under the statute. Since there is a genuine disputed issue as to the facts, the granting of Judgment on the Pleadings was not appropriate.

The Trial Court's granting of the Respondents' Motion for Judgment on the Pleadings is the type of drastic remedy that is error, thereby depriving the Appellant of a trial on the disputed factual issues of whether equitable relief can be afforded to the Appellant for removal from the

Registry in light of the fact that the statutory remedies are not an adequate and complete remedy at law. As a result, the Order of the Trial Court should be reversed and the case remanded for a full hearing on the disputed issues.

Also, the Trial Court's Order notes that Appellant/Plaintiff argues that lifelong registration constitutes a "wrong" that would justify the Court fashioning an equitable personal remedy. The Trial Court found this argument without merit. However, in *State v. Dykes*, 403 S.C. 499, 744 S.E.2d 505 (2013), the Appellant contested the Circuit Court's Order requiring her to be subjected to satellite monitoring for the rest of her life pursuant to the South Carolina Sex Offender Registry laws, specifically, S.C. Code Ann. Section 23-3-540(C) and (H). The South Carolina Supreme Court invalidated the section of the statute that required lifetime satellite monitoring without judicial review as unconstitutional and left effective the remaining portion of the statute.

Herein, while the Respondents argued that the Appellant was asking the Trial Court to re-write the South Carolina Sex Offender Registry laws by providing a remedy not allowed by the statute, the Appellant in fact was asking the Trial Court to allow the exercise of equitable relief since the statute does not provide an adequate and complete remedy at law for removal from the Registry. The Appellant's request for equitable relief is far less imposing than the invalidation of a section of the statute by the South Carolina Supreme Court.

The Appellant maintains that the equitable relief he seeks should proceed to trial on the disputed facts and that the granting of the Motion for Judgment on the pleadings was improper by the Trial Court.

CONCLUSION

For all of the foregoing reasons, the Order Granting Judgment on the Pleadings of the Trial Court should be reversed and/or remanded for a full hearing on the disputed issues, and for the granting of any other remedy that is just and proper in this case.

RESPECTFULLY SUBMITTED,



Charles T. Brooks, III, S.C. Bar # 11762
Attorney for Appellant
THE BROOKS LAW OFFICE, LLC
309 Broad Street
Post Office Box 3512
Sumter, South Carolina 29151
803-418-5708
803-934-9618 [Facsimile]
cbrooks@ctbrooks.com

December 7, 2016

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

DEC 14 2016

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Honorable Jean Toal, Circuit Court Judge

Case No: 2016-002018

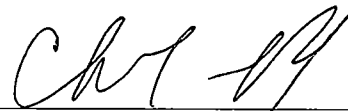
Fred S. Davis.....Appellant

v.

Mark Keel, Director of the South Carolina Law Enforcement Division (SLED) and the State of
South CarolinaRespondents

CERTIFICATE OF COUNSEL

The undersigned certified that this Initial Brief and Designation complies with
Rule 208 and Rule 228, SCRAP.



Charles T. Brooks, III, S.C. Bar # 11762
Attorney for Appellant/Plaintiff
THE BROOKS LAW OFFICE, LLC
309 Broad Street
Post Office Box 3512
Sumter, South Carolina 29151
803-418-5708
803-934-9618 [Facsimile]
brooksirbrooks@aol.com

December 7, 2016

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Honorable Jean Toal, Circuit Court Judge

Case No: 2016-002018

RECEIVED

DEC 14 2016

SC Court of Appeals

Fred S. Davis.....Appellant


v.

Mark Keel, Director of the South Carolina Law Enforcement Division (SLED) and the
State of South CarolinaRespondent

PROOF OF SERVICE

I do hereby certify that I have this ___ day of December 2016, served a copy of the **MOTION TO FILE AND SERVE APPELLANT'S INITIAL BRIEF OUT OF TIME AND INITIAL BRIEF OF APPELLANT** and a **PROOF OF SERVICE**, on Mark Keel, Director of the South Carolina Law Enforcement Division (SLED) by personally depositing a copy of it in the United States Mail, postage prepaid, on November 15, 2016, addressed to his attorney of record, Adam L. Whitsett, Post Office Box 21398, Columbia, South Carolina 29221-1398 and on The State of South Carolina by personally depositing a copy of it in the United States Mail, postage prepaid, on September 20, 2016, addressed to their attorney of record, T. Parkin C. Hunter, Office of South Carolina Attorney General, Post Office Box 11549, Columbia, South Carolina 29211

Dated: 12/12/16


Charles T. Brooks, III, S.C. Bar # 11762
Attorney for Appellant
309 Broad Street
Post Office Box 3512
Sumter, South Carolina 29151
803-418-5708
803-934-9618 [Facsimile]
cbrooks@ctbrooks.com

The Brooks Law Office, LLC

CHARLES T. BROOKS, III, ATTORNEY AT LAW
IRMA R. BROOKS, ATTORNEY AT LAW

309 BROAD STREET ~ SUMTER, SOUTH CAROLINA 29150
POST OFFICE BOX 3512 ~ SUMTER, SOUTH CAROLINA 29151
(803) 418-5708

FAX: (803) 934-9618 TOLL FREE: (877) 770-8792

Email: cbrooks@ctbrooks.com

December 12, 2016

RECEIVED

DEC 14 2016

SC Court of Appeals

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

RE: Davis vs. Mark Keel, Chief of the South Carolina Law Enforcement Division, et al
2016-CP-40-00751

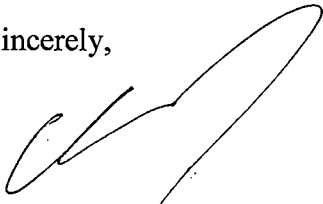
To Whom It May Concern:

Enclosed herewith please find the Motion to File and Serve Appellant's Initial Brief Out of Time as well as the Initial Brief of Appellant for Fred S. Davis and Proof of Service in the above titled matter.

If there are any questions, please feel free to give me a call.

With kind regards,

Sincerely,



Charles T. Brooks, III
CTB,III/jlm

Enclosures as stated

cc: Office of SC Attorney General
ATTN: T. Parkin C. Hunter
Post Office Box 11549
Columbia, South Carolina 29211

SLED
Adam L. Whitsett, Esq.
Post Office Box 21398
Columbia, South Carolina 29221