STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Georgetown County

Honorable Steven H. John, Circuit Court Judge

IN THE MATTER OF THE CARE AND TREATMENT OF TARL BRADFORD ROLLINGS,

APPELLANT

APPELLATE CASE NO. 2017-001334

FINAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

In this SVP case where the primary issue was the credibility of the Attorney General's expert witness, did the trial judge err in refusing to allow appellant to cross-examine the expert about her potential bias arising from the millions of dollars she makes testifying as a professional government witness in SVP commitment trials?

STATEMENT OF THE CASE

On January 15, 2016, the Attorney General filed a petition in Georgetown County pursuant to South Carolina's Sexually Violent Predator Act seeking appellant's confinement in the SVP facility. R. 250 – 343. On June 5, 2017, appellant was tried before the Honorable Steven H. John and a jury. R. 1. James C. Bogle represented the Attorney General. R. 1. James K. Falk represented appellant. R. 1. The jury delivered a verdict in favor of the Attorney General and Judge John ordered him committed. R. 237, l. 5 – 239, l. 24. This appeal follows.

ARGUMENT

In this SVP case where the primary issue was the credibility of the Attorney General's expert witness, the trial judge erred in refusing to allow appellant to cross-examine the expert about her potential bias arising from the millions of dollars she makes testifying as a professional government witness in SVP commitment trials.

Introduction

Seventeen years ago, in Yoho v. Thompson, 345 S.C. 361, 548 S.E.2d 584 (2001), our Supreme Court ruled that a litigant's need to cross-examine an expert witness for financial bias was so strong that it overcame the longstanding prohibition on mentioning insurance coverage during a trial. Despite this longstanding rule, the trial judge refused to allow appellant to cross-examine the State's only witness about the two million dollars she received testifying for the government in SVP cases in Florida. R. 146, l. 17 – 147, l. 17. The trial judge ruled appellant's cross-examination was improper because "[t]his case has nothing to do with the State of Florida." R. 146, l. 17 – 147, l. 17. The expert's lucrative income stream was highly relevant to her bias. This error requires reversal because she was the State's only witness and the jury's entire basis for committing appellant rested on her opinion.

The Evidence at Trial

The Attorney General's only witness in this case was Dr. Amy C. Swan, a forensic psychologist from Ft. Lauderdale, Florida. R. 76, l. 9 – 77, l. 22. Dr. Swan is licensed in Missouri, South Carolina, and Florida. R. 77, ll. 3 – 5. When going through her qualifications, she boasted that she was appointed to the Board of Psychology by the Governor of Florida. R. 78, ll. 2 – 11. She was the "first psychologist at the Florida Civil Commitment Center," but only

worked there for a year before transferring to "the other side" and began doing SVP evaluations. R. 79, ll. 2 – 13.

Dr. Swan then worked evaluating potential SVPs "for about 18 years." R. 79, ll. 2 – 13. Courts qualified her as an expert forensic psychologist "over a thousand times."[1] R. 79, ll. 21 – 24. She conducted 875 SVP evaluations, only about 20 of which were in South Carolina.[2] R. 78, l. 22 – 79, l. 1. R. 124, l. 23 – 125, l. 6. The Attorney General asked her how many times she had been qualified as an expert in SVP trials "both in South Carolina **as well as Florida.**" R. 79, l. 25 – 80, l. 3 (emphasis added). She answered, "Over 250 times." R. 80, l. 3. The Attorney General then tendered Dr. Swan for qualification as an expert in forensic psychology. R. 80, ll. 4 – 15.

Dr. Swan's substantive testimony began with the Attorney General taking the sting out of a disciplinary sanction she received in 2014 from the Association for the Treatment of Sexual Abusers. R. 80, l. 17 – 23. She was disciplined for using a non-standardized, non-normed interview form and giving it too much weight in her testimony. R. 81, ll. 17 – 23. When asked by the Attorney General why she used this form, she explained, "It was very commonly used in Florida at the time." R. 81, l. 24 – 82, l. 1.

Dr. Swan told the jury she was appointed by the Court to evaluate appellant. R. 83, ll. 5 – 7. She received documents about appellant's criminal history. R. 84, l. 21 – 85, l. 3. She interviewed appellant for "2 hours and 35 minutes." R. 84, ll. 7 – 8.

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[1] Over eighteen years, this meant she was qualified in court as an expert witness an average of 55.5 times per year, or a little more than once per week.

[2] Over eighteen years, this meant she conducted an average of 48.61 SVP evaluations a year, or a little less than one per week. This average does not count an additional 400 evaluations she performed because it is somewhat unclear from her testimony whether she included these 400 evaluations in her 875 number.

Dr. Swan described appellant's criminal history. R. 86, l. 6 – 101, l. 18. Appellant pled guilty to second-degree criminal sexual conduct and lewd act on a minor in 1999. R. 86, l. 6 – 89, l. 12. The Attorney General admitted appellant's sentencing sheets through Dr. Swan. R. 89, ll. 2 – 12. R. 241 – 246. The sentencing sheets show appellant's guilty plea was **a negotiated sentence.** R. 241 – 246. Appellant received ten years' imprisonment suspended upon **time served**. R. 241 – 246. The sentencing sheet for the conviction which triggered the SVP process (lewd act on a minor in 2015) shows **upon recommendation of the State,** appellant received a five-year prison sentence, suspended to **two years' imprisonment** and three months' probation. R. 247 – 249. Dr. Swan noted that appellant pled guilty to the 2015 offense pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), and responded affirmatively to the Attorney General's question whether an Alford plea "counts." R. 99, l. 6 – 100, l. 19.

Relying on hearsay victim and witness statements and police reports, Dr. Swan described for the jury appellant's offenses in lurid detail. R. 89, l. 14 – 101, l. 18. The 1999 convictions involved two thirteen-year-old girls. R. 89, l. 18 – 90, l. 16. Dr. Swan said "it was reported that Mr. Rollings forcefully, digitally penetrated [Complainant 1's] vagina, and it was reported that Mr. Rollings fondled [Complainant 2's] breast and buttocks." R. 89, l. 18 – 90, l. 1. During his interview with Dr. Swan, appellant admitted performing oral sex on Complainant 1, but denied any sexual contact with Complainant 2. R. 90, ll. 2 – 16. Appellant testified and admitted criminal conduct with Complainant 1, denied fondling Complainant 2, and said he pled guilty to both charges because "they had them together, I mean I didn't have no choice." R. 196, l. 20 – 197, l. 22. Appellant explained that during his sex offender treatment, he learned that believing Complainant 1 was old enough to consent to sex was a distortion and he now understood what he did was wrong because she was still only a child. R. 174, ll. 4 – 10.

Dr. Swan described a conviction for contributing to the delinquency of a minor in 2000. R. 91, l. 6 – 92, l. 21. She considered it a sexual offense for her "risk assessment instruments." R. 91, ll. 11 – 22. She explained the intricate classification scheme and said "we do **get** to count it."[3] R. 91, ll. 11 – 22. Dr. Swan said appellant picked up a minor from her home and "he took her out between 12:30 AM and 3:30 AM" without permission from her parents with the intention to "willfully injure or endanger her morals." R. 92, ll. 4 – 11. Appellant explained to the jury that he was 21 years old and saw the girl walking with her boyfriend, who was a friend of appellant's brother. R. 190, l. 7 – 191, l. 13. The couple asked him to take them to a park so they could smoke pot. R. 190, l. 7 – 191, l. 13. The girl's mother and grandmother caught them in the park smoking pot and appellant was charged a week later. R. 190, l. 7 – 191, l. 13.

Dr. Swan described appellant's Alford plea offense from 2015. R. 94, l. 16 – 96, l. 12. Complainant 3, a nine-year-old girl, lived near appellant. R. 94, l. 16 – 96, l. 12. She came to his house and he invited her inside. R. 94, l. 16 – 96, l. 12. Once inside, he pulled Complainant 3 down on a bed, started to fondle her, and tried to kiss her on the forehead. R. 94, l. 16 – 96, l. 12. Complainant 3 told appellant she was uncomfortable and needed to leave. R. 94, l. 16 – 96, l. 12. He asked for "one last hug" at the door and Complainant 3 ran. R. 94, l. 16 – 96, l. 12. Appellant denied committing this crime and said he later discovered that the girl's parents found out he was a sex offender and wanted him out of their neighborhood. R. 181, l. 23 – 185, l. 14.

Dr. Swan then described an allegation against appellant that did not result in a conviction. R. 96, l. 19 – 98, l. 3. Complainant 4, a boy, was placed in DJJ for molesting his younger brothers when he was fourteen. R. 96, l. 19 – 98, l. 3. He then accused appellant of molesting

[3] Defense counsel began his cross-examination by impeaching Dr. Swan for using the phrase "get to" count it, but she explained she did not necessarily mean she was pleased that she got to count it and her choice of words did not "convey the appropriate description of the manual." R. 122, l. 17 – 123, l. 17.

him when he was nine. R. 96, l. 19 – 98, l. 3. Dr. Swan said appellant touched Complainant 4's genitals and then took out his own penis and told Complainant 4 to lick it. R. 96, l. 19 – 98, l. 3. Appellant vociferously denied abusing Complainant 4 and denied being aroused by little boys. R. 180, l. 19 – 181, l. 14. The charges were dropped, but Dr. Swan said the fact of his arrest for a sexual crime increased appellant's risk for a new sexual crime. R. 96, l. 23 – 97, l. 2.

Dr. Swan explained that "547 areas of sexual deviance" have been identified. R. 108, l. 21 – 109, l. 2. Of these 547 areas, Dr. Swan found three mental abnormalities that fit appellant. R. 107, l. 6 – 113, l. 4. The first abnormality was pedophilia. R. 107, ll. 14 – 23. The second was hebephilia, which is arousal to young adolescents. R. 108, l. 21 – 110, l. 17. The third was "fetishistic disorder." R. 112, ll. 11 – 21. The basis for Dr. Swan's diagnosis of fetishistic disorder was appellant's statement to her during their interview that he sometimes masturbated thinking about feet. R. 101, l. 19 – 102, l. 1. R. 112, ll. 16 – 21. She clarified that appellant's foot fetish was "A okay" as long as he had a consenting partner. R. 112, l. 22 – 113, l. 4.

Dr. Swan gave her ultimate opinion that appellant met the definition of a sexually violent predator and needed to be confined for treatment on an inpatient basis. R. 118, l. 19 – 122, l. 10. Appellant testified that "once you get this label, all somebody is got to do is make an accusation whether they are right or wrong. All they have to do is make an accusation. They ain't got to have no evidence, you're guilty until proven innocent, and it shouldn't be like that." R. 184, ll. 8 – 13. He described the sex offender treatment he received, said he learned from it and would avoid committing any future offenses. R. 172, l. 16 – 178, l. 22. Appellant had a job working at the Wando port and a place to live waiting on him. R. 179, ll. 5 – 23. He told the jury, "I just want to go on with my life and I want people to leave me alone." R. 184, ll. 19 – 21.

The Attorney General's Objection to Cross-Examining Dr. Swan for Financial Bias and the Trial Court's Ruling

Defense counsel focused his opening statement on Dr. Swan's bias in favor of the State. R. 71, l. 10 – 73, l. 13. He told the jury that Dr. Swan was "just another advocate for the State and is not a neutral party in this case." R. 71, l. 24 – 72, l. 1. He asked the jury to watch Dr. Swan closely to see if she was "really being fair or was she sort of advocating for her position." R. 72, ll. 22- 25.

On cross-examination, defense counsel asked Dr. Swan whether she was "familiar with an article that was published in the Sun Sentinel Newspaper." R. 142, ll. 7 – 9. She answered unequivocally, "Yes, I am." R. 142, ll. 7 – 9. She described the Sun Sentinel as the "major newspaper for three of the most populous counties in the nation—Palm Beach County, Broward County, and Miami-Dade County. R. 142, ll. 10 – 14. The Attorney General objected and Judge John excused the jury. R. 142, ll. 15 – 21.

Defense counsel proffered his cross-examination. He asked, "Between the year of 2000 and 2013, did you earn 2.2 million dollars doing predator trials in South Carolina—I mean in Florida?" R. 143, ll. 16 – 18. Dr. Swan responded, "According to the Sun Sentinel, I did." R. 143, l. 19. Defense counsel asked the court to direct Dr. Swan to answer the question and Judge John told her she must answer and could then explain. R. 143, l. 20 – 144, l. 8. She then said, "So, I can't answer that with a yes or no, because I don't know for sure. I didn't add up those figures. This is what was reported in the newspaper." R. 144, ll. 9 – 11.

Defense counsel continued to press Dr. Swan and she continued to be evasive. R. 144, l. 13 – 146, l. 3. She claimed to have no idea what her gross income was for that time period. R. 145, ll. 1 – 3. She admitted filing tax returns, but said sometimes she did not sign them and let

her accountant sign them for her. R. 144, l. 13 – 146, l. 3. She said she did "not have a clue" how much money she earned in 2013. R. 145, ll. 19 – 21. Crucially, regarding the Sun Sentinel article, Dr. Swan said "I can't deny that that's accurate; it may be." R. 145, ll. 4 – 8.

The Attorney General argued the questioning was irrelevant. R. 146, ll. 6 – 16. He told the judge that a "three-year old article from a Florida Newspaper" had nothing to do with appellant's case. R. 146, ll. 6 – 16. He conceded, "I mean, I don't doubt that she might've earned that much money," but rhetorically asked "what does it have to do with what we're doing here?" R. 146, ll. 6 – 16.

Judge John then ruled appellant could not cross-examine Dr. Swan with the newspaper article. R. 146, l. 17 – 147, l. 17. Though neither Dr. Swan nor the Attorney General denied the article's accuracy, Judge John said he had a "problem" with appellant relying on the article instead of getting Dr. Swan's tax returns through discovery. R. 146, l. 17 – 147, l. 17. The court then ruled the questioning was irrelevant because, "We're not in the State of Florida. This case has nothing to do with the State of Florida." R. 146, l. 17 – 147, l. 17. Judge John restricted appellant to asking only about the income she received from the State of South Carolina. R. 146, l. 17 – 147, l. 17. In making this ruling, the trial judge alluded to an appellate court "decision about doctors who testify in certain matters whether or not their connection to a certain company and/or law firm, or the amounts of money they receive can be proper scope of examination regarding an expert witness." R. 146, l. 17 – 147, l. 17.

The Trial Court Erred in Restricting Appellant's Cross-Examination

The appellate decision to which Judge John alluded, Yoho v. Thompson, compels reversal. Yoho recognized the primacy of a litigant's need to fully cross-examine an expert witness for bias. Yoho at 365-66, 548 S.E.2d at 586. See also State v. Curtis, 356 S.C. 622, 633,

591 S.E.2d 600, 605 (2004) (citing Yoho in ruling cross-examination of witness was relevant to credibility). Under the rules of evidence, bias and motive to misrepresent are fair game for impeachment. Rule 608(c), SCRE. Dr. Swan's stream of income from state governments and the millions of dollars she made in her career was highly relevant to her credibility and the trial judge's restriction on appellant's cross-examination was an error of law.

Yoho was a wreck case. Yoho at 363-64, 548 S.E.2d at 585. The plaintiff's UIM carrier, Nationwide, assumed the defense. Id. The defense's medical expert had a long history with Nationwide. Id. He consulted for Nationwide and 10-20% of his income came from Nationwide. Id. The plaintiff sought to cross-examine the doctor about his relationship with Nationwide, but the trial judge refused to allow it because of the prejudicial effect of the jury learning about insurance coverage. Id. The judge offered to let the plaintiff use generic terms like "defense," but would not allow them to mention insurance. Id.

The Supreme Court reversed because the trial judge's ruling was an "error of law." Id. at 364-67, 548 S.E.2d at 585-86. "Considerable latitude is allowed in cross-examination to test a witness's bias, prejudice, or credibility." Id. The Court held the plaintiff's intended cross-examination about the doctor's financial dependence on Nationwide "was relevant to the issue of [the doctor's] bias." Id. The Court also held that using generic terms like "defense" was insufficient to convey the precise nature of the doctor's bias and the plaintiff would be able to call Nationwide by name. Id.

The principle of Yoho applies with greater force here because of an important distinction: no unfair prejudice to the State arises from the cross-examination of Dr. Swan. In Yoho, the Court conducted an extensive analysis balancing the need for cross-examination of the expert against the unfair prejudice of the jury learning about insurance coverage. Even with the known

prejudice accruing to the defense from the mention of insurance, the Yoho Court still held that the plaintiff's right to cross-examination for bias prevailed.

In appellant's case insurance is obviously not an issue. No unfair prejudice accrues to the State by allowing appellant to cross-examine Dr. Swan for bias. No balancing of probative value against prejudicial effect, like the Court performed in Yoho, is necessary. What applies with great force from Yoho is its recognition of the need to cross-examine expert witnesses about their financial bias. If the plaintiff in Yoho had the right to cross-examine the doctor about his finances despite the unfair prejudice to the defendant from the mention of insurance, then the court's refusal to allow such cross-examination in appellant's case is a manifest legal error because of the complete lack of prejudice to the State.

Contrary to the trial judge's reasoning, the millions Dr. Swan made in Florida were highly relevant to this South Carolina case. Dr. Swan's income stream from state governments—whether from Florida, South Carolina, Missouri, or Timbuktu—were relevant to her financial interest in providing favorable testimony for the State. Dr. Swan did not dispute the accuracy of the newspaper's reporting, but, unconvincingly, claimed complete ignorance about her own finances and income. She claimed to have "no clue" about her income when questioned about the newspaper article, but when asked about what she was paid for evaluating appellant, Dr. Swan was quick to minimize her profits: "It's important to remember though that I travel from Florida, I pay all of my own expenses, plane tickets, the hotels, the rental cars and it all comes out of that 1900 or that 4,000." R. 124, ll. 8 – 14. Even Dr. Swan's unbelievable claim that she had "no clue" that she made millions of dollars testifying as an expert for state governments was highly relevant to her credibility. The jury could easily have found her

answers deliberately evasive and found her testimony less credible if they had seen Dr. Swan try to avoid answering questions about the large sums of cash flowing into her pockets.

Furthermore, the trial judge erred in holding that Dr. Swan's income from Florida was irrelevant when, time-and-time-again during Dr. Swan's direct-examination, she described her vast experience in Florida and bragged about all the work she performed in Florida. The important point about proving Dr. Swan's bias was her income stream from governments in SVP cases. Yoho recognized that the expert's entire income stream is important. Yoho at 366, 548 S.E.2d at 586. The Yoho Court specifically noted that the doctor worked for Nationwide "and other insurance companies." Id. The jury could not understand the magnitude of Dr. Swan's bias without hearing about the millions she made from Florida's state government.

The right to cross-examine experts about financial bias is not a new concept. Thirty years ago, the Illinois Supreme Court recognized the necessity of exposing the income stream of professional witnesses. Trower v. Jones, 520 N.E.2d 297, 300-01 (Ill. 1988). Allowing cross-examination about the extent of a doctor's income from testifying, the Trower court wrote:

> Rather, we reach our decision based on an appreciation of the fact that the financial advantage which accrues to an expert witness in a particular case **can extend beyond the remuneration he receives for testifying in that case.** A favorable verdict may well help him establish a "track record" which, to a professional witness, can be all-important in determining not only the frequency with which he is asked to testify but also the price which he can demand for such testimony.

Id. at 300. The court expressed a deep concern that litigants should be able to expose an expert as a professional witness. Id. at 300-01.

A recent case from Tennessee shows the lengths expert witnesses will go to hide their income streams. Laseter v. Regan, 481 S.W.3d 613 (Tenn. Ct. App. 2014). Much like Dr. Swan in this case, the doctor in Laseter testified at his deposition that he "did not know" how much he

made annually from serving as an expert witness and told the defendant's lawyers he guessed he only made between 15-20% of his income from expert activity. Id. at 616-17. When the defendants sought to compel the doctor to produce financial information to substantiate his claims, the doctor (despite the concession of the plaintiff that the information was relevant) categorically refused. Id. at 617-25.

The trial judge in Laseter showed "the patience of Job" with the doctor. Id. at 638. Through multiple hearings, the trial judge attempted to reach a compromise that would allow the doctor to keep his financial information private, going so far as to allow him to email her the information to allow her to conduct an in-camera review. Id. at 617-25. When the email finally came, the doctor had the temerity to place two "NOTICES" directing the trial judge not to open the attachment containing the financial information if she were inclined to allow the defendants to cross-examine him about his finances and telling the judge he would refuse to answer any such questions. Id. at 623-24. Finally having had enough (after further hearings), the trial judge excluded the defiant doctor as a witness and gave the plaintiff sixty days to find another expert. Id. at 624-25. The plaintiff did not find another expert and the court dismissed the case. Id.

On appeal, the Laseter court issued a thorough opinion analyzing the jurisprudence of other states on whether the trial judge should have restricted examination of the expert's finances. Id. at 625-36. The court concluded examination about the doctor's income was relevant, discoverable, and could be used in cross-examination. Id. at 633-34. The court found most jurisdictions held information about an expert's income stream was fair game for exposing bias, especially when the expert was a professional witness. Id. at 625-36. See, e.g., Wrobleski v. de Lara, 727 A.2d 930, 934 (Md. 1999) (reasoning that cross-examination is "directed at exposing the more subtle problem of the professional 'hired gun,' who earns a significant portion

of his or her livelihood from testifying and . . . may have a general economic interest in producing favorable results for the employer of the moment.").

Exposing Dr. Swan's bias was critically important in this case because she testified she was appointed by the court to evaluate appellant. R. 83, ll. 5 – 7. This gave the jury the erroneous impression that she was a neutral evaluator. The Attorney General capitalized on the court's ruling in its redirect, asking whether the amount she was "paid by the Department of Mental Health" was "a flat fee." R. 151, ll. 21 – 25. Dr. Swan testified that she was paid a flat fee and agreed the amount did not change based on her opinion. R. 152, ll. 1 – 7. The restriction on appellant's cross-examination prevented him from showing that Dr. Swan's flat fees added up to an enormous income stream from state governments over her career as a professional witness.

Magnifying the error, the trial judge, apparently *sua sponte*, decided to give an improper charge to the jury on payments to expert witnesses. R. 206, ll. 5 – 14. R. 229, l. 19 – 230, l. 2. The trial judge charged:

> When an expert witness is called by a party, you can expect that they expect to be paid and should be paid for their services. **You may not take this into consideration, the fact that the witness was paid,** unless there is some evidence or circumstances appearing from the evidence which would reasonably convince you that the testimony of the witness has been influenced because of the money or the sum paid to them to be a witness.

R. 229, l. 19 – 230, l. 2 (emphasis added). This charge is patently incorrect and conflicts with Yoho.[4] It unconstitutionally charges the jury on the facts of the case. See S.C. Const. art. V, § 21. See also State v. Stukes, 416 S.C. 493, 499-500, 787 S.E.2d 480, 482-83 (2016) (reversing

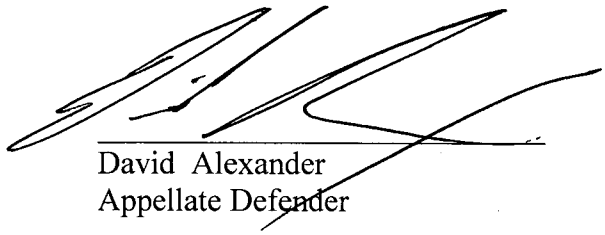
[4] The trial judge likely found this instruction in a well-known charge book that only cites a 1943 case which contains no such language or instruction. See Ralph King Anderson, South Carolina Requests to Charge-Civil § 1-6 (2d ed. 2009) citing Anderson v. Campbell Tile Co., 202 S.C. 54, 24 S.E.2d 104 (1943). Counsel wishes he could take credit for this research, but the credit belongs to one of this Court's unpublished decisions. See Washington ex rel. Jayden W. v. Rhett, 2014-UP-055 (S.C. Ct. App. Feb. 5, 2014).

because a charge affecting the jury's assessment of witness credibility was an unconstitutional charge on the facts). The charge also shifted the burden to appellant to prove "circumstances" improperly influencing the witness after the trial court denied appellant the ability to cross-examine Dr. Swan about such "circumstances." Appellant acknowledges that trial counsel failed to object to this charge, but assuming the State argues lack of prejudice or harmless error, this Court should consider the erroneous charge relating to the specific point of error alleged on appeal. See Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018) (discussing concept of overwhelming evidence of guilt in a PCR case and how the examination of prejudice must focus on the specific impact of the error).

The error prejudiced appellant because the State's entire case rested on whether the jury believed Dr. Swan. She was the State's only witness. Appellant's strategy depended upon discrediting Dr. Swan. He told the jury in opening she was not a neutral expert, but the court's ruling prevented him from exposing the magnitude of her bias for the State. The jury was entitled to know that Dr. Swan was a professional witness who made millions of dollars committing people into SVP programs. This Court should reverse.

CONCLUSION

For the foregoing reasons, this Court should reverse appellant's commitment and grant him a new trial.



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This 19th day of July, 2018.

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Final Brief of Appellant complies with Rule 211(b), SCACR, and 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."

July 19, 2018

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