

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Writ of Certiorari to the Court of Appeals
Appeal from Richland County
The Honorable DeAndrea G. Benjamin, Circuit Court Judge

RECEIVED

Apr 17 2020

S.C. SUPREME COURT

Appellate Case No. 2020-000335

THE STATE,

Respondent

v.

BRIAN EVERETT PRINGLE,

Petitioner.

RETURN TO PETITION FOR WRIT OF CERTIORARI

ALAN WILSON
Attorney General

SCOTT MATTHEWS
Assistant Attorney General

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

BYRON E. GIBSON
Solicitor, Fifth Judicial Circuit

Post Office Box 192
Columbia, SC 29201
(803)-576-1800

ATTORNEYS FOR RESPONDENT

TABLE OF CONTENTS

STATEMENT OF ISSUES ON CERTIORARI..... ii

STATEMENT OF THE CASE.....1

STANDARD OF REVIEW.....6

ARGUMENT.....7

 I. The Court of Appeals properly affirmed the trial judge’s decision to admit the testimony of Pamela Larson because the testimony was appropriately limited to allow the State to identify Petitioner in surveillance footage without unduly prejudicing him. Furthermore, any error that may have been committed by the trial judge was harmless because of overwhelming evidence presented against Petitioner at trial.....7

 II. The Court of Appeals correctly held any error that may have been committed by the trial judge in admitting the drug paraphernalia found in Petitioner’s car was harmless because of the overwhelming evidence presented against Petitioner at trial.....11

CONCLUSION.....16

STATEMENT OF ISSUES ON CERTIORARI

I.

Whether the Court of Appeals properly affirmed the trial judge's decision to admit the testimony of Pamela Larson when the testimony was appropriately limited to allow the State to identify Petitioner in surveillance footage without unduly prejudicing him? And furthermore, whether any error that may have been committed by the trial judge was harmless because of overwhelming evidence presented against Petitioner at trial?

II.

Whether the Court of Appeals correctly held that any error that may have been committed by the trial judge in admitting the drug paraphernalia found in Petitioner's car was harmless because of the overwhelming evidence presented against Petitioner at trial?

STATEMENT OF THE CASE

Procedural History

In April 2016, the Richland County Grand Jury indicted Petitioner for two counts of strong arm robbery. In March 2017, the Richland County Grand Jury indicted Petitioner for an additional count of strong arm robbery. On July 10-12, 2017, Petitioner proceeded to trial before a jury on all three counts of strong arm robbery in the Richland County Court of General Sessions with the Honorable DeAndrea G. Benjamin, presiding. Petitioner was represented by Michael Duncan, Esq. Respondent (the State) was represented by Assistant Solicitors Richard Cathcart and Jeremiah Shellenberg of the Fifth Circuit Solicitor's Office. At the conclusion of trial, the jury convicted Petitioner of all counts. Following the verdict, the trial judge sentenced Petitioner to three concurrent terms of fourteen years' imprisonment. Petitioner appealed his convictions and sentences. On December 18, 2019, the South Carolina Court of Appeals affirmed Petitioner's convictions and sentences. State v. Pringle, Op. No. 2019-UP-391 (S.C. Ct. App. filed December 18, 2019). On January 2, 2020, Petitioner filed a Petition for Rehearing with the Court of Appeals. The Court of Appeals denied the Petition for Rehearing on January 23, 2020. Petitioner then filed a petition for a writ of certiorari with this Court.

Factual History

On December 17-18, 2015, similar robberies occurred at three separate gas stations in Richland County. Each robbery followed the same basic pattern. A black male entered each store and attempted to either buy a food item or get change for a one dollar bill. (R. 88, 118, 143). When the cashier on duty opened the register drawer to retrieve change for the customer, the black male would reach into the drawer and take cash from it. (R. 89, 118, 144). The individual then fled the store.

The first robbery occurred on December 17, 2015 at the Pop's gas station at the corner of Parklane and Farrow road. (R. 86). A black male entered the store and attempted to buy a Little Debbie honey bun with a one dollar bill. (R. 88). When the cashier, Torah Craft, attempted to make change for the purchase, the customer reached into the register drawer and grabbed an unknown amount of cash. (R. 89). The individual then ran out of the store, leaving the honey bun behind. (R. 91). Investigator Yvonne Woods of the Richland County Sheriff's Department arrived shortly thereafter and swabbed the honey bun packet and other areas of the store for DNA. (R. 107). Craft subsequently met with Investigator Cris Truluck of the Richland County Sheriff's Department. Truluck asked Craft to pick the black male individual who robbed her store out of a six person photo lineup. Craft picked Petitioner out of the lineup. (R. 96, 223-24). At trial, Craft stated she was "a thousand percent" sure she picked the correct person who robbed her. (R. 97, line 2).

The second robbery occurred on December 18, 2015 at the S-Mart gas station on Greystone Boulevard. (R.116). A black male individual entered the store and attempted to buy a honey bun with a one dollar bill. (R. 118). When the cashier, Kimbrell Sumter, opened the register the black male jumped across the counter and grabbed money out of the drawer. (R. 118). The individual then ran out of the store and got into a car. (R. 119). Sumter saw the individual's face and particularly noticed his beard and his eyes. (R. 118). Sumter described his eyes as being "kind of big, like he was on something." (R. 118, line 16). Sumter opined, without objection from Petitioner, that the individual was under the influence of drugs. (R. 118). Sumter saw the car as it left and described it as "A blue Jeep, little Geo." (R. 119, line 10). Sumter subsequently met with Investigator Allison Fitzgerald of the City of Columbia Police Department. Fitzgerald asked Sumter to pick the black male individual who robbed her store out

of a six person photo lineup. Initially, Sumter was unable to do so, because the photo lineup provided by Fitzgerald didn't have any bearded individuals, which was inconsistent with the suspect's appearance at the time of the robbery. (R. 124). When Fitzgerald showed Sumter a second lineup with bearded men, Sumter picked Petitioner out of the lineup. (R. 125). However, Sumter was only 50% sure she made the correct identification. (R. 126, 198).

The third robbery occurred on December 18, 2015 at Pop's gas station on Percival Road. (R. 142). A black male individual entered the store and asked for change to use the air machine outside the gas station. (R. 143). When the cashier, Kimberly Strother, opened the register drawer to provide the black male change, he forcibly reached into the drawer and took money out. (R. 144). Strother saw the individual get into a vehicle that she described as "a light blue small truck...Like a Suzuki or a small little Geo truck." (R. 144, lines 13-15). Strother was not able to identify the individual, because she didn't get a good look at his face. (R. 149).

Investigator Kevin Isenhoward of the Richland County Sheriff's Department recognized a similar pattern in the robberies based on his prior dealings with Petitioner. (R. 188-89). Because of his prior experience with Petitioner, Isenhoward contacted Investigator Fitzgerald and informed her of his suspicion that Petitioner was responsible for the robberies. Isenhoward viewed surveillance footage from the robbery on Greystone Boulevard and positively identified Petitioner as the individual who robbed each location. (R. 189-90). Fitzgerald then initiated her investigation with Petitioner as the primary suspect. Fitzgerald discovered that Petitioner owned "a light blue Suzuki Sidekick, which looks very similar to a Geo Tracker." (R. 196, lines 1-2). Fitzgerald contacted Petitioner's probation officer, Pamela Larson, and showed her still images of the robbery at the Greystone location. Larson positively identified Petitioner as being the individual who robbed the store. (R. 199, 216-17). Investigator John Carwell of the Richland

County Sheriff's Department, who also knew Petitioner from prior interactions, viewed still images from each of the robberies and identified Petitioner in each picture. (R. 209).

Petitioner was arrested while driving a blue Suzuki Sidekick and a search warrant was executed on the vehicle by Investigator Truluck. (R. 225-26). Truluck found a camouflaged hat inside the vehicle that closely resembled the hat Petitioner was seen wearing during the Percival Road robbery. (R. 226-27). Truluck also found a glass tube, a lighter, and a brillo pad that he testified are typically used to smoke crack cocaine (R. 228). Investigator John Barron of the Richland County Sheriff's Department had DNA swabs taken of the hat found in Petitioner's car and from various locations at each crime scene. Barron affirmatively identified Petitioner's DNA as being present inside the hat, but could only say that DNA from multiple individuals was present in the swabs from various locations inside the three gas stations. (R. 242-48). According to Barron, this finding was consistent with a typical analysis of items and surfaces that are touched by many people in a public place. (R. 244-46).

Prior to trial, the State attempted to introduce evidence of Petitioner's prior similar robberies under State v. Lyle, 125 S.C. 406, 118 S.E. 803 (1923) and rule 404(b) SCRE to prove Petitioner's identity, and to show a common scheme or plan. (R. 32). The trial judge ultimately ruled that law enforcement officers would be allowed to testify, for the limited purpose of identifying Petitioner, that they had prior dealings with Petitioner. (R. 61-64). However, the trial judge prohibited the State from asking law enforcement witnesses about Petitioner's prior convictions or charges. (R. 61-64). The State was only allowed to ask law enforcement witnesses if they could identify Petitioner by name and sight.

Petitioner did not testify in his own defense, but he did call his girlfriend, Mary Seaburn, who provided an alibi for Petitioner on the dates of the robberies. (R. 281). Seaburn claimed that

Petitioner slept at her house on the night of December 17 into the early morning hours of December 18. (R. 281). On cross examination, Seaburn claimed that Petitioner was not using his telephone to call or text anyone while he was with her that evening. (R. 285-86). In rebuttal, the State called Linda Houck of the Richland County Sheriff's office who performed an electronic analysis of Petitioner's phone. Houck testified that Petitioner's phone was being used to make calls at 12:18 AM and 2:35 AM in the southeastern area of Columbia. (R. 303). This contradicted Seaburn's assertion that Petitioner was with her during these times in the northeastern area of town near Bradbury Drive. (R. 303-04). From 9:00 PM on December 17 to 8:00 AM on December 18, Petitioner's phone either received or made 19 calls. (R. 308-09). Each of the 19 calls made or received on Petitioner's cell phone during the time period of the robberies used cell phone towers that were outside the vicinity of Seaburn's residence. (R. 308-10). At the conclusion of trial Petitioner was convicted on all counts.

STANDARD OF REVIEW

In criminal cases, appellate courts sit to review errors of law only. State v. Baccus, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006). Trial courts have considerable discretion in ruling on the admission or exclusion of evidence, and an appellate court will not reverse a trial court's ruling on evidentiary matters absent a clear abuse of that discretion resulting in prejudice to the defendant. State v. Gaster, 349 S.C. 545, 557, 564 S.E.2d 87, 93 (2002). "An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law." State v. McDonald, 343 S.C. 319, 325, 540 S.E.2d 464, 467 (2000).

ARGUMENT

I.

The Court of Appeals properly affirmed the trial judge's decision to admit the testimony of Pamela Larson because the testimony was appropriately limited to allow the State to identify Petitioner in surveillance footage without unduly prejudicing him. Furthermore, any error that may have been committed by the trial judge was harmless because of overwhelming evidence presented against Petitioner at trial.

Petitioner contends the Court of Appeals erred in upholding the trial judge's decision to allow Pamela Larson, formerly of the South Carolina Department of Probation, Pardon, and Parole Services (SCDPPPS), to identify Petitioner in front of the jury. Specifically, Petitioner argues he was unduly prejudiced by Larson's testimony because of her previous employment with SCDPPPS. Petitioner contends the jury may have inferred that "Petitioner was already in the system at SCDPPP with this agent and therefore probably had a criminal record, which meant he committed other crimes, and thus held a criminal disposition, and hence was probably guilty of the crimes for which he was being tried." (Petition for Cert. p. 9). Petitioner's argument lacks merit. The trial judge did not abuse her discretion by allowing Larson to identify Petitioner in still images from the robberies when Petitioner's only defense at trial was the State's witnesses had mistaken Petitioner for someone else. Even if the trial judge erred in admitting the contested evidence, any error was harmless because the evidence presented against Petitioner at trial was overwhelming.

The admission or exclusion of evidence is a matter addressed to the trial court's sound discretion and will not be reversed absent a manifest abuse of the trial court's discretion and probable prejudice. State v. Wise, 359 S.C. 14, 21, 596 S.E.2d 475, 478 (2004). "A court's ruling on the admissibility of evidence will not be reversed on appeal absent an abuse of discretion or the commission of legal error which results in prejudice to the defendant." State v.

King, 367 S.C. 131, 136, 623 S.E.2d 865, 867 (Ct. App. 2005). “An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law.” McDonald, 343 S.C. at 325, 540 S.E.2d at 467. “A trial judge’s decision regarding the comparative probative value and prejudicial effect of evidence should be reversed only in exceptional circumstances.” State v. Adams, 354 S.C. 361, 378, 580 S.E.2d 785, 794 (Ct. App. 2003). “All evidence is meant to be prejudicial; it is only unfair prejudice which must be avoided” State v. Gilchrist, 329 S.C. 621, 630, 496 S.E.2d 424, 429 (Ct.App.1998) (quoting United States v. Rodriguez–Estrada, 877 F.2d 153, 156 (1st Cir.1989)).

Here, the identity of the individual who committed the robberies was the only issue of contention from the start of the trial. In his opening statement, counsel for Petitioner stated “Somebody went out to these three stores that Mr. Shellenberg was talking about over a 6 hour time period, but it wasn’t this gentlemen. It wasn’t [Petitioner].” (R. 83, lines 12-15). Again in his closing argument counsel for Petitioner argued the same person robbed all three locations but “I just absolutely submit to you that that person is not [Petitioner].” (R. 333, lines 8-10). The trial judge appropriately recognized the State’s need to prove Petitioner was the individual from the gas station footage, but that it must be done in a limited way so as to not unduly prejudice Petitioner. The trial judge summarized her ruling and her restrictions on Larson’s testimony as follows:

The Court: All right. I’m going to – and I understand your objection, but I’m going to – I think because identity is the issue in this case, I have to allow the State to present their case and attempt to prove their case. And because identity is the issue, at least from opening statements, that is being contested, I’m going to allow her to testify that she – in 2015, where were you working? Probation, Pardon, and Parole Services. Are you familiar with [Petitioner]?

Assistant Solicitor Cathcart: And the answer to that would be yes?

The Court: Yes. Have you personally met him before? You can ask that. Have you personally met him before? She's got to identify him. She doesn't have to get into, he came to my office for a meeting. I think if you ask the question – I don't know if you want to lead, but have you personally met him before, and she can just say, yes, a few times. Or were you contacted – at some point in 2015, were you contacted by Ms. Fitzgerald -- Investigator Fitzgerald. And at that point she can say yes. And were you asked to identify [Petitioner]. And she can say whatever. I think that's the cleanest way to probably do it.

(R. 211-12, lines 25-24). Thus, the trial judge appropriately exercised her discretion in allowing the State to prove their case without unduly prejudicing Petitioner by not allowing Larson to say anything about the nature of her relationship with Petitioner.

The primary case cited by Petitioner is distinguishable from the facts of the current case. Petitioner cites this Court's opinion in State v. James, 355 S.C. 25, 583 S.E.2d 745 (2003) as an example of the State committing "overkill." In James, the State entered evidence of seven prior burglary or housebreaking convictions to prove that James was guilty of first degree burglary under S.C. Code Ann. § 16-11-311(A)(2). Because S.C. Code Ann. § 16-11-311(A)(2) only requires proof of two prior convictions for burglary or housebreaking, this Court held "the probative value of all seven prior convictions was outweighed by the very great potential for prejudice to James." James, at 355 S.C. at 35, 583 S.E.2d at 750. Petitioner argues this level of "overkill" by the State in James is analogous to the actions of the State in this case. This argument lacks merit. In James the State entered evidence of seven different convictions for the same crime which James was on trial for. Here, none of Petitioner's prior convictions were mentioned either directly or indirectly. Petitioner assumes, without any evidentiary basis, the jury made a nefarious conclusion about Petitioner's criminal history based merely on Larson's past employment with SCDPPPS. On the contrary, other than asking Larson where she worked at the time of the robberies, the State did not reference Larson's previous employment or go into any detail about her prior interactions with Petitioner. (R. 215-17). The State only asked Larson

if she could identify Petitioner. Larson's identification served a probative purpose which was necessary for the State to prove its case.

Harmless Error

Even if this Court determines the Court of Appeals erred in affirming the trial judge's decision to allow the testimony of Pamela Larson, any error committed was harmless because the evidence presented against Petitioner was overwhelming.

"Whether an error is harmless depends on the circumstances of the particular case." State v. Thompson, 352 S.C. 552, 562, 575 S.E.2d 77, 83 (Ct. App. 2003). "No definite rule of law governs this finding; rather, the materiality and prejudicial character of the error must be determined from its relationship to the entire case." State v. Mitchell, 286 S.C. 572, 573, 336 S.E.2d 150, 151 (1985). "Where a review of the entire record establishes the error is harmless beyond a reasonable doubt, the conviction should not be reversed." Thompson, 352 S.C. at 562, 575 S.E.2d at 83. "Error is harmless when it could not reasonably have affected the result of the trial." Mitchell, 286 S.C. at 573, 336 S.E.2d at 151 (quoting State v. Key, 256 S.C. 90, 180 S.E.2d 888 (1971)).

The evidence presented against Petitioner at trial was overwhelming. Two witnesses who were robbed by Petitioner picked him out of a photo lineup. (R. 96, 125). Torah Craft was "a thousand percent" sure she correctly picked Petitioner. (R. 97, line 2), Craft also identified Petitioner in a still image from another store that was robbed. (R. 97). Kimbrell Sumter and Kimberly Strother were also able to identify the vehicle that Petitioner drove away in. (R. 119, 144). The vehicle that Strother and Sumter described matched the vehicle that Petitioner was arrested in. (R. 225-26). Three law enforcement witnesses who were familiar with Petitioner were able to identify him in still images from one or more of the robbery locations. (R.189-90,

199, 209, 216-17). Petitioner's lone witness, who was also his fiancée, claimed Petitioner was at her house during the robberies and Petitioner did not place or receive any phone calls while he was there. (R. 285-86). However, an analysis of Petitioner's phone revealed that Petitioner had made and received several phone calls during the time of the robberies and none of those phone calls took place in the vicinity of the residence where Petitioner claimed to be. (R. 303-04, 308-10).

When considering the record as a whole, the prejudice to Appellant of a former probation officer identifying him in a still image pales in comparison to the remaining evidence against Petitioner. There was abundant evidence in the record for a reasonable jury to conclude Petitioner was guilty. The State submits the jury was convinced of Petitioner's guilt by the eyewitness testimony of two store clerks, identification by three law enforcement officers and Petitioner's discredited alibi. Therefore, any error resulting from the trial judge's decision to allow the identification testimony of Pamela Larson is harmless. The Court of Appeals did not err in affirming the decision of the trial judge to admit Larson's testimony. This Court should deny certiorari.

II.

The Court of Appeals correctly held any error that may have been committed by the trial judge in admitting the drug paraphernalia found in Petitioner's car was harmless because of the overwhelming evidence presented against Petitioner at trial.

Petitioner next contends the Court of Appeals erred in affirming the trial judge's decision to admit the drug paraphernalia that was found inside Petitioner's vehicle when he was arrested. Specifically, Petitioner argues "the prejudicial value of the admission of the crack pipe outweighed any probative value of the same and the error in admitting the same violated petitioner's right to a fair trial via the Fourteenth Amendment and Article 1, § 3 of the South

Carolina State Constitution, especially since it was highly likely that this prior bad acts crack pipe evidence contributed to the jury's guilty verdicts and could not have been deemed harmless error." (Petition for Cert., p. 11-12). The Court of Appeals did not explicitly determine that the trial judge erred in admitting the drug paraphernalia evidence, but held that any error in the admission of the paraphernalia would have been harmless in light of the overwhelming evidence against Petitioner. The State submits the trial judge did not abuse her discretion in admitting the drug paraphernalia because it was relevant to explain the testimony of Kimbrell Sumter, who opined that Petitioner was under the influence of drugs when he committed the robbery of Sumter's store. However, even if the trial judge erred in admitting the drug paraphernalia, the Court of Appeals correctly held that any error was harmless.

"Evidence of prior bad acts is inadmissible to show criminal propensity or to demonstrate the accused is a bad person." State v. King, 334 S.C. 504, 512, 514 S.E.2d 578, 582 (1999). However, evidence of prior bad acts may be admissible to show motive, intent, absence of mistake or accident, common scheme or plan, or the identity of the perpetrator. State v. Lyle, 125 S.C. 406, 118 S.E. 803 (1923). In order to be admissible, evidence of a defendant's drug use must have some relevant connection to the crime charged. State v. Dickerson, 341 S.C. 391, 391, 535 S.E.2d 119, 122 (2000).

In order to determine whether the trial judge erred by admitting the drug paraphernalia, it is instructive to review the relevant portions of Sumter's testimony and the testimony of Investigator Truluck who found the drug paraphernalia. The following exchange took place during the State's direct examination of Sumter:

Assistant Solicitor Shellenburg: Do you remember anything identifiable about him?

Kimbrell Sumter: Yes, his beard and his eyes.

Assistant Solicitor Shellenberg: What specifically about his eyes?

Kimbrell Sumter: Kind of big, like he was on something.

Assistant Solicitor Shellenberg: Like he was on drugs?

Kimbrell Sumter: Yes.

(R. 118, lines 13-18). Following this exchange, Investigator Truluck testified about the items he found inside Petitioner's car:

Assistant Solicitor Shellenburg: What else did you find in the vehicle that was of interest?

Investigator Truluck: Also of interest, I located a brown paper bag. Inside this bag was a glass tube with a small little flower inside of it, a piece of Brillo, and a lighter.

Assistant Solicitor Shellenberg: And what is the significance of that?

Investigator Truluck: The significance of this is that throughout my career in law enforcement, I have worked narcotics, and this is what I used to refer to as what was called before as a crack pack. These items are used to smoke crack cocaine out of.

(R. 227-28, lines 22-8).

In deciding to admit the drug paraphernalia into evidence, the trial judge cited this Court's opinion in State v. Hough, 325 S.C. 88, 480 S.E.2d 77 (1997) among other cases as authority for her decision. (R. 75). In Hough, this Court held it was proper for the State to introduce evidence of Hough's drug use after the burglary for which he was on trial. Hough 325 S.C. at 95, 480 S.E.2d at 81. The Court reasoned "the testimony clearly provides a motive for Hough to have committed the crime and would therefore be admissible under Lyle." Hough 325 S.C. at 95-96, 480 S.E.2d at 81. However, the Court reversed Hough's conviction because the solicitor improperly told the jury in his opening statement that Hough had "a crack problem."

Hough 325 S.C. at 96, 480 S.E.2d at 81. The Court ruled the statement by the solicitor could not be considered harmless error. Id.

Here, the State introduced the drug paraphernalia found in Petitioner's car after Sumter testified Petitioner appeared to be on drugs. The drug paraphernalia was relevant evidence which served a probative purpose in light of Sumter's testimony. The identity of the perpetrator of the robberies was the sole issue of contention in this case from the beginning of the trial. Truluck's testimony regarding the drug paraphernalia found in Petitioner's car served to further prove Petitioner was the individual who robbed the gas station where Sumter worked. In reaching her decision, the trial judge cited Sumter's testimony describing Petitioner looking like he was on drugs. (R. 76, lines 15-18). The drug paraphernalia was used for this limited purpose. The State did not reference Petitioner's drug use in either their opening statement or their closing argument. (R. 79-82, 319-28). Thus, the State properly introduced evidence of Petitioner's contemporaneous or subsequent drug use as allowed by Hough, but did not inappropriately comment on Petitioner's drug use as the State did in Hough. The drug paraphernalia was more probative than prejudicial, and the trial judge appropriately exercised her discretion in admitting the evidence.

Harmless Error

Even if this Court determines the trial judge erred in admitting the drug paraphernalia found in Petitioner's car, any error committed was harmless in light of the overwhelming evidence introduced against Petitioner at trial.

When considering the record as a whole, the prejudice to Petitioner of a piece of drug paraphernalia being entered into evidence pales in comparison to the remaining evidence against Petitioner. As previously argued, there was abundant evidence in the record for a reasonable jury

to conclude Petitioner was guilty. The jury was more likely convinced of Petitioner's guilt by the eyewitness testimony of two store clerks, identification by three law enforcement officers and Petitioner's discredited alibi than they were by the admission of drug paraphernalia found in Petitioner's car. Therefore, any error resulting from the trial judge's decision to admit the drug paraphernalia into evidence is harmless. The Court of Appeals correctly held that any error in the admission of the drug paraphernalia was harmless. This Court should deny certiorari.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the petition for a writ of certiorari should be denied.

Respectfully submitted,

ALAN WILSON
Attorney General

SCOTT MATTHEWS
Assistant Attorney General
S.C. Bar No. 101464

BYRON E. GIBSON
Solicitor, Fifth Judicial Circuit

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727

March 10, 2020