STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Tanya A. Gee, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF CHARLES T. SULLIVAN,

APPELLANT

APPELLATE CASE NO. 2016-001706

FINAL BRIEF OF APPELLANT

DAVID ALEXANDER
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

Constitutional Provisions

STATEMENT OF ISSUE ON APPEAL

In this sexually violent predator case, whether appellant's rights to a fair and impartial jury under the federal and state constitutions and state statutory law were violated when the trial judge refused to strike for cause jurors who declared during voir dire their belief that pedophiles could not be rehabilitated and two of those jurors served on appellant's jury?

STATEMENT OF THE CASE

Before appellant's release from prison after serving his entire sentence, the State initiated this sexually violent predator prosecution against appellant Charles Sullivan and the case was called for trial on July 25, 2016, before the Honorable Tanya A. Gee and a jury. R. 1. Christopher A. Morrow represented the State. R. 1. James K. Falk represented appellant. R. 1. The jury found appellant was a sexually violent predator and Judge Gee ordered him committed. R. 523, l. 4 – 528, l. 13. This appeal follows.

ARGUMENT

In this sexually violent predator case, appellant's rights to a fair and impartial jury under the federal and state constitutions and state statutory law were violated when the trial judge refused to strike for cause jurors who declared during voir dire their belief that pedophiles could not be rehabilitated and two of those jurors served on appellant's jury.

Sullivan's Defense of Rehabilitation

Pedophiles are the most reviled people in our society. See Dara L. Schottenfeld, Comment, Witches and Communists and Internet Sex Offenders, Oh My: Why it is Time to Call Off the Hunt, 20 St. Thomas L. Rev. 359, 382 & n.170 (Winter 2008) ("Our culture views sexual offenses involving children as being the worst imaginable crime—worse, even, than murder."). When it enacted the SVP Act, the Legislature went so far as to include a sentence in its findings to assure mentally ill persons they were not being lumped into a category with child molesters. See S.C. Code § 44-28-20 ("The civil commitment of sexually violent predators is not intended to stigmatize the mentally ill community.").

In a prosecution under the Sexually Violent Predator Act, the State can request a jury trial even if the defendant wants a bench trial. See S.C. Code Ann. § 44-48-90(B) ("Within thirty days after the determination of probable cause . . . the person or the Attorney General may request, in writing, that the trial be before a jury."). As observed by a former Chief Justice of our Supreme Court during an oral argument, trying SVP cases before a jury is like shooting fish in a barrel. In the Matter of Christopher Taft, Oral Argument held April 9, 2015, available at the Supreme Court's Video Archive, http://www.sccourts.org/SCvideo/indexArchived.cfm. The Attorney General requested a jury trial in appellant Charles Sullivan's case. R. 580.

Sullivan's SVP trial attracted media coverage. R. 296, ll. 5-10. R. 338, ll. 10-24. The Attorney General told the jury in his opening statement that Sullivan was convicted of eighteen sexual offenses. R. 115, ll. 6-10. The State's first witness, psychologist Dr. Marie E. Gehle, testified in great detail (approximately 72 pages in the transcript) about Sullivan's crimes and multiple victims. R. 126, l. 7 – 198, l. 11. She told the jury that SLED's "very very detailed investigation" of Sullivan led to "54 charges involving 19 victims." R. 147, ll. 14-19. Sullivan was a former basketball coach at Cardinal Newman High School, was involved with Carolina Children's Home, and even worked for the Fifth Circuit Solicitor and the Attorney General. R. 145, ll. 15-19. R. 204, ll. 10-15.

Playing to a jury's worst fears, the Attorney General asked Dr. Gehle whether Sullivan was "a wolf in sheep's clothing" and she responded, "that seems to be an accurate description." R. 206, ll. 3-5. The Attorney General made "wolf in sheep's clothing" the repetitive theme of his closing argument, repeating some version of this phrase at least seven times. R. 484, ll. 10-24. R. 485, ll. 1-5. R. 486, l. 23 – 487, l. 13. R. 491, ll. 10-21. R. 496, ll. 19-25. The Attorney General even told the jury that Sullivan wearing a prison jumpsuit during the trial was "a strategic decision" and Sullivan had "done his best to conceal himself and strap on that sheep's clothing, but you'll see and you have seen this week that he is a wolf." R. 491, ll. 10-21.

Sullivan at no point denied that he committed sexual crimes against children, but attempted to show the jury that he made every possible effort to rehabilitate himself while he served his time. R. 382, l. 23 – 466, l. 22. In his opening statement, Sullivan's attorney made rehabilitation the focal point of his defense. R. 117, l. 16 – 120, l. 5. Defense counsel asked the jury to view Sullivan's life as a play in three acts, with Act One containing "awful things." R. 117, l. 16 – 118, l. 14. Defense counsel then told the jury that Act Two "happened while he was

in custody because Mr. Sullivan did everything he could grabbed every piece of rehabilitation, every training course, any kind of self-development classes, character classes, sex offender awareness classes." R. 118, ll. 15-21. He further told the jury, "The biggest story here though is the rehabilitation. When you listen to our witnesses, you're going to see that he has rehabilitated himself." R. 119, ll. 17-19. Arguing that Sullivan had spent eighteen years in custody getting treatment, defense counsel told the jury that Act Three of Sullivan's life was in their hands. R. 120, ll. 1-5. Defense counsel repeated this theme in closing argument. R. 509, ll. 2-3.

Dr. Gehle diagnosed Sullivan with pedophilia. R. 216, ll. 4-10. Dr. Gehle testified that pedophilia is "thought to be [an] enduring disorder," but can be treated "with somebody who is very invested in treatment and is willing to give up something that gives them a lot of arousal." R. 217, ll. 9-15.

The Attorney General asked Dr. Gehle about the treatment Sullivan received while he was serving his time for his convictions. R. 209, l. 4 – 210, l. 15. She said that Sullivan did not benefit from treatment because she believed he denied and minimized his offenses during their interview. R. 210, ll. 2-15. She also claimed that the treatment offered by the Department of

Corrections is "insufficient."[1] R. 210, ll. 2-15. Dr. Gehle first noted Sullivan's participation in treatment during 2000 and 2001. R. 209, l. 4 – 210, l. 15. She said he also underwent treatment in 2015, but had spoken to the therapist who described Sullivan as "manipulative with staff." R. 209, ll. 11-15. Dr. Gehle also testified that Sullivan "convinced another therapist to hold sex offender groups without her knowledge" and that this program was dismantled. R. 209, ll. 15-19.

The Attorney General's second witness continued Dr. Gehle's attempt to portray Sullivan's desire to get sex offender treatment during his long incarceration as sinister. R. 266, l. 5 – 269, l. 21. The Attorney General called Sylvia Roberts, a social worker employed by the Department of Corrections, to testify that Sullivan "plagiarized" sex offender treatment manuals to use at the Allendale prison. R. 266, ll. 14-23. The following colloquy occurred during Roberts' direct-examination:

> Q. So someone essentially **stole** your material; is that right?
>
> A. Yes.
>
> Q. So after you reviewed the material what was your next step?
>
> A. The next step was that I spoke with my division director Mr. Dubose and we had a cease and desist order for that material to be used at Allendale. Deputy Director Sandra Barrett was notified and through her office, through the office of program

[1] Dr. Gehle's opinion about the quality of treatment in the Department of Corrections is interesting because the Attorney General filed a motion in limine "to prohibit any reference as to the details of any and all future treatment Respondent would receive if committed to the Sexually Violent Predator Program." R. 583 – 586. During argument on this motion, the Attorney General told the court that Dr. Gehle was not involved in treatment at the "SVP Treatment Unit." R. 17, ll. 19-22. Near the end of Dr. Gehle's direct-examination before the jury, the Attorney General asked Dr. Gehle a series of questions whether anything but commitment would require Sullivan to take sex offender treatment and whether his plans to avoid reoffending were sufficient. R. 221, l. 4 – 223, l. 19. She testified in the negative. R. 221, l. 4 – 223, l. 19.

at the Department of Correction that program was cease and desist with.

Q. Were you able to conclude what individual **stole** your material and initiated this program?

A. Yes.

Q. Who did it?

A. It was Mr. Charles Sullivan.

Q. During the time that this program existed at Allendale, this [rogue][2] program being operated by Mr. Sullivan, did he ever ask to be included in your program that was authorized by the Department of Corrections?

A. No, Sir.

Q. Okay, Did Mr. Sullivan **enlist the aid of anyone** to help them in creating this program from your stolen materials?

A. Yes, he had ask a **Dr. Charlotte Taylor** from Charleston to be the group leader of this material as well as himself. **The warden** paid and also **the associate warden** of Allendale **to include a clinician** at Allendale for mental health.

R. 268, l. 1 – 269, l. 5 (emphasis added). When Sullivan testified, he indeed admitted that he enlisted the aid of the warden of the prison, a chaplain, and a clinical psychologist to provide sex offender treatment at Allendale.[3] R. 437, l. 20 – 445, l. 14. The clinical psychologist, Dr. Charlotte Taylor, testified on Sullivan's behalf about the work she did with him and other sex

---

[2] This word appears in the transcript as "road."

[3] Sullivan explained that soon after he was incarcerated, he applied for sex offender treatment, but "heard nothing." R. 398, l. 10 – 400, l. 6. He filed a grievance, eventually appealing his request for treatment to the South Carolina Supreme Court. R. 398, l. 10 – 400, l. 6. As Sullivan explained, he "was just looking to get access to the program. Instead of putting me in the program which would have cost them nothing, they hired outside counsel to defend that suit." R. 398, l. 10 – 400, l. 6. See Sullivan v. South Carolina Dep't Corr., 355 S.C. 437, 586 S.E.2d 124 (2003) (holding that denial of Sullivan's request for enrollment in sex offender treatment did not implicate a liberty interest and therefore was not reviewable by the administrative law court).

offenders at Allendale prison. R. 348, l. 17 – 363, l. 6. Dr. Taylor testified that treatment helped Sullivan and felt he could be released into the community. R. 363, l. 10 – 365, l. 23.

Sullivan testified extensively about the sex offender treatment he took while imprisoned. R. 394, l. 24 – 399, l. 22. He successfully completed the first phase of the Department of Corrections ("SCDC") treatment program. R. 394, l. 24 – 399, l. 22. After being denied entry into the second phase of SCDC's treatment program, a psychiatrist on contract with Lieber treated Sullivan from 2003 until 2006. R. 400, l. 7 – 403, l. 2. At Ridgeland prison, Sullivan sought out a counselor to help continue his treatment. R. 404, l. 15 – 405, l. 10. He completed Sylvia Roberts' class with a 93 average. R. 406, ll. 12-15. R. 274, ll. 3-18.

Sullivan also testified about his plan to prevent reoffending. R. 455, l. 8 – 466, l. 22. He planned to spend his first year in a group home in Spartanburg with Jump Start. R. 455, ll. 8-19. Jump Start had sex offender treatment arranged for Sullivan with a doctor in Spartanburg. R. 455, ll. 16-19. He planned to participate in a twelve-step peer accountability program called Celebrate Recovery. R. 455, ll. 19-25. Sullivan also explained that he could now rely on his family and friends because they knew of his offenses and he no longer had anything to hide. R. 456, l. 6 – 466, l. 22. He also explained the registration requirements for sex offenders, including that he must give all of his computer passwords and codes to the sheriff's department. R. 456, l. 25 – 459, l. 18. The jury took a little over an hour to declare Sullivan a sexually violent predator. R. 522, l. 4 – 523, l. 3.

Voir Dire and Jury Selection

The court ultimately sat two jurors who initially said that pedophiles could not be rehabilitated. R. 41, l. 5 – 43, l. 8. R. 93, l. 2 – 95, l. 7. R. 587 – 590. Sullivan moved to strike these jurors for cause and his motion was denied. R. 52, l. 18 – 53, l. 17. R. 95, l. 22 – 96, l. 13.

Sullivan told the court that he had "no chance with those people. They're already pre-disposed to say you have to send him away and I can list those names." R. 52, l. 18 – 53, l. 17. The Attorney General urged the court to bring these jurors forward to determine whether they could be fair and impartial despite their responses. R. 53, ll. 12-23. Ultimately, two of these jurors, #198 and #97, sat on Sullivan's jury. R. 41, l. 5 – 43, l. 8. R. 93, l. 2 – 95, l. 7. R. 587 – 590. Sullivan used all of his peremptory strikes on other jurors who said pedophiles could not be rehabilitated and were not excused by the court (jurors 83, 176, 278, and 264). R. 41, l. 5 – 43, l. 8. R. 93, l. 2 – 95, l. 7. R. 587 – 590.

During voir dire of the jury panel, the trial judge asked, "[D]oes any member of the panel believe that a pedophile can never be rehabilitated, if so please stand? **All right, let's start in the front row from left to right.**" R. 41, ll. 5-11 (emphasis added). Fourteen jurors stood for this question. R. 41, l. 5 – 43, l. 8. The court then asked whether any member of the panel or their families had been the victim of a sexual assault. R. 43, ll. 8-16. Multiple members of the panel came forward to discuss their individual circumstances. R. 43, l. 15 – 52, l. 14.

The Jurors Sullivan Excused with his Peremptory Strikes

Juror #83 responded that he did not believe pedophiles could be rehabilitated and that he had a family member who had been sexually assaulted. R. 41, l. 5 – 43, l. 8. R. 49, l. 23 – 50, l. 16. Juror #83 said his wife was raped when she was fourteen years old and twenty years later she still saw a psychologist and it was painful for her to have sex. R. 50, ll. 1-5. He said he could be fair despite his wife's troubles. R. 50, ll. 6-16. When questioned individually about his response to the pedophile question, Juror #83 reversed his earlier stance and said pedophiles could be rehabilitated and that he could be fair. R. 62, l. 14 – 63, l. 3. Sullivan used his first peremptory strike on this juror. R. 93, l. 2 – 95, l. 7. R. 587 – 590.

Juror #176 previously told the court that her sister in Atlanta "was raped, slit and left for dead." R. 35, ll. 12-18. She then told the court that her sister's rape would not affect her ability to be fair and impartial. R. 35, ll. 12-22. Juror #176 also stood when asked whether anyone believed pedophiles could not be rehabilitated. R. 42, ll. 14-16. When the trial court brought Juror #176 to individually question whether she could be fair despite her answer to the pedophile question, she initially asked, "Can I say I'm undecided?" R. 59, l. 22 – 60, l. 5. The court further questioned her and she finally responded that she could be fair because she did medical transcription and "every word hangs on everybody's—what's important in someone life." R. 60, ll. 6-14. Sullivan used his second peremptory strike on this juror. R. 93, l. 2 – 95, l. 7. R. 587 – 590.

Juror #278 stood when asked if she believed pedophiles could not be rehabilitated. R. 42, ll. 10-11. When the court questioned her individually, she first responded, "He needs to continue to have treatment." R. 56, ll. 23-24. The court then told her the question was whether that treatment needed to be in a secure facility and she responded, "He does, yes, always." R. 56, l. 25 – 57, l. 2. The trial judge responded, "You believe that he does?" and Juror #278 responded, "Yeah, unfortunately." R. 57, ll. 3-4. The trial judge continued to question Juror #278 and she answered that Sullivan needed treatment, then that she "can't tell you one way or the other. I've never done this," then she would "work on" being fair, but "I can't promise anything," and eventually landed on "It's only fair that everybody gets a chance, so I will say it that way." R. 57, l. 6 – 58, l. 20. Sullivan used his third peremptory strike on this juror. R. 93, l. 2 – 95, l. 7. R. 587 – 590.

Juror #264 stood when asked if she believed pedophiles could not be rehabilitated. R. 43, ll. 4-6. When the trial court asked her individually whether she could be fair and impartial and

follow the law, she replied, "Yes and no." R. 63, ll. 4-13. The court asked her why she responded that way and the juror said, "Yes, I will be able to tell the truth on this case, but, no, I be feeling like something weighing mental." R. 63, ll. 14-18. The judge then asked her twice whether she would be fair or "bias[ed.]" R. 63, ll. 19-24. Juror #264 said, "I'll be fair." R. 63, ll. 19-24. The trial judge further inquired about what would be in the juror's heart and she responded, "And in my heart, I would be bias. I would be bias." R. 63, l. 25 – 64, l. 6. The court then asked her a series of questions about whether she would be able to "divorce" what was in her heart and follow the court's instructions and the juror ultimately replied that she would. R. 64, ll. 7-22. Sullivan used his last peremptory strike on this juror.[4] R. 93, l. 2 – 95, l. 7. R. 587 – 590.

The Jurors Sullivan Could Not Strike

The two jurors who said that pedophiles could not be rehabilitated who sat on Sullivan's jury were Juror #198 and Juror #97. R. 41, ll. 22-24. R. 43, ll. 7-9. R. 93, l. 2 – 95, l. 7. R. 587 – 590. The trial judge asked Juror #198 individually whether she could be fair and impartial and she said she could. R. 59, ll. 3-21. Similarly, when Juror #97 was asked whether she could be fair and impartial she replied, "Uh-huh," which the judge confirmed was an affirmative response. R. 60, l. 17 – 61, l. 6. After the jury was selected, trial counsel stated that he wanted to preserve his objections to certain jurors and the trial judge responded that his objection was "preserved for the record unless there's anything that you want on the record that hasn't been put on the record. I believe all of your objections were placed on the record." R. 95, l. 21 – 96, l. 5. Trial counsel responded, "And some of those jurors have been seated." R. 96, ll. 6-7. The court then stated,

[4] Also included in the group from which the parties selected the jury was Juror #179, who related to the court that he once told a child molester that "he was going to burn in hell for that" and he "might be predisposed to judge that way." R. 46, l. 20 – 47, l. 6. The Attorney General used a peremptory strike on Juror #179. R. 93, l. 2 – 95, l. 7. R. 587 – 590.

"That's correct. Your objections are renewed at this time, just want to make sure you don't have anything additional that you want to argue if there's—you stand on what you argued before then—" and trial counsel responded that he did not have "anything to add to my old arguments." R. 96, ll. 8-13.

The Trial Judge Erred in Allowing Jurors Who Indicated They Could Not Be Fair About the Central Issue in the Case to Sit on Sullivan's Jury

Jurors #198 and #97 both specifically answered that pedophiles could not be rehabilitated, but later answered general questions about their ability to be fair with general assertions that they could be fair. Here, the trial judge allowed general assertions of fairness to prevail over specific statements indicating unfairness on the central issue before them. Unlike other areas of the law, where specific statements control over general statements, jury selection too often allows the talismanic recitation of general fairness to prevail over specific indications of unfairness. See, e.g., Mims v. Alston, 312 S.C. 311, 313-14, 440 S.E.2d 357, 358-59 (1994) (finding specific statute addressing appeals of involuntary commitment orders controlled over a more general statute). Given that the subject matter of a sexually violent predator action is one where, as a matter of law, we know juries struggle being fair, the trial judge erred in allowing these two jurors to decide whether Sullivan had been rehabilitated and could go free or would be remanded indefinitely to the clutches of the SVP program. See State v. Nelson, 331 S.C. 1, 501 S.E.2d 716 (2005) (holding admissibility of propensity evidence in sexual abuse case required reversal).

Our evidence law does not trust jurors with propensity evidence. See Rule 404, SCRE. Rule 404 excludes character evidence offered to prove action "in conformity" with a person's character. Id. In Nelson, the Court recognized the great danger of propensity evidence in cases

involving sexual abuse of children. Nelson at 6-15, 501 S.E.2d at 718-23. Nelson was accused of molesting children and the State admitted his membership card in the Punky Brewster fan club and photos of young girls. Id. The Court held this evidence "clearly inadmissible" as propensity evidence used to show the defendant was a pedophile. Id. The Court reversed Nelson's criminal conviction. Id. The Court's omission of a harmless error analysis further demonstrates the prejudicial impact of evidence a defendant is a pedophile on a jury. Id.

But of course, Nelson was a criminal case and this civil case is, by definition, about Sullivan's propensity to commit sexually violent acts in the future. S.C. Code Ann. § 44-48-30(9) (defining "Likely to engage in acts of sexual violence" as meaning a "person's propensity to commit acts of sexual violence is of such a degree as to pose a menace to the health and safety of others"). A jury in a criminal case is incompetent to hear propensity evidence, but a jury in a sexually violent predator case must hear propensity evidence.

Sullivan knew he was starting his trial behind this eight-ball. He attempted to make his jury as fair as possible by weeding out those jurors who believed pedophiles cannot be rehabilitated. The trial judge left many of these jurors on his panel and he used his peremptory strikes on the worst of these jurors. Two still made it on Sullivan's jury by stating they could be fair and the trial judge improperly accepted their general claims.

Both the state and federal constitutions guarantee the right to an impartial jury. S.C. Const. Art. I, § 14 ("The right of trial by jury shall be preserved inviolate."); U.S. Const. amend. VII ("In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved. . . ."); In the Matter of Chapman, 419 S.C. 172, 179-80, 796 S.E.2d 843, 846-47 (2017) (holding that the due process clause of the Fourteenth Amendment applies in SVP cases). South Carolina also statutorily guarantees litigants in civil

cases an impartial jury. S.C. Code Ann. § 14-7-1050 ("[I]n all civil cases any party shall have the right to demand a panel of twenty competent and impartial jurors from which to strike a jury."). Seating a jury with two members who believed that Sullivan could not be rehabilitated denied him the right to an impartial jury.

The State will undoubtedly cite a long list of cases holding that the excusal of jurors is within the trial judge's discretion and refusing to reverse when a trial judge relies on general statements of fairness by the challenged juror. See, e.g., Abrofreka v. Alston Tobacco Co., 288 S.C. 122, 125, 341 S.E.2d 622, 624 (1986) ("Since all challenged jurors affirmatively stated they could give the parties a fair trial, there was no abuse of discretion."). Both Juror #198 and Juror #97 answered the trial court's boiler-plate questions that they could be fair.

Acceptance of these rote general statements was error in the face of their specific assertion that they had a preconceived bias against Sullivan on the trial's central issue. In State v. Saunders, 992 P.2d 951, 961-65 (Utah 1999), the Supreme Court of Utah thoughtfully addressed a trial court's acceptance of a juror's general assertion of fairness. The court described what it called a "stark little exercise" as "the all too prevalent practice of avoiding any real inquiry into possible bias by a trial judge's asking a prospective juror if he or she could decide the case fairly and follow the law given by the judge and then taking a prospective juror's affirmative answer as dispositive of the issue of bias." Id. The court said the "stark little exercise" was "inadequate for ferreting out bias." Id. The trial court here engaged in nothing more than the "stark little exercise" after hearing these jurors could not be fair.

"Ruling that a prospective juror is qualified to sit simply because he says he will be fair ignores the common-sense psychological and legal reality of the situation." Id. The court held:

> We now make emphatically clear that a juror's statement alone that he or she can decide a case fairly pursuant to the law given by the

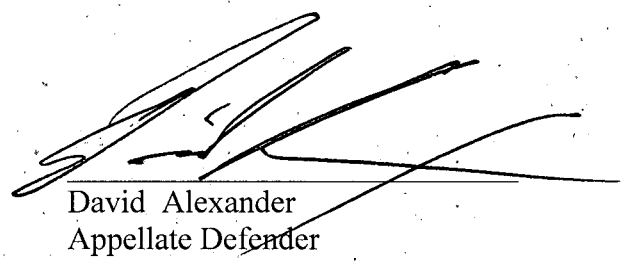
> trial court is not a sufficient basis for qualifying a juror to sit when the prospective juror's answers provide evidence of possible bias and the trial court does not allow further questions designed to probe the extent and the depth of the bias. Preventing such further inquiry and concluding the issue **by taking a juror's conclusory statement that he or she will not be affected by a particular attitude or will decide the case fairly is not sufficient.**

Id. at 962 (emphasis added).

In this case, the court accepted the jurors' conclusory statements that they could be fair without any further examination. South Carolina, unlike the vast majority of jurisdictions, does not allow attorneys to conduct voir dire. After first hearing the jurors had a specific bias that went to the heart of the case, the court erred by accepting the jurors' general acquiescence to boiler-plate fairness questions. The court's ruling forced Sullivan to use his peremptory strikes on jurors who should have been stricken for cause. The trial court repeatedly pressed these jurors who initially revealed their bias to give conclusory answers that they could be fair. As we know from Nelson, evidence of pedophilia is highly prejudicial and all of these jurors said that pedophiles cannot be rehabilitated. The Court erred in refusing to excuse these jurors and Sullivan was prejudiced by expending peremptory strikes and their service on his jury. Sullivan did not receive a trial by an impartial jury and this Court should reverse.

CONCLUSION

For the foregoing reasons, this Court should reverse and remand this case for a new trial.



David Alexander
Appellate Defender

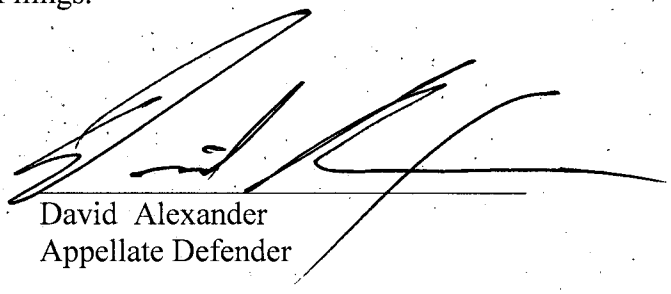
ATTORNEY FOR APPELLANT

This 3rd day of July, 2018.

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Final Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

July 3, 2018



David Alexander
Appellate Defender

S.C. Commission on Indigent Defense
Division of Appellate Defense
1330 Lady Street, Suite 401
Post Office Box 11589
Columbia, South Carolina 29211-1589

ATTORNEY FOR APPELLANT