

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

THE STATE,

RESPONDENT,

V.

ANGELA PRESSLEY GREENE,

APPELLANT

APPELLATE CASE NO. 2018-000066

RECEIVED

Appeal from Greenville County

JAN 04 2019

Perry H. Gravely, Circuit Court Judge

SC Court of Appeals

RETURN TO STATE'S MOTION TO SUSPEND BRIEFING  
AND VACATE THE CONVICTION AND SENTENCE

On December 31, 2018, Respondent served a motion entitled "Motion to Suspend Briefing." In the body of the motion, Respondent requested this Court "stay briefing and reverse Appellant Greene's conviction and sentence." Put succinctly, Respondent indicated that "[a]fter a thorough review of this matter, the state does not intend to defend this appeal." Appellant files this return to join in the state's request to vacate the conviction and sentence.

**Procedural history**

On September 26, 2017, a Greenville County grand jury indicted Appellant for possession of methamphetamine. The state, represented by Hunter Blouin, called the case to trial before the Honorable Perry Gravely on January 9, 2018. Michael Martinez represented

Appellant. Prior to trial, Appellant moved to suppress any and all evidence seized by the police due to law enforcement's unlawful detention of her. The judge denied the motion to suppress.

Following a bench trial, Judge Gravely found Appellant guilty as charged. Judge Gravely then refused Appellant's request to sentence her to a conditional discharge, stating he did not want to "set this precedent" and it would "create a major issue." He then sentenced Appellant to one year imprisonment suspended upon time served followed by nine months of probation, including substance abuse counseling and random drug and alcohol testing. On January 9, 2018, Appellant served her notice of appeal.

Thereafter, Robert M. Pachak perfected the appeal by filing an initial brief of appellant and designation of matter on August 6, 2018. On appeal, Appellant challenged the introduction of drug evidence against her because the evidence was obtained pursuant to the police officer's illegal detention of Appellant. It was undisputed at trial that the police seized Appellant. The question before the trial judge was whether the police had reasonable suspicion to suspect Appellant of criminal activity in order to seize her. The police did not, as the state now admits. Appellant completed her probationary sentence in September 2018. On December 31, 2018, the state filed its motion to suspend briefing and vacate the conviction and sentence and indicated that it would not defend the appeal.

Appellant files this return to join in the state's request to vacate the conviction and sentence. Appellant respectfully requests this Court vacate Appellant's conviction and sentence.

Respectfully Submitted,

  
SUSAN B. HACKETT  
Appellate Defender

This 4th day of January, 2019.

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THE STATE,

RESPONDENT,

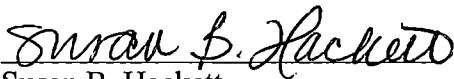
V.

ANGELA PRESSLEY GREENE,

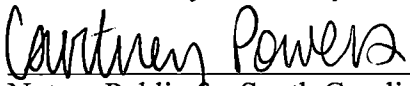
APPELLANT

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

The undersigned attorney hereby certifies that a copy of the return to state's motion to suspend briefing and vacate the conviction and sentence in the above-entitled case has been served upon David Spencer, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and Angela Pressley Greene, at 3720 Owen Lane, Easley, SC 29640, this 4th day of January, 2019.

  
Susan B. Hackett  
Appellate Defender  
ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO BEFORE  
ME this 4<sup>th</sup> day of January, 2019.

 (L.S)  
Notary Public for South Carolina  
My Commission Expires: May 2, 2027.