

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CLARENDON COUNTY
Court of General Sessions

Michael G. Nettles, Circuit Court

Case No. 2016-GS-14-0098

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SC Court of Appeals

THE STATE.....Respondent.

V.

MICHAEL JAMES DINKINS.....Appellant.

REPLY TO THE STATE'S MOTION TO STRIKE APPELLANT'S DESIGNATION OF
MATTERS AND BRIEF PURSUANT TO RULES 209(b) and 210(c)

Comes now the attorneys for the appellant responding to the motion of the The State.

The State argues in its motion that the Durant Center report dated January 14, 2016 and the Clarendon County Sheriff's Department incident report were not entered into evidence at trial and ruled upon by the trial court. As a result these two documents are not properly before this court for appellate review. The Appellant would show this Court that the State is incorrect on this assertion.

1. The Honorable Michael G. Nettles heard all pretrial motions before the trail of this case on November 2, 2017. The State through the assistant solicitor

argued prior bad acts should be admissible pursuant to South Carolina Rules of Evidence Rule 404(b). Said prior bad acts were statements made by the victim to law enforcement and statements made by the victim to the Durant Children's Center in Florence, South Carolina. At the pre-trial hearing, the counsel for the Appellant filed a motion in opposition to the prior bad acts evidence that the State wanted to introduce. The counsel for Appellant handed to the Court a Memorandum in opposition to the 404(b) prior bad acts. In that Memorandum as well as the State's motion were all the acts that are contained in the State's Motion.

7. THE COURT: All right. Let me see your memorandum.
8. Mr. McKenzie: Certainly. And I've been writing all over
9. over this thing; so its ---
10. THE COURT: That's all right.
11. Mr. McKenzie: and it---my memorandum starts off by
12. saying what the allegations were in the initial --in the
13. initial incident report. Then it goes to the allegations
14. that were put in the warrants. Then it goes to the
15. allegations in the first indictment, and then it goes to the
16. allegations that were the prior bad acts.

(Tr. November 2, 2017 p. 20, lines 7-16)

The Appellant would show that the incident report referred to in his initial brief was properly before the trial court and ruled upon by the trial court. The Appellant would also show that the allegations that were contained in the Durant Center Report were introduced to the Court by the assistant solicitor during her motion to include 404(b) evidence. On page 21 of the November 2, 2017 transcript from the motions hearing is the following:

1. MS. TIMMONS:---the vaginal area? The victim during
2. Forensic interview, yes, she clearly stated he didn't
3. touch me ---me on my vagina. He touched me

4. around ---well, I don't think she used that words, vaginal
5. area. It was around her vaginal area. So I guess the prior
6. bad acts we plan to introduce is that he touched her
7. around or not on her vagina, but around her vagina area.
13. And---and then if you look at the forensic reports, it
14. says Gigi says several times he would rub her legs and go to
14. but not actually touch her tee hiney, which is her vaginal
15. area

(Tr. November 2, 2017 p. 21, lines 1- 7 and 13-15).

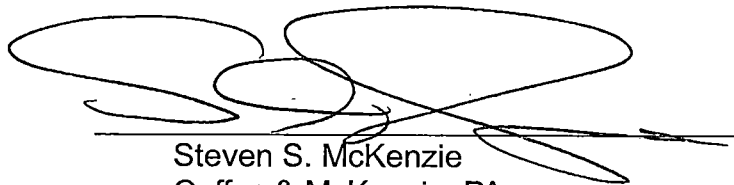
Your appellant would show that the Durant Center Report was read into the record by the State, the trial Court was holding it in it's hand when the assistant solicitor was referring to it in the hearing and the allegations made in the forensic interview were read into the record. The incident report was before the trial court in the Defendant's memorandum in opposition to the State's Motion to allow 404(b) evidence.

The Appellant would show that the Durant Center Report (a/k/a forensic interview) and incident report were either directly presented to the trial court and ruled upon or were contained in memorandum's and or motion's presented to the trial court and ruled upon. (See also Memorandum in Opposition to the State's Motion for Lyle Evidence attached to this Motion as Exhibit A).

The second contention in the State's Motion is in regards to that fact that the Appellant did not introduce the memorandum of law he filed and handed to the trial court into evidence as an exhibit. The Appellant would show that all its memorandum's were reviewed by the trial court and ruled upon as a part of his motion's to either exclude 404(b) evidence or to exclude the victim from testifying because of her incompetency. All of these legal rulings are not evidence to be presented to the jury for examination but are evidentiary rulings made by the trial court. The memorandum as well as all motions that were before the trial court are attached as exhibit "B" to this reply

For the aforementioned reasons, the Appellant respectfully requests that the Court of Appeals denies the State 's Motions.

November 8, 2018

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line at the bottom, positioned above the printed name and address.

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SITTING ON THE PORCH. THE CHILD AND MR. DINKINS WERE INSIDE WATCHING A MOVIE. THE CHILD'S GRANDMOTHER, AND LEIGH WENT INSIDE AND TOLD MR. DINKINS ITS OUR BED-TIME. MR. DINKINS SAID THE CHILD WAS ASLEEP, AND HE WOULD WAKE HER. SUDDENLY, THE CHILD RAN INTO MRS. DINKINS BEDROOM SHAKING HER HANDS AND STOMPING ABOUT. MRS. DINKINS ATTEMPTED TO SEE WHAT WAS WRONG, WHEN THE CHILD SAID EXCITEDLY "UNCLE MIKE TOUCHED MY HAND TO SEE IF I WAS ASLEEP, KISSED ME ON THE MOUTH AND TRIED TO OPEN MY LIPS WITH HIS TONGUE"! THE COMPLAINANT STATED SHE BECAME UPSET AND ENRAGED. LEIGH IMMEDIATELY CONFRONTED MICHEAL ABOUT THE INCIDENT. MR. DINKINS DENIED THE ALLEGATIONS. MRS. DINKINS PACKED A LARGE BAG, AND TOOK HER, MOTHER AND THE CHILD AWAY FROM THE HOME."

On January 14, 2016 the alleged minor victim completed a forensic interview at the Durant Center in Florence, South Carolina. The counselor's stated the following in summarizing the alleged victim's statement:

"Gigi said it was random when he'd do things. She said he put his hand in shirt and touched her chest. Gigi said she had a bra on. Gigi said different times he would rub her legs and go up to **but not actual touch her tee hinee (vaginal area)**. He would rub her arms too. She said Aunt Leigh would be where she could see what happened. She said Aunt Leigh did talk with Uncle Mike about how he shouldn't be rubbing on Gigi's legs. Gigi said Uncle Mike would hug her really tight and it made her uncomfortable. She said he would get a banana and walk with it in front of his crotch. Gigi said one time she and grandma were studying. Uncle Mike sat with them and started rubbing his foot on Gigi's legs. She said he was drunk and they called Aunt Leigh.

Gigi said on her birthday last year Uncle Mike came into her room. She was asleep on the couch with her face to the back of the couch. She said he put her hand on something that was low and felt squishy. She said her hand was brushing against his stomach. Gigi said later on she was in the bed and was on her stomach. Gigi said Uncle Mike got on

top of her with his legs on the outside of hers and was moving on her.

Gigi said the last time anything happened with Uncle Mike was New Year's Eve. She said they were watching a movie in the living room and she fell asleep on the couch. Gigi said Uncle Mike brushed against her arm and she woke up. She said Uncle Mike kissed her and tried to put his tongue in her mouth. Gigi said he did not say anything she waited until he left the room. Gigi said she went to grandma's room and she saw Aunt Leigh. Aunt Leigh asked what happened and she told what happened. She said they packed and left immediately. Gigi said Aunt Leigh talked to Uncle Mike but she did not hear them."

The Defendant originally had three warrants served on him on January 20, 2016. The first warrant 2016A-14-10100010 states: "On October 27, 2015 the defendant, Michael Dinkins, did knowingly and willingly commit the offense of criminal sexual conduct with a minor 3rd degree in that he put the 11 year victim's hand on his penis. The victim disclosed this incident to a counselor as well as a forensic interviewer....." The second warrant 2016A-14-10100011 states: Between the dates of October 27, 2015 and January 1, 2016 the defendant, Michael Dinkins, did knowingly and willingly commit the offense of criminal sexual conduct with a minor 3rd degree in that he did get into the 11 year old victim's bed, straddle her, and make a grinding motion on top of her body. The victim disclosed this incident to a counselor as well as a forensic interviewer...." The final warrant served on the Defendant was 2016A-14-10100012 and it states: "On January 1, 2016 the defendant, Michael Dinkins, did knowingly and willingly commit the offense of criminal sexual conduct with a minor 3rd degree in that he did kiss the 11 year old victim and attempt to put his tongue in her mouth. The victim disclosed this incident to a counselor....."

The Defendant was indicted by the Clarendon County Grand Jury. The original indictment stated the following:

COUNT ONE

CRIMINAL SEXUAL CONDUCT WITH A MINOR
THIRD DEGREE

That in Clarendon County South Carolina on or about October 27th 2015, the Defendant Michael James Dinkins, date of birth 12/13/1961, a person over fourteen years of age, willfully and lewdly did commit or attempt to commit a lewd or lascivious act upon the body, or any part or member thereof, of a child under the age of sixteen (16) years, to wit: he did get into the bed of Virginia Joyce, straddle her, and make a grinding motion on top of her body, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of or of said child, her age being 11 years old at the time of the offense, in violation of Section 16-3-655(C), S.C. Code of Laws 1976, as amended.

COUNT TWO
CRIMINAL SEXUAL CONDUCT WITH A MINOR
THIRD DEGREE

That in Clarendon County South Carolina on or about January 1, 2016, the Defendant Michael James Dinkins, date of birth 12/13/1961, a person over fourteen years of age, willfully and lewdly did commit or attempt to commit a lewd or lascivious act upon the body, or any part or member thereof, of a child under the age of sixteen (16) years, to wit: he did kiss Virginia Joyce and attempt to put his tongue in her mouth, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of or of said child, her age being 11 years old at the time of the offense, in violation of Section 16-3-655(C), S.C. Code of Laws 1976, as amended.

COUNT THREE
CRIMINAL SEXUAL CONDUCT WITH A MINOR
THIRD DEGREE

That in Clarendon County South Carolina on or about October 27th 2015, the Defendant Michael James Dinkins, date of birth 12/13/1961, a person over fourteen years of age, willfully and lewdly did commit or attempt to commit a lewd or lascivious act upon the body, or any part or member thereof, of a child under the age of sixteen (16) years, to wit: he did put Virginia Joyce's hand on his penis, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of or of said child, her age being 11 years old at the time of the offense, in violation of Section 16-3-655(C), S.C. Code of Laws 1976, as amended.

**404(b) Evidence from State's
Motion that is Proposed to be
admitted in this case..**

1. During spring break of 2013, the defendant reached under the victim's nightgown and touched the victim on her vaginal area. The victim did not tell anyone until after several months later when she told her grandmother. Grandmother spoke with the victim's aunt who in turn told the defendant that this behavior was inappropriate and made victim uncomfortable.

2. Between 2013 and 2015 the defendant kissed victim on the back of her neck. This incident was witnessed by the victim's aunt who confronted the defendant, informed him that his behavior was inappropriate and made victim uncomfortable. She asked the defendant to refrain from such behavior.

3. Between 2013 and 2015 the defendant touched victim's legs and thighs making victim uncomfortable.

4. Between 2013 and 2015 the Defendant showed the victim pictures of models from Victoria Secret catalog. He told the victim that this was how he wanted the victim to look when she grow up.

5. Between 2013 and 2015 the defendant offered to buy victim revealing bathing suit.

6. Around 2014 the defendant touched victim's leg under the table. This incident was witnessed by victim's grandmother who notified victim's aunt. Aunt told the defendant that this type of behavior made victim uncomfortable.

7. On or about December 26, 2015 the Defendant send the victim the text message "LUKUAMU," which stands for "Love You, Kiss You, Already Miss You." He also sent the victim a message "You're the bomb.com."

Argument

The prosecution seeks to admit this evidence to portray the Defendant to the jurors as a child molester in the hopes the jurors will convict him based on the prior bad act rather than the evidence presented at trial. "[P]ropensity would be an 'improper basis' for conviction." *Old Chiefs. U.S.*, 519 U.S. 172,182 (1997).

After reviewing the authority for an *in camera* hearing, the Defendant will explain why this Court should exclude evidence that the prosecution plans to introduce pursuant to her motion. First, the evidence is not admissible under Rule 404(b), SCRE. Second, if this Court determines this evidence admissible as an exception to Rule 404(b), then South Carolina's rule allowing admission of propensity evidence in child sexual abuse cases violates due process.

I. Authority for *In Camera* Hearing

"Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible to show motive, identity, the existence of a common scheme or plan, the absence of mistake or accident, or intent." Rule 404(b), SCRE. The State has the burden of establishing one of these exceptions. If the Court determines the evidence to be admissible as an exception to Rule 404(b), then "it must be excluded if its probative value is substantially outweighed by the danger of unfair prejudice to the defendant. The determination of the prejudicial effect of prior bad act evidence must be based on the entire record and the result will generally turn on the facts of each case." *State v.*

Brooks, 341 S.C. 57, 62,533 S.E.2d 325,328 (2000). See also Rule 403, SCRE.

An *in camera* hearing is necessary to determine both the applicability of one of these exceptions to this rule and, if necessary to weigh the prejudicial effect and the probative value. E.g. *State v. Wallace*, 384 S.C. 428, 431-432, 683 S.E.2d 275,277 (2009) ("[A]fter an *in camera* hearing, the trial judge allowed Sister to testify that she was also sexually abused by respondent."); *State v. Clasby*, 385 S.C. 148, 152, 682 S.E.2d 892, 894 (2009) ("[T]he trial judge conducted an *in camera* hearing regarding the alleged prior bad act evidence.").

II. Rule 404(b).

The evidence offered by the Solicitor is not admissible under Rule 404(b) for three reasons. First, the evidence is not admissible under a traditional interpretation of Rule 404(b). Second, although the prosecution might rely on *State v. Wallace*, 384 S.C. 428, 683 S.E.2d 275 (2009) (charged offense and defendant's prior bad act of sexually abusing victim's sister were sufficiently similar for evidence of the bad act to be admissible under Rule 404(b) to show common scheme or plan), there is substantial uncertainty about the continued validity of *Wallace*. Third, even if the Court finds this evidence to be admissible, the prejudicial effect of the evidence substantially outweighs the probative value.

A. The evidence is not admissible under a traditional interpretation of Rule 404(b).

In a criminal case, the State cannot attack the character of the defendant unless the defendant first places his character in issue. In a similar vein, evidence of other crimes or bad acts is generally inadmissible to prove the crime charged unless the

evidence tends to establish (1) motive, (2) intent, (3) absence of mistake or accident, (4) a common scheme or plan, or (5) identity. **Both rules are grounded on the policy that character evidence is not admissible for purposes of proving that the accused possesses a criminal character or has a propensity to commit the crime with which he is charged.**

State v. Nelson, 331 S.C. 1, 6, 501 S.E.2d 716, 718-19 (1998) (internal quotations and citations omitted) (emphasis added). Traditionally, admissibility under *State v. Lyle*, 125 S.C. 406, 118 S.E. 803 (1923). *Lyle* and Rule 404(b) is *not* determined by similarity. Regarding the admissibility of prior crimes, our Supreme Court warned in *Lyle*: True, such evidence strongly tends to induce the jury to believe that, merely because the defendant was guilty of the former crimes, he was also guilty of the latter; but that is the precise inference the general rule was wisely designed to exclude. *Lyle*, 125 S.C. at 420, 118 S.E. at 808. "The substance of these common law rules has now been codified in" Rule 404, SCRE. *Nelson*, 331 S.C. at 6, (fn. 7), 501 S.E.2d at 718-19, (fn. 7). Under the traditional interpretation of the rule, "[i]f the court does not clearly perceive the connection between the extraneous transactions and the crime charged, that is, its logical relevance, the accused should be given the benefit of the doubt, and the evidence rejected." *State v. Brooks*, 341 S.C. 57, 61, 533 S.E.2d 325, 327-28 (2000). See also *State v. Fletcher*, 379 S.C. 17, 25 (fn. 3), 664 S.E.2d 480, 484 (fn. 3) (2008) ("Prior acts must be so intimately connected to the crimes charged that their introduction is appropriate to complete the story of the crime charged."); *State v. Pagan*, 369 S.C. 201, 211, 631 S.E.2d 262, 267 (2006) ("To be admissible, the bad act must logically relate to the crime with which the defendant has been charged."); *State v. Timmons*, 327 S.C. 48, 52, 488 S.E.2d 323, 325 (1997) ("A common scheme or plan concerns more than the commission of two similar crimes; some connection between the crimes is necessary.");

State v. Parker, 315 S.C. 230, 234, 433 S.E.2d 831, 833 (1993) ("noting that "a general similarity . . . [is] insufficient to support the common scheme or plan exception."); *State v. Johnson*, 293 S.C. 321,234, 360 S.E.2d 317, 319 (1987) (Evidence of other crimes is never admissible unless necessary to establish a material fact or element of the crime charged."); *State v. Stokes*, 279 S.C. 191, 193, 304 S.E.2d 814, 815 (1983) ("The 'common scheme or plan' exception requires more than a mere commission of two similar crimes by the same person. There must be some connection between the crimes. If there is any doubt as to the connection between the acts, the evidence should not be admitted.").

The Defendant anticipates the prosecution will rely on the perceived similarities between the allegations and the prior bad acts as stated in her 404 Motion . The Defendant further anticipates the State will rely on *Wallace, supra*.¹ In *Wallace*, by focusing on similarity, our Supreme Court departed from the traditional interpretation of Rule 404(b).² In Argument II(B), *infra*,

1. The defendant in *Wallace* did not challenge the admission of the prior bad act evidence as a violation of due process. See Argument III, *infra*.

2. At least one state court has returned to the traditional application of Rule 404(b) in sexual abuse cases. *Lannan v. State*, 600 N.E.2d 1334, 1339 (Ind.,1992) ("We hasten to add that abandoning the depraved sexual instinct exception does not mean evidence of prior sexual misconduct will never be admitted in sex crimes prosecutions . It means only that such evidence will no longer be admitted to show action in conformity with a particular character trait. It will continue to be admitted, however, for other purposes such as proof of motive , opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake.").

Defendant will explain why the continued validity of *Wallace* is in question. However, even under *Wallace*, prior bad act evidence is not automatically admissible. E.g. *State v. Fonseca*, 393 S.C. 229, 229, 711 S.E.2d 906, 906 (2011) ("The Court of Appeals properly held that the circuit court erred in permitting the State to introduce evidence of the 2001 incident, and properly summarily disposed of the State's additional sustaining ground.").

Wallace requires "the trial court should consider the following factors when determining whether there is a close degree of similarity between the bad act and the crime charged: (1) the age of the victims when the abuse occurred; (2) the relationship between the victims and the perpetrator; (3) the location where the abuse occurred; (4) the use of coercion or threats; and (5) the manner of the occurrence, for example, the type of sexual battery." *Wallace*, 384 S.C. at 433-34, 683 S.E.2d at 278. Applying these factors, the prosecution cannot meet its burden of proof. Only some of the factors are similar:

<i>Event</i>	<i>alleged incident</i>	<i>similarity</i>
Spring break 2013	Under nightgown/vaginal area. Told Grandmother several months later.	No accusation in the Warrants, statements to police or counselor about touching of the vaginal area
Between 2013-2015, Defendant kissed alleged victim on the back of the neck	Kissing on the back of the neck	No accusation of kissing on the neck
Between 2013 and 2015 touched legs	Touched alleged victims legs making her uncomfortable	No charges of improper touching legs

Between 2013 -2015 showed pictures	Victoria's Secrets picture were shown to the alleged victim	No other accusation of photos shown
Between 2013-2015 bathing suit	Offered to buy alleged victim a revealing bathing suit	No other accusations of offers to pay or buy things for the alleged victim
December 26, 2015 text message	Text message sent LUKUAMU	No allegations of improper messaging

If the suspicious expansion of the incident dates is excluded, only some similarities exist. Even considering this suspect evidence, the majority of the evidence is dissimilar. Courts have strictly required similarities for all the *Wallace* factors. *E.g. State v. Taylor*, 396 S.C. 193, 202, 720 S.E.2d 522, 526-527 (Ct. App. 2011) Turning to the *Wallace* factors, (1) the age of the victims when the abuse occurred; (2) the relationship between the victims and the perpetrator; (3) the location where the abuse occurred; (4) the use of coercion or threats; and (5) the manner of the occurrence, for example, the type of sexual battery."In sum, with the exception of the relationship between the victim and perpetrator, the State cannot prove any of the other *Wallace* factors.

Uncertainty about the continued validity of *State v. Wallace*.

Because the composition of our Supreme Court has changed, the continued validity of *Wallace*, is uncertain. There is a reasonable probability there are sufficient votes on the current court to overturn *Wallace*.

Justice Pleicones dissented in *Wallace*, noting our Supreme Court's "cases holding that evidence of other acts of sexual misconduct is admissible in a trial for criminal sexual conduct with a minor as a 'common scheme or plan' under Rule 404(b), SCRE, have, in effect,

created an exception to the rule's exclusion of propensity evidence." *Wallace*, 384 S.C. at 435-36, 683 S.E.2d at 279. Chief Justice Pleicones is now off the Supreme Court. See *State v. Hubner*, 384 S.C. 436, 437, 683 S.E.2d 279, 280 (2009) (Pleicones J. dissenting) ("For the reasons given in my dissent in *State v. Wallace* . . . I respectfully dissent.").

Justice Burnett, who authored *Wallace*, and Justice Waller, who voted with the majority in *Wallace*, have retired from the Court. They have been replaced by Justices Hearn and Kittredge. It is reasonable to believe Justice Hearn would vote to overrule the Supreme Court's opinion that reversed the Court of Appeals opinion she authored in *State v. Wallace*, 364 S.C. 130, 611 S.E.2d 332 (Ct. App. 2005). Based on his prior, scholarly opinion rejecting propensity evidence, it is reasonable to believe Justice Kittredge would vote to overrule *Wallace*. See *State v. Tuffour*, 364 S.C. 497, 504, 613 S.E.2d 814, 818 (Ct. App. 2005) ("The appellate courts of this state have unwaveringly adhered to the rule of exclusion of prior bad act evidence to show criminal propensity or that the defendant is a bad person unworthy of the presumption of innocence.") vacated by *State v. Tuffour*, 371 S.C. 511, 641 S.E.2d 24 (2007).

Justices Hearn, and Kittredge, therefore, could provide the necessary votes to overturn *Wallace*. The Defendant, therefore, believes it is likely our Supreme Court will eventually adopt the Court of Appeals opinion in *Wallace*.

B. The prejudicial effect substantially outweighs the probative value.

Even after *Wallace*, "[o]nce bad act evidence is found admissible under Rule 404(b), the trial court must then conduct the prejudice analysis required by Rule 403, SCRE. The probative value of evidence falling within one of the Rule 404(b) exceptions

must substantially outweigh the danger of unfair prejudice to the defendant." *Wallace*, 384 S.C. at 435, 683 S.E.2d at 278- 79 (2009).

III. Due Process.

Wallace, and similar appellate court decisions of this state,³ created a rule allowing admission of prior bad acts against individuals other than the alleged victim⁴ in the case to demonstrate general propensity. See *Wallace, supra*, (Pleicones J. dissenting); *State v. Fonseca*, 383 S.C. 640, 647, 681 S.E.2d 1, 4 (Ct. App. 2009) ("Although *Lyle* does not distinguish between sexual offenses and non-sexual offenses, the common trend in South Carolina is to apply the *Lyle* exceptions differently to sexual offenses.") *affirmed by State v. Fonseca*, 393 S.C. 229, 711 S.E.2d 906 (2011).

South Carolina's rule allowing admission of propensity evidence in child sexual abuse cases violates due process.

³ E.g. *State v. Hubner*, 384 S.C. 436, 683 S.E.2d 279 (2009); *State v. Hallman*, 298 S.C. 172, 379 S.E.2d 115 (1989); *State v. McClellan*, 283 S.C. 389, 323 S.E.2d 772 (1984); and *State v. Rivers*, 273 S.C. 75, 254 S.E.2d 299 (1979).

⁴ This motion does not address the situation when the victim in the case is subjected to ongoing abuse by the defendant. E.g. *State v. Clasby*, 385 S.C. 148, 682 S.E.2d 892 (2009); *State v. Weaverling*, 337 S.C. 460, 523 S.E.2d 787 (Ct. App. 1999); *State v. Whitener*, 228 S.C. 244, 89 S.E.2d 701 (1955); and *State v. Richey*, 88 S.C. 239, 70 S.E. 729 (1911).

A. United States Constitution.

Although the Supreme Court of the United States has not addressed "whether a state law would violate the Due Process Clause if it permitted the use of 'prior crimes' evidence to show propensity to commit a charged crime," *Estelle v. McGuire*, 502 U.S. 62, 75, fn. 5 (1991), the High Court has recognized the unfair danger of admitting such evidence by explaining:

"Not that the law invests the defendant with a presumption of good character, but it simply closes the whole matter of character, disposition and reputation on the prosecution's case-in-chief. The State may not show defendant's prior trouble with the law, specific criminal acts, or ill name among his neighbors, even though such facts might logically be persuasive that he is by propensity a probable perpetrator of the crime." *The inquiry is not rejected because character is irrelevant; on the contrary, it is said to weigh too much with the jury and to so over persuade them as to prejudge one with a bad general record and deny him a fair opportunity to defend against a particular charge.*

Michelson v. U.S., 335 U.S. 469, 475-76 (1948) (internal citations omitted) (emphasis added). *See also, Old Chief supra* (holding the exact nature of a prior crime too prejudicial to be admissible even though it was an element of the offense).

The Defendant, therefore, anticipates the Supreme Court of the United States will ultimately hold that the admission of propensity evidence violates due process.

Even if the Court does not categorically ban the admission of such evidence, the Court likely will require strict application of rules of evidence to ensure against violations of a defendant's fundamental right to a fair trial. Congress has enacted Rules 413 and 414, FRE that create a rule similar to *Wallace* in Federal Coml. The federal rule was

controversial from the start, as it

runs counter to a centuries-old legal tradition that views propensity evidence with a particularly skeptical eye. The common law, of course, is not embodied in the Constitution, but the fact that a rule has recommended itself to generations of lawyers and judges is at least some indication that it embodies fundamental conceptions of justice. It also cannot be irrelevant that the members of two committees, consisting of 40 persons in all, and appointed by the Judicial Conference of the United States to examine Fed. R. Evid. 413 before its passage, all but unanimously urged that Congress not adopt the rule because of deep concerns about its fundamental fairness. Members of the committees worried that the new rule would displace essential protections [that have] formed a fundamental part of American jurisprudence and have evolved under longstanding rules and case law.

U.S. v. Mound, 157 F.3d 1153 (8th Cir. 1998) (Arnold, J., dissenting from denial of rehearing *en banc*) (internal quotations and citations omitted).

The federal rule admitting this evidence has survived Constitutional challenge, but only because of the strict protections of Rule 403, FRE. *E.g. U.S. v. LeMay*, 260 F.3d 1018, 1022 (9th Cir. 2001) ("Rule 403 remains applicable to evidence introduced under Rule 414, and, if conscientiously applied, will protect defendants from propensity evidence so inflammatory as to jeopardize their right to a fair trial."); *U.S. v. Enjady*, 134 F.3d 1427, 1433 (10th Cir. 1998) ("Considering the safeguards of Rule 403, we conclude that Rule 413 is not unconstitutional on its face as a violation of the Due Process Clause."); *U.S. v. Castillo*, 140 F.3d 874, 882-83 (10th Cir. 1998) ("Application of Rule 403, however, should always result in the exclusion of prior bad act evidence that "is so prejudicial that it violates the defendant's fundamental right to a fair trial.").

B. South Carolina Constitution.

It is well settled that a state can decide a constitutional issue on adequate and independent state grounds. *Michigan v. Long*, 463 U.S. 1032 (1983). South Carolina has a tradition of deciding constitutional issues based on adequate and independent state grounds. *Eg. State v. Brown*, 284 S.C. 407, 326 S.E.2d 410 (1985) (chemical castration is cruel and unusual punishment pursuant to S.C. Const Art I, §15); *State v. Forrester*, 343 S.C. 637, 645, 541 S.E.2d 837, 841 (2001) ("The South Carolina Constitution, with an express right to privacy provision included in the article prohibiting unreasonable searches and seizures, favors an interpretation offering a higher level of privacy protection than the Fourth Amendment."). Article I, Section 3 of the South Carolina Constitution guarantees due process of law.

Other state courts that have addressed this issue hold that introducing this type of propensity evidence violates the due process clauses of state constitutions. For example, "[b]ased on Iowa's history and the legal reasoning for prohibiting admission of propensity evidence out of fundamental conceptions of fairness, . . . the Iowa Constitution prohibits admission of prior bad acts evidence based solely on general propensity." *State v. Cox*, 781 N.W.2d 757, 768 (Iowa 2010). In reaching this conclusion, the Iowa Supreme Court reviewed its state's "policy against admissibility of general propensity evidence stems from a fundamental sense that no one should be convicted of a crime based on his or her previous misdeeds." *Id.* at 767 (internal quotations omitted).

The Iowa Supreme Court further noted, "The general rule prohibiting propensity evidence was firmly established in Iowa courts at common law. *Id.* at 764 (citing *State v. Vance*, 119 Iowa 685, 686, 94 N.W. 204, 204 (1903)). Likewise, the Missouri Supreme

Com1 "act[ed] consistently with a long line of cases holding that the Missouri constitution prohibits the admission of previous criminal acts as evidence of a defendant's propensity" and invalidated a state statute admitting this type of evidence in child sexual abuse cases. *State v. Ellison*, 239 S.W.3d 603, 607-08 (Mo. 2007).

The same considerations are just as firmly rooted in South Carolina's common law. Our Supreme Com1 decided *Lyle* in 1923 based on this state's precedent. *See State v. Kenny*, 57 S.E. 859, 861-62 (S.C. 1907) ("Logically, the commission of an independent offense is not proof, in itself, of the commission of another crime. . . . Without [an] obvious connection it is not only unjust to the prisoner to compel him to acquit himself of two offenses instead of one, but it is detrimental to justice to burden a trial with multiplied issues that tend to confuse and mislead the jury.").

The Court, therefore, should hold that introducing evidence of a prior crime, involving an individual different than the alleged victim in this case, is impermissible propensity evidence and violates the due process clause of Article I, Section 3 of the South Carolina Constitution.

Conclusion

This Court should not allow the prosecution to introduce evidence of the State's requested Rule 404(b), SCRE.

IT IS SO MOVED.

Respectfully submitted,

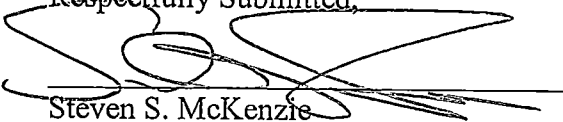

Steven S. McKenzie

October 26, 2017
Manning, South Carolina

In order to satisfy the clear and convincing standard and to weigh the probative value of the evidence against the danger of unfair prejudice, live testimony is required. The defendant requests the court to inquire of the state whether the state intends to introduce evidence of other crimes, wrongs, or bad acts. If so, then the defendant requests an *in camera* hearing where the Court can take testimony, hear the arguments of counsel, and make the appropriate rulings.

IT IS SO MOVED.

Respectfully Submitted,

A large, stylized handwritten signature in black ink, appearing to be 'S. McKenzie', written over the typed name.

Steven S. McKenzie

A-28, 2017.
Manning, SC 29102

STATE OF SOUTH CAROLINA)
)
COUNTY OF CLARENDON)
)
STATE OF SOUTH CAROLINA)
)
 vs.)
)
Michael Dinkins)
)
 Defendant.)

IN THE COURT OF GENERAL SESSIONS
THIRD JUDICIAL CIRCUIT

Warrant #'s: 2016A1410100010;
2016A1410100011; 2016A1410100012

Motion to exclude testimony of the alleged
victim for lack of competency to testify, or
in the alternative, for the court to order a
competency evaluation

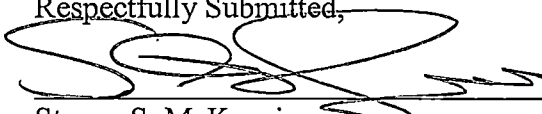
The Defendant moves the Court for order excluding the testimony of the alleged victim for lack of competency to testify. The defendant relies on Rule 601, SCRE and *State v. Needs*, 333 S.C. 134, 508 S.E.2d 857 (1998).

In the alternative, pursuant to *In re Michael H.*, 360 S.C. 540, 602 S.E.2d 729 (2004), the defendant moves for the Court to appoint a Child Forensic Psychiatrist to conduct an independent examination for competency and to report the findings directly to the Court.

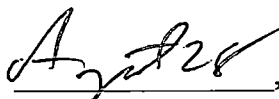
The defendant requests a hearing on this motion.

IT IS SO MOVED.

Respectfully Submitted,



Steven S. McKenzie

, 2017.
Manning, SC 29102

2016 AUG 28 PM 3:12
CLARENDON COUNTY, SC
BEULAH COURT
CLERKS

STATE OF SOUTH CAROLINA)
COUNTY OF CLARENDON)
STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS
THIRD JUDICIAL CIRCUIT
CERTIFIED COPY
OF ORIGINAL FILED IN THIS OFFICE

DATE 8/28/2017

Beulah S. Roberts

CLERK OF COURT
CLARENDON COUNTY, SC

V.

MICHAEL DINKINS

DEFENDANT

Motion to Reserve Cross – examination of the
Alleged Victim Until After the State Presents
S.C. Code Section 17-23-175 Evidence

BEULAH S. ROBERTS
CLERK OF COURT
CLARENDON COUNTY, SC
AUG 29 2017

The defendant moves the Court to allow him to reserve cross- examination of the alleged victim about the out-of- court statement until after the state presents the S.C. Code Section 17-23-175 evidence. This motion does not waive the objection to the admissibility of the evidence. Rather, this motion applies only if the Court overrules this objection.

The defendant understands every litigant has to make strategic decisions about what evidence to admit. The defendant, therefore, moves the court not to require him to cross-examine the alleged victim about the out of court statements until the state actually introduces the evidence. Section 17-23-175(A)(3) requires “the child testifies at the proceeding and is subject to cross- examination on the elements of the offense and the making of the out-of-court statement.”

The defendant proposes the following procedures. First, in order to ensure the child testifies at the hearing, the child must testify about the elements of the crime before any evidence of the out-of-court statement is admissible. Once the state completes the direct examination, the defendant would cross-examine the child about the elements of the crime. At the end of the cross-examination about the elements of the crime, cross-examination about the making of the out-of-court statement would be reserved until the state actually presents evidence of such a

statement. If the state decides to present evidence of the out-of-court statement, then the alleged victim would return to the witness stand for the balances of the cross-examination.

The defendant acknowledges this is an unusual procedure. Section 17-23-175, however, is an unusual procedure that applies in very limited situations. In essence, it is a new rule of evidence. The special rule of evidence mandates a special procedure. The state might argue the defendant could recall the alleged victim in his case in chief. Section 17-23-175, however, guarantees the defendant will be allowed to cross-examine the alleged victim about the statement. Since the defendant objects to the admissibility of the out-of-court statement, he should not be required to cross-examine about the statement until the state actually introduces the statement.

IT IS SO MOVED.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "S. J. [unclear]", written over a horizontal line.

April 28, 2017

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF CLARENDON)
)
THE STATE)
)
)
VS.)
)
)
MICHAEL DINKINS)
)
Defendant)

IN THE COURT OF GENERAL SESSIONS
FOR THE THIRD JUDICIAL CIRCUIT

Case Number:

Motion to require disclosure of alleged victim's
counseling records

BEULAH G. ROBERTS
CLERK OF COURT
CLARENDON COUNTY, SC
2017 AUG 29 PM 1:08

Pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), *Kyles v. Whitley*, 115 S.Ct. 1555 (1995), the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution, and Art. 1, §§3 and 14 of the South Carolina Constitution, the defendant moves for an order requiring disclosure of counseling records and any other mental health records of the alleged victim.

Here, the alleged victim was seeing a counselor before and after the alleged crimes.. Yet, the State, although seemingly having access to any information it wants from the counselor, does not obtain and disclose these records. While S.C. Code §10-11-95 establishes a privilege, this section also provides an exception to the privilege.

Section 19-11-95(D)(1) provides, in part:

A provider shall reveal confidences when required by statutory law
Or by court order for good cause shown to the extent that the patient's
Illness or emotional conditions are reasonably at issue in a proceeding.

These records are needed for several reasons. First, the defendant should have access to the same information that law enforcement and the Solicitor's office have access to in

investigation and preparing the case for trial. Second, the defendant should have access to information in order to learn of any inconsistent statements made to the counselor. Third, the defendant should have access to the notes of the counselor in order to determine if the examiner used appropriate techniques. Fourth, the defendant should have access to the information in order to determine if the child has been abused by another individual and that such abuse may be the source of the child's symptoms. Fifth, the defendant should have access to the information in order to determine if there is another cause for the child's symptoms and whether the counselor has investigated that possibility. Sixth, the absence of rape trauma symptoms is evidence that makes the alleged assault less probable. 7. Finally, the alleged incidents occurred over a period of months. The defendant is in need of all mental health record for impeachment purposes to determine if the alleged victim reported the incidents to Sumter Psychiatry over the several months that the incidents allegedly took place.

The defendant contends that the requested information is material to the defense and should be produced prior to trial in order that counsel for the defendant can adequately and effectively prepare a defense. If the State objects to producing one or more of the requested items, then the defendant requests a hearing, prior to trial, before the chief administrative judge.

IT IS SO MOVED.

Respectfully Submitted,


Steven S. McKenzie

August 28, 2017

7 In addition, the defendant needs the records in order to determine whether or not to request a competency evaluation of the alleged victim. See *In re Michael H.*, 360 S.C. 540, 602 S.E. 2d 729 (2004).

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	THIRD JUDICIAL CIRCUIT
COUNTY OF CLARENDON)	
	)	Warrant #'s: 2016A1410100010;
STATE OF SOUTH CAROLINA	)	2016A1410100011; 2016A1410100012
)	
vs.	)	Motion to Compel Information about the
	)	Alleged Victim's Disability
)	
Michael Dinkins)	
)	
Defendant.)	

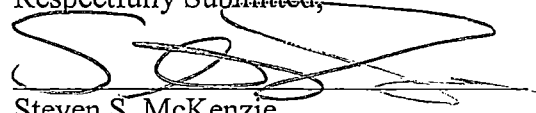
Pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), *Kyles v. Whitley*, 115 S.Ct. 1555 (1995), the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution, and Article I, §§ 3 and 14 of the South Carolina Constitution, the defendant moves that the State produce information about the alleged victim's mental disability.

Three pages of Counseling records were produced by the State that indicates that the victim was seen by a mental health professional with Psychiatry Associates of Sumter, South Carolina. In those records the victim alleges that the Defendant was "touching her" (victim). A copy of the documents are attached and were provided pursuant to Rule 5 and Brady Motions filed by the Defendant. The Defendant would show that the State has waived any objection to confidentiality of the victim's records by producing a "part" of the records. The defendant contends that the requested information is material to the defense and should be produced prior to trial in order that counsel for the defendant can adequately and effectively prepare for the alleged victims cross examination of the victim as well as witnesses to the statements.

IT IS SO MOVED.

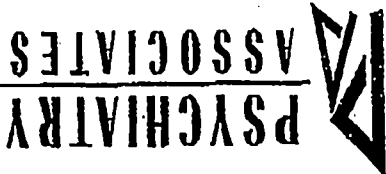
BEULAH CLERK OF COURT
 CLARENDON COUNTY, SC
 AUG 28 PM 3:13

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'S. McKenzie', written over a horizontal line.

Steven S. McKenzie

August 28, 2017.
Manning, SC 29102



SUMTER PSYCHIATRY ASSOCIATES
560 Constitution Drive
Sumter, SC 29154
Phone (803) 905-5650
Fax (803) 905-5653

NORTHEAST PSYCHIATRY ASSOCIATES
1040-B Wildewood Centre Drive
Columbia, SC 29229
(803) 699-4679 Phone
(803) 699-3011 Fax

Authorization to Release

I, Leigh Dinkins, hereby request and authorize the release of any and all medical records pertaining to my treatment and care. I understand that these records may contain privileged information, including psychiatric and substance abuse evaluations, and I expressly authorize the release of all such records. I further expressly waive the protection of confidentiality by law.

PATIENT NAME: Virginia Leigh Joyce
SOCIAL SECURITY #: _____
DOB: 10/27/84

I hereby request and authorize:
 Anston H. Gray, MD
 Sara McClain, MSW, LISW-CP
 Pressley Warwick, MD
 Meredith Stanton, MD

Obtain from / Release to:

Physician/Agency: Clarendon County Sheriff's Dept

Mailing Address: _____

Telephone #: _____

Fax #: _____

Please specify the type of information or specific portion of the record needed: Last office visit 1-16 to present

This authorization expires on: _____

All information I hereby authorize to be obtained from this individual/agency will be held strictly confidential and cannot be released by the recipient without written consent. I understand that unless otherwise limited by state or federal regulations and except to the extent that action has been taken which was based on my consent, I may withdraw this consent at any time. It is understood and agreed that the information to be disclosed is from records which may be protected by Federal Confidentiality Rules which prohibit making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by law.

Signature of Patient or Parent/Guardian of a minor or incompetent person.
Leigh Dinkins

Date 1-13-16
Time 10:45

Relationship Aunt/Aunt's daughter

Printed name Leigh R. Dinkins

CLINICAL NOTES

EMOTIONAL/ BEHAVIORAL STATUS

UNCHANGED SINCE LAST VISIT 1-7-16

IMPROVED- EVIDENCED BY _____

DETERIORATED- EVIDENCED BY _____

COMMENTS: _____

UNDATED TREATMENT PLAN

PROBLEM: _____

GOALS: _____

COMMENTS: _____

OBSERVATIONS:

Mood: *anxious*
Affect: *constricted*
Thought: *logical*
Hallucinations: *no*
Delusions: *no*
Focus: *good*
Sleep: *good*
Energy: *high*
Suicidal Ideations: *female*

DIAGNOSIS: *major, gen*

IDENTIFICATION

11470016

ISSUES ADDRESSED IN TODAY'S SESSION:

pt doing well - Will go to Missouri tomorrow for a forensic interview.

pt has been nervous when someone comes up behind her.

TEACHING/ TREATMENT:

pt states she is afraid of Uncle Mike. It was reassured that she will not be taken away from her grandmother and aunt. Supportive therapy given. It

PATIENT RESPONSE TO TREATMENT/ TEACHING:

spoke freely about her feelings - feels very safe w/ grandmothers home. Aunt and grandmother joined session - they feel like pt is handling the issue well.

MEASURABLE PROGRESS TO GOALS

CLINICIAN SIGNATURE AND TITLE <i>Dr. J. McClain</i>	TIME IN <i>4:30</i>	TIME OUT <i>5:20</i>	DATE <i>1-13-16</i>
PATIENT NAME: <i>Virginia Joyce</i>			

CLINICAL NOTES

EMOTIONAL/ BEHAVIORALS STATUS

U UNCHANGED SINCE LAST VISIT

I IMPROVED- EVIDENCED BY

D DETERIORATED- EVIDENCED BY

COMMENTS:

*allude
sexual misconduct
by uncle -
for him*

UNDATED TREATMENT PLAN

PROBLEM:

GOALS:

COMMENTS:

OBSERVATIONS:

Mood:

Affect:

Thought:

Hallucinations:

Delusions:

Focus:

Sleep:

Energy:

Suicidal Ideations:

*allude
content
logical
no
not
disturbed
high
none*

DIAGNOSIS

ADOL anxiety

IDENTIFICATION

11 y/o female

ISSUES ADDRESSED IN TODAY'S SESSION:

*Its aunt came into session first.
Pt's uncle has allegedly been
touching her inappropriately - on
several occasions. Aunt and pt
left the home upon pt. telling about*

TEACHING/ TREATMENT:

Aunt is pursuing a divorce.

Pt. came in alone - told MSW that

*her uncle kissed her and put his
tongue in his mouth; another
occasion, he put her hand*

PATIENT RESPONSE TO TREATMENT/ TEACHING:

*under her shirt - On a third occasion,
she was in bed asleep and he
straddled her with his body and moved*

*up and down. MSW explained to pt
how other people could be involved*

MEASURABLE PROGRESS TO GOALS

*in case and would be talking to her.
MSW reassured pt. that she would
not have to leave her aunt and
grandmother.*

CLINICAL SIGNATURE AND TITLE

[Signature]

TIME IN

4:20

TIME OUT

5:20

DATE

7-7-16

PATIENT NAME:

Virginia Joyce

statement. If the state decides to present evidence of the out-of-court statement, then the alleged victim would return to the witness stand for the balances of the cross-examination.

The defendant acknowledges this is an unusual procedure. Section 17-23-175, however, is an unusual procedure that applies in very limited situations. In essence, it is a new rule of evidence. The special rule of evidence mandates a special procedure. The state might argue the defendant could recall the alleged victim in his case in chief. Section 17-23-175, however, guarantees the defendant will be allowed to cross-examine the alleged victim about the statement. Since the defendant objects to the admissibility of the out-of-court statement, he should not be required to cross-examine about the statement until the state actually introduces the statement.

IT IS SO MOVED.

Respectfully Submitted,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

April 28, 2017

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	THIRD JUDICIAL CIRCUIT
COUNTY OF CLARENDON)	
	)	2016-GS-14-0098
STATE OF SOUTH CAROLINA)	
)	
vs.	)	Written Objection to Qualifying
	)	the Person Conducting the Interview
	)	of the child as an Expert
Michael Dinkins)	
)	
Defendant.)	

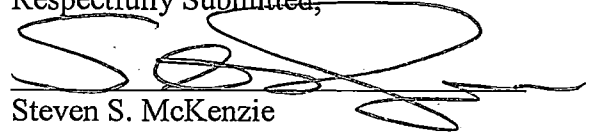
The Defendant objects to the state qualifying as an expert witness anyone who conducted an interview with the alleged victim as part of the investigation of this case. In *State v. Douglas*, 380 S.C. 499, 671 S.E.2d 606 (2009), the Supreme Court held “it was unnecessary for the trial court to have qualified her as an expert.” *Id.* 380 S.C. at 503, 671 S.E.2d at 608. The Court reached this conclusion because the interviewer “only as her personal observations and experiences, and her interview with the Victim in this case.” *Id.* 380 S.C. at 502-3, 671 S.E.2d at 608. “Ultimately, [the interviewer] testified that based on the interview, it was her opinion the victim needed to go to the Durant Center for a medical exam.” *Id.* 380 S.C. at 502, 671 S.E.2d at 608.

In this case, the “forensic interviewer” used leading questions to elicit a statement; the statements made by the victim do not give detailed accounts of the alleged offenses; the forensic interviewer is seen as bolstering the testimony of the child; and the statement given by the child lacks sufficient coherence.

BEULAH CLERK OF COURT
 CLARENDON COUNTY, SC
 AUG 28 PM 3:21

IT IS SO MOVED.

Respectfully Submitted,



Steven S. McKenzie

April 28, 2017.
Manning, SC 29102



THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CLARENDON COUNTY
Court of General Sessions

Michael G. Nettles, Circuit

Court Judge

Case No. 2016-GS-14-0098

RECEIVED

NOV 09 2018

SC Court of Appeals

The State.....Respondent.

V.

MICHAEL JAMES DINKINS.....Appellants.

In the Court of Appeals

PROOF OF SERVICE

I certify that I have served the Reply to States Motion to Strike by depositing a copy of it in the United States Mail, postage prepaid, on November 8, 2018 addressed to 3 West Keitt Street, SC 29102 and to the South Carolina Attorney General's Office, PO Box 11549, Columbia, SC 29211.

November 8, 2018

Steven S. McKenzie
Coffey & McKenzie, PA
2 North Brooks Street
Manning, South Carolina 29102
(803) 435-8847 Telephone
(803) 435-8915 Facsimile
Attorney for the Appellant

COFFEY & MCKENZIE, PA
ATTORNEYS AT LAW

WILLIAM C. COFFEY, JR.
STEVEN S. MCKENZIE
JOSEPH K. COFFEY

EST. 1970

2 NORTH BROOKS STREET
POST OFFICE 1292
MANNING, SOUTH CAROLINA
TELEPHONE (803)435-8847
FACSIMILE (803) 435-8915
EMAIL: LAWFIRM@CCMLAWSC.COM

November 8, 2018

RECEIVED

NOV 09 2018

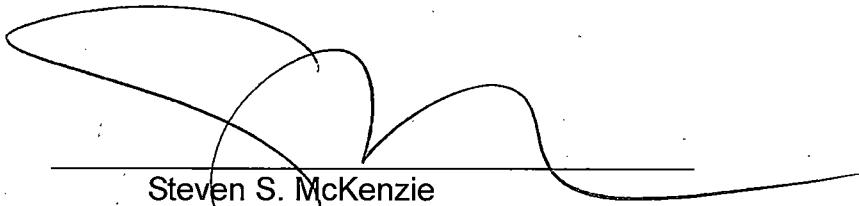
SC Court of Appeals

The Honorable Jennie Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: The State of South Carolina vs. Michael James Dinkins
2017-002360

Dear Ms. Kitchings:

Enclosed herewith please find the Reply to States Motion to Strike along with Proof of Service of the same.



Steven S. McKenzie
Coffey, Chandler & McKenzie, PA
2 North Brooks Street
Manning, South Carolina 29102
(803) 435-8847 Telephone
(803) 435-8915 Facsimile
Attorney for the Appellant

cc: Katarzyna K. Timmons
3 W. Keitt Street
Manning, SC 29102

John Benjamin Aplin
PO Box 11549
Columbia, SC 29211-1549

Alan M Wilson
Attorney General for SC
PO Box 11549
Columbia, SC 29211

Coffey & McKenzie, P.A.
ATTORNEYS - AT - LAW
P.O. BOX 1292 - 2 N. BROOKS ST.
MANNING, SC 29102

South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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