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**May 26 2020**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
The Honorable J.C. Nicholson, Jr. Circuit Court Judge

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THE STATE,.....RESPONDENT

v.

CARMIE JOSETTE NELSON,.....APPELLANT

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**INITIAL BRIEF OF RESPONDENT**  
Appellate Case No. 2019-000788

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### **APPELLANT STATEMENT ON APPEAL**

1. Whether the trial court abused its discretion by allowing the jury to have copies of transcripts during deliberation when the recordings had been played multiple times, and thus, placed undue emphasis on the evidence?
2. Whether the trial court erred in admitting autopsy photographs, state exhibits #75 and #76 which were gruesome and the probative value of the photographs was substantially outweighed by their potential for being unfairly prejudicial under Rule 403, SCRE?

### **RESPONDENT'S COUNTER ARGUMENT ON APPEAL**

1. Did the trial court err in allowing the jury to have copies of a transcript of the recording of the Appellant's confession during deliberations, when this recording had been played numerous times during trial? If the trial court did err, can any error be considered harmless since the confession was clearly heard on the audio recording without the aid of the transcript?
2. Did the trial court err in admitting autopsy photographs when the probative value outweighed any prejudicial effect pursuant to Rule 403 SCRE?

## STATEMENT OF THE CASE

The Appellant, Carmie Josette Nelson met the victim while both were patients at Palmetto Behavioral Health. During their stay they created a friendship, and the victim decided to allow the Appellant to move into her house. Not long after moving in, the Appellant began sending derogatory texts about the victim to her estranged husband, Mr. Daniel Nelson. (Tr. p. 102 line 1) The Appellant would constantly text Mr. Nelson about how much she despised the victim. At the time, Mr. Nelson was homeless and living in a tent behind Walmart. He testified that the Appellant gave him the victim's landline phone number, social security number, address, and the code to the outside gate of the community where they lived. (Tr. p. 102 lines 23-25) He further testified that the Appellant gave him all of this information because she had devised a plan. She wanted Mr. Nelson to call to harass and intimidate the victim for money. (Tr. p. 102 line 13 – p. 103 line 1) The Appellant also wanted him to go by their house so he could assault her. (Tr. p. 102 lines 19-20) That plan later became a plan for him to assist her in killing the victim. (Tr. p. 108 lines 6-7)

On April 2, 2017, the Appellant called Mr. Nelson and asked him to bring her his veteran's administration disability check. At that time Mr. Nelson had the Appellant's truck which was parked in a parking lot of a hotel. Mr. Nelson left to meet her, however, due to him driving her truck high on methamphetamines, and being very intoxicated, he collided with a tree. (Tr. p. 110 lines 8-13) After wrecking her truck, he got a ride back to Walmart where he informed the Appellant about this accident. The Appellant called a cab to pick up Mr. Nelson to take him to the victim's residence. While Mr. Nelson was in route, the Appellant phoned him three times from the victim's landline. This was odd because she had never called Mr. Nelson on the victim's landline before. The Appellant wanted him to get over to the victim's house

immediately because she had just killed her. She needed him to come over and help dispose of the body, and clean the crime scene. (Tr. p. 112 lines 14-19) If Mr. Nelson assisted her, the Appellant promised to drop a pending criminal domestic violence charge for an earlier attack. (Tr. p. 113 line 12-13)

When Mr. Nelson arrived at the scene he found the body on the kitchen floor with blood everywhere. He assisted with the cleaning, then placed the victim's body into a crate. He then placed the crate into the garage. (Tr. p. 115 lines 12-14) Mr. Nelson testified that the Appellant told him that she hit the victim with a hammer and stabbed her multiple times. (Tr. p. 117 line 22 – p. 118 line 4) The Appellant told him that she murdered the victim because she was being held hostage and the victim constantly beat her dog. (Tr. p. 118 lines 9-11)

While at the house, Mr. Nelson and the Appellant discussed numerous scenarios on how to dispose of the body. Burying her in the back behind a cemetery, abandoning her inside her vehicle, or burning her house down, were some of these scenarios. (Tr. p. 120 lines 3-6) They finally decided to bury her in the cemetery, and to remain in the house informing everyone that she checked herself into a rehabilitation center. (Tr. p. 120 line 8)

Later, when the cleaning of the crime scene was complete, Mr. Nelson worried that he would be blamed for this murder. He devised a plan to get the Appellant to confess, while secretly recording this confession onto his phone. (Tr. p. 122 lines 20-22) He attempted to put his plan in action, but the plan failed because the Appellant would not discuss the crime, but instead, only wanted to talk about her wrecked truck and about how Mr. Nelson had gotten her kicked out of the hotel. (R. p. \*) However, he finally coaxed her into telling him how she committed this murder. (R. p. \*) After getting her confession on an audio recording, Mr. Nelson left the house

and called 911 to inform the authorities that his wife committed this murder. (Tr. p. 125 lines 3 - 10)

Mr. Nelson decided to meet the police at the front gate of the subdivision. He led them to the victim's house, and once they arrived they found the Appellant locked inside. Once she opened the door, the police discovered she was highly intoxicated, and had a knife to her throat threatening to kill herself. (Tr. p. 71 lines 5-15) The officers had no success in convincing the Appellant to put the knife down, so they rushed into the house, forced the knife out of her hand, and placed her into custody. (Tr. p. 72 lines 5-18) Once taken into custody she was questioned about the location of the victim. She initially informed the police that the victim was in a drug rehabilitation center. (Tr. p. 480 line 19- p. 481 line 10) After the body was found, she quickly blamed Mr. Nelson for the murder. (Tr. p. 481 line 14 – 20) Subsequently, she was arrested and charged with the offense of murder. Mr. Nelson was arrested and charged with accessory after the fact of murder.

On May 6, 2019, the Appellant was brought before a jury of her peers for a trial for the offense of murder. This trial was presided over by the Honorable J.C. Nicholson, Jr., Circuit Court Judge. Present was the Appellant with her attorney's, public defenders William Ted Smith, Jr., and Taylor Semen. Prosecuting this case were assistant solicitors, Douglas Bruce DuRant, and Daniel Cooper of the ninth circuit solicitor's office.

During this trial the prosecution entered into evidence an original, and second clearer version of the audio recording. (R. p. \*) The prosecution also entered into evidence a written transcript of this recording. (R. p. \*) Appellant objected to the introduction of the clearer recording and the transcript. Appellant argued that the original recording spoke for itself, and the transcript and second recording placed undue emphasis on this evidence.

Prosecutors also entered into evidence autopsy photos to reveal malice and a possible cause of death. (R. p. \*) Appellant argued that these photos were more prejudicial than probative, and objected to the introduction of these photographs.

Appellant testified during her trial. During her testimony she stated that she was abused by Mr. Nelson for years and was afraid of him. She testified that she and Mr. Nelson were going to go out on a date; however, once he wrecked her truck she was angry at him. Appellant decided to make plans to go out with the victim instead. She then contacted Mr. Nelson and told him to bring her the check because she needed money for bills, and also she and the victim were going to take a trip to Columbia to look for a house. When Mr. Nelson arrived she decided to take a shower, while in the shower she heard yelling but she did not think it was anything odd because the victim was always yelling at the cats or the neighbors. She testified that when she got out of the shower she found the victim lying on the kitchen floor, then Mr. Nelson took her cell phone and disabled all of the phones in the house. The Appellant also testified that Mr. Nelson threatened her and that he was the only person who cleaned the crime scene and placed the body in the garage

The Appellant testified that Mr. Nelson threatened to kill her dog if she did not make an audio recording confessing to this murder. She stated that she was later forced to leave the house to buy cleaning supplies and alcohol, and although she had her phone the entire time, she never contacted the police. She testified that Mr. Nelson told her he would kill her dog if she told anyone she was being held hostage. Although she claimed to be afraid and stressed the entire time, video evidence revealed she had no look of fear or stress when purchasing these items.

On May 9, 2019, a jury of her peers found the Appellant guilty of murder. Upon being found guilty the Appellant appeared before the trial court for sentencing. She was ultimately sentenced to a period of incarceration for the remainder of her natural life.<sup>1</sup> (Tr. p. 564 lines 2-6)

While serving her sentence Appellant filed a notice of appeal before this court. Within this appeal Appellant argues that the trial court abused discretion in allowing Respondent to introduce transcripts and a second clearer recording of her confession. She argues that allowing these items to be introduced places undue emphasis on this evidence. The Appellant also argues that the trial court erred in allowing the Respondent to introduce autopsy photographs into evidence. She believes that the prejudicial effect of these photographs outweighs any probative value.

The Respondent argues that the trial court did not err in allowing the transcripts or the clearer recording into evidence. The trial court has the authority to allow evidence that is admissible when the proper foundation is laid, and relevant to the case. Even if an error existed, since this confession was heard on the audio recording, any error should be considered harmless. The Respondent will also argue that the trial court did not err in allowing the autopsy photographs into evidence. These photographs were necessary to reveal the cause of death and that the Appellant acted with malice. As the court knows, these are the two elements that must be proven to convict a person of the offense of murder. Ultimately, the probative value clearly outweighed any prejudice that might have occurred. The initial brief of the Respondent supporting these arguments follows.

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<sup>1</sup> Daniel Joseph Nelson was sentenced to a five year period of incarceration for the offense of accessory after the fact to murder.

## STANDARD OF REVIEW

In criminal cases the appellate court sits to review errors of law only. *State v. Wilson*, 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001). The trial court has considerable discretion on the admissibility of evidence. *State v. Sheldon*, 344 S.C. 340, 342, 543 S.E.2d 585 (2001). On appeal, the trial court ruling will not be disturbed absent a prejudicial abuse of discretion amounting to an error of law. *State v. Smicklevich*, 268 S.C. 411, 234 S.E.2d 230 (1977). A trial judge has considerable latitude in ruling on the admissibility of evidence and his rulings will not be disturbed absent a showing of probable prejudice. *State v. Kornahrens*, 290 S.C. 281, 350 S.E.2d 180 (1996). The relevance, materiality, and admissibility of photographs are matters within the sound discretion of the trial court and a ruling will be disturbed only upon a showing of an abuse of discretion. *State v. Shuler*, 353 S.C. 176, 184, 577 S.E.2d 438, 442 (2003). Error is harmless where it could not reasonably have affected the trial's outcome. *State v. Mitchell*, 286 S.C. 572, 573, 336 S.E.2d 150, 151 (1985). A duplicate is admissible to the same extent as an original unless (1) a genuine question is raised as to the authenticity of the original, or (2) in the circumstances it would be unfair to admit the duplicate in lieu of the original. Rule 1003 SCRE.

## ARGUMENT

- 1. The trial court did not err in allowing the transcript of the Appellant's audio recorded confession into evidence. And even if the trial court erred it should be considered harmless.**

While in the house assisting the Appellant in the cover up of this murder, Mr. Nelson devised a plan to record on his cell phone the Appellant confessing to her actions regarding the victim's death. He was able to record a conversation with the Appellant regarding the incident in which she ultimately informed him that she did in fact murder the victim. He later contacted the authorities and provided them with this recording, which was later played before the jury. The

Respondent also provided the jury with a transcript of what was said on this audio recording. The Respondent also provided a duplicate copy of the recording in which the background noise was removed and volume level of the Appellant was enhanced. (R. p. \*) (Tr. p. 397 lines 6-9) Upon playing these recordings and providing this transcript, the Respondent offered it as evidence. The Appellant objected to the transcript and the clearer recording being offered. Their argument was that the original recording speaks for itself, and any other recording or transcript being offered unduly emphasize this evidence.

The Respondent argues that neither the extra clearer recording nor the transcript places any undue emphasis on this evidence. The recording revealed the Appellant confessing to a murder. An excerpt of this recording follows:

Carmie: Because you're already in trouble now.

Daniel: How am I in trouble?

Carmie: You're looking at a felony. And you really don't need anything else. **And you are an accomplice.**

Daniel: Yeah, **an accomplice to a murder.**

Carmie: **That's right.**

Daniel: I still can't believe that after you hit her in the head a couple of times with that hammer she got up.

Carmine: Oh yeah, she did...

Daniel: And you slashed her neck? And she is still trying to move?

Carmie: (Unintelligible) noise.

Daniel: Oh she was gurgling or whatever?

Carmie: (Unintelligible) She was still breathing (unintelligible) she sat up on that damn couch. And she had (unintelligible). (Unintelligible) and that damn battery came out, snatched that son of a bitch up. **And she walked over by that damn table and fell and I commenced to fucking still hitting her . . . and I didn't fucking stop.** (R. p. \*)

This is obviously a confession. A clearer recording and transcript was provided for the purpose of making sure the jury would be able to follow and understand what was recorded. Other than enhancing the volume, and reducing the background noise no evidence was introduced revealing that this audio recording was altered in any way. The fact that the transcript and the clearer recording were introduced into evidence did not bring more emphasis to this evidence, it was the content of the recording that brought the emphasis. Any time there is a confession in a criminal trial, it is emphasized. That's because the person being accused of committing the crime is actually stating that they have committed the crime.

Mr. Nelson testified that he was the person who recorded the Appellant's confession, not a member of law enforcement. The prosecution may not use statements, whether exculpatory or inculpatory, stemming from a custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination. *Miranda v. Arizona*, 384 U.S. 436, 444, 86 S.Ct. 1602, 1612 (1966). Mr. Nelson never held himself out to be a member of law enforcement, and the Appellant was married to him so she knew he was not a law enforcement officer. This was not a custodial interrogation so *Miranda* warnings were not necessary in order for this confession to be admissible. A custodial interrogation is a questioning initiated by law enforcement officers after a person has been taken into custody. *Id.*

Within her brief the Appellant relies on the South Carolina Supreme Court case of *State v. Gullede*, 277 S.C. 368, 287 S.E.2d 488 (1982). In *Gullede*, the Supreme Court decided that

taking a transcript into jury deliberations unduly emphasized the evidence. They found that the trial court was in error in allowing the transcript into evidence. *Gulledge* is not identical to the present case. In *Gulledge*, the victim, a police officer was recorded making a statement to dispatch upon being shot. This was not a statement involving a confession made by the Defendant. As a general rule statements or declarations made by one accused of a crime are admissible against him. *State v. Plyer*, 275 S.C. 291, 295, 270 S.E.2d 126, 128 (1980).

The Appellant does not argue that the statement is inadmissible, only that the addition of another clearer recording, and a transcript unduly emphasize the evidence. The fact it was transcribed did not add to the emphasis, but the statement itself created more emphasis. The Appellant confessing to committing this crime made it more important.

This statement was voluntary and was given without any coercion. It has been uniformly held that a confession may be introduced upon proof of the voluntariness by a preponderance of the evidence. *State v. Washington*, 296 S.C. 54, 370 S.E.2d 611 (1988). The recording and transcripts were properly introduced so they were both lawfully entered and definitely admissible; therefore, no error occurred when it was submitted to the jury. "As the admission of a tape recording of a confession was approved in *State v. Valenti*,<sup>2</sup> and a proper foundation was laid, here, the trial court acted within its discretion in admitting the recording." *State v. Tyner*, 273 S.C. 646, 656, 258 S.E.2d 559, 564 (1979) The judge exercised proper discretion and committed no error in allowing the jury to read the transcript while listening to the 911 tape. *State v. Winkler*, 388 S.C. 574, 698 S.E.2d 596 (2010)

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<sup>2</sup> Court determined that the trial court did not err in determining that a tape recording and written statement containing confession and admissions were voluntary. *State v. Valenti*, 265 S.C. 380, 218 S.E.2d 726 (1975)

The Appellant did testify that she was forced into this confession. She stated that Mr. Nelson threatened to kill her dog, so that is why she made this recording. That is a question of fact that should be determined by the jury. If there is an issue of fact as to the voluntariness of a confession, it should be admitted and the jury under proper instructions allowed to make the ultimate determination as to the voluntary character and also its truthfulness. *State v. Worthy*, 239 S.C. 449, 457, 123 S.E.2d 835, 839 (1962)

The Appellant argues that her case was wrongfully harmed do to the error of the trial court in allowing the cleared up recording of her confession as well as the transcript. Even if the trial court erred in admitting this evidence, this error should be considered harmless. This is due to the fact it was clear on the recording that she confessed. Even without the transcript this was a confession that was definitely relevant to these proceedings. When making a determination if an error should be considered harmless jurisprudence requires not to question whether the State proved their case beyond a reasonable doubt, but whether beyond a reasonable doubt the trial error did not contribute to the guilty verdict. *State v. Trapp*, 398 S.C. 376, 390, 728 S.E.2d 468, 475 (2012). There was ample evidence presented by the solicitor revealing that the Appellant committed this murder beyond a reasonable doubt. "Error is harmless when it 'could not reasonably have affected the result of trial.'" *Trapp*, 398 S.C. at 389, 728 S.E.2d at 475, quoting, *State v. Key*, 256 S.C. 90, 180 S.E.2d 888 (1971).

Mr. Nelson felt that there was a possibility that he would be blamed for this crime; therefore, in order to protect himself from prosecution he decided to record the Appellant's confession. In order to accomplish this he decided to get a recorded statement on his cell phone without her knowledge. During this statement she confessed. She clearly stated on the recording

what she did to the victim. She further stated how Mr. Nelson was an accomplice to this murder. So even if the transcript was not introduced it was clear that the Appellant confessed.

There was other evidence revealing that the Appellant committed this crime. The Appellant constantly texted Mr. Nelson with derogatory statements about the victim. On the day that the crime occurred she called Mr. Nelson three times on the victim's land line which she never used before, informing Mr. Nelson that she killed the victim. When police arrived, she first threatened to kill herself. Once they were able to get the knife from her she informed them that the victim was in a rehabilitation center. She did not inform them that the victim was killed by Mr. Nelson until her body was found.

There are obvious facts revealing that the Appellant committed this crime beyond a reasonable doubt. The central importance of the statement was the confession which was revealed within the recording. The trial court only allowed the transcript and other recording to be part of the record to allow clarity, so the jury would not be confused as to what was said. It is ultimately the decision of the trial court as to what should be allowed in evidence. The admission of evidence is within the sound discretion of the trial court, appellate courts should not reverse the decision of the trial court absent an abuse of discretion. *State v. Robinson*, 410 S.C. 519, 526, 765 S.E.2d 564, 568 (2014).

Without that transcript the recording would still have revealed the Appellant's confession, the inclusion of this evidence does not warrant a reversal of this case, especially when there was so much evidence proving the Appellant's guilt beyond a reasonable doubt. "The harmless-error doctrine is essential to preserve the 'principle that the central purpose of a criminal trial is to decide the factual question of the defendant's guilt or innocence and promotes public respect for the criminal process by focusing on the underlying fairness of the trial rather

than the virtually inevitable presence of immaterial error.” *State v. Rivera*, 402 S.C. 225, 246, 741 S.E.2d 694, 705 (2013), quoting, *Delaware v. VanArsdall*, 475 U.S. 673, 681, 106 S.Ct. 1431, 89 L.Ed.2d 674 (1986).

**2. The trial court did not err in allowing autopsy photos into evidence since their probative value was greater than any prejudicial effect.**

The State introduced autopsy photographs during the testimony of Dr. Nicholas Batalis, the medical examiner who performed the autopsy. The Appellant objected to the introduction of this evidence. She argued that they were so gruesome that their prejudicial affect outweighs any probative value. The Appellant’s position is that these pictures were so graphic the jury would rely on their emotions and not the evidence in making their determination. Autopsy photographs are allowed into evidence if it is shown that there probative value is greater than any prejudicial effect. The Respondent and Dr. Batalis stated why it is better to have these photographs into evidence rather than a diagram. The trial court made the correct decision in allowing the autopsy photographs into evidence, a decision that should be affirmed by this court.

During the trial there were several autopsy and crime scene photographs that were introduced as evidence. The Appellant objected to the introduction of state exhibits number 75, 76, and 77. These were the photographs of the victim’s head injuries, and also revealed the body’s decomposition due to the fact she was murdered two days prior to being discovered.

The Appellant argues that the State’s introduction of these autopsy photos were prejudicial violating Rule 403 of the South Carolina rules of evidence.<sup>3</sup> However, the State revealed to the trial court that this evidence was relevant in proving how the murder occurred,

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<sup>3</sup> Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. Rule 403 SCRE.

when it occurred, and that malice existed. All of these are elements the state is responsible for proving in order to gain a conviction for the offense of murder. A trial judge is given broad discretion in ruling on questions concerning the relevancy of evidence, and his decisions will be reversed only if there is a clear abuse of discretion; evidence is relevant if it tends to establish or make more or less probable some matter which is in issue upon which it directly or indirectly bears. *State v. Alexander*, 303 S.C. 377, 401 S.E.2d 146 (1991)

During trial, Dr. Batalis testified that the victim suffered multiple injuries to the head and neck. He explained that some of these injuries revealed wound patterns matching that of the claw end of a hammer, the murder weapon. (Tr. p. 378 lines 17-22) Other wounds were considered blunt force injuries matching the other end of the hammer. (Tr. p. 381 line 19 – p. 382 line 10) The measurements from these injuries matched that of the murder weapon, which definitely makes these photos more probative than prejudicial; therefore, relevant and necessary to be introduced as evidence. Dr. Batalis also testified that the victim's carotid artery was severed which led to her bleeding to death within minutes. (Tr. p. 384 lines 8 – 14) He also testified as to other knife wounds to her torso. The photographs revealed the patterns of these wounds revealing that probably a kitchen knife was the weapon used to cause these injuries. (Tr. p. 386 line 7 – p. 387 line 8) The photographs also revealed the decomposition of the body when it was found. The decomposition revealed that the victim was probably killed two days earlier which matches the testimony of Mr. Nelson. (Tr. p. 379 lines 20-22)

These photographs also revealed the amount of blunt force trauma that was delivered to the top of the victim's head, the injuries to the back of the neck, and the amount of stab wounds. These photographs reveal malice, so this was not an accident, nor self-defense, but murder. The prosecution is always obligated to reveal malice in order to obtain a conviction for the offense of

murder. Malice is an essential element to the offense of murder pursuant to the South Carolina Code of Laws.<sup>4</sup> The introduction of these autopsy photographs was necessary to prove a major element of murder, and reveal crucial evidence proving the Appellant was the person who committed this offense. The Appellant argues that these photographs were prejudicial. During the trial it was clearly revealed why these photographs were probative. The probative value outweighed any prejudicial effect; therefore, making these photographs are admissible and not prejudicial

The trial court was well within its right to allow these photographs into evidence. It was explained by Dr. Batalis that though he had a diagram it would only describe the wounds. Photographs do a much better job revealing the features, diagrams only show estimation. (Tr. p. 363 lines 2-5) Photos better illustrate the method of how he murder occurred and that it matched what Mr. Nelson described. In the audio recording of the Appellant's confession the Appellant herself revealed that, "I commenced to fucking still hitting her ...and I didn't fucking stop." The photographs revealed that numerous blows suffered by the victim. Through the introduction of these photographs it was proven that the confession of the Appellant matched the evidence provided.<sup>5</sup> These photographs were definitely introduced for its probative value and not to prejudice the Appellant in any way.

The Appellant's defense was that the murder was committed by Mr. Nelson. Therefore, these photos were not prejudicial due to the fact she was blaming someone else for this murder. During her entire case the Appellant pointed out the fact that Mr. Nelson did continuously lie to

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<sup>4</sup> "Murder" is the killing of any person with **malice** aforethought, either expressed or implied. S.C. Code Ann. §16-3-10 (2019)(emphasis added).

<sup>5</sup> A conviction cannot be had on the extra-judicial confessions of the defendant unless corroborated by proof aliunde of the corpus delicti. *State v. Williams*, 321 S.C. 381, 384, 399 S.E.2d 656, 658 (1996)

the police, and that he was abusive towards the Appellant. The introduction of this evidence did not change her defense. If the jury believed that Mr. Nelson committed this offense those photographs would not have changed that position.

The injuries displayed in these photographs were just as the Appellant described them in the audio recording. The decomposition that was present supported what Mr. Nelson described, that the victim was dead when he got there and that the body remained in the garage for the entire period until the police got to the house. These photographs were necessary in order to prove the Appellant's guilt. Their introduction into evidence was not an abuse of discretion. It was explained to the judge and the jury why these autopsy photos were necessary. There exists no prejudice so the determination made by the court allowing these photos into evidence should be upheld.

### CONCLUSION

The trial court made the proper decisions regarding this matter, the Respondent respectfully request this court to affirm the decision of the trial court.

Respectfully submitted,

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**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
The Honorable J.C. Nicholson, Jr. Circuit Court Judge

THE STATE,.....RESPONDENT

v.

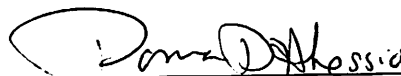
CARMIE JOSETTE NELSON,.....APPELLANT

**CERTIFICATE OF SERVICE**  
Appellate Case No. 2019-000788

I, Donna D'Alessio, am an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Initial Brief of Respondent, Designation of Matter, and Certificate of Service has been forwarded to Appellant's counsel, Sarah E. Shipe, Esq., via email today, May 26, 2020 to [sshipe@sccid.sc.gov](mailto:sshipe@sccid.sc.gov), and to her administrative assistant at [hkellner@sccid.sc.gov](mailto:hkellner@sccid.sc.gov), and by depositing one copy of the same in the United States mail, postage prepaid, and addressed to her attorney of record: Sarah E. Shipe, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201.

I further certify that all parties required by Rule to be served have been served.

This 26<sup>th</sup> day of May, 2020.



Donna D'Alessio,  
Legal Assistant to Tommy Evans, Jr.  
Assistant Attorney General

**Donna D'Alessio**

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**From:** Donna D'Alessio  
**Sent:** Tuesday, May 26, 2020 10:32 AM  
**To:** sshipe@sccid.sc.gov  
**Cc:** Kellner, Haley (hkellner@sccid.sc.gov)  
**Subject:** Nelson, Carmie J. - Appellate Case No. 2019-000788 - Initial Brief of Respondent  
**Attachments:** Nelson, Carmie J. - Appellate Case No. 2019-000788, Initial Brief of Respondent 5-26-2020 (02285460xD2C78).pdf

Dear Ms. Shipe:

Attached is a scanned copy of the Initial Brief of Respondent, Designation of Matter, and Certificate of Service regarding the above matter. A paper copy is being mailed to you this afternoon. The Initial Brief and supporting documents are being submitted to the South Carolina Court of Appeals through e-filing, along with a copy of this email.

Hope you are well, and thank you.

Donna D'Alessio, Legal Assistant  
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**SC Court of Appeals**