

**ORIGINAL**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM OCONEE COUNTY  
Court of General Sessions  
R. Scott Sprouse, Circuit Court Judge

---

**RECEIVED**

MAR 26 2019

SC Court of Appeals

The State,

Respondent,

v.

Kenneth Strother Collins,

Appellant.

Appellate Case No. 2017-002282

---

FINAL BRIEF OF RESPONDENT

---

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General  
S.C. Bar No. 14244  
Post Office Box 11549  
Columbia, South Carolina 29211-1549  
(803) 734-6305

DAVID R. WAGNER  
Solicitor, Tenth Judicial Circuit  
100 South Main St.  
Anderson, South Carolina 29624  
(864) 260-4046

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM OCONEE COUNTY  
Court of General Sessions  
R. Scott Sprouse, Circuit Court Judge

---

The State,

Respondent,

v.

Kenneth Strother Collins,

Appellant.

Appellate Case No. 2017-002282

---

FINAL BRIEF OF RESPONDENT

---

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General  
S.C. Bar No. 14244  
Post Office Box 11549  
Columbia, South Carolina 29211-1549  
(803) 734-6305

DAVID R. WAGNER  
Solicitor, Tenth Judicial Circuit  
100 South Main St.  
Anderson, South Carolina 29624  
(864) 260-4046

ATTORNEYS FOR RESPONDENT

**TABLE OF CONTENTS**

TABLE OF AUTHORITIES..... ii

APPELLANT’S STATEMENT OF ISSUES ON APPEAL..... 1

RESPONDENT’S COUNTER STATEMENT OF ISSUES ON APPEAL..... 1

RESPONDENT’S STATEMENT OF THE CASE..... 2

RESPONDENT’S STATEMENT OF FACTS..... 3

ARGUMENT..... 7

Appellant’s sentencing issue is patently unreserved and not available for review on the merits. There is no exceptional circumstance to warrant addressing the issue to prevent imminent and actual prejudice in light of appellant’s thirty year sentence for murder; and, the State of South Carolina provides a method for post-conviction relief which is more comprehensive as to entire matter. Alternatively, if addressed on the merits, the entirety of the sentence should be vacated as the sentence structure was intended to result in a fifty-year sentence.....7

CONCLUSION..... 14

## TABLE OF AUTHORITIES

### State Cases:

<i>Jackson v. Speed</i> , 326 S.C. 289, 486 S.E.2d 750 (1997).....	9
<i>Jeter v. S.C. Dep't of Transp.</i> , 369 S.C. 433, 633 S.E.2d 143 (2006).....	11
<i>Owens v. State</i> , 331 S.C. 582, 503 S.E.2d 462 (1998).....	8, 12
<i>S. Bell Tel. &amp; Tel. Co. v. Hamm</i> , 306 S.C. 70, 409 S.E.2d 775 (1991).....	11
<i>State v. Barton</i> , 325 S.C. 522, 481 S.E.2d 439 (Ct.App. 1997).....	9
<i>State v. Council</i> , 335 S.C. 1, 515 S.E.2d 508 (1999).....	8, 12
<i>State v. De La Cruz</i> , 302 S.C. 13, 15, 393 S.E.2d 184, 186 (1990).....	9
<i>State v. Dunbar</i> , 356 S.C. 138, 587 S.E.2d 691 (2003).....	7, 9
<i>State v. Johnston</i> , 333 S.C. 459, 510 S.E.2d 423 (1999).....	7, 9, 10
<i>State v. Passmore</i> , 363 S.C. 568, 611 S.E.2d 273 (Ct. App. 2005).....	9, 10
<i>State v. Perry</i> , 278 S.C. 490, 299 S.E.2d 324 (1983).....	8
<i>State v. Vick</i> , 384 S.C. 189, 682 S.E.2d 275 (Ct. App. 2009).....	11, 13
<i>State v. Wilson</i> , 345 S.C. 1, 545 S.E.2d 827 (2001).....	7

### State Statutes:

S.C. Code §§ 17-27-10 et. seq.....	12
S.C. Code §16-3-20 (A).....	8, 9
S.C. Code §16-3-910.....	7, 8

### State Court Rules:

Rule 268(2), SCACR.....	13
-------------------------	----

### Other Authorities:

Toal, Vafai, and Muckenfuss, <i>Appellate Practice in South Carolina</i> at 62 (2d ed. 2002).....	11
---	----

## **APPELLANT'S STATEMENT OF ISSUE ON APPEAL**

Whether, in the interest of judicial economy, this Court should vacate appellant's sentence for kidnapping because he was also sentenced for the same victim's murder?

## **RESPONDENT'S COUNTER STATEMENT OF ISSUE ON APPEAL**

Whether this Court should address appellant's sentencing issue when the issue is patently unpreserved; there is no exceptional circumstance to warrant addressing the issue to prevent imminent and actual prejudice in light of appellant's thirty year sentence for murder; and, the State of South Carolina provides a method for post-conviction relief which is more comprehensive as to the entire matter?

Alternatively, if the Court should agree to hear the unpreserved issue, should the entirety of the sentence be vacated and this matter be remanded to the trial judge for resentencing to allow the judge the opportunity to correct the error in his sentencing structure?

## RESPONDENT'S STATEMENT OF THE CASE

An Oconee County grand jury indicted Kenneth Strother Collins ("appellant") in April 2015 for murder, possession of weapon during the commission of a violent crime, and kidnapping. (2015-GS-37-348 and 349). (R. pp. 275-278). Angela N. Lane, Esq., represented appellant on the charges.

A jury was selected and sworn on October 16, 2017. The Honorable R. Scott Sprouse presided over the trial proceedings. Judge Sprouse heard pretrial motions including a motion for immunity from prosecution under the Protection of Persons and Property Act. After denial, the jury trial continued on October 17-18, 2017. The jury convicted as charged. (R. pp. 265-266). Judge Sprouse sentenced appellant to an aggregate term of fifty (50) years: thirty (30) years imprisonment for murder; twenty (20) years, consecutive to the murder sentence, for the kidnapping conviction, and five (5) years, concurrent, on the weapons conviction. (R. p. 274, lines 4-12).

This timely appeal follows.

## RESPONDENT'S STATEMENT OF FACTS

Appellant Collins stabbed the victim in this case, Jeremy Lee Little, twice in the back in the early morning hours of January 13, 2015 at a residence in Oconee County. The residence was the home of Collins' girlfriend, Megan Crowe. (R. p. 38, line 20 – p. 39, line 1). At the time of the murder, Collins was staying in Crowe's home along with Crowe and Chris Burrell, Collins' brother. (R. p. 39, lines 9-13). Crowe's friend, Andy Cobb, was visiting. (R. p. 39, lines 5-15). Crowe explained the group was using drugs, in particular methamphetamine and Klonopin. (R. p. 39, lines 16-21). Crowe testified that Collins was under the influence of drugs at the time: "It was completely different from anything I ever seen. ... his eyes were just completely discolored, and his attitude ... he was real violent." (R. p. 40, lines 1-3). The State's evidence demonstrated Collins stabbed; beat, and stabbed Little again in the belief that he was an informant working for police.

Crowe explained that Collins had purchased drugs from Little on the 12<sup>th</sup>. (R. p. 40, lines 15-19). Collins still owed Little for the drugs and was to go to the Crowe residence to collect the remainder of the money and also "to do some more meth ... and party" with the group. (R. p. 40, line 24 – p. 41, line 5). When he arrived, Crowe testified she and Cobb stepped outside the home to wait for the payment to be concluded, and Crowe explained to Cobb that she had become suspicious of Little. (R. p. 41, lines 13-24; R. p. 71, lines 15-16). Crowe testified that upon her return into the home, she heard Collins threaten Little, and understood that Collins thought Little was an informant. (R. p. 42, lines 12-16). Crowe testified she had Little pull up his shirt to show that he was not wearing a wire:

... he raised his shirt and it was nothing there. So when - - I just told him just to leave, just to avoid complication and everything. And he went to go leave and

Kenny [Collins] I guess either didn't believe it that he wasn't a snitch or something, but Kenny [Collins] stabbed him and he fell onto the carpet.

(R. p. 42, lines 17-22). She testified Little was stabbed "going out of the kitchen into the living room." (R. p. 42, lines 23-25). Cobb confirmed that Little "made a break for the door" and Collins followed him to stab him in the back. (R. p. 71, line 21- p. 72, line 2).

After Collins stabbed the Little, Little fell to the floor, stated he was paralyzed and begged for mercy. (R. p. 43, lines 1-6). Crowe testified Collins went to another room and Crowe took Little's head into her lap and talked to him. (R. p. 43, lines 7-11). Collins returned, hit Crowe, then kicked Little's head out of her lap so hard that Little's head "bounced off" the doorframe. Collins then stabbed him again. (R. p. 43, lines 12-16). Cobb testified that Collins cursed at victim and that Collins "stomped him in the face multiple times." (R. p. 72, lines 6-15).

Collins ordered Crowe to get duct tape, and Collins stripped Little of his clothes, finding a gun in the process which he kept. They then rolled Little's body in a carpet. Fearing they may be discovered by officers who had at that point been called, Collins directed Crowe and Cobb to move Little to a back room in the home and for Crowe and Cobb to go into the attic to avoid detection. (R. p. 43, line 19 – p. 44, line 10). Cobb testified Collins threatened Cobb and his family in order to get Cobb to cooperate. (R. p. 72, lines 19-23).

Officers eventually located the group in the home and Collins gave a verbal statement that Officer Ronald Wilbanks reiterated for trial:

He stated that he met the guy ... and bought some dope. He said that the guy was the law. And when I asked him if he thought he was a police officer, he said to me a snitch, which was the same thing to him.

He went on to say the guy came down to his house to do some dope and that the guy pulled a gun on Megan and he then stabbed him in the back.

Kenny went on to say that that the guy didn't die for a long time and was making sounds, so he tied him up and put stuff around his mouth to quiet him down.

Kenny said he pulled the guy's pants down looking for a wire because he thought he was an informant for the police.

Kenny went on to say that he then wrapped him up and drug him down the hallway into another room.

Kenny then changed his story and said that the guy pulled a gun on him, at which time he stabbed him because he hated a snitch.

(R. p. 99, at 21 – p. 100, line 12). Officer Scott Arnold was also present and testified similarly concerning Collins' verbal statement. (R. p. 108, line 6 – p. 109, line 3).

Investigating officers noted blood in the living area and kitchen areas of the home, including "some type of splatter upon the door frame." (R. p. 116, line 19 – p. 118, line 6).

Forensic pathologist Dr. Brett Woodard testified that Little's body presented two stab wounds to the back, blunt trauma and wounds from binding. (R. p. 157, line 4 – p. 161, line 3). He also noted internal "subarachnoid hemorrhage" from the head wound, which would be from a significant impact injury. (R. p. 166, line 8- p. 167, line 15).

As noted above, the jury found Collins guilty of murder, kidnapping and possession of a weapon during the commission of a violent crime. (R. p. 265, line 22 – p. 266, line 8).

At sentencing, Judge Sprouse made the following observation:

I will say at the outset, drugs are a terrible, terrible thing. We have a methamphetamine problem in this community, in this state. I've heard testimony now in a case that's gone on three days for a tragic, tragic event, and this was induced by the consumption of methamphetamines. Sale and the use of methamphetamines led to a life being taken away, a life being snuffed out; led to another life that's being taken away in a different way. I don't know what other result can happened with methamphetamines other than that. Death and prison are the logical ends, and I see that on a regular basis in criminal court, and it's very frustrating.

This is a terrible case. ...

(R. p. 273, line 14 – p. 274, line 2).

The judge thereafter crafted and imposed a fifty-year sentence which he accomplished by ordering the kidnapping sentence be served consecutive to the murder sentence. (R. p. 274, lines 4-12).

## ARGUMENT

Appellant's sentencing issue is patently unpreserved and not available for review on the merits. There is no exceptional circumstance to warrant addressing the issue to prevent imminent and actual prejudice in light of appellant's thirty year sentence for murder; and, the State of South Carolina provides a method for post-conviction relief which is more comprehensive as to entire matter. Alternatively, if addressed on the merits, the entirety of the sentence should be vacated as the sentence structure was intended to result in a fifty-year sentence

### Standard of Review:

"In criminal cases, the appellate court sits to review errors of law only." *State v. Wilson*, 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001). "In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the trial judge." *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693 (2003).

"[A] challenge to sentencing must be raised at trial, or the issue will not be preserved for appellate review." *State v. Johnston*, 333 S.C. 459, 462, 510 S.E.2d 423, 425 (1999). An exception to the general preservation rule exists to allow swift address of a sentencing issue where "there is the real threat that Defendant will remain incarcerated beyond the legal sentence due to the additional time it will take to pursue" post-conviction relief. *Id.*, 333 S.C. at 464, 510 S.E.2d at 425.

### Discussion:

By operation of statute, the structure given the sentence in this case is legally incorrect. It is an error of law. This appeal is one of many fairly recent appeals seeking to vacate a kidnapping sentence on direct appeal where a sentence was imposed for the kidnapping of the murder victim contrary to S.C. Code § 16-3-910 but there was no objection to the sentence. It differs as the sentence imposed for kidnapping was not concurrent to the murder sentence and the sentencing

structure indicates a different result was intended. Ordering a consecutive sentence evidences the sentencing judge's intent to sentence appellant to a fifty-year term. The failure to object at sentencing takes on new meaning. Thus, this appeal is clearly distinguishable from cases where a concurrent sentence was simply vacated on appeal. Appellant is not entitled to a windfall and sentence reduction by failing to properly object before the sentencing judge. At a minimum, should the Court wish to address the issue, rather than vacating only the kidnapping sentence on appeal, the sentence as a whole should be vacated and this case remanded for new sentencing.

#### *Analysis.*

S.C. Code § 16-3-910 provides:

Whoever shall unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away any other person by any means whatsoever without authority of law, except when a minor is seized or taken by his parent, is guilty of a felony and, upon conviction, must be imprisoned for a period not to exceed thirty years ***unless sentenced for murder as provided in Section 16-3-20.***

(emphasis added).

“The statute does not mandate a vacation of the kidnapping conviction” but “merely provides that either the life imprisonment sentence or the death penalty sentence required in a murder conviction shall be sufficient punishment.” *State v. Perry*, 278 S.C. 490, 495–96, 299 S.E.2d 324, 327 (1983). If such a sentence is imposed, it is considered “ineffective.” *See State v. Council*, 335 S.C. 1, 6, 515 S.E.2d 508, 510 n. 2 (1999). “The [Supreme] Court has summarily vacated life sentences for kidnapping when the defendant received a ***concurrent*** sentence under the murder statute.” *Owens v. State*, 331 S.C. 582, 585, 503 S.E.2d 462, 463 (1998) (collecting cases) (emphasis added). Of particular note here, the sentence for murder in this case is a term of years, not a life imprisonment sentence or a death sentence. Even so, the statute ties the matter to

the murder statute which also has a minimum sentence of thirty years. S.C. Code § 16-3-20. It is not disputed that Collins failed to object to the sentence. (See FBOA, p. 5).

The general rule is that “[i]ssues not raised and ruled upon in the trial court will not be considered on appeal.” *Dunbar*, 356 S.C. at 142, 7 S.E.2d at 693-94. “Our courts have ‘consistently refused to apply the plain error rule.’” *State v. Passmore*, 363 S.C. 568, 583, 611 S.E.2d 273, 281 (Ct. App. 2005) (quoting *Jackson v. Speed*, 326 S.C. 289, 306, 486 S.E.2d 750, 759 (1997)). In particular, the Supreme Court of South Carolina has “consistently held that a challenge to sentencing must be raised at trial, or the issue will not be preserved for appellate review.” *Johnston*, 333 S.C. at 462, 510 S.E.2d at 425. Respondent submits there is discord in application of our preservation rules in this area. Applying the general rule, and the exception from *Johnston*, appellant’s issue should be considered procedurally barred.

Here, there was no objection to the sentence below, and no request the court reconsider the kidnapping sentence imposed. Judge Sprouse was clear in his thought process for sentencing. He expressed this was a “terrible case” and imposed a fifty (50) year sentence. (R. pp. 273-274). The judge could have imposed a fifty (50) year sentence on murder conviction alone; but structured the sentence intentionally to reach the same result. See S.C. Code § 16-3-20 (A) (“A person who is convicted of or pleads guilty to murder must be punished by death, or by a mandatory minimum term of imprisonment for thirty years to life.”). “[W]hether multiple sentences should run consecutively or concurrently is a matter left to the sound discretion of the trial judge.” *State v. Barton*, 325 S.C. 522, 531, 481 S.E.2d 439, 444 (Ct. App. 1997). But there is a limitation. “Judicial discretion in sentencing, in suspending sentences, and in designating that sentences run concurrent or consecutive is subject to statutory restriction.” *State v. De La Cruz*, 302 S.C. 13, 15, 393 S.E.2d 184, 186 (1990). Thus, if by operation of statute the sentence imposed for kidnapping

is ineffective, the sentencing structure was imposed in error and the entire sentence must be vacated. Yet, any relief due would be granted without a preserved issue before the Court, which disrupts settled preservation rules. In this case, due to the length of the sentence, allowing appellant to challenge the kidnapping sentence in post-conviction relief, along with any other collateral challenges that may be brought, causes no irreparable prejudice to appellant, inflicts the least damage to the structure of judicial review, and does not “disrupt our settled rules on issue preservation,” which was an expressed concern in *Johnston*.

In *Johnston*, the court decided to expedite the correction of the sentencing error even though it was unpreserved, but only due to “exceptional circumstances,” *i.e.*, the real concern the defendant would remain incarcerated beyond the legal maximum sentence if she were to be referred to post-conviction relief where the error in sentencing was conceded in the appeal. *Id.* The *Johnston* exception does not apply in a case such as the instant one where there is no danger of serving time beyond the maximum imposed. Other precedent from this Court follows that logic.

For example, in *State v. Passmore*, 363 S.C. 568, 585–86, 611 S.E.2d 273, 282–83 (Ct. App. 2005), this Court considered applicability of the *Johnston* exception in regard to an unpreserved challenged to an already expired contempt sentence. The panel found:

We find the exceptional circumstance carefully carved out by the *Johnston* court is not present here. Appellant has already served the duration of her sentence; therefore, she does not face the threat of continuing incarceration beyond the legal sentence. *Johnston* does not control.

The panel concluded, in the absence of a properly preserved issue or recognized exception: “Appellant will be forced to seek redress through the avenue of post-conviction relief.” *Id.* The Court included the parenthetical quote: “In criminal cases, although the failure of an attorney to preserve an issue at trial will preclude appellate review of that issue, it may nonetheless be a

ground in a civil action for post-conviction relief as a claim of ineffective assistance of counsel.” (quoting Toal, Vafai, and Muckenfuss, *Appellate Practice in South Carolina* at 62 (2d ed. 2002)). *Id.*, 363 S.C. at 586, 611 S.E.2d at 283.

In *State v. Vick*, though, this Court expanded the Supreme Court *Johnston* exception finding the sentence for kidnapping, though unpreserved, would be vacated in light of: the concession by the State that the sentence was improper, judicial economy, and that the same issue would likely be addressed in a later post-conviction relief action. *State v. Vick*, 384 S.C. 189, 682 S.E.2d 275 (Ct. App. 2009). This Court concluded:

...because the State concedes the kidnapping sentence was erroneously imposed, and in light of the fact our courts recognize there may be exceptional circumstances allowing the appellate court to consider an improper sentence even though no challenge was made to the sentence at trial and have further summarily vacated in matters such as the one at hand, in the interest of judicial economy we vacate the clearly erroneous kidnapping sentence.

*Vick*, 384 S.C. at 203, 682 S.E.2d at 282.

In support of judicial economy, the Court of Appeals' panel in *Vick*, cited two cases: *S. Bell Tel. & Tel. Co. v. Hamm*, 306 S.C. 70, 75, 409 S.E.2d 775, 778 (1991) and *Jeter v. S.C. Dep't of Transp.*, 369 S.C. 433, 441 n. 6, 633 S.E.2d 143, 147 n. 6 (2006). *Id.* Both of those cases are civil cases, and do not contemplate an option for post-conviction relief. Further, the *Bell Telephone* opinion reflects the court actually found “the trial court properly considered the issue,” but would at any rate address and resolve a novel constitutional issue regarding a right of privacy to a publically offered, widely available, service. 306 S.C. at 75, 409 S.E.2d at 778. The *Jeter* case resolved a venue issue in a matter that had two other trials and was likely to be tried a third time, 369 S.C. at 441, 633 S.E.2d at 147 n. 6.

Here, in a criminal appeal context where post-conviction relief is available for issues not preserved for direct appeal review, appellant should not be excused from adherence to the general preservation rules. Should appellate courts routinely cite judicial economy to address unpreserved errors, the exception becomes the rule, which undermines the scope and purpose of the Post-Conviction Relief Act, see S.C. Code §§ 17-27-10 et.seq., and our state supreme court's rejection of the clear error rule. Moreover, such action may tend to inhibit rather than promote judicial economy.

For example, where an appellate court on direct appeal would vacate a kidnapping sentence on the basis of the statutory prohibition, and a subsequent post-conviction relief court should vacate only the murder sentence, the appellate action has created more work for subsequent courts. Resentencing would have to occur on the kidnapping or there would be no active sentence for the kidnapping conviction that was not otherwise disturbed. This was not the concern in *Owens* which was on PCR appeal. See 331 S.C. at 583, 503 S.E.2d at 463. Further, as *Council*, instructs the sentencing is not unconstitutional, or otherwise infirm such that a resentencing is mandated; rather, the sentence imposed is simply ineffective by virtue of the statute expressing the murder sentence is sufficient punishment. 335 S.C. at 6, 515 S.E.2d at 510 n. 2. In channeling this matter to post-conviction relief, there is no specter of longer incarceration than what is due, and no premature setting aside of a sentence which could become effective and proper, after post-conviction relief consideration of the entire matter with action on the murder sentence.

Respondent would agree it is also true that an action in post-conviction relief could result in the murder conviction being affirmed and the kidnapping sentence vacated. If that would be the only possible result, then the most recent trend of vacating the sentence on direct appeal would

tend to be supported. *See Vick, supra.*<sup>1</sup> However, that is not the only possible result, and the more prudent path – and actually more judicially economical path – would be to allow the entire matter to proceed normally into post-conviction relief.

Thus, Respondent respectfully asks this Court to apply the well-established preservation rules and find the instant issue barred from review on direct appeal. Alternatively, if this Court disagrees and wishes to consider the argument on the merits, Respondent respectfully submits the entirety of the sentence should be vacated and the matter remanded for resentencing.

---

<sup>1</sup> See also *State v. McKnight*, 2017 WL 4838470, at \*1 (S.C. Ct. App. Oct. 18, 2017) (unpublished); *State v. Howard*, 2016 WL 6609708, at \*1 (S.C. Ct. App. Nov. 9, 2016) (unpublished); *State v. Singleton* (Frank Terrance III), 2015 Westlaw 2125696 (S.C.App. May 6, 2015) (unpublished); *State v. Miller* (Antonio), 2014 Westlaw 6488693 (S.C. App. Nov. 19, 2014) (unpublished); *State v. Inman*, 2014 WL 2737603, at \*1 (S.C. Ct. App. May 21, 2014) (unpublished); *State v. Grant*, 2012 WL 10861335, at \*1 (S.C. Ct. App. July 11, 2012) (unpublished); *but see State v. Scott*, 2018 Westlaw 5045987 (S.C.App. Oct. 17, 2018) (finding issue on appeal procedurally barred). Respondent does not cite these cases for authority, but simply to factually reflect the trend after *State v. Vick*. See Rule 268(2), SCACR (“Memorandum opinions and unpublished orders have no precedential value and should not be cited except in proceedings in which they are directly involved.”).

**CONCLUSION**

For all of the foregoing reasons, it is respectfully submitted that the judgment, conviction, and sentence of the lower court should be affirmed. Alternatively, if the Court should entertain the appeal on the merits, Respondent submits the correct remedy in these circumstances would be to vacate the entirety of the sentence and remand to the trial judge for resentencing.

Respectfully submitted,

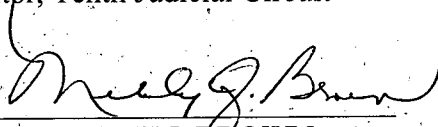
ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General,

DAVID R. WAGNER  
Solicitor, Tenth Judicial Circuit

BY:



MELODY J. BROWN  
SC Bar No. 14244

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-6305

ATTORNEYS FOR RESPONDENT

March 26, 2019.  
Columbia, South Carolina.

STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM OCONEE COUNTY  
Court of General Sessions  
R. Scott Sprouse, Circuit Court Judge

---

**RECEIVED**

MAR 26 2019

**SC Court of Appeals**

The State,

Respondent,

v.

Kenneth Strother Collins,

Appellant.

Appellate Case No. 2017-002282

---

CERTIFICATE OF COUNSEL

---

The undersigned certifies that this Final Brief of Respondent complies with Rule 211(b), SCACR, and does not include, or partially redacts, personal data identifiers, Re Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings, 375 S.C. 56, 650 S.E.2d 462 (2007)(requiring redaction of social security numbers, names of minor children, financial account numbers, and home addresses).

Respectfully submitted,

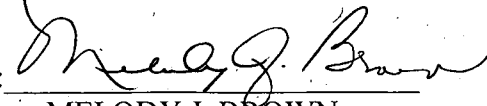
ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

DAVID R. WAGNER  
Solicitor, Tenth Judicial Circuit

BY:



MELODY J. BROWN  
SC Bar No. 14244

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-6305

ATTORNEYS FOR RESPONDENT

March 26, 2019.  
Columbia, South Carolina.