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 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Larry B. Hyman, Circuit Court Judge

RECEIVED

JUL 05 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

NELSON HERCULES CASTRO,

APPELLANT

APPELLATE CASE NO. 2016-002159

RECORD ON APPEAL

LARA M. CAUDY
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
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ATTORNEYS FOR RESPONDENT

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1 State of South Carolina) Court of General Sessions
 2 County of Horry) 2010-GS-26-00445

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5 State of South Carolina)
 6 vs.) Transcript of Record
 7 Nelson Castro)

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ORIGINAL

October 13, 2016
 Conway, South Carolina

10

11

BEFORE:

12

Honorable Larry B. Hyman, Judge.

13

APPEARANCES:

14

Scott A. Graustein, Esq.
 Assistant Solicitor
 Attorney for the State

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Jefferson M. Long, III, Esq.
 Public Defender

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Attorney for the Defendant

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Teresa J. F. Bautz, RPR
 Official Court Reporter

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E X H I B I T S

NO.	DESCRIPTION	ID	EV
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4	No exhibits submitted.		
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1 (The hearing commenced at approximately
2 10:20 a.m.)

3 NELSON CASTRO, after being duly sworn, testified
4 as follows:

00:01:26

5 MR. GRAUSTEIN: Your Honor, this is the matter of
6 the State versus Nelson Castro, Indictment
7 2010-GS-26-0445. It is back before you on a PCR for
8 resentencing. If I may just briefly go through --

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00:01:43

9 THE COURT: Okay.

00:01:44

10 MR. GRAUSTEIN: -- the procedural history. The
11 Defendant was tried and convicted on April 8th, 2010,
12 for trafficking cocaine, 28 to 100 grams, first
13 offense.

00:01:46

00:01:51

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00:01:58

14 THE COURT: And that range was, that sentencing
15 range?

00:02:01

00:02:02

16 MR. GRAUSTEIN: Sentencing range was 7 to 25
17 years.

00:02:04

00:02:04

18 THE COURT: Okay, all right.

00:02:05

19 MR. GRAUSTEIN: He was sentenced, Your Honor
20 sentenced him following that conviction to 15 years
21 incarceration. The State dismissed some associated
22 warrants following the trial and sentencing. Then in
23 June, on June 17th of 2010, the matter came before you
24 on Defendant's motion to reconsider his sentence.

00:02:08

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25 After filing the motion, Your Honor found based on

00:02:34 1 the totality of the circumstances, the nature of the
00:02:37 2 evidence, the video evidence, and the overwhelming
00:02:40 3 evidence, that he denied the Defense motion. And it is
00:02:44 4 now back before you on a PCR for --

00:02:48 5 THE COURT: All right. This is the one that they
00:02:51 6 reversed, or what was the grounds? Was the grounds for
00:02:56 7 PCR because?

00:02:57 8 MR. GRAUSTEIN: I believe it was some statements
00:03:00 9 that --

00:03:01 10 THE COURT: Made during an arraignment?

00:03:04 11 MR. GRAUSTEIN: -- were made during the
00:03:04 12 sentencing, yes, Your Honor.

00:03:05 13 THE COURT: Okay, all right. Let me hear from
00:03:06 14 Mr. Long.

00:03:08 15 MR. LONG: Thank you, Your Honor. I believe the
00:03:12 16 solicitor's recitation is correct. It was sent back on
00:03:15 17 a PCR because Mr. Diggs did not object to Your Honor
00:03:20 18 making some comments about having put the State through
00:03:22 19 all the trouble and expense of a trial, etcetera, and
00:03:25 20 the sentence of the Court is 15 years. And I think
00:03:27 21 they said he should have objected saying that was
00:03:30 22 improper to consider that as a terms of sentencing.

00:03:33 23 I'm a little confused about the legal
00:03:37 24 ramifications of that, because everybody knows that
00:03:39 25 when somebody claims responsibility, that that is a

00:03:43 1 factor or downward departure that's used to lessen the
00:03:47 2 sentence.

00:03:48 3 THE COURT: Well, it is in the federal system. In
00:03:50 4 the state system the Court has looked at it from the
00:03:53 5 standpoint of saying essentially that it chills a
00:04:00 6 defendant's right to trial, that a defendant should not
00:04:04 7 be punished. And let me say where I was coming from
00:04:14 8 with that.

00:04:16 9 Mr. Castro, I think most of those -- or that
00:04:20 10 statement was made during your arraignment. The State
00:04:24 11 had made, I think, like a five-year offer --

00:04:28 12 MR. GRAUSTEIN: Seven-year offer, Your Honor.

00:04:30 13 THE COURT: -- that involved a reduction of
00:04:34 14 charges and several other things. And I generally give
00:04:41 15 great deference to a recommendation by the State.

00:04:46 16 And I'll tell you why I do that. Whenever a
00:04:51 17 person comes before me for a plea, the State's under no
00:04:56 18 obligation to really put up any evidence in the form of
00:05:01 19 witnesses. The State does have to establish a factual
00:05:04 20 basis, of course, for the plea. But that's usually
00:05:08 21 done simply by a recitation of relevant facts or what
00:05:17 22 the State might attempt to plea.

00:05:21 23 But the position that a judge is put in whenever
00:05:24 24 he accepts a plea is to accept the solicitor and the
00:05:30 25 attorney's statement or opinions concerning a person's

00:05:41 1 culpability, a person's involvement in an offense. I,
00:05:48 2 like any other judge, and I think I said it several
00:05:51 3 times, do not, do not, consider the fact that a person
00:05:57 4 may have exercised his constitutional right to a jury
00:06:02 5 trial as an adverse factor in sentencing.

00:06:10 6 However, the risk that you run when you go to
00:06:15 7 trial is that the trial judge then actually hears,
00:06:22 8 actually hears the evidence against you, he has an
00:06:28 9 opportunity to hear the witnesses who have testified,
00:06:36 10 has an opportunity to make his own judgment concerning
00:06:42 11 criminal culpability, involvement, the factors that
00:06:49 12 should be considered in a sentencing.

00:06:52 13 And I will tell you, after having heard trials, I
00:06:58 14 personally have given less than what the solicitor had
00:07:06 15 offered based upon my view of what would be an
00:07:10 16 appropriate sentence. I have given more, I have given
00:07:15 17 exactly the same. The risk involved in going to trial
00:07:20 18 is you put the judge in exactly that position of having
00:07:25 19 to make a determination of what will be appropriate
00:07:33 20 after hearing things that he would not normally have
00:07:38 21 heard during a plea.

00:07:42 22 Not that the solicitor or that the defense
00:07:46 23 attorney would hold anything back in a plea, I'm not
00:07:50 24 suggesting that. I'm simply suggesting that the judge
00:07:54 25 is pretty much at the mercy of their personal opinions

00:07:59 1 of what would be an appropriate sentence. Of course,
00:08:03 2 the judge is not bound by that, he may change it. But
00:08:07 3 you have limited access to information as compared to
00:08:13 4 what you would see if you went to a trial.

00:08:18 5 And that was what I was referencing whenever I
00:08:22 6 stated that in your arraignment that I was willing to
00:08:26 7 accept it. Did not know whether I would do that in a
00:08:32 8 trial. May have given you less, may have given you
00:08:36 9 more, may have given you the same thing. But it had
00:08:39 10 nothing to do with your right to exercise your trial.

00:08:44 11 Now, after that trial, you were looking at 25
00:08:48 12 years. What was he convicted -- was he tried just on
00:08:56 13 the trafficking?

00:08:57 14 MR. GRAUSTEIN: Just on the trafficking.

00:08:58 15 THE COURT: He was tried just on the trafficking,
00:09:00 16 but there were many other charges.

00:09:02 17 MR. GRAUSTEIN: Yes.

00:09:02 18 THE COURT: And of course they were not before the
00:09:07 19 Court, and that's of no concern to me. However, as I
00:09:12 20 recall, there was substantial evidence of your guilt
00:09:19 21 during that trial. And I imposed a mid range sentence.
00:09:25 22 I think I made that clear during my -- during the
00:09:33 23 resentencing hearing.

00:09:35 24 Now, that was -- that is my position on
00:09:38 25 sentencing. I want you to be very clear, you don't

00:09:43 1 punish people for exercising a right to trial.
00:09:48 2 Mr. Long is absolutely correct. In the federal system
00:09:56 3 whenever sentencing is calculated under their
00:09:59 4 guidelines, there's always two points given for
00:10:05 5 acceptance of responsibility. It's not the case here.
00:10:08 6 You have a right to a jury trial, and you were not
00:10:12 7 punished for that.

00:10:15 8 But Mr. Long, let me hear from you further.

00:10:18 9 MR. LONG: Thank you, Your Honor. I noticed from
00:10:18 10 reading or reviewing the transcript at the time of
00:10:20 11 sentencing that personal information concerning
00:10:23 12 Mr. Castro was not presented to you, prior record,
00:10:26 13 things of that nature. And I did want to let you know
00:10:29 14 who he is as a person.

00:10:31 15 THE COURT: Tell me about that.

00:10:32 16 MR. LONG: Thank you, Your Honor. He's 35 years
00:10:34 17 old. He was born and raised in El Salvador until he
00:10:38 18 was aged 15. His father, I believe, was here working,
00:10:43 19 and he alone came from El Salvador here, found his
00:10:47 20 family, started working.

00:10:49 21 He did go through the twelfth grade. He didn't
00:10:52 22 complete the twelfth grade, but he dropped out because
00:10:54 23 he started working. He has worked pretty much all his
00:10:59 24 adult life since he was age 17, he was working while he
00:11:02 25 was in high school. He is single, but he does have one

00:11:06 1 son, age six. And his girlfriend was pregnant with
00:11:11 2 that son at the time of trial.

00:11:13 3 I don't recall how much time he had in as of the
00:11:16 4 date of the trial. I would imagine he most likely
00:11:20 5 would have been in custody for that, and I don't know
00:11:23 6 whether he actually received credit for time served.

00:11:26 7 Your Honor, he tells me he has one simple
00:11:29 8 possession of marijuana conviction in 2003. Other than
00:11:32 9 that, there's no prior drug convictions or record or
00:11:37 10 anything of that nature. He's been in jail since
00:11:44 11 conviction over six years. And he understands, we all
00:11:48 12 understand, this is an 85 percent crime. And he will
00:11:52 13 have to continue to serve another seven, eight years or
00:11:57 14 more on the 15-year sentence that Your Honor imposed.

00:12:02 15 He is not a legal immigrant here. It is my
00:12:07 16 understanding that following service of his sentence
00:12:10 17 that he will be subject to deportation because he was
00:12:14 18 -- he got here alone when he was 15. And it just seems
00:12:20 19 unnecessary maybe, I'm looking at a crystal ball that's
00:12:23 20 not going to come true. But to forestall that process
00:12:28 21 occurring after we keep him incarcerated for 15 years
00:12:31 22 or 85 percent of 15 years is not -- no good for him,
00:12:37 23 that's not our concern, no good for us and the citizens
00:12:40 24 of the state.

00:12:42 25 THE COURT: Well, in that regard, is there an ICE

00:12:44 1 hold on him?

00:12:45 2 MR. LONG: I do not know, Your Honor. 15-year
3 sentence.

00:12:47 4 MR. GRAUSTEIN: I don't think so, but since -- I
00:12:49 5 think the policies at ICE have changed significantly
00:12:52 6 since.

00:12:52 7 THE COURT: They have.

8 MR. GRAUSTEIN: Yes, sir.

00:12:53 9 THE COURT: Mr. Solicitor, what was the original
00:13:02 10 offer that was made?

00:13:06 11 MR. GRAUSTEIN: What we ended up, we actually
00:13:11 12 offered him to plead on numerous charges, to plead to
00:13:16 13 seven years on a trafficking first offense, actually
00:13:20 14 two counts of trafficking, offered seven years.

00:13:24 15 THE COURT: I thought it was five.

00:13:26 16 MR. GRAUSTEIN: No, it wasn't. Seven years was
00:13:26 17 the minimum.

18 THE COURT: Seven?

00:13:27 19 MR. GRAUSTEIN: For the weight of the 28 to 100
00:13:31 20 was the minimum.

00:13:31 21 MR. LONG: It was the same level trafficking, but
00:13:33 22 they offered him the...

00:13:33 23 THE COURT: And that was to -- also involved a
00:13:37 24 dismissal of --

25 MR. GRAUSTEIN: Yeah.

00:13:41 1 THE COURT: A disposal of all charges?

00:13:42 2 MR. GRAUSTEIN: Yes, that would have resolved all
00:13:44 3 of his pending charges. Ultimately what happened
00:13:50 4 was --

00:13:50 5 THE COURT: I'm sure he potentially still has
00:13:53 6 those charges on him; doesn't he?

00:13:55 7 MR. GRAUSTEIN: Well, we dismissed those in part
00:13:57 8 based on the sentence that you imposed, Your Honor. We
00:14:00 9 dismissed the pending charges, did not see the benefit
00:14:02 10 for the State to proceed on separate trials.

00:14:06 11 THE COURT: But you could have.

00:14:07 12 MR. GRAUSTEIN: We could have, yes, Your Honor.

00:14:09 13 And I would point out, Your Honor, that he was
00:14:12 14 convicted in a trial. Evidence was that he had 83
00:14:16 15 grams, that he sold 83 grams to a confidential
00:14:20 16 informant. And that was all captured on video. And 83
00:14:23 17 grams, that's at the upper -- that's the upper limit or
00:14:28 18 approaching the upper end of whatever --

00:14:30 19 THE COURT: Of the hundred?

00:14:31 20 MR. GRAUSTEIN: Of the 28 to a hundred.

00:14:34 21 THE COURT: And if it had been over a hundred, the
00:14:37 22 potential sentence would have been?

00:14:38 23 MR. GRAUSTEIN: Mandatory 25 years, Your Honor.

00:14:40 24 THE COURT: Mandatory 25 years. How much time has
00:14:45 25 he served?

00:14:48 1 MR. LONG: How much time did you have before
00:14:49 2 trial?

00:14:49 3 THE DEFENDANT: Altogether I been six, I believe,
00:14:53 4 ten months.

00:14:55 5 MR. LONG: Six years and ten months --

00:14:57 6 THE DEFENDANT: Nine months.

00:14:58 7 MR. LONG: -- that he served to date.

00:14:59 8 THE COURT: Well, I think the sentence is
00:15:01 9 appropriate, and I'm going to deny the resentencing,
00:15:05 10 okay. Or I'm going to sentence him -- I'm going to
00:15:06 11 resentence him --

00:15:08 12 THE DEFENDANT: Your Honor, may I speak before --

00:15:10 13 THE COURT: I'm sorry, I did not know you wanted
00:15:12 14 to speak, Mr. --

00:15:16 15 THE DEFENDANT: I did, Your Honor. Your Honor,
00:15:19 16 back in 2007 I was set up five times by a confidential
00:15:24 17 informant. And while he was setting me up, he was also
00:15:29 18 selling me drugs while he was setting me up. He's the
00:15:32 19 reason why I did not plead guilty to the charges,
00:15:34 20 because he was coming to my house to videotape me while
00:15:42 21 the police was there. But then he would call me and
00:15:44 22 sell me drugs while the police was not around. And
00:15:47 23 that's the reason why I did not plead guilty to it.
00:15:50 24 And then my lawyer told me that --

00:15:52 25 THE COURT: Well, that's certainly not a defense.

00:15:54 1 THE DEFENDANT: It's not. But it just -- I didn't
00:15:57 2 know what to do, you know, because he was selling me
00:16:01 3 drugs, you know, while the police was not around.

00:16:03 4 THE COURT: Well, as I recall, there were several
00:16:05 5 buys; were there not?

00:16:07 6 MR. GRAUSTEIN: Yes. And that's what led to all
00:16:09 7 of the separate charges.

00:16:10 8 THE DEFENDANT: Those are the ones -- those are
00:16:11 9 the five charges from 2007. The one I been serving
00:16:15 10 time for is the one alone 2009. The guy in 2009, he
00:16:20 11 was the same way. He was selling drugs before and
00:16:25 12 after he --

00:16:26 13 THE COURT: Well, were there 2007 and 2009
00:16:29 14 charges? I'm confused now.

00:16:31 15 MR. GRAUSTEIN: Let me look, Your Honor.

00:16:33 16 THE DEFENDANT: Yes. The charges -- the pending
00:16:35 17 charges, the ones that he dismissed, those are the ones
00:16:39 18 from 2007.

00:16:41 19 MR. GRAUSTEIN: Your Honor, it appears, and I'm
00:16:42 20 just going based on warrant numbers, is that these were
00:16:48 21 all in a very close proximity in time.

00:16:52 22 THE COURT: Well, did you have another set of
00:16:54 23 charges in 2007?

00:16:55 24 THE DEFENDANT: Yes, those are -- they were
00:16:57 25 different from the one I went in prison for, the one

00:17:00 1 from --

00:17:00 2 THE COURT: What happened in -- where were the
00:17:02 3 2007 charges, where were they; were they here?

00:17:05 4 THE DEFENDANT: Those are the ones that they
00:17:08 5 brought up on 2009 charge. And they say if I plead
00:17:11 6 guilty to the one from 2009, that they will dismiss all
00:17:14 7 those five charges. And the reason, because my lawyer
00:17:18 8 and his paralegal kept on telling me --

00:17:20 9 THE COURT: Well, see, that was what I recall, was
00:17:25 10 that they were going to dismiss a bunch of charges that
00:17:27 11 you had on your plea.

00:17:32 12 MR. GRAUSTEIN: That's correct, Your Honor.

00:17:32 13 THE DEFENDANT: Yes.

00:17:33 14 MR. GRAUSTEIN: We were going to have -- he was
00:17:34 15 going to -- we were offering him to plead to two counts
00:17:42 16 of trafficking. He had one, two -- he had five
00:17:47 17 warrants for trafficking at different weight levels.
00:17:52 18 But he had five and a PWID, and we were asking him to
00:17:57 19 plead to two of those and dismiss all of them.

00:18:05 20 THE DEFENDANT: Yes, that's right, Your Honor.
00:18:06 21 And my lawyer kept telling me that the charges should
00:18:08 22 have been dismissed because of Fourth Amendment
00:18:13 23 violation. It was Fourth Amendment violation by
00:18:17 24 sending that confidential informant inside my house
00:18:20 25 without a warrant.

00:18:21 1 And I also did not plead guilty because they did
00:18:24 2 not find anything in my house. So I didn't know if,
00:18:29 3 you know, by me going -- I was going to -- going to
00:18:32 4 trial, I feel like I should have went to trial because
00:18:38 5 they did not find anything in my house. They didn't
00:18:40 6 find no drugs at all.

00:18:42 7 THE COURT: But they had you on sales.

00:18:44 8 THE DEFENDANT: I know, Your Honor. The last
00:18:46 9 video --

00:18:47 10 THE COURT: And they were videotaped sales.

00:18:49 11 THE DEFENDANT: Yes. The one 2009 --

00:18:51 12 MR. GRAUSTEIN: Yeah. Yes, there were, yes. It
00:18:52 13 was videotaped, Your Honor.

14 THE DEFENDANT: 2009.

00:18:53 15 MR. GRAUSTEIN: I think the videotape showed that
00:18:56 16 the drugs were brought while the CI was there. So it
00:19:01 17 was brought by one person who delivered it to
00:19:03 18 Mr. Castro.

00:19:04 19 THE DEFENDANT: I did not see the evidence -- 2009
00:19:06 20 charge, I did not see the evidence until I walked into
00:19:08 21 trial. I did not see the video at all before.

00:19:11 22 THE COURT: That's not necessarily before me. I'm
00:19:14 23 here for a resentencing on a conviction by jury.

00:19:20 24 THE DEFENDANT: I know, Your Honor. And I have
00:19:22 25 learned my lesson. I been -- I been through hell in

00:19:25 1 prison, I been through it all. I have problem
00:19:29 2 breathing now because I was jumped in there, I was beat
00:19:32 3 up so bad. And now I learned my lesson and I feel like
00:19:37 4 I had learned my lesson a long time ago.

00:19:40 5 And I need to go home because my son, he's
00:19:43 6 almost -- he's over six years old now, and I haven't
00:19:47 7 met him yet. Because my girlfriend couldn't come see
00:19:51 8 because she didn't have a social security card, and she
00:19:53 9 wasn't approved for visitation. And I need to go out
00:19:57 10 there and take care of my son, my only son I have.

00:20:00 11 And I need to go out there and be the kind of man
00:20:03 12 that I was destined to be. I am tired of being in
00:20:06 13 prison, and I think I deserve a second chance. I think
00:20:10 14 we all do.

00:20:11 15 THE COURT: Well, I think that I sentenced you mid
00:20:16 16 range. There was significant evidence of your guilt,
00:20:21 17 the jury has made a finding. You were looking at a
00:20:25 18 25-year sentence, I gave you a 15-year sentence. Based
00:20:29 19 on the facts and circumstances of the case, I think
00:20:34 20 that was an appropriate sentence after I heard the
00:20:37 21 evidence and your involvement, I learned of your
00:20:42 22 involvement. And that will be my sentence today, 15
00:20:45 23 years. Thank you.

00:20:47 24 MR. GRAUSTEIN: Thank you, Your Honor. I'll
00:20:49 25 prepare an order.

00:20:49

1

THE COURT: Thank you.

00:20:50

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(The hearing concluded at approximately

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10:41 a.m.)

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(End of Transcript of Record.)

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
) OF THE FIFTEENTH JUDICIAL CIRCUIT
 COUNTY OF Horry) INDICTMENT #: 2010GS2600445
) WARRANT #: J323654
 STATE OF SOUTH CAROLINA) CASE #: 09H03565
)
 VS.) RESENTENCING ORDER
)
 NELSON HERCULES)
 CASTRO)
)
 DEFENDANT,)
)
)

RECEIVED
 OCT 21 2016
 SC Court of Appeals

FILED
 Horry County
 2016 OCT 19 AM 11:45
 MELANIE K...
 CLERK OF COURT

On April 8, 2010, the Defendant was sentenced, after being convicted at trial on the charge of Trafficking in cocaine (28 – 100 grams), warrant number J323654, to 15 Year by the undersigned judge. The undersigned judge heard defendant’s motion to reconsider his sentence on June 17, 2010; the Court denied defendant’s motion citing the overwhelming nature and types of evidence presented at trial. Following defendant’s Post Conviction Relief motion, this matter was remanded to the trial court for resentencing by the S.C. Court of Appeals.

A hearing regarding the defendant’s resentencing was held on October 13, 2016 before the undersigned judge. Present at the hearing were the defendant; his attorney, J.M. Long, III; and Scott A. Graustein representing the State. After hearing from the parties, I find:

At trial, the State presented overwhelming evidence of the defendant’s guilt, to include, videotape evidence showing the nature of the defendant’s culpability;

At trial, the State proved that the defendant trafficked in excess of 83 grams of cocaine, this being an amount toward the upper limit for the charge the defendant was convicted of;

That, given the overwhelming nature of the evidence presented at trial, the amount of cocaine the was trafficked by the defendant and the totality of the circumstance presented at trial, the sentence originally imposed was appropriate.

IT IS THEREFORE ORDERED that Nelson Hercules Castro be sentenced to incarceration in the South Carolina Department of Corrections for a term of Fifteen (15) Years.

AND IT IS SO ORDERED.

Date: _____
 CONWAY, SOUTH CAROLINA

 LARRY B. HYMAN

Melanie King...
 CLERK OF COURT
 Horry County

2016 OCT 19 AM 11:45

CERTIFIED COPY

DOCKET NO. 2010-GS-26-445

FILED
HORRY COUNTY
2016 OCT 19 AM 11:46
MELANIE MURKINS-WARD
CLERK OF COURT

G

The State of South Carolina
County of Horry

Scott A. Graustein 08H03565

COURT OF GENERAL SESSIONS

JANUARY, 2010 TERM

WITNESSES
Joe Necessary 15th Circuit Drug Enforcement Unit

ARREST WARRANT NUMBER
J323654
CDR: 2359 44-53-0370(e)(2)(b)1
DOA: 8/28/2009

ACTION OF GRAND JURY
TRUE BILL

Martha P
Foreperson of Grand Jury
Date: 1-21-10

VERDICT

Foreperson of Petit Jury
Date:

THE STATE

vs.

Nelson Hercules Castro H/ M
Myrtle Beach SC 29577
DOB:
SSN:

ATTORNEY: Floyd, W. Thomas

Indictment for
TRAFFICKING COCAINE (28-100 GRAMS)

J. Gregory Hembree, Solicitor

RECEIVED

OCT 21 2016

SC Court of Appeals

Melanie Murkins-Ward
CLERK OF COURT
HORRY COUNTY

2016 OCT 19 AM 11:46

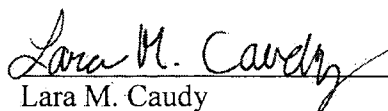
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CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for Appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
P.O. Box 11589
Columbia, S.C. 29211-1589

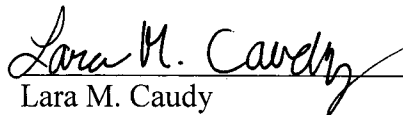
ATTORNEY FOR APPELLANT

This 5th day of July, 2017.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for Appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

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ATTORNEY FOR APPELLANT

This 5th day of July, 2017.

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