STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Richland County

Honorable Robert E. Hood, Circuit Court Judge

THE STATE,

PETITIONER,

V.

ERIC TERRELL SPEARS,

RESPONDENT

APPELLATE CASE NO. 2017-001933

BRIEF OF RESPONDENT

LANELLE CANTEY DURANT
Appellate Defender

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

ATTORNEY FOR PETITIONER

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PETITIONER'S ISSUE PRESENTED

The trial court properly denied Respondent's motion to suppress the crack cocaine because law enforcement engaged Respondent in a consensual street encounter when they walked a little faster than Respondent to reach him, politely asked to speak with Respondent, and asked questions in a respectful manner. Walking a little faster to catch up to a person to speak with them is not a show of authority that creates a seizure, and merely asking incriminating questions does not turn a consensual encounter into a seizure.

RESPONDENT'S COUNTER ISSUE

The Court of Appeals correctly reversed the trial court when the trial court erred by denying Respondent Spears' motion to suppress the drug evidence because he was seized within the meaning of the Fourth Amendment and law enforcement lacked a reasonable suspicion that he was involved in criminal activity.

STATEMENT

On July 18, 2012, the Richland County Grand Jury indicted Eric Terrell Spears on the charge of trafficking crack cocaine more than ten grams and less than twenty-eight grams. On February 17-18, 2015, a trial was held before the Honorable Robert Hood and a jury in Spears' absence. R. 3, ll. 1 – R. 7, ll. 16. Spears was represented by Lucas Hawks and Adam Ruffin. R. 1; R. 10, ll. 1 – 7. The state was represented by Luck Campbell and Meghan Walker. R. 1; R. 9, ll 15 – 21. The jury returned a verdict of guilty as indicted. R. 227, ll. 2 – 10. Judge Hood issued the sentence and sealed it pursuant to the rules of trial in absence. R. 231, ll. 18 – 21.

On February 19, 2015, Spears appeared before Judge Hood for sentencing. Judge Hood opened the sealed sentence and sentenced Spears to thirty years for a trafficking crack cocaine third offense. R. 232, ll. 1 – R. 233, ll. 12. Spears appealed his conviction and sentence.

The Court of Appeals reversed Spears' conviction and sentence in a published opinion on May 31, 2017. State v. Spears, 420 S.C. 363, 802 S.E.2d 803 (Ct. App. 2017). App. 285- App. 295. The state filed a petition for rehearing which the Court of Appeals denied on August 18, 2017. App. 307. The state then filed a petition for a writ of certiorari to the Court of Appeals on September 20, 2017. The return to the petition for a writ of certiorari was filed October 19, 2017. This Court granted the State's petition for a writ of certiorari on February 16, 2018. The state filed a brief of petitioner on March 19, 2018. This brief of respondent follows.

STATEMENT OF FACTS

On March 29, 2012, Agent Dennis Tracy, who was with the Lexington County Sheriff's Office and also with the Immigration Customs Enforcement Task Force later known as Homeland Security, went to the designated drop off point of one of the buses of the Chinese Bus Line. This Chinese Bus Line operated out of New York and was frequented by criminals because there was no security, no ID checks, and was inexpensive. R. 108, ll. 14 – R. 113, ll. 19.

Two other agents went with him: Briton Lorenzen of Homeland Security and Frank Finch, who was a narcotics agent with the Lexington Sheriff but was assigned to the Drug Enforcement Administration (DEA) Task Force. Their job was to deter the flow of drugs from other areas into South Carolina. R. 142, ll. 15 – R. 143, ll. 21; R. 183, ll. 9 – R. 185, ll. 20; R. 109, ll. 1 – 11. The men went to the point where the bus would stop. It was not a real bus station but a drop off in a parking lot of an old Comfort Inn on Broad River in Columbia just north of I-20. R. 113, ll. 12 – R. 114, ll. 16.

The law enforcement agents went to the bus acting on a tip that a DEA agent had received and conveyed to the agents. Agent Tracy did not know the source of the tip as to whether it was an informant or some other source. R. 111, ll. 17 – R. 112, ll. 8. Agent Dennis said the tip was that one black male was traveling from New York to South Carolina with narcotics. R. 112, ll. 4 – 12; R. 132, ll. 1 – 12.

Agent Lorenzen testified that he was contacted by his counterpart at DEA to conduct a bus interdiction[1] related to the DEA case they were investigating. He did not receive the tip himself. Two targets involved in their DEA case were supposed to be aboard the Chinese bus. The names of

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[1] Interdiction was defined by agent Dennis as a law enforcement effort to stop the flow of narcotics into Columbia neighborhoods by nontraditional means. R. 109, ll. 1 – 7.

the targets were Tyrone Richardson and Eric Bradley who were both black males. Agent Lorenzen had never heard the name of Eric Spears. R. 143, ll. 9 – R. 144, ll. 25; R. 149, ll. 1 -24.

On March 29, 2012, the three agents went to the drop off point on Broad River Road where the bus had parked. People were disembarking from the bus. Most of the passengers were getting into a cab or calling on their cell phones or had someone there picking them up. Two people were not on a cell phone and did not have someone getting them. These two people were paying an "excessive" amount of attention to the agents as law enforcement. However, the agents were in plain clothes and Agent Dennis believed that people "don't pay attention to people in plain clothes unless they are engaged in illegal activity. Agent Dennis had his gun and badge concealed, but the two people continued to look at them. R. 114, ll. 1 – R. 116, ll. 15. However, in contrast, Agent Briton Lorenzen and Agent Frank Finch both testified at trial that both their guns and badges were visible during this encounter. R. 144, ll. 20 – R. 145, ll. 13; R. 187, ll. 1 – 12.

The two people, a man and woman, retrieved their baggage from the bus and proceeded to walk up the street to the road. The agents decided to make contact with the two people. They had no plan to arrest them or detain them. The agents' purpose was to "engage them in a consensual encounter and see if there was anything suspicious about their stories or their actions." R. 116, ll. 16 – R. 117, ll. 14.

Before the encounter as the agents were following the man and woman, they observed the woman remove an unknown object from her purse and hand it to the man. They could not tell what the object was. The agents did not see the man lower his hands below his waist. R. 117, ll.15 – R. 118, ll. 11.

When the agents were about eight to ten feet behind the couple, the agents asked them if they could talk to the couple for a minute. The agents identified themselves as law enforcement.

They asked the couple casual questions such as where they were coming from. When the agents asked for identification, the man handed them a New York identification. Agent Dennis described the man as very forthcoming in his conversation and answers. The man started rearranging his clothing as though to pull it away from his body. Agent Dennis asked him not to do that for safety reasons as the man's hands were out of view when he did. When Agent Dennis asked the man if he had any illegal items on him or his property, the man hesitated and then said no. Agent Dennis believed that when people hesitate, they are not telling the truth. R. 118, ll. 12 – R. 119, ll. 18.

The man continued to pull at his shirt so it was not possible to see anything that might have been in his waistband. Agent Dennis became concerned for his own safety as he thought the man might have a weapon in his waistband. After the man did not stop pulling at his shirt, Agent Dennis told the man that he was going to perform a pat down of his waistband to ensure that the man did not have a weapon. When Agent Dennis did the pat down of the man's waist, Agent Dennis felt a small hard object about the size of a golf ball with jagged edges. That feel was consistent with crack cocaine that Agent Dennis, in his experience, had felt before. Spears was detained at that point and turned over to Investigator Brian Gwyn with the Richland County Sheriff's Office. Investigator Gwyn was on the scene at that point. R. 120, ll. 1- R. 123, ll. 10.

When Investigator Gwyn arrived at the scene, he saw Agents Tracy, Lorenzen and Finch with Spears and a woman. The agents already had the crack cocaine and Investigator Gwyn took possession of Spears and the crack. Investigator Gwyn performed a field test on the drugs and determined it was cocaine base or crack. He arrested Spears then for trafficking crack cocaine. R. 150, ll. 11 – 24; R. 154, ll. 1 – R. 155, ll. 25.

Investigator Gwyn read the Miranda rights to Spears as soon as he arrested him. Spears told the investigator that he understood his rights. Investigator Gwyn then asked Spears questions but he

seemed "standoffish" at first. Spears said he felt he had been set up. When asked why he did this, Spears responded: "Stupidity." Then Spears related that he was paid $2200 by an individual to bring the crack cocaine into South Carolina because crack was cheaper in New York. R. 156, ll. 1 – R. 158, ll. 23.

Investigator Gwyn then admitted that after Spears was advised of his right to remain silent, Spears said he did not want to talk. He never asked for an attorney. However, while Investigator Gwyn was doing paperwork, Spears initiated conversation. Investigator Gwyn then identified Spears from a photograph the state produced that was part of the identification Spears had on his person. R.159, ll. 1 – R. 160, ll. 17.

In a pretrial motion, defense counsel moved to suppress the drugs on three grounds. He argued that Spears was targeted on the initial contact without reasonable suspicion. Spears was frisked without reasonable suspicion of a weapon, and the plain view doctrine did not satisfy pulling the drugs from Spears' waistband. R. 11, ll. 17 – R. 12, ll. 22. The state called Agent Dennis Tracy to testify in the pretrial suppression hearing. R. 13, ll. 1 – R. 45, ll. 15.

Agent Dennis told of the tip which he did not put in his report because he did not receive the tip directly. The information he had was simply a black male with no other description. The agents were there at the scene due to the tip, but he admitted that the tip was not specific enough for him to identify the subject as their target. He could not identify the subject as the target based on the tip alone. The agents made contact with the individuals "solely based on their activity" and not based on the tip per se. R. 31, ll. 12 – R. 32, ll. 13. Agent Dennis also admitted that he did not mention in his report that the individuals paying excessive attention to the agents appeared to be nervous. However, he admitted that he thought it was important that the individuals were nervous. R. 34, ll.

20 – R. 36, ll. 6. Agent Dennis also did not mention in his report that the woman gave an object from her purse to the man. R. 37, ll. 1 – 8.

The defense called Traci Jenkins to testify at the pretrial hearing. She was the woman with Spears at the bus stop, and was married to Spears. R. 54, ll. 1 – 25; R. 59, ll. 17 – 25. She remembered the incident. She did not feel free to leave during the twenty-minute encounter. She thought they had to talk to the agents. They stopped because they were told to stop. R. 55, ll.1 – R. 60, ll. 1.

In his argument following the testimony at the pretrial hearing, defense counsel argued that the agents did not have reasonable suspicion to stop Spears and the woman on the initial contact. All they had was the two people looking at them at the bus stop and nervousness. No reasonable person would have felt free to leave in these circumstances when the agents were following them and then started asking them questions about criminal activity. R. 61, ll. 6 – R. 65, ll. 5.

The judge denied the motion to suppress. His basis for the initial stop as being valid was that the defendant was seen getting off a bus that was known by law enforcement to be used by criminals. The defendant paid close attention to the agents or officers even though they were in plain clothes and their guns were out of sight. [See above where two officers/agents had guns and badges visible.] The agents began to follow the defendant and his wife who were nervous. Agent Dennis saw the woman hand an object to the defendant. The defendant and his wife willingly stopped and talked to the agents. The law enforcement agents never told the defendant that he was not free to leave. R. 83, ll. 15 – R. 86, ll. 8.

At the Jackson v. Denno[2] hearing, defense counsel objected to the admission of the statements by Spears that he was bringing the crack into the state for someone else and that he was

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2 Jackson v. Denno, 378 U.S. 368 (1964).

paid $2200 to do so. Counsel's objections were based on the grounds that these statements were not relevant and not needed because the statute on trafficking was based on the amount. R. 77, ll. 8 – R. 81, ll. 22. The judge overruled the objections, and deemed the statements relevant. He ruled that the statements went to an element of the crime. R. 81, ll. –R. 82, ll. 1. Counsel did not object when the statements were admitted into evidence. R. 156, ll. 1 – R. 159, ll. 22.

Tara Kinney, who worked in the Richland County Sheriff's Office in the forensic laboratory, tested the drugs found in Spears' case. She determined that it was crack cocaine with a net weight of 11.43 grams. R. 172, ll. 1 – 17; R. 176, ll. 4 – 22.

When the drugs were admitted into evidence as State's Exhibit One, defense counsel objected based on all of his prior suppression motions. The judge admitted the drugs. R. 196, ll. 5 – 12.

ARGUMENT

The Court of Appeals correctly reversed the trial court when the trial court erred by denying Respondent Spears' motion to suppress the drug evidence because he was seized within the meaning of the Fourth Amendment and law enforcement lacked a reasonable suspicion that he was involved in criminal activity.

The Court of Appeals correctly held that Spears was seized under the Fourth Amendment. The Court, citing Florida v. Bostick, 501 U.S. 429 (1991), stated that the test to determine whether a person has been seized for purposes of the Fourth Amendment is whether, under the totality of the circumstances surrounding the encounter, a reasonable person in the suspect's position 'would have felt free to decline the officers' requests or otherwise terminate the encounter.' The Court cited the factors pursuant to State v. Williams, 351 S.C. 591, 600, 571 S.E.2d 703, 708 (Ct. App. 2002) and held that this was not a consensual encounter. The Court reasoned that Spears was "arguably seized" the moment the agents had contact with him. But the latest point he was seized was when Agent Tracy asked Spears if he had any illegal weapons or items on him.

Spears was face to face with three agents, two of whom had their guns displayed. No reasonable person would have felt free to walk away. Spears and his wife were somewhat isolated from the other people when they were stopped.

The Court of Appeals also held that the agents lacked reasonable suspicion to stop Spears. The state argued that the majority of the Court failed to properly apply the standard of review. This is an erroneous argument. The Court of Appeals had legal authority to conduct its own review of the record and make a determination of reasonable suspicion. The Court of Appeals cited two cases: State v. Hewins, 409 S.C. 93, 113, 760 S.E.2d 814, 824 (2014) and State v. Moore, 343 S.C. 282, 288, 540 S.E.2d 445, 448 (2000) which provided for the appellate court's determination of the issue.

The Court of Appeals also cited State v. Tindal, 388 S.C. 518, 521, 698 S.E.2d 203, 205 (2010) that held that the deferential standard of review for Fourth Amendment cases did not prevent the appellate court from conducting its own review.

The Court of Appeals' decision to decide the reasonable suspicion issue was the logical conclusion in the interest of judicial economy especially since it had already decided that Spears was seized under the Fourth Amendment. To remand the case for one part of the Fourth Amendment issue and then have that part come back on appeal would have been a waste of resources and money for the legal system.

The state argued as a second point that the opinion created precedent that hindered law enforcement investigation and safety. Law enforcement is mandated to follow the United States Constitution and respect the privacy and personal security of citizens. "The purpose of the Fourth Amendment is not to eliminate all contact between the police and the citizenry, but 'to prevent arbitrary and oppressive interference by enforcement officials with the privacy and personal security of individuals.'" United States v. Mendenhall, 446 U.S. 544, 553–54 (1980) (quoting United States v. Martinez–Fuerte, 428 U.S. 543, 554 (1976).)

The state cited Michigan v. Chesternut, 486 U.S. 567 (1988) but that case is totally distinguished from the circumstances in Spears' case. There was a difference between the officer riding alongside a running suspect, who could easily run away, and Spears being followed and stopped by three agents when two of them had guns displayed. This was a face to face contact. The fact that the agents followed Spears initially for several hundred yards and then suddenly quickened their pace was a show of authority because the quickening meant the agents were determined to catch him.

This was not a simple street encounter as argued by the state. In State v. Anderson, 415 S.C. 441, 783 S.E.2d 51 (2016), this Court cited Terry v. Ohio, 392 U.S. 1 (1968) that a police officer with a reasonable suspicion based on articulable facts that a person is involved in criminal activity may stop, briefly detain, and question that person for investigative purposes without treading on his Fourth Amendment rights. The agents in Spears' case had none of these points cited in Terry. The agents had no objective basis for suspecting legal wrong doing by Spears. They had no facts but that he got off of this bus. It was not consensual because Spears did not feel free to leave with police guns facing him. The agents' quickening pace meant that they were after Spears.

The state erroneously argued that the Court of Appeals erred in finding that Spears was seized when asked if he had any weapons. In Robinson v. State, 407 S.C. 169, 181, 754 S.E.2d 862 (2014), this Court held that a person has been seized within the meaning of the Fourth Amendment at the point in time when, in light of all the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave. This was the situation with Spears. He had been followed by three agents, two of whom had guns, and who made it clear by quickening their pace that they were after Spears. Spears did not feel free to leave nor not to answer. The agent asking if he had a weapon meant that Spears was under suspicion of a crime.

The state argued that it was the manner in which questions were asked. The surrounding circumstances of Spears' case show that the manner in which questions were asked included the display of weapons. That was a major factor in the totality of the circumstances. In addition, the accelerated pace at which the agents pursued Spears after the initial few hundred yards had an effect on the questions asked as Spears knew he was being pursued.

The state relied on United States v. Mendenhall, 446 U.S. 544 (1980) as being a similar situation as Spears. This is in error as Mendenhall is distinguished from Spears in that the federal agents in Mendenhall told the suspect that she had the right to decline the search and the agents did not display any weapons.

The Court of Appeals correctly found that the agents demonstrated "threatening" behavior by following Spears for several hundred feet and then increased their pace in order to catch up with Spears and his wife, Williams. The Court of Appeals wrote that in a consensual encounter, a person was able to "disregard the officer's questions and walk away." Citing State v. Rodriquez, 323 S.C. 484, 476 S.E.2d 161 (Ct. App. 1996). When the agents quickened their pace of walking, that indicated to Spears that he was being pursued and was not free to leave. That quickened pace was a show of force and authority.

The state again relied on Michigan v. Chesternut, *supra,* but again this was in error. Chesternut is distinguished because the officer in that case was only following alongside the suspect who was running.

The state argued against the Court of Appeals' reliance on State v. Williams, 351 S.C. 591, 571 S.E.2d 703 (Ct. App. 2002) for the factors that determine whether a seizure has occurred as being in error. The seven factors enumerated in Williams apply to Spears' case except one.

(1) Time and place of the encounter: The state argued that Spears and Williams could have walked away as they were pedestrians. The state ignored the fact that two agents had guns displayed. The agents did not tell Spears that he was free to leave as the agents in Mendenhall did. In State v. Rodriguez, *supra,* the Court of Appeals held that as long as the person

approached remains free to disregard the questions and walk away, no intrusion on privacy has occurred.

(2) Number of officers present: There were three agents following Spears and his wife. Two of the agents had their guns visible. That prevented Spears and Williams from walking away or disregarding the agents' questions.

(3) Whether the agents were uniformed: The agents were in plain clothes but their badges were visible as well as the guns of two of them.

(4) Length of the detention: The length of the actual face to face encounter was not provided. However, the agents observed Spears and then followed him for a while.

(5) Move to a different location or isolate: The agents waited to speak with Spears until they were alone and apart from the other people who came in on the bus.

(6) If Spears was informed that he was free to leave: Law enforcement did not inform Spears and Williams that they were free to leave.

(7) Whether the agents indicated to Spears that he was suspected of a crime: Agent Tracy told Spears that there had been problems in the past with illegal activities and people involved in crime on the bus. He then asked Spears and Williams for their identifications. Agent Tracy then asked Spears if he had any illegal weapons or items on him or in his property. The state argued that the agents did not "directly accuse" Spears of breaking the law. However, these questions by the agent would lead any reasonable person to believe that he was a suspect in a crime. The state cited United States v. Ringold, 335 F.3d 1168 (10th Cir. 2003), in error because again, the distinguishing factor was that the agents in Spears' case had guns displayed.

(8) Whether the agents retained the person's documents or exhibited threatening behavior: There was no indication whether the agents kept the identifications provided by Spears

and Williams. However, the agents did exhibit threatening behavior by increasing their pace of walking after following Spears at a normal pace for several hundred years. This increase in their speed indicated to Spears that he was being pursued and was not free to leave. This finding by the Court of Appeals was correct especially in light of all of the surrounding circumstances.

The state's argument that the Terry frisk was permissible due to reasonable concerns for officer safety is without merit. As the Court of Appeals wrote, Spears at no time exhibited evasive behavior but was cooperative with the officers and forthcoming until they questioned him about the illegal items. However, as the Court of Appeals pointed out, Spears was already seized at that point. The state cited State v. Blassingame, 338 S.C. 240, 525 S.E.2d 535 (Ct. App. 1999) which held that the issue is whether a reasonably prudent man in the circumstances would be warranted in the belief that his safety or that of others was in danger. As stated previously, Spears was cooperative and non evasive in his conversation with the officers. There were three officers with weapons. There was no evidence for a reasonably prudent man to believe he was in danger.

The Fourth Amendment protects the right of the people to be secure in their persons, house, papers, and effects, against unreasonable searches and seizures. U.S. Const. amend. IV. This guarantee protects against unreasonable searches and seizures, including seizures that only involve a brief detention. Robinson v. State, 407 S.C. 169, 754 S.E.2d 862 (2014) citing State v. Pichardo, 367 S.C. 84, 97, 623 S.E.2d 840, 847 (Ct. App. 2005) (citing United States v. Mendenhall, 446 U.S. 544 (1980). Reasonable suspicion is something more than an inchoate and unparticularized suspicion or hunch. Terry v. Ohio, 392 U.S. 1, 27 (1968). The police officer may make reasonable inferences regarding the criminality of a situation in light of his experience, but he must be able to

point to articulable facts that, in conjunction with his inferences, "reasonably warrant" the intrusion. Id. at 21, 27. Robinson v. State, 407 S.C. 169, 754 S.E.2d 862(2014).

"To justify a brief stop [or] detention, the police officer must have a reasonable suspicion that the person has been involved in criminal activity." State v. Robinson, 306 S.C. 399, 402, 412 S.E.2d 411, 413 (1991). The term "reasonable suspicion" requires a particularized and objective basis that would lead one to suspect another of criminal activity. See United States v. Cortez, 449 U.S. 411 (1981); see State v. Woodruff, 344 S.C. 537, 544 S.E.2d 290 (Ct. App. 2001). In determining whether reasonable suspicion exists, the whole picture must be considered. See United States v. Sokolow, 490 U.S. 1 (1989). The burden is on the State to articulate facts sufficient to support reasonable suspicion. See State v. Butler, 343 S.C. 198, 539 S.E.2d 414 (Ct. App. 2000); see also State v. Pichardo, 367 S.C. 84, 104, 623 S.E.2d 840, 851 (Ct. App. 2005).

The United States Supreme Court created the exclusionary rule to safeguard Fourth Amendment rights. United States v. Calandra, 414 U.S. 338 (1974). The exclusionary rule prohibits the use of evidence obtained directly or indirectly through an unlawful search or seizure under the fruits of the poisonous tree doctrine. See Wong Sun v. United States, 371 U.S. 471, 484 (1963); see also State v. Nelson, 336 S.C. 186, 519 S.E.2d 786 (1999) (finding evidence is not admissible under the "fruit of the poisonous tree" doctrine when the police exploit an unlawful search to seize evidence that would not have otherwise come to light).

The Court of Appeals cited the case of State v. Anderson, *supra,* for this Court's instruction on reasonable suspicion. Anderson's case is similar to Spears in analysis. This Court found that "Anderson's presence in a high crime area carried little weight because the police were in the area for the express purpose of executing a search warrant that did not include the

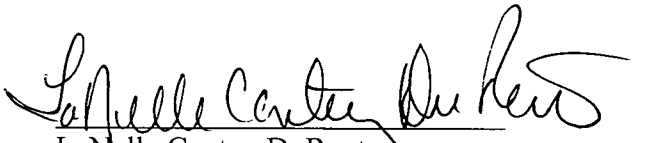
footpath." Spears coming into Columbia on the Chinese bus line which was known to be frequented by people involved in illegal activities, should carry little weight as the agents were there to search for another person by name from an unreliable tip. As Anderson did not try to flee, Spears did not try to flee.

The Court of Appeals correctly reversed the trial court's denial of Spears' motion to suppress the drugs. This was not a consensual encounter as a reasonable person would not have free to leave, and the agents did not tell Spears that he could leave. Considering the totality of the circumstances, the agents did not have a reasonable suspicion that Spears was involved in illegal activity. All the agents had was a hunch based on the fact that Spears was riding that particular bus; that he acted nervous; and had four large bags.

CONCLUSION

Based on the above, the decision of the Court of Appeals should be affirmed.

Respectfully Submitted,



LaNelle Cantey DuRant
Appellate Defender

ATTORNEY FOR RESPONDENT

This 12th day of April, 2018.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Richland County

Honorable Robert E. Hood, Circuit Court Judge

THE STATE,

PETITIONER,

V.

ERIC TERRELL SPEARS,

RESPONDENT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Brief of Respondent in the above referenced case has been served upon David A. Spencer, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Brief of Respondent has been served on Eric T. Spears, #363100, at Broad River Correctional Institution, 4460 Broad River Road, Columbia, SC 29210, this 12th day of April, 2018.

LaNelle C. DuRant
Appellate Defender
ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 12th day of April, 2018.

(L.S)
Notary Public for South Carolina
My Commission Expires: July 5, 2027.