STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Chester County

The Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

Respondent,

v.

J.C. BOWLER,

Appellant.

Appellate Case No. 2017-001115

INITIAL BRIEF OF RESPONDENT

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ATTORNEYS FOR RESPONDENT

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APPELLANT'S STATEMENT OF ISSUE ON APPEAL

I. Whether the trial court erred and abused its discretion in refusing to sever the charge of pointing and presenting a firearm from the charge of murder because the charges did not arise out of a single chain of circumstances, were not provable by the same evidence, and the pointing and presenting charge was prejudicial as it showed criminal propensity?

RESPONDENT'S COUNTERSTATEMENT OF ISSUE ON APPEAL

I. Was the trial court within its discretion in consolidating the presenting the firearm charge and the murder charge because both crimes arose from the same course of conduct; were related in time, location, and nature; required overlapping evidence; and did not prejudice the defendant?

STATEMENT OF THE CASE

J.C. Bowler ("Appellant"), was indicted by the Chester County grand jury during the December 2010, term on charges of pointing and presenting a firearm (2010-GS-12-733) and murder (2010-GS-12-734). (Tr. p. 4, ll. 5-9). At trial, Appellant was represented by Justin Jones, Esq. and William Frick, Esq. Assistant Solicitors Candice Lively, Esq. and Randy Newman, Esq. prosecuted the case on behalf of the Sixth Circuit Solicitor's Office. Both charges were tried before the Honorable Brian Gibbons, April 24th – 28th, 2017. (Tr. p. 1). At the conclusion of the trial the jury found Appellant guilty of both pointing and presenting and murder. (Tr. p. 376, l. 6 – p. 377, l. 2). Following the conviction, Judge Gibbons sentenced Appellant to five years for the pointing and presenting charge and to life for the murder charge. (Tr. p. 383, l. 15 – p. 384, l. 8). Appellant filed a timely Notice of Appeal. Robert Pachak Esq., with the Division of Appellate Defense, submitted Appellant's Initial Brief on November 30, 2017. This Brief of Respondent follows.

RESPONDENT'S STATEMENT OF THE FACTS

On September 8, 2010, Appellant had been embroiled in a heated dispute with his girlfriend when her mother arrived at the couple's home to visit Appellant's and Girlfriend's baby. (Tr. p. 180, ll. 13-24). The argument centered on Appellant's failure to pay the power bill. (Tr. p. 180, l. 16-19). Upon arrival the mother became engaged in the dispute as well; whereupon Appellant went upstairs, retrieved a handgun, and threatened the mother. (Tr. p. 185, l. 2 – p. 187, l. 9). At that time, the mother was holding Appellant's child. (Tr. p. 189, ll. 17-19). Appellant was talked down by several family members, at which point he left the home. (Tr. p. 189, ll. 13-16; tr. p. 182, ll. 9-11). Girlfriend's mother reported hearing a gunshot outside immediately after he departed. (Tr. p. 190, ll. 19-22).

Thereafter, Appellant met up with several friends who drove him to Rock Hill to meet up with some female acquaintances. (Tr. p. 118, l. 1 – p. 119, l. 7; tr. p. 135, ll. 2-5). While there the Appellant consumed several alcoholic beverages. (Tr. p. 119, ll. 8-11). Appellant and his friends then returned to Chester and proceeded to a local grocery store. (Tr. p. 120, l. 9-25). At the store Appellate happened across the victim, Farris Wray. (Tr. p. 122, ll. 9-15). Wray had been living in Rock Hill for some time but had returned to Chester for his 25th birthday. (Tr. p. 91, ll. 6-13). Appellant and Wray had had a tenuous, yet emotional, history prior to this September 8, encounter. (Tr. p. 179, ll. 10-19). Appellant's girlfriend had once been in a relationship with Wray, and the two shared a child that resided with her and Appellant. (Tr. p. 178, l. 22 – p. 179, l. 5). In addition, Appellant's girlfriend had maintained contact with Wray, despite her ongoing relationship with Appellant. (Tr. p. 179, ll. 6-13). She testified at trial that this caused discord between Appellant and Wray. (Tr. p. 179, ll. 10-13). However, she said despite the ongoing contact, they were never friends. (Tr. p. 179, ll. 20-21). When Appellant first arrived at the grocery store, Farris Wray was inside purchasing food. (Tr. p. 122, ll. 8-15). Once Wray exited

the store, Appellant came up from behind and shot Wray three to four times with a .380 caliber handgun. (Tr. p. 281, l. 11 – p. 282, l. 10; tr. p. 279, ll. 8-15; tr. p. 253, ll. 14-18). Appellant then fled from the scene on foot. (Tr. p. 130, ll. 7-10)

Shortly after, a cousin of Farris Wray received a call from a friend notifying her about the shooting. (Tr. p. 102, ll. 6-8). She immediately proceeded to the grocery store where she found Wray mortally wounded. (Tr. p. 102, ll. 11-17). Before emergency personnel evacuated him from the scene, Wray made a statement to his cousin identifying Appellant as the shooter. (Tr. p. 102, ll. 18-25). Afterwards, Wray was taken to the Chester County hospital and then airlifted to Carolina Medical Center in Charlotte, North Carolina. (Tr. p. 108, l. 8 – p. 109, l. 1; tr. p. 193, l. 19 – p. 194, l. 21; tr. p. 95, l. 15 – p. 96, l. 4). He died during the transit. (Tr. p. 97, ll. 3-8).

Several witnesses to the shooting were presented at Appellant's trial. One witness, Appellant's friend, placed him at the grocery at the same time as Farris Wray. (Tr. p. 120, l. 7 – p. 122, l. 15). Two other witnesses described the shooter as wearing the same clothing attire as Appellant on the day of the murder. (Tr. p. 130, l. 24 – p. 131, l. 5; tr. p. 160, ll. 16-23). Another witness, a local to the area, positively identified Appellant as the shooter. (Tr. p. 148, ll. 2-8). In addition, Law Enforcement testified to Appellant's suspicious activity several days after the murder. Appellant had arrived for an interview at the Chester County Sheriff's department wearing a do-rag that matched what witnesses had described the murderer wearing on the day of the shooting. (Tr. p. 219, l. 3 – p. 220, l. 3; tr. p. 325, ll. 5-14; tr. p. 160, l. 16 – p. 161, l. 3). Shortly after Appellant's arrival, a deputy witnessed him enter the restroom prior to his interview and then emerge without the do-rag. The Deputy later found the do-rag discarded in the restroom trashcan. (Tr. p. 219 l. 3-13).

SUMMARY OF THE ARGUMENT

In Appellant's trial for pointing and presenting a firearm and murder, the trial court did not err in refusing the defense motion to sever the two charges into separate trials because the charges arose out of a single chain of circumstances; were proven by the same evidence; were of the same general nature; and no real right of the defendant was prejudiced. *See State v. Beekman*, 415 S.C. 632, 636, 785 S.E.2d 202, 204 (2016) (quoting *State v. Tucker*, 324 S.C. 155, 164, 478 S.E.2d 260, 265 (1996)). Alternatively, should this Court find error, it would have been harmless to the outcome of the case. *See State v. Sherard,* 303 S.C. 172, 176, 399 S.E.2d 595, 597 (1991). The evidence used in proving the pointing and presenting charge was merely cumulative to the evidence used in convicting Appellant of murder. Had the trial court severed the two charges, the State presented sufficient evidence for the jury to find Appellant guilty of murder.

ARGUMENT

I. Standard of Review

"In criminal cases, an appellate court sits to review errors of law only. Therefore, an appellate court is bound by the trial court's factual findings unless they are clearly erroneous." *State v. Banda*, 371 S.C. 245, 251, 639 S.E.2d 36, 39 (2006). "A motion for severance is addressed to the trial court and should not be disturbed unless an abuse of discretion is shown." *State v. Anderson,* 318 S.C. 395, 458 S.E.2d 56 (Ct.App.1995). "An abuse of discretion occurs when the decision of the trial court is controlled by an error of law or lacks evidentiary support." *State v. Barnes*, 421 S.C. 47, 53, 804 S.E.2d 301, 305 (2006) (citation omitted).

II. How The Issue Arose At Trial

A motion was raised by the State at pretrial to admit evidence of prior bad acts in regards to the pointing and presenting charge that occurred in the hours prior to the murder. (Tr. p. 36, ll. 11-14). The State began by clarifying that it had mistakenly indicated on the motion that Appellant had not been charged with the pointing and presenting charge. It stated that Appellant had, in fact, been charged and the State was seeking to present both the pointing and presenting and the murder charge at trial. (Tr. p. 37, ll. 16-22). The State supported its position to admit prior bad act evidence using a theory of *res gestae* and the exceptions under SCRE 404(b). First, in regards to *res gestae*, it suggested that the fact that the pointing and presenting and the murder took place within less than five hours of one another, strongly suggested that they be presented together. (Tr. p. 37, l. 22 – p. 38, l. 2). Second, the prior pointing and presenting charge contradicted Appellant's assertion that he did not own a gun. (Tr. p. 38, l. 13 – p. 39, l. 6). Lastly, the state of affairs surrounding the pointing and presenting—including the tense relationship between Appellant and Farris Wray, the fact that Appellant and Wray shared a child with the

same woman, and that Appellant was upset by their continued contact—provided jurors with the totality of circumstances that led to the murder. (Tr. p. 37, l. 22 – p. 38, l. 13). In regards to the exceptions provided under SCRE 404(b), the State suggested that these circumstances also provided the motive for the murder of Farris Wray. (Tr. p. 39, l. 6 – p. 40, l. 9).

The State then proceeded to proffer testimony from Appellant's girlfriend regarding the domestic incident and Appellant presenting the handgun. (Tr. p. 40, l. 9 – p. 46, l. 24). After the testimony, the Defense moved to exclude on the ground that the evidence violated SCRE 404, did not satisfy any of the 404(b) exceptions, and did not qualify as *res gestae* because Appellant's charges were not "inextricably linked." (Tr. p. 47, l. 5 – p. 48, l. 23). The State then took a final opportunity to reassert the existence of motive and its relevance to the murder:

> So it's all a part of him still being mad and angry and having access to a weapon from less than five hours before the victim got shot. It goes to the motive of the case, it shows the plan by the defendant, he had the gun, he saw the opportunity, he used it. He was still mad from earlier that day dealing with the mother of his child who was also the mother of Farris's child, and this had been going on for years . . .

(Tr. p. 49, l. 22 – p. 50, l. 5).

After taking the issue under advisement, the Court denied the State's motion to admit prior bad act evidence pursuant to SCRE 404(b), citing that it would be substantially more prejudicial than probative. (Tr. p. 50, ll. 16-18; tr. p. 52, ll. 21-25). The Defense immediately moved to have the cases severed and tried separately. (Tr. p. 53, ll. 2-6). In making the motion the Defense stated "[i]n that case, your Honor, I had bit [sic] of a misunderstanding about the fact that both of these cases, the pointing and presenting and the murder were planning on being called before the jury at the same time, we would request that those cases be severed." (Tr. p. 53, ll. 2-12). The State opposed the Defense's severance motion relying solely on *res gestae*:

> [M]y position is that it really ties the state's hands in regards to going forward for me to be able to show that this defendant does have that—does have a weapon,

> has presented the weapon and these involved people that are also intertwined in this particular event involving the death of Farris Wray that it's all one big—it's all one big totality of events and that's my argument.

(Tr. p. 55, ll. 6-13).

The Court accepted the State's position and denied the Defense's motion.[1] The trial court furthered that the Defense had plenty of notice that the State intended to proceed on both charges, and for him to grant the motion would be fundamentally unfair to the prosecution. (Tr. p. 55, l. 25 – p. 56. l. 18).

III. The Requirements For Consolidation Were Satisfied Because The Crimes Arose Out Of A Single Chain Of Circumstances, Were Of The Same General Nature, Were Proven By The Same Evidence, And Did Not Prejudice The Defendant.

It is settled law that "charges can be joined in the same indictment and tried together where they (1) arise out of a single chain of circumstances, (2) are proved by the same evidence, (3) are of the same general nature, and (4) no real right of the defendant has been prejudiced." *State v. Beekman*, 415 S.C. 632, 636, 785 S.E.2d 202, 204 (2016) (quoting *State v. Tucker*, 324 S.C. 155, 164, 478 S.E.2d 260, 265 (1996)); *see also State v. Simmons,* 352 S.C. 342, 351, 573 S.E.2d 856, 861 (Ct. App. 2002) (quoting *State v. Carter*, 324 S.C. 383, 386, 478 S.E.2d 86, 889 (Ct. App. 1996) ("[J]oinder of offenses in one trial is 'proper if the offenses (1) are of the same general nature or character and spring from the same series of transactions, (2) are committed by the same offender, and (3) require the same or similar proof.'")). The Court has applied a liberal analysis in determining whether crimes arose "out of a single chain of circumstances." Despite encountering charges that did not arise out of single, isolated incidents, both the Court and the Court of Appeals have allowed joinder when the crimes "involv[ed] connected transactions

[1] The record reflects that Judge Gibbons, up to this point, did not understand that the victim in the pointing and presenting charge was not Farris Wray, but instead was Stephanie Gore. *See* tr. p. 53, l. 22 – p. 54, l. 15.

closely related in kind, place, and character." *Beekman*, 415 S.C. at 637, 785 S.E.2d at 205 (quoting *State v. Cutro*, 365 S.C. 366, 374, 618 S.E.2d 890, 894 (2005) (finding no abuse of discretion in denying a motion to sever charges involving multiple victims of Shaken Baby Syndrome even though the charges stemmed from separate occurrences)).

Specifically, in *State v. Tucker,* the Court upheld the joinder of charges stemming from a multi-day crime spree that included a murder and multiple break-ins. *Tucker*, 324 S.C. at 163–65, 478 S.E.2d at 264–65. There, the Court found that (1) the crimes arose out of a single chain of circumstances because Appellant committed the subsequent burglaries solely to avoid capture by police for the original murder, (2) they would be proved by the same evidence because the evidence of the subsequent break-ins would have been admissible to prove the murder as evidence of flight and identity, (3) the crimes were of the same general nature as the murder, and (4) no right of the defendant was prejudiced. *Id.* Therefore, the Court held, there was no abuse of discretion in the trial judge denying the severance motion. *Id.*, at 164–65, 478 S.E.2d at 265.

Here, the events constitute a single course of conduct and were of the same violent nature; in particular, the use of a handgun being Appellant's response to emotional discord in his domestic relationships. *See Simmons*, 352 S.C. at 350, 573 S.E.2d at 860 ("Offenses are considered to be of the same general nature where they are interconnected."). Both crimes involved the use of a firearm, and the murder took place mere hours after Appellant had presented a firearm at his girlfriend's mother. *See* tr. p. 44, ll. 8-10; tr. p. 194, l. 22 – p. 195, l. 2. Furthermore, the testimony from Appellant's girlfriend and her mother were used in proving both crimes. Appellant originally told law enforcement that he could not have committed the murder because he did not own a firearm. *See* State Exhibit # 23: 7:54 – 10:35; tr. p. 38, l. 22 – 25. The testimony from Appellant's girlfriend rebutted this claim. She testified to the presenting

of the firearm that occurred earlier on September 8th, and to the ongoing discord between Appellant and Victim. *See* tr. p. 181, l. 16 – p. 182, l. 5; tr. p. 179, ll. 6 – 21. Additionally, girlfriend's mother testified to Appellant threatening her with a handgun, further affirming that Appellant did possess a firearm mere hours before the murder. *See* tr. p. 185, l. 18 – p. 187, l. 9. Most importantly, the crimes are interrelated in regards to the participants and the emotional, violent responses. You have Appellant who was extremely upset with his girlfriend on September 8th—the girlfriend who shares a child with Wray and has maintained contact with him despite her relationship with Appellant, and hours later, the execution of the ex-boyfriend who continued, by virtue of the children, to disrupt their relationship. *See* tr. p. 179, ll. 6-21. Appellant's statement tried to explain away the motive: "Reason why people saying I did it is cause we had some beef long time ago . . . I ain't had no problem with him." (State Exhibit # 23: 2:46; 5:06). However, Appellant also admits that Farris Wray had shot at him the year before. (State Exhibit # 23: 4:35).

Lastly, Appellant's substantive rights were not prejudiced by the joinder because Appellant's pointing and presenting of the firearm forms the *res gestae* of the murder charge. "Evidence of other crimes is admissible under the *res gestae* theory when the other actions are so intimately connected with the crime charged that their admission is necessary for a full presentation of the case." *Anderson v. State*, 354 S.C. 431, 435, 581 S.E.2d 834, 836 (2003) (citing *State v. Adams*, 322 S.C. 114, 122, 470 S.E.2d 366, 370–71 (1996)); *see also State v. Hough*, 325 S.C. 88, 480 S.E.2d 77 (1997) ("One of the accepted bases for the admissibility of evidence of other crimes arises when such evidence furnishes part of the context of the crime or is necessary to a full presentation of the case"). The evidence of the domestic incident and Appellant presenting the handgun is part of the *res gestae* of the murder. The presenting of the

handgun, which took place mere hours before the shooting, provides essential context for the murder. A full presentation of the murder necessarily includes the presenting of the firearm at girlfriend's mother and Appellant's own child, the girlfriend's testimony regarding the tenuous, yet emotional, history between Appellant and the victim, and how all this culminated in Appellant's deadly confrontation with Farris Wray. Because Appellant's pointing and presenting charge constitutes the *res gestae* of the murder, it is not barred as prior bad acts under SCRE 404. Consequently, Appellant is unable to show the prejudice necessary to overturn the trial court's joinder of the charges.

However, should the court find that an analysis under *Lyle* is determinative, the evidence of the pointing and presenting could rightfully be introduced as evidence of identity, had the two charges been tried separately.[2] *See State v. Lyle,* 125 S.C. 406, 118 S.E. 803 (1923); *see also State v. Smith,* 322 S.C. 107, 470 S.E.2d 364 (1996) (holding that prejudice exists where a defendant is jointly tried on charges for which the evidence would not otherwise have been admissible under *Lyle*). *Lyle's* holding prohibits bad act evidence unless the evidence has a particular relevance to the crime charged and falls within at least one of five categories: motive, identity, common scheme or plan, absence of mistake or accident, or intent. *Lyle*, 125 S.C. at 406, 118 S.E. at 805; *see also* SCRE 404(b).

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[2] Despite the fact that the trial court determined in the pretrial hearing that the evidence of the pointing and presenting charge could not be used as evidence of prior bad under SCRE 404, it is Respondent's position that the evidence would qualify as identity under the SCRE 404(b) exception. " '[T]his court[ ] may affirm a trial [court's] decision on any ground appearing in the record and, hence, may affirm the trial [court's] correct result even though [it] may have erred on some other ground.' *Potomac Leasing Co. v. Otts Mkt., Inc.,* 292 S.C. 603, 606, 358 S.E.2d 154, 156 (Ct.App.1987). The reasoning adopted by the trial court is not binding upon this court if the record discloses a correct result. *Id.; see also* Rule 220(c), SCACR" *Fay v. Grand Strand Reg'l Med. Ctr., LLC,* 412 S.C. 185, 195, 771 S.E.2d 639, 645 (Ct. App. 2015). In addition, the pretrial record reflects that the trial court's determination to deny the prior bad act evidence was based on a misunderstanding of the facts. *See* tr. p. 53, l. 22 – p. 54, l. 15.

In *State v. Gillian*, 373 S.C. 601, 646 S.E.2d 872 (2007), evidence of defendant's involvement in a prior burglary was determined relevant and probative to show identity in a murder prosecution. *Gillian*, 373 S.C. at 606, 646 S.E.2d 874. In *Gillian*, the petitioner had shot and killed an acquaintance behind a jewelry store. The gun used in the murder was never recovered, but ballistics identified it as a .38 caliber handgun. *Id.* at 606, 646 S.E.2d at 875. At trial the prosecution presented testimony from several witnesses that confirmed that Appellant had stolen a .38 caliber Taurus during a residential burglary. *Id.* at 606-07, 646 S.E.2d at 875. The South Carolina Supreme Court found the State presented clear and convincing evidence that petitioner committed the prior burglaries. The Court further found the evidence was admissible as tending to establish petitioner's identity as the murderer pursuant to Rule 404(b), SCRE. *Id.* at 609, 646 S.E.2d 876.

Here, it is important for testimony regarding the domestic event to come in under the 404(b) exception due to the fact that Appellant claimed he did not have a firearm, and one was never recovered. *See* State Exhibit # 23: 7:54 – 10:35; tr. p. 354, ll. 22-24; tr. p. 253, ll. 19-21. Appellant's girlfriend confirms that the altercation between her mother and Appellant took place on the day of the murder. *See* tr. p. 180, l. 13 – p. 182, l. 3. While she alleges that she did not see a gun, her mother's testimony confirms that, contrary to Appellant's assertion to law enforcement, he did have a handgun. *See* tr. p. 183, ll. 12-15; tr. p. 185, l. 2 – p. 187, l. 9. The eyewitness testimony regarding the domestic incident satisfied the clear and convincing standard required for admission under Rule 404(b), SCRE. Moreover, this evidence served to show that Appellant did have a gun and, therefore, was capable of shooting Wray later that day.

IV. Harmless Error—Had The Court Severed The Two Charges And Tried Them Independently, The State Presented Sufficient Evidence For A Jury To Find Beyond A Reasonable Doubt That Appellant Committed The Murder For Which He Was Convicted.

In the alternative, if it is deemed that the Court erred in consolidating the charges into a single trial, this mistake would constitute harmless error given the weight of the evidence presented against Appellant at trial. In regards to determining harmless error, "[n]o definite rule of law governs this finding; rather, the materiality and prejudicial character of the error must be determined from its relationship to the entire case." *State v. Mitchell*, 286 S.C. 572, 573, 336 S.E.2d 150, 151 (1985). An error by the trial court is found to be harmless, "where it could not reasonably have affected the result of the trial." *In re Harvey,* 355 S.C. 53, 63, 584 S.E.2d 893, 897 (2003). "Generally, appellate courts will not set aside judgments due to insubstantial errors not affecting the result." *State v. Sherard,* 303 S.C. 172, 176, 399 S.E.2d 595, 597 (1991). In addition, "the admission of improper evidence is harmless where the evidence is merely cumulative to other evidence." *State v. Blackburn,* 271 S.C. 324, 329, 247 S.E.2d 334, 337 (1978); *see also State v. White,* 361 S.C. 407, 415, 605 S.E.2d 540, 544 (2004) ("Even assuming the trial judge erred in admitting the testimony, reversal is not warranted when evidence erroneously admitted is merely cumulative"). In *State v. Blackburn,* Appellant was convicted at trial as an accessory before the fact of murder, and he appealed. *Blackburn,* 271 S.C. at 326, 247 S.E.2d at 336. Despite the fact that the Court determined the victim's testimony concerning why she had been assaulted was improperly admitted, it nonetheless concluded that the error was harmless because the victim's statement was cumulative to the other evidence presented. *Id.* at 329, 247 S.E.2d at 337.

Similar to *Blackburn,* the evidence of the pointing and presenting charge at trial was merely cumulative to the other evidence used in convicting Appellant of murder. The State

presented evidence, illustrating that the victim was murdered—shot execution style while exiting the grocery. *See* tr. p. 281, l. 11 – p. 282, l. 10; tr. p. 279, ll. 8-15; tr. p. 253, ll. 14-18. Also, Cedric Jackson placed Appellant at the scene of the murder, and Authur Jennings, who witnessed the murder from the front of his residence, positively identified Appellant as the shooter. *See* tr. p. 122, ll. 9-15; tr. p. 148, ll. 2-8. Further, Law Enforcement testified to Appellant' suspicious behavior when he arrived at the department wearing a do-rag that matched what Dwight Land testified the murderer was wearing as he fled the scene. *See* tr. p. 219, l. 3 – p. 220, l. 3; tr. p. 325, ll. 5-14; tr. p. 160, l. 16 – p. 161, l. 3; tr. p. 219 l. 3-13. Lastly, and most compelling, was the testimony of Victim's cousin who testified that Farris Wray identified Appellant as the shooter. *See* tr. p. 102, ll. 11-17; tr. p. 102, ll. 18-25. The above evidence was undoubtedly sufficient for a jury to reach its guilty conviction. Therefore, any error in consolidating the pointing and presenting and the murder charges was harmless and does not justify a new trial.

CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that the judgments, convictions, and sentences of the trial court should be affirmed.

Respectfully submitted,

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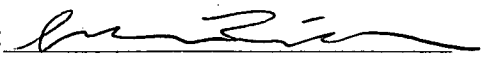
BY: 
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ATTORNEYS FOR RESPONDENT

March 19, 2018

STATE OF SOUTH CAROLINA
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Appeal from Chester County

The Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

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v.

J.C. BOWLER,

Appellant.

Appellate Case No. 2017-001115

CERTIFICATE OF SERVICE

I, Samuel Bailey, hereby certify that I have served the Initial Brief of Respondent and Designation of Matter in the foregoing by depositing copies in the InterAgency mail addressed to:

Robert M. Pachak
Appellate Defender
Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, SC 29201

This 19th day of March, 2018.

SAMUEL BAILEY
Assistant Attorney General

ALAN WILSON
ATTORNEY GENERAL

March 19, 2018

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

Re: The State vs. J.C. Bowler
Appellate Case No. 2017-001115

Dear Ms. Kitchings:

Enclosed please find the Initial Brief of Respondent and Designation of Matter in the above-referenced matter for filing in your office. By copy of this letter, I am serving opposing counsel with same.

Sincerely,

Lonetta B. Brawley
Legal Assistant to Samuel Bailey
Assistant Attorney General

/lbb
Enclosures

cc: Robert M. Pachak, Esquire
Randy E. Newman, Jr., Solicitor
Trisha Allen, Victim Advocacy Division