THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of General Sessions
Alex Kinlaw, Jr., Circuit Court Judge

Appellate Case No. 2018-001257

The State,..... Respondent,

v.

Charles Dent, ... Appellant.

FINAL REPLY BREIF OF APPELLANT

E. Charles Grose, Jr.
S.C. Bar Number 66063
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466
(864) 538-4405 (fax)
Email: charles@groselawfirm.com

Attorney for Appellant Charles Dent

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Question I

Did the trial judge err by not directing a verdict of acquittal on Indictment No. 2014-GS-07-01673 when the State failed to present any evidence that "fellatio on the Defendant by J.M." occurred during the time frame of the indictment?

The State concedes—as it must based on the plain language of the indictment—that the prosecution was required to prove the sexual battery of fellatio in order to convict Charles Dent of first-degree criminal sexual conduct with a minor. *E.g.* Brief of Respondent at p. 8-11 (limiting discussion of proof of sexual battery to fellatio in repose to Question I), p. 11 ("The instruction was not misleading or confusing because the State only attempted to prove that Appellant forced Victim to perform fellatio."), p. 12 ("[T]he jury was told by the judge and the State that fellatio was the specific sexual battery the State was seeking to prove."),[1] and p. 13 ("Each indictment specifically listed fellatio as the sexual battery the State intended to prove.").

The State's brief, at pp. 8-11, acknowledges (1) J.M. never alleged at trial or during her Hope Haven interviews that fellatio occurred at the second townhouse, which is the location that corresponds with the timeframe in indictment number 2014-GS-07-01673, and (2) the only specific location where J.M. alleged fellatio occurred was at the first townhouse, which corresponds with the timeframe in indictment number 2014-GS-07-01673, for which the jurors acquitted Charles Dent. These concessions—acknowledging there is no direct evidence that fellatio occurred at the second townhouse—are fatal to the State's position.

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[1] This assertion misstates the record. *See* fn. 6, *infra.*

The State asks this Court to engage in mental gymnastics, amounting to rank speculation, raising only a mere suspicion that fellatio occurred at the second townhouse.[2] This speculation is not "substantial circumstantial evidence," which is required for the prosecution to survive a motion for directed verdict. *State v. Hepburn*, 406 S.C. 416, 429 S.E.2d 402 (2013); *State v. Cherry,* 361 S.C. 588, 606 S.E.2d 475 (2004); *State v. Gaster,* 349 S.C. 545, 564 S.E.2d 87 (2002); *State v. Mitchell,* 341 S.C. 406, 535 S.E.2d 126 (2000); *State v. Burdette,* 335 S.C. 34, 515 S.E.2d 525 (1999); *see also* Rule 19(a), SCRCrimP.[3]

The State's brief, at p. 10, argues, "In his closing argument, Appellant encouraged the jury to consider the possibility that Appellant was only guilty of one of the indicted charges and not both because of Victim's conflicting statements. (R. 734)." This argument is misleading. In reality, counsel for Mr. Dent played a portion of the second Hope Haven interview (State's Exhibit 17) and argued:

> So she was given a choice to say where it happened, first house, both houses. And so even under this video – and we don't think that this really happened. But under this video, she's only talking about it happening in one place. And she was consistent about that, although arguably inconsistent about whether it was the first one or the second one. But the point is from the get-go, you can take one of these off the table because her statements don't even support that it happened at both locations.

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[2] Additionally, this Court should recognize that J.M.'s trial testimony was under oath, whereas her Hope Haven interviews were not under oath. The State argument requires the Court to draw speculative inferences from unsworn statements.

[3] The State's position requires this Court and the jurors to search the record for the explanation of guilt. Requiring jurors to search the record is contrary to the burden of proof. *E.g. State v. Manning*, 305 S.C. 413, 415, 409 S.E.2d 372, 374 (1991) (rejecting instruction stating, "A reasonable doubt is a substantial doubt for which honest people, such as you, when searching for the truth can give a real reason."); *State v. Raffaldt*, 318 S.C. 110, 115-16, 456 S.E.2d 390, 393 (1995) (same).

R. 734. Thus, while maintaining Charles Dent's innocence, counsel argued the prosecution's evidence didn't support fellatio occurring at both townhouses. Mr. Dent contested the allegations contained in all of the State's indictment.

Question II

Did the trial Judge err by not limiting the definition of sexual battery to "fellatio" when "fellatio on the Defendant by J.M." was the only sexual battery alleged in the indictment.

The State's brief, at p. 11, argues, "The instruction was not misleading or confusing because the State only attempted to prove that Appellant forced Victim to perform fellatio."[4] This assertion is not supported by the record when the prosecutor argued sexual batteries other than fellatio and Mr. Dent objected:

> It is in the second interview where she says he made me lick his penis. *He put his own mouth on my private parts* –
>
> MR. GROSE: Objection. Variance to the indictment.
>
> THE COURT: I'll let you proceed. Objection noted for the record.
>
> MS. JOSEPH: [She] talked about *penetrating her vagina.* [She] talked about –
>
> MR. GROSE: Objection. Variance to the indictment.
>
> THE COURT: Subject to your objection. You may proceed.
>
> MS. JOSEPH: She talked about him *touching her private parts under her clothes.* Over and over again, she's making these disclosures in the second interview.[5]

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[4] This Court should view this statement by the State as a concession that the indictment limited the prosecution to evidence of fellatio as the sole "sexual battery" to support a conviction of first-degree criminal sexual conduct with a monor.

[5] *But see* R. at 369-80 (J.M. testifying her grandfather never threatened her, never touched her underneath her clothing, and made her lick his private parts only once).

R. 713 (emphasis and footnote added).[6] Thus, without any evidence of fellatio during the time frame of indictment number 2014-GS-07-01673, as discussed in Question I, the only explanation of the jurors' verdict is that it was based on testimony that varied from the evidence presented to the grand jurors.

The State's brief, at pp. 12-13, relies on the trial judge charging the jurors "the definition of sexual battery exactly as it is written in S.C. Code Ann. § 16-3-651(h). The State's position overlooks the role of the trial judge instructing the jurors. As our Supreme Court has stated:

> The purpose of a jury instruction is to enlighten the jury and to aid it in arriving at a correct verdict. It is error to give instructions which are calculated to confuse or mislead the jury. If a jury instruction is provided to the jury that does not fit the facts of the case, it may confuse the jury. Only law applicable to the case should be charged to the jury. Instructions that do not fit the facts of the case may serve only to confuse the jury.

State v. Blurton, 352 S.C. 203, 207-08, 573 S.E.2d 802, 804 (2002). *Blurton* is a good example of a case where the trial court confused the jurors by providing a correct statement of that law that was not appropriate in the particular trial. Here, based on the

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[6] The State's brief, at p. 12, completely misstates the record by arguing, "The definition [of sexual battery] was not misleading or confusing because the jury was told by the trial judge and the State that fellatio was the specific sexual battery the State was seeking to prove." As seen, the Solicitor's closing argument contradicts this statement. The State's brief never identifies the portion of the record where the trial judge instructed the jurors that the only specific sexual battery that the State sought to prove is fellatio. Nor could it because the trial judge never made such a statement. In fact, Mr. Dent asked the trial judge to tell the jurors that the State was required to prove fellatio by limiting the jury instruction regarding sexual battery to fellatio. The only person that told the jurors that fellatio was the only specific sexual battery relevant under the indictment was counsel for Charles Dent. The contrary argument by the prosecutor and instruction by the trial judge "diminish[ed] appellant's attorney's credibility in the eyes of the jury." *State v. Jones*, 343 S.C. 562, 578, 541 S.E.2d 813, 821 (2001) (improper for trial judge to substitute a correct definition of "reasonable doubt" for another correct definition of "reasonable doubt" after defense counsel relied on charge conference when making closing argument).

indictment, fellatio was the only sexual battery "applicable to the case," a legal argument the State concedes on appeal. *Cf. Jones*, 343 S.C. at 578, 541 S.E.2d at 821 (improper for trial judge to substitute a correct definition of "reasonable doubt" for another correct definition of "reasonable doubt" after defense counsel relied on charge conference when making closing argument).

The State's brief, at pp. 13-14, takes issue with Mr. Dent not moving to quash the indictments for first-degree criminal sexual conduct. Mr. Dent sought to limit the prosecution's argument and jury instructions to fellatio. The legal error occurred when the trial judge denied these requests. The criminal sexual conduct with minor indictments, on their face, are valid, alleging a complete offense and placing Mr. Dent on notice to defend allegations of fellatio. The Brief of Appellant, at p. 43, cited *Bailey v. State*, 392 S.C. 422, 709 S.E.2d 671 (2011) and explained why the jury instruction created a variance in the indictment. The State's brief does not discuss *Bailey* at all.

Question III

Did the trial judge err by not excluding the testimony of Tessa Trask's when this testimony was based on her own theories and the record does not contain any evidence that her theories are reliable?

The State's brief, at pp. 14 and 16-18, tries to recast Mr. Dent's objection to Tessa Trask's testimony as merely objecting to her testimony about trauma. The record, however, demonstrates counsel for Mr. Dent consistently requested the trial judge convene a hearing, pursuant to *State v. Chavis*, 412 S.C. 101, 771 S.E.2d 336 (2015), in a

pretrial brief (R. 58), the pre-trial hearing (R. 183-91),[7] and during Ms. Trask's testimony to the jurors (R. 394-95), but the trial judge repeatedly denied that request.

The State's brief, at p. 14, argues Ms. "Trask did not testify about forensic interviewing and thus her testimony is distinguishable from the testimony warned against be our Supreme Court in *State v. Chavis*." This argument is without merit. The trial court's gatekeeping function applies to all expert testimony. *Watson v. Ford Motor Company*, 389 S.C. 434, 699 S.E.2d 169 (2010) (summarizing three-part procedure for qualifying expert witnesses). Even before *Chavis,* our Supreme Court applied this requirement to ***all*** nonscientific evidence. *State v. White*, 382 S.C. 265, 676 S.E.2d 684 (2009) (trial court's gatekeeping function in assuring reliability of expert testimony applies to nonscientific evidence).

The State's brief, at pp. 18-19, argues Ms. Trask's testimony is consistent with the testimony approved by our Supreme Court in *State v. Jones*, 423 S.C. 631, 817 S.E.2d 268 (2018). In *Jones,* our Supreme Court merely affirmed this Court's opinion in *State v. Jones*, 417 S.C. 319, 790 S.E.2d 17 (Ct. App. 2016) and took "the opportunity to clarify the proper inquiry for determining whether a particular subject area falls outside the realm of lay knowledge, thus requiring expert testimony." 423 S.C. at 634, 817 S.E.2d at 269. Mr. Dent raises a different issue in this appeal, to wit: whether the trial court exercised its gatekeeping function regarding the reliability of Ms. Trask's testimony pursuant to *Chavis, Watson,* and *White.* In *Jones*, this Court approved the testimony of the prosecution's expert, Shauna Galloway-Williams, who did not testify in Mr. Dent's

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[7] The State's brief, at pp. 16-17, argues the trial court exercised its gatekeeping function during the pre-trial hearing by accepting the prosecution's summary of Ms. Trask's proposed testimony. This procedure was insufficient and did not compy with *Watson* and *Chavis*.

case. Contrary to the State's assertion, Ms. Trask's testimony in Mr. Dent's trial was not identical to Ms. Galloway-Williams' testimony in *Jones.* Significantly, in *Jones*, "[t]he circuit court [] held an in-camera hearing during which the State proffered Galloway–Williams as an expert in child sex abuse dynamics to testify regarding delayed disclosures, the disclosure process, and behavioral characteristics of nonoffending caregivers." 417 S.C. at 325, 790 S.E.2d at 20. By convening such a hearing, the trial court in *Jones*, accordingly, avoided the error committed by Mr. Dent's trial judge.

The State's brief, at pp. 19-20, argues harmless error. The State concedes the standard of review for harmless error is whether this Court can say the error was "harmless beyond a reasonable doubt." Brief of Respondent at 19 (citing *State v. Thompson*, 252 S.C. 552, 562, 575 S.E.2d 77, 83 (Ct. App. 2003)). As seen, in Question I above, the State concedes there was no direct evidence of fellatio occurring at the location that corresponds to the timeframe of the indictment for which the jurors convicted Mr. Dent of first-degree criminal sexual conduct of a minor. Also, there was no physical evidence of sexual abuse in this case. *Compare State v. Kromah*, 401 S.C. 340, 362, 737 S.E.2d 490, 501 (2013) ("Based on the entire record, including the physical evidence documented in this case, the challenged testimony could not reasonably have affected the result of the trial, so any error in its admission was harmless beyond a reasonable doubt.") *with State v. Anderson,* 413 S.C. 212, 219, 776 S.E.2d 76, 79 (2015) (finding "overwhelming" prejudice when the "case turned solely on the credibility of the minor and of Appellant. The minor testified to abuse by Appellant over a course of three to four years, while Appellant denied any improper conduct. There was no physical evidence of sexual abuse."). The trial court allowed Ms. Trask to testify that PTSD can

be mis-diagnosed as ADD, even though no expert that evaluated or treated J.M. testified she has been diagnosed with PTSD. Thus, this Court cannot say the error was harmless beyond a reasonable doubt.

Question IV

Did the trial judge err by allowing the prosecution to introduce State's Exhibits 1, 3, 4, 6, 11, 13, and 15 when the prosecution could not establish the chain of custody, the witness could not authenticate those images, the images were not relevant to guilt, and the prejudicial effect of those images and J.M.'s testimony about those images substantially outweighed any probative value.

As a threshold matter, the State's brief, at p. 21, concedes, "Victim opined that Appellant may have taken the photos but she couldn't be sure." J.M. never testified the photographs were unaltered, *i.e.* that any of the photographs are the same as any image ever taken of her. These images purportedly were taken with a digital camera. Our state's procedures recognize, "If data are stored in a computer or similar device, any printout or other output readable by sight, shown to reflect the data accurately, is an 'original.'" Rule 1001(3), SCRE. Here, there is no evidence the images introduced at trial accurately reflect the digital data. There is no testimony to reflect that the digital data had not been altered. *Cf. State v. Mitchell*, 399 S.C. 410, 421, 731 S.E.2d 889, 896 (Ct. App. 2012) ("A digital camera was used, and the photographs from the disk were testified to as being the same photographs that were on the deer camera."). The trial judge, in fact, did not allow Arthur Agee, a digital forensic examiner with "the electronic crimes task force as part of the Secret Service" in Hoover Alabama to testify about the photographs because he did not examine the devices purportedly containing the images. R. 500-539.

The State's brief, at p. 20, argues:

> The State was not required to prove the chain of custody [of the photographs] because the State did not obtain the photos nor did they seek to prove the photos came directly from Appellant's camera or camcorder. At least some of the photos were obtained by Appellant and provided to the State. (R. 460-63).

The State's brief, at p. 21, then argues, "[S]ome of the photos Appellate claims were admitted in error were obtained by Appellant's expert, not the State." This argument is a complete misrepresentation of the record. Prior to trial, most of the digital forensic evidence in this case was located in Alabama. Mr. Dent retained an expert to travel to Alabama and examine the evidence. The photographs obtained by Mr. Dent's expert, that were provided to the Solicitor, were obtained from Arthur Agee. R. 460-65. The trial judge, as seen, suppressed the testimony of Mr. Agee because he could not authenticate the evidence. R. 535-39.

The State's brief, at p. 20, argues, "The State was not required to prove the chain of custody because the State did not obtain the photos nor did they seek to prove the photos came directly from Appellant's camera or camcorder." Yet, at pp. 20-21, the State argues, "[T]he photos were relevant because they depicted where the abuse took place and at least two of the photographs were sexualized images of Victim that demonstrated Appellant's inappropriate relationship with her." This contradiction is fatal to the State's position. None of the images depict Charles Dent engaging in any inappropriate relationship with J.M. The State's argument that the images are evidence of Mr. Dent's inappropriate relationship with his granddaughter is completely contingent on proving Mr. Dent took the images. Yet, the State did not properly authenticate the photoraphs.

Question V

Did the trial judge err by overruling Charles Dent's objections during the State's opening and the direct examination of John Camelo, thereby allowing Mr. Camelo to offer opinions about whether J.M. was a victim sexual abuse based on his training, education, and experience?

The State's brief, at pp. 25-26, argues, "Appellant misunderstands the restrictions placed on the State by the *Kromah, Jennings,*[8] and *Anderson* line of cases" (footnote added), apparently asserting the holdings in these cases are limited the testimony of forensic interviewers. However, "after *State v. Dawkins*[9] was decided in 1989, the law was 'clear that no witness may give an opinion as to whether the victim is telling the truth.'" *Thompson v. State*, 423 S.C. 235, 243, 814 S.E.2d 487, 491 (2018) (footnote added); *cf. Briggs v. State*, 421 S.C. 316, 806 S.E.2d 713 (2017) (same). This Court, therefore, must consider whether John Camelo's testimony conveyed to the jurors his belief that J.M. was a sexual assault victim. The prosecution improperly used his training as a police officer and private investigator and his experience as a victim of sexual assault to convey to the jurors his belief that J.M. had been sexually abused.

The State's brief, at p. 25, asserts Mr. "Camelo's observations were not based on his law enforcement experience but on his personal experience as a victim of sexual abuse and his experience raising a stepdaughter who was the same age as Victim." This assertion calls attention to three problems with Mr. Comelo's testimony. First, if the prosecution did not intend for the jurors to consider Mr. Camelo's law enforcement training, then there was no reason to elicit that background in his testimony. Second, Mr. Camelo's unfortunate experience as a victim of sexual abuse does not qualify him in

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[8] *State v. Jennings,* 394 S.C. 473, 716 S.E.2d 91 (2011).

[9] *State v. Dawkins*, 297 S.C. 386, 377 S.E.2d 298 (1989).

any way to provide opinion testimony about "red flags" of sexual abuse. Third, Mr. Camelo raising a stepdaughter does not qualify him in any way to provide opinion testimony about "red flags" of sexual abuse.

The State's brief, at p. 26, argues Mr. "Camelo was an outcry witness who testified to the time and places of Victim's first and second disclosures pursuant to rule 801(d)(1)(D) SCRE." If this assertion is correct, then there was no reason for the prosecution to elicit information about Mr. Camelo's law enforcement training, his experience as a victim of sexual abuse, and his experience as a stepfather. If this assertion is correct, then there was no reasons for Mr. Camelo to testify about "red flags" and proclaim, "I've had a lot of training." R. 258-60. If this assertion is correct, there would have been no reason for Charles Dent to object and move the trial judge to "limit" Mr. Camelo's testimony. R. 260-62.

Question VI

Did the trial judge err by denying Charles Dent his Sixth Amendment right to confront and cross-examine John Camelo about the real reasons why he ended the relationship with Lori Michelle Mayo?

The State's brief, at pp. 28-31, acknowledges Charles Dent right to cross-examine John Camelo about inconsistent statements. Rather, the State argues, "To the extent Appellant wished to impeach Camelo with a prior inconsistent statement, he would be unable to do so even if the trial judge allowed the question because Camelo never said he broke up with Mother because she was a stripper who smoke marijuana." This argument

overlooks Mr. Camelo's statement to prosecutors and the proffer of his cross-examination. R. 284-90, 297-99; Courts Exhibit 6.[10]

Question VII

Did the trial judge err by deviating from the jury instruction mandated by *State v. Logan*, 405 S.C. 83, 747 S.E.2d 444 (2013)?

The State's brief, at p. 31, concedes Charles Dent's "trial judge did not give the *Logan* charge verbatim." Rather, the State contends the circumstantial evidence instruction given in this case complies with *State v. Grippon*, 327 S.C. 79, 489 S.E.2d 462 (1997) and *State v. Cherry*, 361 S.C. 588, 606 S.E.2d 475 (2004). This argument overlooks two important facts. First, the instruction approved by our Supreme Court in *Grippon* and *Cherry* is no longer valid after *Logan*. Second, the *Logan* charge, if requested, instruction is mandatory. The State's brief, at 33, acknowledges, "Appellant requested that the trial judge read the exact [] jury charge articulated in *Logan*." By this acknowledgment, the State concedes the error of law.

This State's brief, at p. 34, asks this Court to excuse the error of law as harmless, arguing, "The evidence presented against Appellant at trial was direct evidence," contending, "The State presented little, if any, circumstantial evidence against Appellant." At this juncture, the State seemingly asks this Court to overlook the arguments it made in response to Question I. The State's argument that it proved fellatio at the location corresponding to the timeframe in the indictment for which is the jurors convicted Mr. Dent of first-degree criminal sexual conduct with a minor is entirely

[10] The State's brief, at p. 31, states, "To the extent that Appellant wished to elicit the sordid details about Mother's past [as a stripper and drug user], he was free to do so when he cross-examined Mother." Thus, the State concedes this evidence was admissible.

circumstantial, albeit not rising to the level of "substantial circumstantial evidence." Mr. Dent contested the prosecution's case, and the trial judge never instructed his jurors:

> [T]o the extent the State relies on circumstantial evidence, all of the circumstances must be consistent with each other, and when taken together, point conclusively to the guilt of the accused beyond a reasonable doubt. If these circumstances merely portray the defendant's behavior as suspicious, the proof has failed.
>
> The State has the burden of proving the defendant guilty beyond a reasonable doubt. This burden rests with the State regardless of whether the State relies on direct evidence, circumstantial evidence, or some combination of the two.

State v. Logan, 405 S.C. 83, 99, 747 S.E.2d 444, 452 (2013). This Court cannot say beyond a reasonable doubt that the error was harmless. *Thompson*, *supra.*

Question VIII

Did the trial judge err by not quashing the two indictments for disseminating obscene material to a minor twelve years of age or younger because the State did not follow the procedures set forth in S.C. Code §§ 16-15-305 and 435, which require the Solicitor's Office to apply for the arrest warrants?

The State's brief, at pp. 24-25, argues, "The manner in which Appellant's arrest warrant was obtained is irrelevant to a determination of the sufficiency of the indictment" because "[i]n South Carolina, an indictment issued by the grand jury is generally required before an individual can be held to answer in any court for a criminal offenses." This argument overlooks the fact that our General Assembly can impose protections for an accused in addition to the grand jury process.[11] This Court should strictly construe the requirements set forth in S.C. Code §§ 16-15-305 and 435. "When a statute is penal in nature, it must be strictly construed against the State and in favor of the defendant." *Town*

[11] The State's brief, at p. 37, acknowledges the legislature intended additional protections, prior to arrest, by stating, "[I]t is likely the General Assembly specifically chose to impose a requirement that an arrest be sought for only three crimes. Any ambiguity must be construed in favor of Mr. Dent.

of Mt. Pleasant v. Roberts, 393 S.C. 332, 342, 713 S.E.2d 278, 283 (2011) (citing *State v. Blackmon,* 304 S.C. 270, 273, 403 S.E.2d 660, 662 (1991)).

Question IX

Did the trial judge err by not suppressing State's Exhibits 1, 3, 4, 6, 11, 13, and 15 because the State did not follow the procedures set forth in S.C. Code §§ 16-15-305 and 435, which require the Solicitor's Office to apply for the search warrant and arrest warrants?

The State's brief, at p. 38, argues, "Appellant did not object to the introduction of the introduction of the photos on the grounds that the County Solicitor failed to request his *arrest warrants* for disseminating obscene material to a minor" (emphasis added). This argument ignores Mr. Dent's actual argument on appeal, to wit: "[T]he *search warrant* was sought based on information provided by Investigator LaVan—not the Solicitor. The trial judge erred by not suppressing this evidence." Brief of Appellant at p. 51 (emphasis added).

The State's brief, at p. 38-39, suggests this Court should overlook the requirements of S.C. Code §§ 16-15-305 and 435 because the "State never contended the aforementioned exhibits were obscene." This Court, however, cannot overlook the fact that these exhibits were obtained by the State pursuant to a search warrant that did not comply with the statute. This Court should strictly construe the requirements set forth in S.C. Code §§ 16-15-305 and 435. *Roberts* and *Blackmon, supra.*

Question X

Did the trail judge err by not directing the verdict on the two indictments for disseminating obscene material to a minor twelve years of age or younger because the State did not satisfy the requirements of the statute.

The State brief, at pp. 40-42, argues this Court should excuse the prosecutions non-compliance with the statute because the prosecution did not introduce an obscene

photographs or videos but rather relied on the testimony of J.M. This Court should strictly construe the requirements set forth in S.C. Code §§ 16-15-305 and 435. *Roberts* and *Blackmon, supra.*

Question XI

Should this Court grant Charles Dent a new trial based on the cumulative error doctrine?

The State's brief, at pp. 41-42, does not cite any authority for its arguments and, therefore, must be considered abandoned. *Bryson v. Bryson*, 378 S.C. 502, 510, 662 S.E.2d 611, 615 (Ct. App. 2008) ("An issue is deemed abandoned and will not be considered on appeal if the argument is raised in a brief but not supported by authority.").

CONCLUSION

For the reasons set forth in the Brief of Appellant and this reply brief, this Court should reverse the trial judge and enter an order directing an verdict of acquittal on Indictment No. 2014-GS-07-01673 and reverse the trial judge and enter an order directing a verdict of acquittal two indictments for disseminating obscene material to a minor twelve years or younger. In the alternative, this Court should enter an order quashing those indictment. In the alternative, this Court should order a new trial.

Respectfully Submitted,

By _____

E. Charles Grose, Jr.
S.C. Bar Number 66063
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646

Attorney for Appellant Charles Dent

November 4, 2019
Greenwood, South Carolina

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In The Court of Appeals

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Rule 211, SCACR Certification

This Final Reply Brief of Appellant complies with Rule 211(b), SCACR.

Respectfully Submitted,

By _____

E. Charles Grose, Jr.
S.C. Bar Number 66063
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466
(864) 538-4405 (fax)
Email: charles@groselawfirm.com

Attorney for the Appellant

November 4, 2019
Greenwood, South Carolina