STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Court of General Sessions
J. Derham Cole, Circuit Court Judge

Appellate Case No. 2016-001216

THE STATE,

Respondent,

v.

BRITTANY SHAUNTA PEARSON,

Appellant.

INITIAL BRIEF OF RESPONDENT

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ATTORNEYS FOR RESPONDENT

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STATEMENT OF ISSUE ON APPEAL

The trial court properly denied Appellant's motion for immunity under the Protection of Persons and Property Act when she failed to establish by a preponderance of the evidence she was not without fault in bringing on the difficulty or that she reasonably feared for great bodily injury or for her life, and when this case "presents a quintessential jury question, which, most assuredly, is not a situation warranting immunity from prosecution."

STATEMENT OF THE CASE

A Spartanburg County Grand Jury indicted Appellant for murder and possession of a firearm during the commission of a violent crime. (R.* Indictments.) On May 23, 2016, Appellant proceeded to a trial before the Honorable J. Derham Cole and a jury. Thomas Quinn, Esquire, represented Appellant, and Assistant Solicitors Timi Poulos, Russell Ghent, and Grady Anthony represented the State. The jury found Appellant guilty of the lesser included offense of voluntary manslaughter and possession of a firearm during the commission of a violent crime, and Judge Cole sentenced her to twenty-four years' imprisonment for voluntary manslaughter and five years' imprisonment for the weapon offense, to be served concurrently. (Tr. 326, 330–31).

Appellant filed a timely Notice of Appeal and subsequently submitted a Brief in support of her appeal. This Brief of Respondent follows.

STATEMENT OF FACTS[1]

On November 8, 2014, Appellant and Victim, who were living together and in a relationship, attended a baby shower. (Tr. 26, lines 2–8). Everything was going fine that day until Victim grabbed Appellant's butt in front of everyone at the shower and then got upset with the way Appellant, who did not like it, reacted. (Tr. 27, lines 8–16). The incident sparked a verbal argument that continued throughout the day. (Tr. 28, lines 12–16). The couple went out to a bar and grill later that evening and were with another couple who kissed in public. (Tr. 29, lines 5–18). After Victim made a "smart comment," Appellant decided to leave and went out to the parking lot. (Tr. 29, lines 18–25). Appellant tried to leave in her car, but Victim blocked the car and beat on the window until Appellant unlocked the door, let Victim in, and drove home to their apartment. (Tr. 30, lines 2–16). When they reached the parking lot of the complex, Appellant told Victim to get out of the car, pushed her out, and handed her the keys to the apartment. (Tr. 30, lines 17–20; Tr. 215, line 17–Tr. 216, line 16). Victim initially got out of the car but then got back in and started hitting Appellant. (Tr. 30, lines 20–23). Appellant offered no testimony that she told Victim she could not re-enter the car or otherwise prohibited the re-entry of the vehicle they shared.[2] Victim was in the passenger seat on her knees over Appellant, punching her in the head and beating her head into the window. (Tr. 32, lines 4–24). Appellant tried to fend her off by putting her hands up and then reached under the seat for her gun, which she grabbed, cocked, and fired at Victim. (Tr. 33, line 1–Tr. 34, line 4). Appellant then opened the car door, threw the gun out, and called 911. (Tr. 34, lines 19–24). Victim died from a single

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[1]The facts are based solely on Appellant's version of events as presented at the immunity hearing. Unfortunately, Victim could not offer her version because she was killed by Appellant.

[2] While Appellant adamantly denied that she and her girlfriend, Victim, actually shared the car, she did reluctantly admit they rode together in it on the weekends and that Victim sometimes drove the car even though Appellant paid for and owned it. (Tr. 45, line 12–Tr. 46, line 6).

gunshot wound that entered where her collarbone joined her breastplate and came out her lower back. (Tr. 161, lines 10–20). Appellant was arrested and charged with murder and possession of a firearm during the commission of a violent crime and proceeded to trial.

Pretrial, Appellant moved for immunity under section 16-11-440 of the South Carolina Code. (Tr. 20, lines 4–6). The defense called Appellant, who testified as described above about the incident that led to her shooting and killing Victim. On cross-examination, Appellant explained that she had her seat belt on when Victim was punching her and felt like she could not go anywhere and "froze." (Tr. 36, line 25–1). However, when asked if she could have pushed the button to release the seat belt, she admitted she could have. Further, she admitted she could have pulled the latch on the door and pushed it open, rolled into the parking lot, and yelled for help. (Tr. 37, lines 5–20). She also admitted Victim did not have a weapon. (Tr. 38, lines 3–12). She testified that after she reached under the seat for the gun, she put it between them and fired. (Tr. 38, lines 13–22). Defense counsel showed Appellant photographs of her arms and hands taken after the incident and asked about any marks, abrasions, cuts, scratches, or bruises. Other than her arms being red, Appellant acknowledged the absence of any injuries on her arms or hands. (Tr. 40, line 15–Tr. 41, line 25). Similarly, after being shown a photograph, she agreed there were no injuries on her face. (Tr. 42, lines 12–17). Although she claimed at trial that she had a knot on the side of her head, she recalled telling the investigator after the incident that she did not have any injuries she could point to. (Tr. 52, lines 5–16). Appellant testified she cocked the gun as soon as she picked it up from under the car seat and did not tell Victim she had a gun before shooting her. (Tr. 42, line 23–Tr. 43, line 12). She testified she remembered telling an investigator she did not tell Victim to stop hitting her, did not tell her to stop because she had a gun, and did not make any attempt to tell her to back away. (Tr. 51, lines 4–23). She recalled

telling him she was not in so much fear that she felt she had to shoot someone. (Tr. 53, lines 4–7).

Following a lunch recess, the State then called Investigator Christopher Banks of the Spartanburg Police Department to testify as to the voluntariness of Appellant's statement. In testifying about his interview with Appellant, which was conducted at 12:45 a.m. on the night of the shooting, he testified she admitted pushing Victim to get her out of the car. (Tr. 60, line 24–Tr. 62, line 3). He testified he could not see any injuries on Appellant at the time of the interview, nor did she point any injuries out to him. (Tr. 61, lines 7–11). Following Banks' testimony, the trial judge found the statement was freely and voluntarily made and denied Appellant's motion for immunity based on section 16-11-450. (Tr. 63, lines 6–10).

The case then proceeded to trial and the jury ultimately found Appellant guilty of the lesser included offense of voluntary manslaughter and possession of a firearm during the commission of a violent crime. (Tr. 326). The trial court sentenced her to twenty-four years' imprisonment for voluntary manslaughter and five years' imprisonment for the weapon offense, to be served concurrently. (Tr. 330–31).

ARGUMENT

The trial court properly denied Appellant's motion for immunity under the Protection of Persons and Property Act when she failed to establish by a preponderance of the evidence she was not without fault in bringing on the difficulty or that she reasonably feared for great bodily injury or for her life, and when this case "presents a quintessential jury question, which, most assuredly, is not a situation warranting immunity from prosecution."

Appellant contends the circuit court erred in denying her motion for immunity under the Protection of Persons and Property Act (the Act), and specifically, Section 16-11-450(A) of the South Carolina Code. However, the circuit court correctly found Appellant failed to establish by a preponderance of the evidence that she was not without fault in bringing on the difficulty or that she was reasonably in fear of sustaining great bodily injury or for her life. Further, this case presents "a quintessential jury question" regarding Appellant's entitlement to self-defense. As a result, the circuit court did not abuse its discretion in denying Appellant's motion for pretrial immunity and allowing the case to proceed to the jury for consideration under the reasonable doubt standard.

The question of whether a defendant is entitled to immunity under the Act must be decided prior to trial if either party moves for a determination regarding the Act's application to a defendant's case. *State v. Duncan*, 392 S.C. 404, 410, 709 S.E.2d 662, 665 (2011). "[W]hen a party raises the question of statutory immunity prior to trial, the proper standard for the circuit court to use in determining immunity under the Act is a preponderance of the evidence." *Id.* at 411, 709 S.E.2d at 665. The South Carolina Supreme Court has clarified that consideration of immunity under the Act does not require a trial court to accept a defendant's version of the underlying facts. *State v. Curry*, 406 S.C. 364, 371, 752 S.E.2d 263, 266 (2013).

In an appeal from a circuit court judge's pretrial determination regarding a claim of statutory immunity, the appellate court reviews the circuit court judge's ruling for an abuse of discretion. *Curry*, 406 S.C. at 370, 752 S.E.2d at 266. "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. Pittman*, 373 S.C. 527, 570, 647 S.E.2d 144, 166–67 (2007). The abuse of discretion standard does not allow the evidence to be reweighed or allow for a reassessment of the trial court's assessment of witness credibility or lack thereof. *Cf. State v. Mitchell*, 382 S.C. 1, 4, 675 S.E.2d 435, 437 (2009) (equating the "any evidence" standard of review in criminal cases to the abuse of discretion standard of review and emphasizing that, under this standard, the appellate court "does 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").

Pursuant to the Act:

> A person who uses deadly force as permitted by the provisions of this article or another applicable provision of law is justified in using deadly force and is immune from criminal prosecution and civil action for the use of deadly force, unless the person against whom deadly force was used is a law enforcement officer acting in the performance of his official duties and he identifies himself in accordance with applicable law or the person using deadly force knows or reasonably should have known that the person is a law enforcement officer.

S.C. Code Ann. § 16-11-450(A) (2015). The Act also states, "the General Assembly finds that it is proper for law-abiding citizens to protect themselves, their families, and others from intruders and attackers without fear of prosecution or civil action for acting in defense of themselves and others." S.C. Code Ann. § 16–11–420(B) (2015).

The Act further provides:

(A) A person is presumed to have a reasonable fear of imminent peril of death or great bodily injury to himself or another person when using deadly force that is intended or likely to cause death or great bodily injury to another person if the person:

(1) against whom the deadly force is used is in the process of unlawfully and forcefully entering, or has unlawfully and forcibly entered a dwelling, residence, or occupied vehicle, or if he removes or is attempting to remove another person against his will from the dwelling, residence, or occupied vehicle; and

(2) who uses deadly force knows or has reason to believe that an unlawful and forcible entry or unlawful and forcible act is occurring or has occurred.

(B) The presumption provided in subsection (A) does not apply if the person:

(1) against whom the deadly force is used has the right to be in or is a lawful resident of the dwelling, residence, or occupied vehicle including, but not limited to, an owner, lessee, or titleholder

. . . .

(C) A person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be, including, but not limited to, his place of business, has no duty to retreat and has the right to stand his ground and meet force with force, including deadly force, if he reasonably believes it is necessary to prevent death or great bodily injury to himself or another person or to prevent the commission of a violent crime as defined in Section 16-1-60.

(D) A person who unlawfully and by force enters or attempts to enter a person's dwelling, residence, or occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or a violent crime as defined in Section 16-1-60.

S.C. Code Ann. § 16-11-440 (2015) (emphasis added).

In analyzing the interplay between sections 16-11-440 and 16-11-450, the South Carolina Supreme Court explained: "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. This includes all elements of self-defense, save the duty to retreat." *Curry*, 406 S.C. at 371, 752 S.E.2d at 266. The Court further articulated: "[I]mmunity is predicated on an accused demonstrating the elements of self-defense to the satisfaction of the trial court by the preponderance of the evidence." *Id.* at 372, 752 S.E.2d at 267.

As a result, in addition to establishing application of section 16-11-440, Appellant must also establish the elements of self-defense:

> First, the defendant must be 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. Davis, 282 S.C. 45, 46, 317 S.E.2d 452, 453 (1984) (emphasis added). The fourth element of self-defense—the duty to retreat—is excused under the Act if the defendant can establish entitlement to its consideration.

To the extent Appellant argues Victim unlawfully entered the car and, thus, she is entitled to a presumption of reasonable fear under subsection (A) of the statute, nothing in the record demonstrates Victim unlawfully entered the car. The car belonged to Appellant but was shared by the couple and they rode in it together on the day and night of the shooting. This was not a situation where Victim broke into the car unlawfully. Even Appellant's own testimony does not support a conclusion that Victim got back into the car by some unlawful means. Appellant gave no testimony that she tried to lock the doors, drive away, or in any other way prevent Victim

from getting back into the vehicle after she pushed her out. She also failed to testify that she told Victim she had a gun in order to stop the alleged attack. Thus, she is not entitled to any presumption under subsection (A) that would arise in the case of someone "unlawfully and forcibly enter[ing an] occupied vehicle." S.C. Code Ann. § 16-11-440(A) (2015). Finally, the statute itself explains the presumption in subsection (A) does not apply if the person against whom the deadly force is used has the right to be in the occupied vehicle. Appellant, who regularly shared occupancy of the vehicle with Victim, offered no proof Victim did not have the right to be in the vehicle when she was shot. The mere act of pushing her out is not sufficient under the circumstances of this case.

Furthermore, Appellant does not meet the requirements of self-defense and, thus, a grant of immunity under the Act. First, as implicitly found by the trial court, Appellant was not without fault for bringing on the difficulty. Based on her own testimony, and her statement to police, she was engaged in an ongoing verbal dispute as a result of Victim's previous public display of affection and then she pushed Victim out of the car. (Tr. 60, line 24–Tr. 61, line 3; Tr. 215, line 22–Tr. 216, line 17). While she attempted to downplay the pushing by telling the solicitor "it was more like a go type of push," she ultimately agreed she did made physical contact. (Tr. 215, line 17–Tr. 216, line 16). Appellant invites this Court to look at it only from the time she actually grabbed the gun, but that is not the time the difficulty was "brought on." In similar cases, the Supreme Court has looked at the entire event leading up to the violent encounter, not just the shooting itself. In *State v. Dickey*, 394 S.C. 491, 501, 716 S.E.2d 97, 102 (2011), the Court looked at the circumstances prior to Dickey pulling his gun and determined that when he exited the building and stood on the doormat to ensure the trespassers' departure, he was exercising his right to eject trespassers in good faith and that as a matter of law, he was

without fault in bringing about the difficulty. Here, Appellant's pushing Victim out of the car in the heat of their day-long argument, which had escalated in the parking lot of the bar and grill, certainly did not demonstrate being "without fault." Additionally, no good faith attempt was made by Appellant to get Victim to stop punching her, including trying to threaten her to stop by telling her about the gun or displaying the gun to her before firing. Instead, Appellant immediately fired the fatal shot without warning.

Second, Appellant failed to prove she was in actual imminent danger of great bodily injury or death or she actually believed she was in such danger. She argues not only did she believe she was in imminent danger but actually was in such danger. (App.Br.10). She cites *State v. Davis*, 309 S.C. 326, 344, 422 S.E.2d 133, 144 (1992), for the proposition that a hand or fist may be a deadly weapon. However, *Davis* concerned the trial judge's charging the jury that a hand or fist may be considered a deadly weapon. Just because the Court determined the jury charge was proper, the case does not stand for the proposition that anyone assaulted by a hand or fist is in imminent danger of death or great injury. Indeed, *Davis* was a murder case that had nothing to do with immunity or self-defense. The jury charge at issue actually stated: "Under the law of the State of South Carolina, the hand, or fist, of a person is not normally considered a dangerous, or deadly, object, but under some circumstances, a hand, or fist, or a person may be used in such a fashion, or in such a manner, as to constitute a dangerous, or deadly object." *Davis*, 309 S.C. at 343, 422 S.E.2d at 144. It then left the determination up the jury based on the evidentiary record in that case. The circumstances in *Davis* were that the victim was murdered by stangulation; it was not a case about punching and self-defense and it was not a case about granting immunity and preventing a jury from even considering a case. The Court determined that there should be no difference between a jury charge on considering an inanimate object a

deadly weapon and a hand or fist a deadly weapon, "depending upon the manner and means of its use, the wounds inflicted, and other relevant facts." *Id.* at 344, 422 S.E.2d at 144. The Court found that whether Davis had murdered his victim using a heavy object or his hands, a jury charge regarding use of a deadly weapon, in connection with implied malice, was appropriate. Thus, *Davis* has little or no applicability to the case at hand.

The evidence in this case supports the trial court's determination that Appellant failed to demonstrate what was required to be granted immunity, in other words that she was in reasonable fear for her life or of great bodily injury at the time she shot Victim. She did not meet the third element of self-defense, showing that a reasonable person of ordinary firmness or courage would have entertained the same belief or would have reacted in the same manner to save herself from imminent death or great bodily injury. Instead, the evidence indicates—by way of her own testimony—that Appellant could have gotten out of the vehicle and, thus, shooting Victim was not, as argued by Appellant in this appeal, her only option. Additionally, she suffered no apparent injuries as a result of Victim's attack with her fists. The objective evidence presented in this case does not establish Appellant's alleged belief of imminent danger was reasonable. Appellant and Victim were girlfriends and had never had any physical altercations before. (Tr. 206, lines 6–10). Appellant admitted she had been verbally arguing with Victim throughout the day of the incident but it had not become physical. The women were approximately the same size with the exception of Victim possibly weighing ten to fifteen pounds more, according to Appellant's testimony. (Tr. 33, lines 4–10). All of these factors support the trial court's decision.

The circuit court in the instant case did not abuse its discretion in denying Appellant's motion for immunity. This case is similar to the case of *State v. Manning*, 418 S.C. 38, 791

S.E.2d 148 (2016). In *Manning*, the victim, who was an invited guest, and the defendant got into a physical and verbal argument. The victim originally pulled a weapon on the defendant, who was able to take the weapon from the victim. *Id.* at 41, 791 S.E.2d at 149. The defendant then fired when the victim approached him, shooting the victim in the head. At the hearing, the State maintained because the victim was unarmed at the time of the shooting, the defendant was not reasonably in fear of great bodily injury or death at that time. In affirming the denial of immunity, the South Carolina Supreme Court explained: "[T]he victim was unarmed at the time she was shot, meaning we cannot say that the trial judge abused his discretion in denying Respondent immunity under subsection (C)." *Id.* at 45, 791 S.E.2d at 151.

In this case, the physical part of the argument began when Appellant pushed Victim out of the car upon returning to the apartment. (Tr. 60, line 24–Tr. 61, line 3; Tr. 215, line 22–Tr. 216, line 17). Victim then returned to the car, got in, and began physically assaulting Appellant. At the beginning of the altercation, neither person was armed. However, Appellant's gun was under the car sear within reach. Just before the shooting occurred, Appellant became armed, which Victim was not. This fact is not in controversy. In *Manning*, the Supreme Court held the trial court did not abuse its discretion in denying immunity when one party was armed, and the other was not, regardless of the other facts presented. The instant case does not present the same level of apprehension experienced by the defendant in *Manning*, who disarmed his girlfriend of the gun originally pointed at him. Here, Victim was never armed, never drew or presented a weapon, and never threatened Appellant with a weapon. The only party ever armed in this altercation was Appellant, and she never used the gun as a deterrent, but instead immediately fired without warning. The trial court correctly determined Appellant was not entitled to immunity under the Act. Or at least, as in *Manning*, this Court cannot say the trial judge abused

his discretion in denying Appellant immunity. She was not reasonably in danger of losing her life or sustaining great bodily injury at the time of the shooting, especially in light of the fact that she was the person who had access to and eventually held the only gun. This conclusion is only heightened given the lack of injuries to Appellant, as testified to by Investigator Christopher Banks of the Spartanburg Police Department and as shown in photographs, which even Appellant herself admitted showed no injuries. (Tr. 61, lines 7–11; Tr. 40, line 15–Tr. 41, line 25; Tr. 42, lines 12–17; Tr. 52, lines 5–16). As a result, the circuit court did not err in denying Appellant's motion for immunity.

Further, Appellant's reliance on *State v. Douglas*, 411 S.C. 307, 768 S.E.2d 232 (Ct. App. 2014), is misplaced. The facts and circumstances of this case are clearly distinguishable from *Douglas* because there the victim taunted the defendant by refusing to give him back a bottle of prescription medicine. When the defendant yelled at the victim, the victim "snapped." The victim grabbed the defendant and threw him up against the refrigerator, causing Douglas to hit his head. *Id.* at 313, 768 S.E.2d at 236. The victim held him there until the defendant felt his knees buckle underneath him. When the victim released the defendant, Douglas fell on the floor and hit his head again. The victim then got on top of the defendant and struck him in the eye. Douglas told the victim several times to leave him alone and to leave his house, but the victim refused. After biting the defendant in the leg, the victim went into the dining room and started laughing. The victim advanced on Douglas and "looked like a man possessed." The defendant was "terrified" and fired a shot killing the victim. *Id.* at 314, 768 S.E.2d at 236. The circuit court in *Douglas* found by a preponderance of the evidence that (1) the defendant reasonably believed shooting the victim was necessary to prevent great bodily injury to himself, and (2) Douglas acted in self-defense. This Court explained: "The evidence supports these findings. [Douglas]

presented several photographs showing severe bruising on [his] upper arms, a black eye, a scraped knee, and several marks on his legs and chest." *Id.* at 319, 768 S.E.2d at 239. By comparison, the lack of injuries here is starkly different.

As demonstrated in the analysis above, it is clear our Legislature intended to significantly restrict when to grant pretrial immunity where a person has used deadly force. This intent is further supported when considered in the context of the principles of self-defense upon which it is founded. Prosecutors are already imbued with broad discretion to decline to prosecute where they determine the circumstances of the case do not merit pursuit of criminal charges. *Ex parte Littlefield*, 343 S.C. 212, 218-19, 540 S.E.2d 81, 84 (2000). Also, individuals may avail themselves of the common law Castle Doctrine and the common law defenses of habitation, of others, and self-defense in the event of a trial. Granting an individual immunity from prosecution rather than letting a jury determine whether the State has disproven self-defense beyond a reasonable doubt is an extreme result and should occur only in circumstances where a defendant has carried his burden of proof as to each and every aspect of the Act. Contrary to Appellant's assertion, any other result would be absurd and would lead to a society akin to the Wild West, where an individual in an altercation can shoot first and, if he kills another person, attempt to justify his actions by giving self-serving facts which cannot be contested by the person who has been killed. Even if immunity is denied, a defendant may still be able to rely on self-defense before the jury. Thus, a pretrial denial of immunity does not eliminate the presumption of innocence or the State's high burden of proof for a criminal conviction. Here, the trial court properly denied Appellant's request for immunity, and that ruling should be affirmed. *See Duncan*, 392 S.C. at 411, 709 S.E.2d at 665 (affirming the pretrial ruling on immunity because there was evidence to support the trial court's findings).

CONCLUSION

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

Respectfully submitted,

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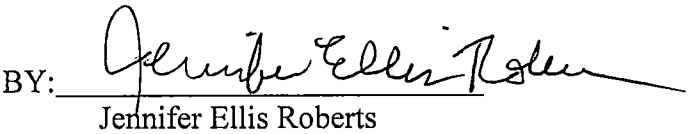
BY: 
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June 7, 2017

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Court of General Sessions
J. Derham Cole, Circuit Court Judge

Appellate Case No. 2016-001216

THE STATE,

Respondent,

v.

BRITTANY SHAUNTA PEARSON,

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:

Lara M. Caudy, 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 7th day of June, 2017.

Anne Mueller

ANNE MUELLER
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ALAN WILSON
ATTORNEY GENERAL

June 7, 2017

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

RE: State v. Brittany Shaunta Pearson
Appellate Case No. 2016-001216

Dear Ms. Caudy:

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

Sincerely,

Jennifer Ellis Roberts
Assistant Attorney General
Bar # 79818

JER/ab
Enclosures

cc: Honorable Jenny A. Kitchings (original and one enclosed)
Victim Services