STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Hampton County

Perry M. Buckner, Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

DALONTE GREEN,

APPELLANT

APPELLATE CASE NO. 2015-001059

FINAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

1.

Whether the court erred by excluding the testimony of Hampton Police Officer Johnny Wells that the decedent told him "Douglas" shot him where the decedent had been shot in the face, he was badly bleeding, it appeared to Wells the decedent was about to die, and the decedent indeed died shortly thereafter, since this statement was admissible pursuant to Rule 804(b)(2) as a statement under belief of impending death?

2.

Whether the court erred by ruling it would not allow defense counsel to argue for the admissibility of the dying declaration because the court had done its own research, since this was an arbitrary ruling, it violated Rule 18(a), SCRCrimP, and it denied appellant his right to be heard fully in his defense?

STATEMENT OF THE CASE

Appellant was indicted by the Hampton County Grand Jury for the offense of murder. R. 181. His case came on for trial on February 4, 2015 before the Honorable Perry M. Buckner, III, and a jury. Steve Knight was the assistant solicitor. Robert Hughes was defense counsel. R. 1.

On February 7, 2015 the jury found appellant guilty of murder. R. 174, ll. 17-22. Judge Buckner sentenced appellant to thirty years imprisonment. R. 179, l. 23 – 180, l. 30.

This appeal follows.

ARGUMENT

1.

The court erred by excluding the testimony of Hampton Police Officer Johnny Wells that the decedent told him "Douglas" shot him where the decedent had been shot in the face, he was badly bleeding, it appeared to Wells the decedent was about to die, and the decedent indeed died shortly thereafter, since this statement was admissible pursuant to Rule 804(b)(2) as a statement under belief of impending death.

Relevant facts

Officer Johnny Wells

The defense proffered the testimony of Hampton Police Officer Johnny Wells. Wells testified on December 1, 2012, he was an officer "with the Hampton Police Department, Sergeant, night shift. We got a call, shots fired, at Gray's Paradise." R. 123, ll. 3-13. Wells waited for "backup" given the "type of incident.' R. 123, ll. 10-20.

Officer Wells saw the decedent, Xavier Rodd, walking down the street. The decedent told Officer Wells : "'I got shot,' that's what he said when I encountered him. And at the time, there was other officers on [the] scene and we was trying to find out who shot him. About that time, he started to fall to the ground and I grabbed him. He was bleeding; blood was all over the place. It was kind of muffled with his talking, but there was something in his mouth, which was a lot of blood, and a lot of blood was coming out, and it was very difficult to understand exactly what he was saying, but he was trying to say something. In my experience with law enforcement **and dealing with this type of situation, it appeared to me that he was about to die.** *So at that time, I never asked him who shot him, there was another officer who asked him who shot him. But I was there; I*

asked him do he believe in God. And at that time, he spoke clearer than I have ever heard him speak during the whole confrontation. His response was, 'Yeah. Yeah, yeah, yeah, yeah, yeah. Yeah.' That's what he said when I asked him do he believe in God." R. 124, l. 6 – 125. l. 3. The following then occurred with Officer Wells.

> And when he said that, in my mind I was thinking of John 3 and 16, "For God so loved the world that He gave His only begotten Son that whosever believeth in Him should not perish but have everlasting life." So I wanted to make sure that he believed that because I knew that this was a very critical moment. So at that point, I began to pray for him as I held him *as he was taking his last breath.*
>
> Q. Did he answer the question of who killed him?
>
> A. Well, I do believe he said a name.
>
> Q. Do you recall that name?
>
> A. Yes, I do.
>
> Q. What was it?
>
> A. The name I heard him say at that time was **Douglas**.
>
> Q. And you were sure enough to write that time in an incident report?
>
> A. Yes, sir, I did.
>
> Mr. Hughes: Your Honor, that would be basically - - -
>
> The Court: That's your proffer?
>
> Mr. Hughes: That's my proffer. Cross-examination.

R. 125, ll. 4-22. (emphasis added).

On cross-examination, Wells testified that the decedent told him and Officer Teddy Scott more than once that Douglas was the person who shot him. Wells said he was holding "Mr. Rodd in my hand" at the time and that he was spitting out blood and mumbling.

However, the decedent was able to tell the two police officers that "**Douglas**" was the man who shot him. R. 126, 3-23.

Wells also testified that the decedent "wasn't really mumbling. He answered the question. He was saying, 'my mouth, my mouth.' I know he said, 'Douglas,' and he also said, 'I don't want to die.' That's what I recall." R. 127, ll. 9-15.

The solicitor argued that there had not been any testimony from a medical expert or from "EMS," that the decedent believed his death was imminent. "I think that's part of the criteria to get a declaration in is that the victim believed that death was imminent." R. 127, l. 22 – 128, l. 4. The trial judge then interjected third party guilt into the discussion. The solicitor then claimed:

> "Yes, sir, that's what it appears. **There's got to be more testimony from the defendant as to the person, time, and place who did the killing; the third party, so to speak. We don't have anything**. As I see the case law, and I'm sure the Court has this case, because I think you showed it to me, State v. Holmes, the criteria it laid out there. Hasn't been met in this case in his testimony at all."

R. 128, ll. 7-24. (emphasis added).

Defense counsel started to tell the judge that he did not know who Douglas was because the one witness he had "as to who Douglas was [was the decedent]." The judge cut defense counsel off at the point but defense counsel did tell the judge it was the defense's position under Rule 804(b)(2), SCRE that the decedent's statement was admissible as a dying declaration. R. 128, l. 23 – 129, l. 13.

The trial judge cited to State v. Hall, 134 S.C. 361, 133 S.E. 24 (1926) wherein the Supreme Court held that a statement by the decedent was admissible as a dying declaration. In State v. Hall our Supreme Court wrote: "To render these declarations admissible, it was

only necessary that the trial judge should be satisfied: First, that the death of the deceased was imminent at the time the declarations were made; second, that the deceased was so fully aware of this as to be without hope of recovery; third, that, the subject of the charge was the death of the declarant, and the circumstances of the death was (were?), the subject of the declaration." State v. Hall, 134 S.C. 361, 133 S.E. 24, 26 (1926). The trial judge ruled that Officer Wells could not testify that before the decedent died he told him that "Douglas" was the person that shot him. R. 130, l. 8 – 132, l. 22. The judge reasoned:

> There should have been for me some proof of circumstances with it. Some train of facts of circumstances which tend clearly to point out such other person as the guilty party. Here, I don't have that, and for that reason, Mr. Hughes, the state's objection as to the admission of the testimony is sustained.
>
> Mr. Hughes: *Your Honor, may I argue?*
>
> The Court: *No sir, no more argument because I've researched this for two days, Mr. Hughes.* I think I'm very familiar with it. I think that's sufficient. The record is protected. You've made a proffer of the witness. I've listened to the testimony and allowed you to do it, and I've listened to the argument of the solicitor and you and I've ruled on the matter. I'll be happy for you to call this witness, but I sustain the objection as to the testimony as to what he heard as far as the name.
>
> Mr. Hughes: *May I place my objection on the record?*
>
> The Court: *Your objection is on the record. You opposed the motion of the solicitor and it is noted on the record.*

R. 132, l. 7 – 133, l. 1. (emphasis added).

Other evidence

Varnville Police Officer Teddy Scott testified that he was dispatched to Gray's Paradise Club in the early morning hours of December 1, 2002. He was told: "There was (sic) shots fired." R. 8, ll. 2-22.

Officer Scott remembered that he talked to the owner of the club when he arrived. "After talking with Alfred Gray, I went down Tillman Avenue and met with another officer and the victim was sitting on the side of the vehicle." R. 9, ll. 6-8. The decedent was leaning against Officer Chambers' police cruiser. Officer Scott remembered: "He was bleeding and stuff, I asked who shot him . . . Mostly it was gurgle coming from him, but I do remember him asking me about the ambulance." Scott said when he asked the decedent who shot him "he mumbled something but I couldn't understand what he was saying." R. 9, l. 5 – 10, l. 5.

Officer Scott also said he tried to have the decedent write down who shot him but "apparently, he was too weak and kind of out of it from the gunshot wound . . . so he really couldn't write anything. It was more like a scribble, and I couldn't understand what it was." R. 11, l. 14 – 12, l. 5.

Officer Scott remembered that Officer Johnny Wells with the "Hampton Police Department," was also on the scene at the time. R. 14, ll. 2-22. Scott said that officer Wells was talking to the decedent but he claimed the decedent did not say anything to Officer Wells in reply. R. 14, ll. 21 – 15, l. 4.

Varnville Police Department Officer Marion Chambers was also on the scene on December 1, 2002 at Gray's Paradise Club. Chambers remembered it was approximately two o'clock in the morning. R. 16, ll. 6-24. Officer Chambers recalled that the decedent

was bleeding "profusely." R. 17, ll. 3-23. Chambers said he attempted to talk to the decedent but the decedent said "nothing." R. 17, ll. 10-13. Officer Chambers said that Officer Johnny Wells "may have" talked to the decedent also but "I wasn't present for any conversation with Johnny Wells and the victim." R. 18, ll. 2-6.

Hampton County EMS Paramedic Renatta Ford testified that the decedent had a gunshot wound "in the cheek." R. 21, ll. 5-21. EMS workers cut the decedent's clothes off, and the decedent pointed to his mouth. "That's when we realized all of his teeth on the right side were shattered." R. 22, ll. 7-12. "That's all he did the whole time was point to his mouth; no verbal communication at all . . . The only time I really see that type of agitation is when someone is having an asthma attack and unable to breath. He was agitated, had anxiety, you know, on the verge of panicking because he was having issues breathing." R. 22, l. 20 – 23, l. 5.

> Q. At that time that you were treating him, was death imminent for him?
>
> A. I cannot say that. When I had him in the back of the truck he had a heart rate. He had a lot of blood loss, but I can only talk about how he was in the back of the ambulance.
>
> Q. How was his heart rate?
>
> A. His heart rate was within normal limits, but the lower part of it.

R. 23, l. 19 – 24, l. 2.

On cross-examination by Defense Counsel Hughes he asked Ford "do you feel like he felt he was dying?" The solicitor objected but he did not state a reason for his objection. When defense counsel asked: "Would your gut say that he thought he was dying?" The judge sustained the objection. R. 26, ll. 7-19.

Markeisha Smith testified it was her birthday party they were celebrating at Gray's Paradise Club that night and early morning. She identified a photograph of Appellant Green and he girlfriend at the party. She identified the shirt that appellant was wearing. R. 27, l. 12 – 30, l. 22.

Taylor McQuire testified that he was a high school graduate, and he also had "a little college." McQuire knew appellant but he did not know the decedent. R. 48, ll. 3-14. McQuire testified he saw appellant with a gun that evening. R. 49, ll. 16-17; 51, ll. 13-15. McQuire was smoking marijuana that evening, but he maintained he was not drinking. R. 54, ll. 22-25.

McQuire recalled it was very dark outside when he heard a gunshot "go off." He quickly drove away in his car to "get out of there." R. 51, l. 13 – 52, l. 10.

Clarence Riley testified he went to the club that evening with appellant. Riley said that the two men "just wanted to go to the party that day." R. 55, l. 22 – 56, l. 12. Riley told the solicitor that he gave appellant a gun that evening "because he asked for it." Appellant did not give any reason for wanting his gun. R. 56, l. 20 – 57, l. 5. Despite the presence of the gun or guns the conversation was lighthearted: "Just girls and the party, stuff like that." R. 56, ll. 21-24.

Riley remembered seeing appellant "minutes" after he heard the gunshots. Riley maintained when they left the club to go to McDonalds it seemed to him that appellant "was just like somebody like he was running or something, like he was just was out of breath." R. 58, l. 22 – 59, l. 14.

Riley said the next day he got "rid of it [the gun]." Riley told the jurors: "Shit, I ain't want it. I didn't want it in my hands, if somebody did something with it." R. 60, ll. 15-22.

Joseph Smoaks was incarcerated at the time of the trial. He remembered giving a videotaped statement to Chief Tyrone Smith on January 17, 2013. Smoaks did not remember what he told Smith that day. R. 78, ll. 3-16.

When the solicitor played the four-minute videotape for the jury, Smoaks told the jurors that everything he said on the video "was a lie. And I'm willing to own up to my responsibilities . . . that statement I gave him was a lie." R. 78, l. 17 – 79, l. 24.

Pathologist Lee Marie Tormos performed the autopsy on the decedent the next morning, at "9:00 a.m. on December 2, 2012. R. 84, ll. 15-22. Dr. Tormos testified that the decedent was shot in the face: "Specifically, the lower lip." "He was also bleeding internally into the chest cavities and it was also going down his windpipe into his lungs. He was aspirating blood." "He was breathing in the blood. It was going into his lungs." The decedent was also shot in the right arm, which was painful, but it was not the deadly wound. R. 85, l. 8 – 86, l. 22.

On cross-examination Dr. Tormos acknowledged that the decedent's "internal jugular was severed." Despite that fact she was not surprised to learn the decedent had walked approximately 500 yards after he was shot. Dr. Tormos said it was also possible that the decedent talked after he was shot. R. 89, l. 22- 90, l. 4.

SLED agent Jennifer Stoner testified that she tested a "blue, white and pink plaid shirt" -- allegedly worn by appellant that night -- for gunshot residue. R. 93, ll. 16-24. "I found gunshot residue and particles that are consistent with gunshot residue on the shirt."

Stoner concluded that this meant that the shirt was near a weapon when it was fired. R. 97, l. 19 – 98, l. 16. Stoner admitted she could only testify the shirt she tested was "a sweatshirt belonging to a suspect." R. 99, ll. 17-23.

Dontae Collins testified that he went to the Paradise Club with Taylor McQuire that evening. He did not see appellant at the club. R. 114, l. 20 – 115, l. 15.

Collins acknowledged he gave Chief Smith a statement on December 8, 2012. When that three-minute videotape of the statement was played for the jury, Collins told the jury: "I lied, and I didn't see Dalonte shoot anybody." R. 116, ll. 4-14. The videotape, State's Exhibit 12, is before this Court for viewing.

Discussion

Rule 804(b)(2) provides a hearsay exception for a "statement under belief of impending death." "In a prosecution for homicide . . . a statement made by a declarant while believing the declarant's death was imminent, concerning the cause or circumstances of what the declarant believed to be impending death" is admissible.

In State v. McHoney, 344 S.C. 85, 544 S.E.2d 30 (2001), the defense argued that the victim's identification of "SP" as her killer under the dying declaration exception to the hearsay rule, 804(b)(2), SCRE was error because there was no evidence the victim believed her death was imminent. Further, the victim did not die until two weeks after making the alleged statement. The Supreme Court disagreed with the defense arguments. It held that the statement was admissible as dying declaration.

The Supreme Court wrote: "[A] statement made under the belief of impending death is not excluded by the hearsay rule if the declarant is unavailable as a witness in a prosecution for homicide, the statement is made by the declarant while believing the

declarant's death is imminent, and the statement concerned the causes or circumstances of what the declarant believed to be impending death." State v. McHoney, 344 S.C. at 92, 544 S.E.2d at 92. In McHoney the Supreme Court recognized that medical personnel assured the victim that she would be "fine." There was other evidence that the victim shook her head as if to say she did not believe the medical personnel, and she thought she was going to die. The Court noted that the person does not have to express, *in direct terms*, his or her awareness of their condition for the statement to be admissible as a dying declaration. "The necessary state of mind can be inferred from the facts and circumstances surrounding the declaration." State v. McHoney, 344 S.C. at 93, 544 S.E.2d at 33.

The Court also held that a person can be aware of imminent death *even when he is assured he will not die and that he will be fine*. The Court further held that the length of time the person actually lives after making the dying declaration is immaterial. "The focus is on the declarant's state of mind when the statement is made, not on the eventual outcome of the decedent's injuries." See State v. Hall, 134 S.C. 361, 133 S.E. 24 (1926). In State v. Hall, we held a dying declaration was properly admitted when the declaration was made shortly after the injury, and the declarant died thirty-three days later. We held it was the jury's duty to pass upon the credibility of the dying declaration, and the length of time between the declaration and death is just one factor to be considered. Id at 361, 133 S.E. at 26." State v. McHoney, 344 S.C. at 93-94, 544 S.E.2d at 34.

As seen, the autopsy on the decedent was performed at 9:00 the next morning, December 2, 2012. Law enforcement estimated the relevant events occurred around 2 A.M. on December 1, 2012. R. 84, ll. 13-24. In McHoney the victim died two weeks after her injuries. The Court wrote that this did *not* indicate the victim did *not* believe her death was

imminent at the time she gave her statement. The Court in McHoney also held that the victim's statement was, in addition, admissible as an excited utterance under Rule 803(2), SCRE. It was a statement relating to a startling event or condition made while the declarant was under the stress or excitement caused by the event of condition. State v. McHoney, 344 S.C. at 94, 544 S.E.2d at 34.

In this case, the decedent knew he was badly injured because he was bleeding profusely, his teeth were shattered, blood was coming out of his mouth, and he was panicking because it was hard for him to breathe. He died the same day or early the next day.

The trial judge erred, while citing State v. Hall, 134 S.C. 361, 133 S.E. 24 (1926), in support of his ruling. The judge reasoned that for the dying declaration to be admissible it must **also** meet all of the elements for evidence of third party guilt. That respectfully was error.

In State v. Hall, the victim was not shot. The victim in Hall had a compound fracture of his ribs, the fracture had pierced his lungs and it opened up raw lung tissue in connection with his windpipe. The decedent identified "Fred Hall" as his killer. The decedent lived for thirty-five days after making the dying declaration. See State v. Hall, 134 S.C. at 361, 133 S.E. at 25.

The Supreme Court in State v. Hall, which was a case prior to the adoption of the Rules of Evidence in 1995, reasoned that for a dying declaration to be admissible the judge must be satisfied of three things: "First, that the death was imminent at the time the declarations were made; second, that the deceased was so fully aware of this as to be without hope of recovery; third, that the subject of the charge was the death of the declarant

and the circumstances of the death was (were?) the subject of the declarations." State v. Hall, 133 S.E. at 26. The Court also held that while the length of time elapsing between the making of the declaration and death was just one factor to be considered.

Rule 804(b)(2) only requires that the statement be made by the declarant "while believing that the declarant's death was imminent, concerning the cause of circumstances of what the declarant believed to be impending death." It then became a jury question for the trier of fact whether to believe the dying declaration actually occurred, and what it meant.

In this case, it was a jury question whether the jury believed Officer Johnny Wells was told by the decedent that Douglas shot him.. Appellant did not have a burden to establish who Douglas was, and how it was likely that Douglas and not that he, the appellant, was actually the murderer. That simply was not part of the Rule 804(b)(2), SCRE analysis.

In State v. Bethea, 241 S.C. 16, 126 S.E.2d 846 (1962), the state's evidence was that Bethea shot his Mistress. They had argued earlier in the night about Bethea breaking off the relationship with his Mistress, the decedent. The sheriff testified that he was called to the decedent's home at 10:30 in the evening, and that the decedent was bleeding profusely. She was unable to move her legs. The decedent told the sheriff: "'Bill shot me,' I asked her why he had shot her and she said, 'for no reason at all other than he got mad,' she further stated 'I'm going to die and I don't care,' says, 'I want him to pay.'" State v. Bethea, 241 S.C. at 21, 126 S.E.2d at 849. Our Supreme Court in Bethea held that the deceased's statement was admissible as a dying declaration.

Here, evidence that the decedent told Officer Wells that Douglas shot him was obviously relevant. The major issue in a murder is the identity of the murderer. Rule 401, SCRE.

The judge erred as a matter of law by ruling that Rule 804(b)(2), SCRE also required a finding by the trial judge that the dying declaration was also admissible as evidence of third party guilt if the dying declaration did not identify the defendant as the killer under Rule 804(b)(2), SCRE. Respectfully, *this additional element* could easily been included in Rule 804(b)(2), SCRE if it was an additional element. The "third party guilt" qualifier **is an element of** Rule 804(b)(3), SCRE on a "Statement Against Interest," and it is **not included** in Rule 804(b)(2) on a "Statement Under Belief of Impending Death." The rule in State v. Gregory, 198 S.C. 98, 16 S.E.2d 532 (1941), did not preclude that admission of the dying declaration in this case. See, also, Holmes v. South Carolina, 547 U.S. 319 (2006).

The dying declaration was obviously relevant under Rule 401, SCRE. It met the elements of Rule 804(b)(2), SCRE and the trial court erred by excluding it on an erroneous legal basis. Appellant should be granted a new trial.

2.

The court erred by twice ruling it would not allow defense counsel to argue for the admissibility of the dying declaration because the court had done its own research, since this was an arbitrary ruling, it violated Rule 18(a), SCRCrimP, and denied it appellant his right to be heard fully in his defense.

As seen, the trial judge refused - - - twice - - to allow defense counsel to argue for the admissibility of the dying declaration. The judge let the solicitor argue. However, when it should have been the opportunity for defense counsel to argue, the judge said he had done his own research, and that he did not want to hear from defense counsel.

Rule 18(a), SCRCrimP, states "counsel should not attempt to further argue any matter **after he has been heard** and ruling of the court has been announced." (Emphasis added). The judge erred by refusing to allow the defense to be heard on the admission of the dying declaration. Respectfully, the judge having conducted his own legal research was immaterial to the right of the defense to present **its argument and its research supporting its argument.** Further, the judge's ruling that the dying declaration also had to be admissible as third party guilt evidence was certainly subject to serious debate or argument (since that is incorrect).

If defense counsel had been allowed to be heard, the trial judge may have been convinced that the statement by the decedent was admissible as a dying declaration under Rule 804(b)(2), SCRE. Yet, as seen above, the judge did not even allow defense counsel the right to ask Hampton County EMS Paramedic Renatta Ford if she thought the decedent was dying. R. 26, ll. 3-18. Most respectfully to the trial court,, this record leads to the inescapable conclusion that the court had made up its mind on the dying declaration issue.

In State v Cash, 138 S.C. 167, 136 S.E. 222 (1927), the Supreme Court recognized the defendant has a right to be fully heard in his defense by himself or through counsel. The court held that the limitation on closing argument to one hour was reversible error.

It was an arbitrary abuse of discretion in this case for the judge to refuse to allow the defense to be heard after allowing full and specious argument by the solicitor as to why the dying declaration, in the solicitor's opinion, was not admissible. The right to be heard goes to the core of the right to a fair trial, and in this case the defense was denied the right to be heard on the admissibility of the evidence **of the identity of the killer** – the dying declaration.

Appellant respectfully submits that the denial of the right to be heard in this case was not an error amenable to a harmless error analysis, and therefore it must be considered a structural error. In State v. Rivera, 402 S.C. 225, 249, 250, 741 S.E.2d 694, 707 (2013), the Court considered the trial judge's refusal to allow Rivera to testify because he wanted to confess to another unrelated murder in the presence of the jury. In reversing Rivera's conviction the Supreme Court noted that "the right of an accused to testify in his defense is fundamental to the trial process and transcends a mere evidentiary ruling. An accused's right to testify 'is either respected or denied; its deprivation cannot be harmless.' As such, the error is **structural** in that it is 'so basic to a fair trial that [its] infraction can never be treated as harmless error.'" State v. Rivera, 402 S.C. 225, 249, 250, 741 S.E.2d 694, 707 (2013). (Court's emphasis; internal citations omitted).

In State v. Harris, 275 S.C. 463, 272 S.E.2d 636 (1980), the Supreme Court held that the trial judge did not abuse his discretion in limiting the parties scope of opening

statements. However, the Court noted that "an example of an abuse *might be where a trial judge gave the solicitor an opportunity to address the facts but then denied defense counsel the same privilege*. In this case the solicitor did not outline the facts in his opening, nor did he seek leave to do so. Another example of an abuse would be where the effect of the denial by the trial judge would be *to substantially impair a criminal defendant's right to be heard on his defense.*" 275 S.C. at 465-466, 272 S.E.2d at 638.

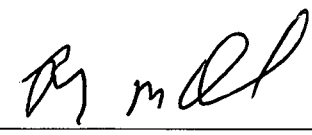
The trial court arbitrarily abused its discretion by allowing the solicitor to be heard, but denying the defense the right to argue for the admissibility of the dying declaration because it had conducted its own research. This violated Rule 18, (a), SCRCrimP, it denied appellant his fundamental right to be heard on the critical evidentiary issue in the case, and it denied appellant a fair trial.

Appellant should be granted a new trial.

CONCLUSION

By reason of the foregoing arguments, appellant's conviction should be reversed and this case remanded to the Hampton County Court of General Sessions for a new trial.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 11th day of October, 2016.

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."

October 11th, 2016

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