STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of General Sessions

W. Jeffrey Young, Circuit Court Judge

Appellate Case No. 2015-001679

THE STATE,

Respondent,

v.

JEFFREY DANA ANDREWS,

Appellant.

INITIAL BRIEF OF RESPONDENT

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ATTORNEYS FOR RESPONDENT

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STATEMENT OF ISSUES ON APPEAL

I.

The trial court properly denied Appellant's request for immunity from prosecution pursuant to the Protection of Persons and Property Act because evidence was presented indicating Appellant brought about the difficulty and the victim was leaving the premises when he was shot.

II.

The trial court properly declined to qualify Terry Gainey as an expert based on his lack of experience and training.

III.

The trial court properly allowed Kimberly Graham to testify that the victim was on the porch when he was shot because it merely echoed her previous unobjected-to statements. Appellant never contended the victim was anywhere other than the porch when shot; therefore, Appellant suffered no prejudice from the alleged error.

STATEMENT OF THE CASE

Appellant was indicted for murder and possession of a weapon during the commission of a violent crime (2014-GS-43-0725) during the August 2014 term of the grand jury for Sumter County. (*Indictments) The Honorable W. Jeffrey Young held an immunity hearing pursuant to the Protection of Persons and Property Act prior to trial, ultimately denying Appellant's request for immunity from prosecution. The case proceeded to trial by a jury and Appellant was convicted of voluntary manslaughter and possession of a weapon during the commission of a violent crime. Judge Young sentenced him to an aggregate of thirty years' imprisonment.

STATEMENT OF FACTS

Corporal Jerry Kelly responded to a 911 call reporting a gunshot victim. (Tr.278–79.) Upon arriving at the scene, he observed the victim, Shamar Howell, prostrate on the porch with a woman, Erika Andrews, crying and screaming by his side. (Tr.279.) She yelled to Corporal Kelly that her uncle, Appellant, shot and killed her boyfriend. (Tr.279.) Erika informed him Appellant was in the house, and Corporal Kelly went inside where Appellant held up his hands and stated, "I'm the guy you're looking for." (Tr.280.) After placing Appellant under arrest and Mirandizing[1] him, Corporal Kelly asked Appellant what happened, and he responded that Shamar took his bottle of liquor off the back porch. (Tr.286.) Corporal Kelly asked whether Appellant had shot Shamar over a bottle of liquor, and Appellant responded he had asked Shamar to leave and he would not leave, so what was he supposed to do to get him to leave. (Tr.287.)

Appellant was subsequently charged with murder and possession of a weapon during the commission of a violent crime. (*Indictments) Prior to trial, Appellant sought immunity from prosecution pursuant to the Protection of Persons and Property Act. At the hearing, Appellant testified that at the time of the incident he was living with his wife and his father. (Tr.61.) On that evening, he was enjoying a bottle of brandy to celebrate enrolling in Central Carolina College. (Tr.62, 66.) Appellant stated he went with his father and his cousin, Virlyn Gardner, to get some food, and left the bottle of brandy on a recliner on the porch. (Tr.62.) When he returned home, he noticed the bottle was missing, and he went down to the neighboring trailer where Erika lived with Shamar, to inquire whether they had taken the brandy.[2] (Tr.64.)

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[1] Pursuant to *Miranda v. Arizona*, 384 U.S. 436 (1966).

[2] Appellant claimed he noticed the dryer running and found Erika's and Shamar's clothes inside, so he knew they had been to the house. (Tr.64.)

Appellant testified they denied any knowledge of the bottle, so he left, assuming they were just "kids being mischievous." (Tr.64–5.) Appellant then went to "the bootlegger's house" to get more liquor. (Tr.65.) He returned home and began drinking again with Virlyn and his father when Erika came over, followed shortly thereafter by Shamar. (Tr.67.) Both of them eventually left and returned a little while later and began drinking with Appellant. (Tr.70.) At some point, Appellant's father made a comment about "somebody" coming on the porch and absconding with a bottle of liquor, and how that was "not right," to which Virlyn added that the liquor did not just get up and walk away. (Tr.71.) Appellant then said to Erika and Shamar that "it's ironic that [their] clothes wind up in the dryer" and then somebody came behind them and took the liquor. (Tr.71.)

After a few moments, Shamar began to get upset and said, "You all mother fucker's [sic] talking about me." (Tr.71.) Appellant advised him not to use language like that and then informed Shamar that they were indeed talking about him because they thought he stole their liquor. (Tr.72.) Appellant testified he then told Shamar to leave and they would talk about it at a later time; when Shamar became angry, Appellant and Virlyn began to laugh. (Tr.72.) At this point, Appellant explained, Erika began to interject and she and Shamar became increasingly argumentative. (Tr.73.) Appellant's father then asked the two of them to leave and the dispute escalated, with Shamar and Erika refusing to leave. (Tr.75.) Appellant finally got Shamar out the door and grabbed Erika, causing Shamar to come back in the house. (Tr.76.) Appellant then stated he pushed Erika and grabbed Shamar's arm, who flung his arm back striking Appellant in the face. (Tr.76.) Erika also began hitting Appellant but eventually simply returned back inside and began drinking on the couch again. (Tr.77.) Appellant claimed that at this point Shamar was outside again swearing and "flinching" at him with a bottle in his hand as if he was going to hit Appellant. (Tr.78.) Appellant then told Shamar to go home and he locked the screened

porch; Shamar did not follow, and Appellant closed the other door. (Tr.78.) While Appellant looked for his phone, Erika opened the door and began talking to Shamar. (Tr.80.) At this point Appellant heard Shamar say Appellant would not "come out here because he knows I'll beat his ass." (Tr.81.) According to Appellant, Shamar then snatched the door open with bottle in hand, so Appellant shot him. (Tr.85.) Appellant stated he was in fear for his life because he did not know what Shamar would do. (Tr.85.) On cross-examination, Appellant admitted that the hearing was the first time he had ever mentioned Shamar snatching the door open or that he had closed and locked the door. (Tr.102.)

Appellant also called Terry Gainey to testify as an expert in interrogation and force science. Prior to qualification, Gainey testified as to his experience, and explained he had attended a course focused on shootings involving law enforcement, which included a discussion of the timeline that should be used when interviewing officers after they have shot and killed someone. (Tr.119, 126.) Gainey opined that after an incident, officers should be given forty-eight hours or two good sleep cycles prior to providing a statement. (Tr.119.) He stated this was because a traumatic event will cause "memory fragmentation" and sleep allows the brain to consolidate the memories so the officer can remember the event more clearly. (Tr.120.) He testified that if a person was interviewed thirteen minutes after he shot someone, his

> memory would be completely fragmented. There would be things that make absolutely no sense to [him]. Some things [he'll] recall seemingly clearly. Some things [he] will have holes. [He] won't know why [he has] holes. [He'll] have intrusive thoughts. [He'll] have things that it just simply makes no sense whatsoever.

(Tr.120.) Gainey additionally asserted a person would "absolutely not" be able to tell events in chronological order if interviewed immediately after shooting someone. (Tr.121.) Appellant then offered Gainey as an expert. Gainey stated he had taken a forty-hour class at the Force Science Institute on force issues in law enforcement. (Tr.124.) He additionally indicated he had

been in law enforcement for over twenty years prior to becoming a private investigator. (Tr.124.) Gainey acknowledged he had never been qualified as an expert and admitted his knowledge on the trauma emanating from a shooting was limited to his class on shootings involving law enforcement. (Tr.126.) The State objected to his qualification, and the trial court, noting Gainey had only had a one-week course to recommend him, declined to qualify him as an expert. (Tr.127.)

In response, the State called Corporal Kelly to describe responding to the 911 call and his subsequent arrest of Appellant. (Tr. 278–87.) The State then called Erika, who testified she and Shamar were at home when Appellant and Virlyn came over to ask them about the missing liquor. (Tr.159.) Erika stated she and Shamar had not taken the bottle and informed Appellant of that so he left. (Tr.159.) Later, when Shamar was over at another friend's house, Appellant returned and invited Erika to accompany him to procure more beer. (Tr.161.) Erika explained that after they got more beer, they went and drank for a while at Appellant's father's house until Appellant asked Erika to go get Shamar to join them. (Tr.161.) Erika testified Shamar was reticent to join them after the accusation he had stolen a bottle of liquor from Appellant, but after Erika suggested perhaps he wanted to apologize, Shamar acquiesced. (Tr.162.)

Erika explained that five or ten minutes after they returned, Appellant brought up the liquor again. (Tr.162.) Erika and Shamar repeatedly asserted they had not taken his bottle. (Tr.162.) Nevertheless, Appellant began yelling, and ultimately his father told all of them—including Appellant—to get out of his house. (Tr.164.) Erika and Shamar decided to leave, but Appellant walked into his father's room first. (Tr.163.) As Erika made her way out of the house, Shamar was already outside, with Appellant close behind. (Tr.163.) Erika explained she then heard a gunshot and ran to see whether Shamar was hurt. (Tr.165.) Realizing Shamar had been shot, Erika ran inside and called 911. (Tr.165.) In her testimony, Erika clarified Shamar was

never physically aggressive toward Appellant, and he never tried to reenter the house once he left. (Tr.166.)

At the close of the evidence, Appellant argued that he was entitled to immunity because he was in imminent fear of bodily harm with Shamar attempting to break into his home. The trial court disagreed, stating that Appellant had failed to meet his burden and the conflicting evidence created a jury question. (Tr.205.) The case proceeded to trial.

At trial, the State presented evidence articulating a similar version of the facts as presented at the immunity hearing. At the close of the State's evidence, Appellant moved for directed verdict, arguing the State failed to present evidence that he had killed Shamar with malice aforethought. (Tr.472.) The trial court denied the motion. (Tr.473.) Appellant called Kimberly Graham, the paramedic who responded to the scene, to testify as to the placement of the body upon her arrival. (Tr.488.) Based on the photographs in evidence, Graham explained Shamar's head was where a pool of blood was with his feet and body facing the door. (Tr.489.) John Davis, a private investigator, testified the pool of blood, where Shamar's head would have been, was six feet, four inches[3] from the door jamb. (Tr.491.) Finally, Appellant testified in his own defense, recounting the story he had presented during the immunity hearing.

The trial court charged the jury on the elements of murder, voluntary manslaughter, and self-defense. (Tr.645–61.) Ultimately, the jury convicted Appellant of voluntary manslaughter and possession of a weapon during the commission of a violent crime. (Tr.664.) The trial court sentenced him to thirty years' imprisonment. (Tr.681.)

[3] Evidence had been presented Shamar was roughly six-feet tall. (Tr.368.)

ARGUMENTS

I.

The trial court properly denied Appellant's request for immunity from prosecution pursuant to the Protection of Persons and Property Act because evidence was presented indicating Appellant brought about the difficulty and the victim was leaving the premises when he was shot.

Appellant contends the trial court abdicated its duty as fact finder in denying the motion for immunity. He accordingly asks this Court to issue an order granting him immunity under the Protection of Persons and Property Act. Appellant misapprehends both the trial court's ruling and the role of this appellate court in its review function.

"A claim of immunity under the Act requires a pretrial determination using a preponderance of the evidence standard, which this court reviews under an abuse of discretion standard of review." *State v. Jones*, 416 S.C. 283, 290, 786 S.E.2d 132, 136 (2016). "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." *Id.* The Court will "not re-evaluate the facts based on its own view of the preponderance of the evidence but simply determines whether the trial court's ruling is supported by any evidence." *State v. Mitchell*, 382 S.C. 1, 4, 675 S.E.2d 435, 437 (2009).

"Consistent with the Castle Doctrine and the text of the Act, a valid case of self-defense must exist, and the trial court must necessarily consider the elements of self-defense in determining a defendant's entitlement to the Act's immunity." *State v. Curry*, 406 S.C. 364, 371, 752 S.E.2d 263, 266 (2013). This includes all elements of self-defense, save the duty to retreat. *Id.* To establish a case of self-defense, the defendant must first establish he is:

> without fault in bringing on the difficulty. Second, the defendant must have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury, or he actually was in

> such imminent danger. Third, if his defense is based upon his belief of imminent danger, a reasonably prudent man of ordinary firmness and courage would have entertained the same belief. If the defendant actually was in imminent danger, the circumstances were such as would warrant a man of ordinary prudence, firmness and courage to strike the fatal blow in order to save himself from serious bodily harm or losing his own life. Fourth, the defendant had no other probable means of avoiding the danger of losing his own life or sustaining serious bodily injury than to act as he did in this particular instance.

State v. Douglas, 411 S.C. 307, 318, 768 S.E.2d 232, 238–39 (Ct. App. 2014).

Appellant claims the trial court committed an error of law by failing to act as a fact finder in stating that the conflicting testimony created a jury question. However, Appellant confuses the nature of the trial court's inquiry as well of the import of its conclusion that Appellant failed to meet his burden of proof. Determining whether the evidence preponderates in favor of immunity requires the trial court to balance the weight of the evidence; if the scales tip in favor of immunity, it will be granted. Here, the trial court concluded the conflicting evidence set the balance either level or possibly tipped in favor of the State—thus holding Appellant failed to meet his burden. The trial court therefore appropriately left to the jury's discretion the ultimate question of whether the weight of the evidence disproved self-defense beyond a reasonable doubt. Further, far from ignoring its responsibility, the trial court also expressly mentioned its duty to consider credibility, explaining to defense counsel that its inquiry was not about counting the number of witnesses offered, but rather "listen[ing] to the testimony, [a]nd mak[ing] it more on credibility." (Tr.202.) Moreover, this conclusion—that the presence of conflicting testimony may be better addressed by the jury—is consistent with our jurisprudence. *See State v. Curry*, 406 S.C. 364, 372, 752 S.E.2d 263, 267 (2013) (upholding trial court's denial of immunity where there was conflicting testimony and noting "Appellant's claim of self-defense presents a

quintessential jury question, which, most assuredly, is not a situation warranting immunity from prosecution").

Appellant additionally requests the Court reweigh the evidence on its own accord and grant him immunity from prosecution in complete disregard of this Court's standard of review. Even assuming arguendo the trial court failed to weigh the evidence, Appellant's request that this Court usurp that discretion and grant immunity is improper. An abuse of discretion for failing to find facts would be a ground to reverse and remand, not an invitation for an appellate court to step in as a fact finder. Therefore, the sole remedy would be to remand and afford the trial court the opportunity to make those credibility determinations. Thus, Appellant's lengthy iteration of his version of the facts ignores the actual legal question involved— whether there is *any* evidence supporting the trial court's denial of immunity. Appellant's discussion fails to acknowledge that Erika's testimony presents an entirely different story indicating not only that Appellant brought about the struggle, but also that he shot Shamar after the altercation ended and Shamar left the house. That Appellant deems this testimony uncorroborated and therefore suspect is immaterial. The trial court properly considered all the evidence as it was offered and concluded Appellant failed to meet his burden. The evidence supports this conclusion. Accordingly, this Court should affirm that decision.

II.

The trial court properly declined to qualify Terry Gainey as an expert based on his lack of experience and training.

Appellant contends the trial court erred in refusing to qualify Gainey as an expert in interrogation and force science, arguing he possessed the requisite training and experience and his testimony was relevant. However, there was no abuse of discretion and further Appellant elicited his desired testimony before the court. The court simply chose not to give that evidence weight in exercising its function as fact finder.

Pursuant to Rule 702 of the South Carolina Rules of Evidence, "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." "Expert testimony is not admissible unless it satisfies all three requirements with respect to subject matter, expert qualifications, and reliability." *Watson v. Ford Motor Co.*, 389 S.C. 434, 446, 699 S.E.2d 169, 175 (2010). "Thus, only after the trial court has found that expert testimony is necessary to assist the jury in resolving factual questions, the expert is qualified in the particular area, and the testimony is reliable, may the trial court admit the evidence and permit the jury to assign it such weight as it deems appropriate." *Id.* at 446–47, 699 S.E.2d at 175. "Whether a witness has qualified as an expert, and whether his opinion is admissible on a fact in issue, are matters resting largely in the discretion of the trial [court]." *Prince v. Associated Petroleum Carriers*, 262 S.C. 358, 365, 204 S.E.2d 575, 579 (1974) (per curiam).

In alleging Gainey possessed the requisite training and experience to be qualified as an expert in interrogation and force science, Appellant points to his twenty years in law enforcement and his attendance of a forty-hour seminar focused on shootings involving law

enforcement. However, Gainey admitted his seminar, which only dedicated one day to cognitive interviewing, did not address situations involving non-officers.[4] (Tr.126.) Further, he did not present other relevant collegiate or post-graduate studies, nor had he ever testified as an expert previously. While often the defects in a witness's qualifications should be left to the jury to consider, the trial court retains the duty to make the threshold determination on the admissibility of the evidence. *State v. White*, 382 S.C. 265, 274, 676 S.E.2d 684, 689 (2009) ("The familiar evidentiary mantra that a challenge to evidence goes to 'weight, not admissibility' may be invoked only after the trial court has vetted the matters of qualifications and reliability and admitted the evidence."). As gatekeeper, the trial court must do more than simply hold the door open as suggested by Appellant. Accordingly, based on this dearth of relevant experience, the trial court did not abuse its discretion in declining to qualify Gainey as an expert.[5]

Further, Appellant suffered no prejudice because he was allowed to elicit the testimony he now complains about not being able to expound. Gainey testified that when interviewing an officer after a shooting, the "golden rule" is to allow "[forty-eight] hours or two good sleep cycles before [initiating the interview]." (Tr.119.) He further claimed this wait time was

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[4] Nevertheless, Appellant posits "it would appear common sense that since police officers know the possibility of having to shoot someone was a real danger . . . research of this 'fragmented memory' reporting [is] equally if not more applicable to [civilians]." (Appellant's Br.23.) However, if this were so, it seems that the training would not be specifically tailored to law enforcement incidents but would represent broader training on how officers should also approach interviews with any suspects. Nothing in his testimony indicated that in his work as a police officer he waited forty-eight hours prior to obtaining a statement from the suspect in a shooting.

[5] Although the trial court did not need to address the reliability of the science given its proper conclusion that Gainey did not have the experience or training required to be qualified as an expert, there was no evidence adduced tending to corroborate the validity of these studies. The basis of Gainey's knowledge on fragmentation was confined to his studies at a seminar hosted by a single company, the Force Science Institute. There was no evidence presented as to the reliability of that research and whether it had been corroborated by other organizations. In fact, it is not an organization without staunch criticism. *See* Matt Apuzo, *Training Officers to Shoot First, and He Will Answer Questions Later*, N.Y. Times, Aug. 1, 2015.

necessary: "[b]ecause of the mind[, which] simply doesn't rest." (Tr.120.) Gainey stated "[a shooting is] a type of event that causes memory fragmentation[a]nd after a couple of sleep cycles you're usually able to consolidate your memories." (Tr.120.) Additionally, he opined that if a person was interviewed thirteen minutes after a shooting, "[his] memory would be completely fragmented" and that person would not be "able to follow that chronological order at that moment [until he has] had that little bit of decompression time." (Tr.120–21.) Accordingly, even if this Court were to find error, no reason exists to remand the case for another immunity hearing, as requested by Appellant. The trial court was well-apprised of the substance of Gainey's testimony and apparently gave it little weight in exercising its discretion to deny immunity.

Based on the foregoing, the trial court did not abuse its discretion in choosing not to qualify Gainey as an expert. Moreover, the trial court actually heard the testimony Appellant seeks to admit and nevertheless refused to grant immunity; therefore, any error was not reversible.

III.

The trial court properly allowed Kimberly Graham to testify that the victim was on the porch when he was shot because it merely echoed her previous unobjected-to statements. Appellant never contended the victim was anywhere other than the porch when shot, therefore Appellant suffered no prejudice from the alleged error.

At trial, Graham, the paramedic who arrived on the scene, testified about the crime scene as a witness for both the State and Appellant. She was qualified without objection as an expert in the field of emergency medical services. (Tr.302.) In discussing the night of the incident, she stated that when she arrived, Erika was on the front porch screaming over Shamar's body. (Tr.305.) When allowed to examine him, Graham observed Shamar was on his back with a gunshot wound above his right eye. (Tr.306.) She further explained his head was mushy and his pupils were nonreactive, which could be attributed to the bullet or his head striking the concrete. (Tr.308.) She stated that based on her observation of the body and the wound, Shamar was standing on the porch when he was shot. (Tr.308.) Appellant objected, stating Graham was not an expert in crime scene reconstruction. The trial court overruled the objection, noting that given the substance of her unobjected-to testimony, Graham could state he dropped right there. (Tr.308.)

Appellant now argues this was reversible error because Graham was not qualified to opine on crime scene reconstruction; therefore, he was prejudiced because "[h]er opinion that the decedent was outside on the porch when he was shot was at minimum [] going to be confusing to the jury." (Appellant's Br.29.) Appellant bases this conclusion on his claim that "[w]here decedent fell, where his head was, were all ripe to be taken out of context to the jury." (Appellant's Br.29.)

It is questionable how this conclusion would not be within the ken of a reasonable juror. Where a man is found on a porch on his back after being shot and no one has indicated he was anywhere different, deducing that the victim was on the porch at the time of the shooting does not require specialized knowledge. It is the logical next step of the facts in evidence. This scenario is therefore inapposite to the facts of the case relied on by Appellant, *State v. Ellis*, 345 S.C. 175, 547 S.E.2d 490 (2001). In *Ellis*, the defendant alleged the victim was off his bicycle and advancing toward him with a knife when the defendant shot the victim in self-defense. *Id.* at 177, 547 S.E.2d at 491. However, the State's expert in crime scene processing opined the victim was still astride his bicycle when he was shot, which the defendant objected to because the expert was not qualified in crime scene reconstruction. *Id.* The Supreme Court found it was error to admit the testimony as it went to the ultimate question of whether the defendant acted in self-defense and was inconsistent with the defendant's recount of the events. *Id.* at 178, 547 S.E.2d at 491.

Here, however, all testimony indicates Shamar was on the porch. It is unclear how Appellant can complain where his own testimony indicates that when he fired the gun, Shamar "was entering the house." (Tr.533.) He never states Shamar "entered" the house; instead, he clarifies that prior to killing him, Shamar was outside. (Tr.531.) Necessarily, if he was not inside the house—and no one claims he was—he must have been on the porch. Although Appellant argues the testimony would be "confusing to the jury" it is hard to fathom what other conclusion the jury could draw. Of course, this testimony could create the inference he had left and the threat was ended, or it could invite the jury to conclude that Shamar was in the act of attempting to unlawfully enter the home and Appellant killed him before he could cross the threshold. Certainly, all the facts, including "[w]here [Shamar] fell[and] where his head was" were all determinations for the jury; however, Appellant himself offered the testimony of

Graham for the purpose of indicating to the jury where Shamar's head was and how his body was oriented upon her arrival on the scene. Moreover, her testimony that Shamar was on the porch when shot is cumulative to the pathologist's testimony that given the nature of his injury, he would have "collapse[d]," which can only be interpreted as meaning he fell where he stood. (Tr.371.) Accordingly, there was nothing improper in Graham's testimony, and to the extent she went beyond the scope of her expertise, Appellant suffered no prejudice.

CONCLUSION

Based on the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

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February 14, 2017

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of General Sessions

W. Jeffrey Young, Circuit Court Judge

Appellate Case No. 2015-001679

THE STATE,

Respondent,

v.

JEFFREY DANA ANDREWS,

Appellant.

PROOF OF SERVICE

I, Angela Bennett, certify that I have served the within Initial Brief of Respondent and Designation of Matter on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

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

I further certify that all parties required by Rule to be served have been served.

This 14th day of February, 2017.

ANGELA BENNETT
Administrative Coordinator
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ALAN WILSON
ATTORNEY GENERAL

February 14, 2017

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RE: State v. Jeffrey Dana Andrews
Appellate Case No. 2015-001679

Dear Mr. Dudek,

I am enclosing two (2) copies of the Initial Brief of Respondent and Designation of Matter in the above-referenced case.

Sincerely,

Ranee Saunders
Assistant Attorney General
Bar # 100073

RS/ab
Enclosures

cc: Honorable Jenny A. Kitchings
Victim Services