STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of General Sessions

The Honorable Doyet A. Early, Circuit Court Judge

Appellate Case No. 2018-000449

THE STATE,

Respondent,

v.

COLETTE ADRIANE COLLINS,

Appellant.

INITIAL BRIEF OF RESPONDENT

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ATTORNEYS FOR RESPONDENT

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The trial judge properly admitted a recording of a jailhouse conversation between Appellant and her husband that contained a number of statements that were inconsistent with Appellant's trial testimony because the evidence was exceptionally relevant and the significant probative value was not substantially outweighed by the risk of unfair prejudice. Further, the recording did not constitute improper impeachment or character evidence.

STATEMENT OF THE CASE

Appellant was indicted during the December 2017 term of the Grand Jury for Beaufort County for accessory after the fact of murder (2017-GS-07-01941). From January 22-24, 2018, Appellant proceeded to a jury trial before the Honorable Doyet A. Early. At the conclusion of trial, the jury found Appellant guilty as indicted. Judge Early sentenced her to imprisonment for a term of fifteen years. Appellant timely filed a notice of appeal and subsequently submitted a brief. This Brief of Respondent follows.

STATEMENT OF FACTS

On October 27, 2016, Joe Reuby went to John Cherol's house where the two talked and hung out together. Tr. pp. 73-74. Reuby had known Cherol for several years after meeting him through work. Tr. p. 73. Reuby stated he and Cherol sat outside the home on a couch that was positioned against one of the home's walls. Tr. p. 74. Reuby heard the sound of a gun racking, followed by two gun shots. Tr. p. 76. Cherol was struck in the head by one of the shots. Tr. p. 76. Reuby noticed the shot came from an area adjacent to the home where it was dark. Tr. p. 77. Reuby ran inside the home and called 911. Tr. p. 77.

At 12:48 a.m., Officer Jeffrey Dickson received a call from dispatch informing him there was a gunshot victim nearby. Tr. p. 45. Officer Dickson responded to the scene and was told the victim was on the back porch of the home. Tr. p. 47. John Ireland of Beaufort County EMS arrived shortly after the police and noted the victim was sitting on a sofa at the back of the home and had passed away prior to their arrival. Tr. pp. 57-58. Officer Dickson conducted a sweep of the yard and discovered two .12 gauge shotgun shells. Tr. pp. 50-51. One of the shotgun shells had been fired and the other round was an unfired round. Tr. p. 51.

Investigators subsequently reviewed security camera footage from Cherol's subdivision and discovered footage of Appellant at Cherol's home earlier in the evening, and later footage of a Toyota Camry driving by the house. Tr. p. 105. Investigators confirmed the Camry belonged to Appellant. Tr. p. 105. Investigators then obtained a warrant for Appellant's cell phone, and discovered a large number of calls between Appellant and her husband, Samuel Collins. Tr. pp. 105-06. Text messages were subsequently discovered between Samuel Collins and a friend, Cody Brown, about where the murder weapon was located. Tr. p. 106. Officers subsequently obtained a search warrant for Cody Brown's residence where they recovered camouflage clothing and a camouflage-colored shotgun with an attached scope. Tr. pp. 109-11.

At trial, Brown testified he met Samuel Collins in 2007 when they worked a construction job together. Tr. p. 120. After they fell out of touch for a while because Collins got "too wild," Brown and Collins re-connected in 2015. Tr. pp. 120-21. Brown recalled an occasion in late September of 2016 where Collins contacted him and told him some individuals owed him some money and had threatened him. Tr. p. 122. Collins borrowed a .12 gauge shotgun, ostensibly for his personal protection. Tr. pp. 122-23. On the evening of Cherol's murder, Brown received a text message from Collins indicating he had returned his shotgun and placed it in the bed of his truck. Tr. p. 123. Two days later, Collins sent Brown a text message that stated, "You haven't seen me, I haven't seen you." Tr. p. 125. When he examined the gun that was returned to him, Brown noted the gun was loaded with buck shot. Tr. p. 126. Brown did not provide Appellant with any buck shot rounds. Tr. p. 126.

Samuel Collins testified during Appellant's trial. Collins and Appellant were married in 2001 and moved to Blufton in 2008. Tr. p. 161. In 2013, Collins filed for divorce on the grounds of adultery; however, he and Appellant ultimately reconciled. Tr. pp. 182-83. Prior to Appellant's trial, Collins was convicted of John Cherol's murder on October 18, 2017. Collins testified that he decided to testify in Appellant's trial because he was hoping for a reduction in his sentence, but that he also wanted to tell the truth so that Cherol's family would know what really happened. Tr. pp. 160-61. Collins stated he and Cherol were friends, however he was also Cherol's drug dealer. Tr. p. 163. Collins explained that Cherol had a drug problem and bought pills from him. Tr. p. 163. Prior to his death, Cherol owed Collins about one thousand dollars. Tr. p. 163.

On September 27, 2015, Collins' house was robbed and he believed Cherol was responsible. Tr. pp. 165-66. Collins suspected Cherol was responsible because he acted strangely

that day, he knew Collins did not have any firearms in the house at that point, and he had a motive, because he owed him money. When Collins confronted Cherol about possibly being involved, Cherol indicated he knew something about the robbery but alleged some guys he met at a bar told him about it. Tr. pp. 168-69. Collins contended a mutual friend told him that Cherol confessed being involved in the robbery to him. Tr. p. 169. Collins testified that the same mutual friend later claimed Cherol told him that he wanted to put two bullets in Collins. Tr. p. 170.

On the night of Cherol's murder, Appellant came home late and intoxicated and told Collins she had been at Cherol's house. Tr. p. 171. Appellant claimed she went to Cherol's house to confront him about his debt to Collins and to ask for information about who invaded their home. Tr. p. 171. Collins testified he became very angry and grabbed the shotgun he borrowed from Brown. Tr. p. 172. Collins told Appellant to drive him to Cherol's house and she agreed. Tr. p. 173. Collins testified he told Appellant he wanted to ask Cherol why she was at his house earlier and "possibly scare him." Tr. p. 173. Collins told Appellant, "I don't know what I'm going to do, but I'm not going to shoot him." Tr. p. 188. Appellant subsequently dropped Collins off at the back of the house. Tr. p. 175. After he shot Cherol, Collins returned to Appellant's waiting car. Tr. p. 175. Collins told Appellant, "I shot him. Let's go." Tr. p. 176. Collins directed Appellant to drive him to Brown's house where he put Brown's gun and clothes in the back of his truck. Tr. p. 176. After returning the clothes, Appellant and Collins went home. Tr. p. 177. Collins testified he was very anxious and paced around the house and that Appellant told him to calm down. Tr. p. 177. Collins emphasized at trial that he told Appellant he killed Cherol, she drove him to Cody Brown's house to get rid of the murder weapon, and she never called 911 or told the police he was the individual responsible for Cherol's death. Tr. p. 194.

STANDARD OF REVIEW

In criminal cases, appellate courts sit to review errors of law only. State v. Baccus, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006). Trial judges have considerable discretion in ruling on the admission or exclusion of evidence, and an appellate court will not reverse a trial judge's ruling on evidentiary matters absent a clear abuse of that discretion resulting in prejudice to the defendant. State v. Gaster, 349 S.C. 545, 557, 564 S.E.2d 87, 93 (2002). See State v. Torres, 390 S.C. 618, 625, 703 S.E.2d 226, 230 (2010) ("The appellate court reviews a trial judge's ruling on admissibility of evidence pursuant to an abuse of discretion standard and gives great deference to the trial court.").

ARGUMENT

The trial judge properly admitted a recording of a jailhouse conversation between Appellant and her husband that contained a number of statements that were inconsistent with Appellant's trial testimony because the evidence was exceptionally relevant and the significant probative value was not substantially outweighed by the risk of unfair prejudice. Further, the recording did not constitute improper impeachment or character evidence.

Relevant Facts

During his opening statement, Defense Counsel argued:

> The fact is, there are parts of our society where women are still subservient to men, where they still can't question what men tell them. And that's certainly true in [Appellant's] case in the marriage to her husband, Sam Collins. As you see, [Appellant] is a very petite woman. She's about 5'1", 120 pounds. You may see her husband, Sam Collins, later this week. He's about 6'4", about 250 pounds. You may hear testimony that he is a forceful and aggressive person, whereas Ms. Collins, you may hear testimony she's not as aggressive. She is a cervical cancer survivor, who is frail from the ongoing treatment and medication she's had to take as a result of her cervical cancer.

Tr. pp. 36-37. Appellant subsequently testified at trial. Tr. pp. 270-305. Appellant testified Collins suffered a gunshot wound in 2014 and was prescribed a number of prescription pain pills as a result. Tr. pp. 273-74. Appellant described her marriage to Appellant after his injury as, "It was rough. It was rocky. It was like a roller coaster, constant back and forth, not knowing what kind of mood he was going to be in on a day-to-day basis." Tr. pp. 274-75. Appellant asserted Collins did not tell her he shot Cherol when he returned to the car on the evening of Cherol's murder, and she did not find out Cherol had been killed until the next day. Tr. pp. 281-83. Appellant stated she asked Collins about Cherol's murder later that evening and he admitted he shot him and told her not to tell anyone what happened. Tr. p. 285. Appellant contended Collins:

> [W]as very threatening and intimidating and didn't want me to discuss it, especially with my family or the police, and I really didn't know what to do. I didn't know what to do. I was - - I was very scared. I didn't - - if he was capable of doing something like that to John, then I didn't know what was going to happen to myself or my family and - -.

Tr. p. 285. Appellant contended she did not intend to help Collins escape law enforcement, Tr. p. 286. Appellant testified she did not want Appellant to come home after he was arrested. Tr. p. 300. Appellant also testified she did not try to get Collins out on bond. Tr. p. 300.

Following Appellant's testimony, the State sought to introduce an audio recording of Appellant and her husband in rebuttal. Tr. p. 306. Appellant offered a number of objections to the evidence. First, Appellant contended the State improperly delayed disclosure of the evidence. Tr. p. 307. Second, Appellant contended the recording should be excluded because it was a marital communication. Tr. p. 307. Third, Appellant contended the evidence was not relevant and that any probative value was substantially outweighed by the risk of unfair prejudice. Tr. p. 308. Finally, Appellant asserted the recording constituted improper impeachment evidence because it was not evidence of character or bias and the recording did not represent any inconsistent statements. Tr. p. 308. In response, the solicitor noted she provided the jail call to Defense Counsel as soon as she discovered it, Tr. p. 309. As to the statements themselves, the solicitor explained the recordings contained a number of inconsistent statements. Tr. p. 310. In the recording, Appellant gushes about how much she loves Collins, which directly rebutted Appellant's duress defense and the contention she was scared of him. Tr. p. 310. Appellant also stated in the recording she had been trying to get Collins out on bond, however she had been unable to collect enough money as of yet because of the number of offenses Collins was charged with. Tr. p. 310, R. p. * (Jail Recording). After listening to the tape, the trial judge found:

> I have had an opportunity to review - - not review, to listen to the tape in its entirety of the conversation between the defendant and her husband. I have made an analysis under 403 and I am going to allow it into evidence. This case, obviously, is one where the credibility of the witnesses is a key issue in the case as to who they believe. Now we have heard one version by the husband who is the convicted murderer. We have heard several inconsistent statements by the defendant, her testimony in direct examination and her testimony in cross

> examination and her statements that she was impeached on. Her demeanor on the stand puts credibility at issue in this case probably as much as any case I have seen in a while. Now we have got a tape that gives another whole sort of different light on the situation, not only the substance of the tape but the banter between the defendant and her husband has been - - there's been testimony about her being scared, there's testimony about not repeating what happened after he told her because she was afraid. So, credibility is just a huge issue. And I find that this tape will be another piece of evidence for the jury to judge the credibility of all who have testified in the case, and I find it relevant. And I find that the relevance outweighs any prejudicial effect under 403, so I'll allow it in. As far as the profanity or cursing or whatever you want to call it, it seems like to me that was their everyday language, so you know, if you are going to talk like that obviously people will hear it, so I find that to be not a grounds to exclude it. So I'm letting it in.

Tr. pp. 317-18.

The State subsequently called Jeffrey Maxwell to testify. Tr. p. 319. Maxwell is assigned as an intelligence officer where he manages inmate phone calls. Tr. p. 319. Maxwell testified he received a subpoena from the Solicitor's office for a copy of a jail visitation call between Samuel Collins and Appellant. Tr. p. 319. Maxwell explained that in order to make an outside call or to use the phone during a visitation, an inmate does voice verification and enters a personal identification number before they can make the call. Tr. p. 320.

Discussion

Appellant contends the trial judge abused his discretion by admitting the recording of Appellant's conversation with her husband while he was incarcerated. Specifically, Appellant avers the evidence was not relevant and any probative value was substantially outweighed by the risk of unfair prejudice. Appellant also asserts the recording constituted improper character and impeachment evidence in violation of Rule 404(a), SCRE, Rule 608, SCRE, and Rule 613, SCRE. These arguments lack merit. Appellant's inconsistent statements were exceptionally relevant and their probative value was not substantially outweighed by the risk of unfair

prejudice. Further, the statements did not constitute improper character or impeachment evidence.

Rule 402, SCRE and Rule 403, SCRE

Probative value is the measure of the importance of a piece of evidence's tendency to prove or disprove some fact or issue relevant to the outcome of a case. State v. Collins, 398 S.C. 197, 202, 727 S.E.2d 751, 754 (Ct. App. 2012), rev'd on other grounds, 409 S.C. 524, 763 S.E.2d 22 (2014). Meanwhile, unfair prejudice means an undue tendency to suggest a decision on an improper basis. State v. Dickerson, 341 S.C. 391, 400, 535 S.E.2d 119, 123 (2000); see Old Chief v. United States, 519 U.S. 172, 181 (1997) ("The term 'unfair prejudice,' as to a criminal defendant, speaks to the capacity of some concededly relevant evidence to lure the factfinder into declaring guilt on a ground different from proof specific to the offense charged."). However, unfair prejudice does not mean damage to a defendant's case that results from the legitimate probative force of a piece of evidence. State v. Gilchrist, 329 S.C. 621, 630, 496 S.E.2d 424, 429 (Ct. App. 1998). That is true because all evidence introduced by the State in a criminal trial is meant to be prejudicial to the defendant, and it is only unfair prejudice that must be avoided. Id.

When ruling on the comparative probative value and potential prejudicial effect of evidence, trial judges have "particularly wide discretion[.]" Collins, 398 S.C. at 209, 727 S.E.2d at 757. As a result, a trial judge's ruling on such a matter should be afforded great deference on appeal and should only be reversed in exceptional circumstances. State v. Lyles, 379 S.C. 328, 339-340, 665 S.E.2d 201, 207 (Ct. App. 2008). Importantly, "[a] trial judge's balancing decision under Rule 403 should not be reversed simply because an appellate court believes it would have decided the matter otherwise because of a differing view of the highly subjective factors of the

probative value or the prejudice presented by the evidence." State v. Hamilton, 344 S.C. 344, 358, 543 S.E.2d 586, 593-594 (Ct. App. 2001), overruled on other grounds by State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005). "If judicial self-restraint is ever desirable, it is when a Rule 403 analysis of a trial court is reviewed by an appellate tribunal." Id. at 358, 543 S.E.2d at 594.

In the current case, Appellant's testimony made the recording at issue immensely relevant. Throughout opening argument and in her testimony, Appellant maintained her husband was threatening or intimidating and that she was subservient to him out of fear. Appellant testified she did not want Appellant to come home after he was arrested and she did not try to get him pout on bond, presumably because she feared him and no longer wanted him at home. The recording paints Appellant's relationship with her husband in a very different light. In the recording Appellant and Collins gush about how much they love one another. When Collins asked Appellant if she would wait for him, she replied, "Yes babe, I promise, I promise. I love you. You know I love you. I've been thinking about you this whole time." State's Exhibit 67. Appellant also explicitly tells her husband she has been trying to get him out on bond. The statements are directly contrary to Appellant's trial testimony. As noted by the trial judge, these inconsistent statements went directly towards Appellant's credibility, and the credibility of the witnesses was of paramount importance at trial. This made the recordings substantially relevant and gave the evidence a very high probative value.

Appellant argues the statements were unduly prejudicial and should have been excluded under Rule 403, SCRE, because Appellant and Collins used profanity, made negative comments about law enforcement, and discussed drugs being found in the couple's home. On the contrary, the trial judge properly concluded the evidence's probative value was not substantially outweighed by any limited prejudice. While Appellant and Collins do use some profanity in the

recording, the limited use of profanity does not constitute a reasonable ground to exclude probative evidence. Also, as noted by the trial judge, the profanity used by Appellant and Collins was "everyday language" and that if they spoke in that manner, "obviously people will hear it. Tr. pp. 317-18. Similarly, Appellant was not prejudiced by any mention of prescription drugs in the home because both Appellant and Collins discussed Collins' drug use and stated prescription drugs were commonly found in the home during their testimony. Further, Appellant and Collins' mentions of law enforcement were not of the type or degree of statement that would warrant exclusion based on unfair prejudice. As mentioned *supra*, the probative value of the recording was exceptionally high because it identified several inconsistent statements made by Appellant and directly impacted her credibility. The trial judge therefore correctly found the evidence's probative value was not substantially outweighed by the risk of unfair prejudice.

Rule 404

Rule 404(a), SCRE, states, "Evidence of a person's character or a trait of character is not admissible for the purpose of proving action in conformity therewith on a particular occasion." [1] The purpose of Rule 404 is to exclude evidence that tends to suggest a defendant's guilt based merely on his reputation or character, i.e. evidence which implies because this person is a bad guy or acted in a manner similar to this before, he is guilty. State v. Gonzalez, 360 S.C. 263, 270, 600 S.E.2d 122, 126 (Ct. App. 2004) overruled on other grounds by State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005). "The term character refers to a generalized description of a person's disposition or a general trait such as honesty, temperance or peacefulness. Generally speaking, character refers to an aspect of an individual's personality which is usually described in evidentiary law as a propensity." State v. Nelson, 331 S.C. 1, 7, 501 S.E.2d 716, 719 (1998)

[1] The Rule goes on to provide several exceptions to the general prohibition on character evidence generally. See Rule 404(a)(1) to (a)(3), SCRE.

(internal quotations and citations omitted). Appellant contends the recorded conversation between Appellant and Collins was not admissible under Rule 404(a) because it was improper character evidence that the State sought to admit to prove Appellant acted in conformity therewith. Appellant's argument is incorrect on two grounds. First, the recording did not constitute evidence of Appellant's character or a trait of character. The recording constituted evidence of a prior inconsistent statement and had bearing on Appellant's credibility at trial, not her character. Second, the State did not introduce the recording to prove Appellant acted in conformity with any imagined character trait. Rather, the State introduced the recording to refute specific assertions made by Appellant during her direct testimony where the contended she was frightened of her husband, did not want him to come, and did not try to get him out of bond, where her words in the recording would indicate the opposite. There was no character trait or bad act the State alleged Appellant acted in conformity with. Simply put, the State's action of presenting a prior inconsistent statement did not constitute evidence of propensity.

Rule 608

"Rule 608(a) permits the credibility of a witness to be impeached in the form of opinion or reputation testimony, but only for 'truthfulness or untruthfulness.'" State v. Grace, 350 S.C. 19, 26, 564 S.E.2d 331, 334 (Ct. App. 2002). Rule 608 (b), SCRE, provides in relevant part, "Specific instances of the conduct of a witness, for the purpose of attacking or supporting the witness' credibility, other than conviction of crime as provided in Rule 609, may not be proved by extrinsic evidence." Similarly, Rule 608(c), SCRE, states, "Bias, prejudice, or any motive to misrepresent may be shown to impeach the witness either by examination of the witness or by evidence otherwise adduced." Appellant contends Rule 608 barred the admission of the recording at trial. Appellant believes the recording was not admissible under 608(a) because it

was not opinion or reputation testimony, the recording was not admissible under 608(b) because the recording was extrinsic evidence, and the recording was not admissible under 608(c) because it did not establish any evidence of bias, prejudice, or motive to misrepresent. Appellant's argument misunderstands the purpose and applicability of Rule 608. As to Appellant argument that the recorded statements did not constitute opinion and reputation evidence of character, the State agrees, however the evidence was not admitted pursuant to that subsection. As to Appellant's argument that the evidence should have been excluded under Rule 608(b) because the recording was extrinsic evidence, Appellant overlooks the fact that the Rule applies to only conduct and not statements. See State v. Fossick, 333 S.C. 66, 508 S.E.2d 32 (1998) (rule that precludes extrinsic evidence of specific instances of conduct for purpose of attacking or supporting witness' credibility does not apply to statements). As to Appellant's argument that the evidence was not admissible under Rule 608(c), the State acknowledges the recordings did not amount to evidence of bias which was why the State did not seek to admit the recordings under that subsection. Rule 608 was wholly inapplicable in Appellant's case, which is why the State sought to admit them as a prior inconsistent statement, and why the trial judge subsequently found the inconsistent statements admissible.

Rule 613

Rule 613(b), SCRE, provides:

> **(a) Examining Witness Concerning Prior Statement.** In examining a witness concerning a prior statement made by the witness, whether written or not, the statement need not be shown nor its contents disclosed to the witness at that time, but on request the same shall be shown or disclosed to opposing counsel.
>
> **(b) Extrinsic Evidence of Prior Inconsistent Statement of Witness.** Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is advised of the substance of the statement, the time and place it was allegedly made, and the person to whom it was made, and is given the opportunity to explain or deny the statement. If a witness does not admit that he has made the

> prior inconsistent statement, extrinsic evidence of such statement is admissible. However, if a witness admits making the prior statement, extrinsic evidence that the prior statement was made is inadmissible. This provision does not apply to admissions of a party-opponent as defined in Rule 801(d)(2).

Appellant argues the recording was inadmissible pursuant to Rule 613 because she never made any inconsistent statements during the recording. On the contrary, Appellant's conversation and demeanor during the recording is very different than the portrait of a frightened woman who did not want her husband to return home from jail that she painted before the jury. After acknowledging she went to visit Collins following his arrest, Appellant stated she did not try to get him out on bond. Tr. p. 300. Appellant was then asked whether she wanted her husband to come home after he was arrested and she replied, "No, ma'am. No, ma'am." Tr. p. 300. This testimony is diametrically opposed to what she told Collins when he was incarcerated. In the recording, Appellant told Collins that she was working on getting his bond and would contact his family for help. Tr. 178; State's Exhibit 67. Appellant also told Collins that she earlier had enough money to get him out and she was going to post his bond; however, another charge was added and she could not afford it anymore. State's Exhibit 67. Appellant continued that she was trying to sell their boat to get money to post his bond and they had a discussion regarding whether it would be prudent to instead spend that money on a lawyer. State's Exhibit 67. Also, Appellant continually refers to Collins as "baby" and tells him she loves him. State's Ex. 67. Collins asked Appellant if she would wait for him and she replied, "Yes, babe, I promise, I promise. I love you, you know I love you and I've been thinking about you this whole time. . . ." Towards the end of their visit, Appellant told Collins that she could not wait for him to get out because then "we can get the hell out of here and never look back." State's Exhibit 67. Contrary to Appellant's contentions, these statements are patently inconsistent with her trial testimony.

The trial judge thus properly allowed the State to call a rebuttal witness to admit the recording. Appellant's conviction and sentence should be affirmed.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

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ATTORNEYS FOR RESPONDENT

January 18, 2019

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
The Honorable Doyet A. Early, Circuit Court Judge

Appellate Case No. 2018-000449

THE STATE, ...RESPONDENT.

v.

COLETTE ADRIANE COLLINS, ...APPELLANT.

PROOF OF SERVICE

I, Shana Montgomery, Legal Assistant, hereby certify that I have served the Initial Brief of Respondent and Designation of Matter, dated January 18, 2019, on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record:

Laura M. Caudy, Esquire
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I further certified that all parties required by Rule to be served have been served. This 18th day of January, 2019.

Shana Montgomery

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ALAN WILSON
ATTORNEY GENERAL

January 18, 2019

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Re: The State v. Colette Adriane Collins
Appellate Case No. 2018-000449

Dear Ms. Caudy:

I am enclosing two (2) copies of the Initial Brief of Respondent and Designation of Matter in the above-referenced case.

Sincerely,

V. Henry Gunter
Assistant Attorney General
S.C. Bar No. 102259

VHG/ssm
Enclosures

cc: Honorable Jenny A. Kitchings (original enclosed)
Victim Advocacy Division