ORIGINAL

STATE OF SOUTH CAROLINA
In the Supreme Court

CERTIORARI TO CHARLESTON COUNTY
Deadra L. Jefferson, PCR Judge
George C. James, Jr., Trial Judge

Appellate Case No. 2017-002544

ERIC ANCRUM,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

BRIEF OF RESPONDENT PURUSANT TO WHITE V. STATE

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Attorney General

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ATTORNEYS FOR RESPONDENT

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STATEMENT OF ISSUE ON APPEAL

Petitioner's appellate argument that the trial court erred in instructing the jury that actual knowledge of presence of an item is evidence of Petitioner's intent to control is disposition or use is not preserved for appellate review because trial counsel not only failed to object to the jury instruction and subsequent instruction but affirmatively stated he had no objection numerous times. Regardless of preservation concerns, the trial court did not commit reversible error in instructing the jury that actual knowledge of the presence of an item was evidence of Petitioner's intent to control its disposition or use because such a jury instruction was proper at the time of Petitioner's trial in 2007. Moreover, any purported error was harmless and had no impact on the jury's verdict.

STATEMENT OF THE CASE

During its June 2006 term, the Charleston County Grand Jury indicted Petitioner Eric Ancrum for trafficking in cocaine (more than 400 grams) (2006-GS-10-4066), possession with intent to distribute cocaine within proximity of a school (2006-GS-10-4069), manufacturing cocaine base (2006-GS-10-070), possession of a firearm during the commission of a violent crime (2006-GS-10-4071), and manufacturing cocaine base within proximity of a school (2006-GS-10-4188). Subsequently, during its October 2006 term, the Charleston County Grand Jury also indicted Petitioner for trafficking cocaine base (200-400 grams) (2006-GS-10-9674) and possession with intent to distribute cocaine base within proximity of a school (2006-GS-10-9675).

John D. Delgado, Esquire and William N. Nettles, Esquire, represented Petitioner on these charges. Assistant Solicitors Nathan Williams and Gregory Voigt of the Ninth Circuit Solicitor's Office prosecuted the case.

On October 8, 2007, Petitioner proceeded to a jury trial in the Charleston County Court of General Sessions before the Honorable George C. James, Jr., then circuit-court judge. On October 11, 2007, the jury convicted Petitioner of all offenses as indicted except for except possession of a firearm. The trial court sentenced Petitioner to confinement for fifteen years for manufacturing cocaine base and life without the possibility of parole for each of the other five offenses pursuant to S.C. Code Ann. § 17-25-45 based on Petitioner's prior convictions.

Counsel filed a notice of appeal on behalf of Petitioner, but failed to serve the State. On October 24, 2007, the South Carolina Court of Appeals dismissed Petitioner's appeal for failing to properly serve the State. The remittitur was returned to the circuit court on November 9, 2007.

Thereafter, on March 25, 2008, Petitioner filed an application for post-conviction relief (2008-CP-10-1670), alleging he was being held in custody unlawfully based on an allegation that counsel was ineffective for failing to perfect an appeal on his behalf. The State served its return on December 23, 2008. An evidentiary hearing was convened on November 18, 2009, in the Charleston County Court of Common Pleas before the Honorable Kristi L. Harrington, circuit court judge. At the hearing, Petitioner proceeded forward on the following claims:

1. Ineffective assistance of counsel in that counsel

    a. Did not meet with Petitioner enough times.

    b. Did not contact witnesses that could have verified Petitioner did not live in the apartment in question.

    c. Did not request a continuance when aware that they were not prepared for trial.

    d. Did not develop the mere presence defense properly.

    e. Failed to file a timely appeal.

Petitioner was represented at the evidentiary hearing by Joseph Stephen Schmutz, Esquire, and Anthony P. LaMantia, III, Esquire. Respondent was represented by Assistant Attorney General Matthew J. Friedman of the South Carolina Attorney General's Office. At the hearing, Petitioner testified on his own behalf and presented testimony from trial counsels Delgado and Nettles. At the hearing, Respondent agreed Petitioner was entitled to belated review of direct appeal issues pursuant to White v. State, 263 S.C. 110, 208 S.E. 2d 35 (1974), but challenged the remaining allegations for relief. By order filed December 14, 2009, the post-conviction relief court granted Petitioner belated review of direct appeal issues pursuant to White and denied relief as to all other allegations.

Petitioner, though post-conviction relief counsel, filed a notice of appeal with this Court challenging the court's denial of post-conviction relief. Counsel subsequently filed a petition for a writ of certiorari, arguing, "The PCR court erred in denying Petitioner's request for a new trial based upon his claims of ineffective assistance of counsel." However, counsel did not file a separate brief of petitioner pursuant to White as required under Rule 243(i)(1), SCACR and did not otherwise argue any direct appeal issues. The State served its return to the petition for a writ of certiorari on April 18, 2011. Petitioner then filed a reply to Respondent's return to the petition on June 6, 2011. This Court denied certiorari and the remittitur was returned to the circuit court on June 7, 2012.[1]

Thereafter, on June 12, 2017, Petitioner, through retained counsel Tristan Shaffer, filed a second post-conviction relief application and accompanying affidavit from initial post-conviction relief counsel, arguing he was entitled to White review as granted by the initial post-conviction relief court and that initial post-conviction relief counsel had improperly neglected to file a brief of petitioner pursuant to White on his behalf. Respondent consented to the grant of belated review of direct appeal issues pursuant to White as granted by the original post-conviction relief court, and by order filed on November 8, 2017, the Honorable Deadra L. Jefferson, acting in her capacity as Chief Administrative Judge for Common Pleas for Charleston County, granted Petitioner belated appellate review pursuant to White.

[1] The only documents from Petitioner's initial post-conviction relief appeal included in the Appendix are the petition for a writ of certiorari and appendix (which is full of improper markings and commentary from an unknown source). The return to the petition for a writ of certiorari the reply to this return, the order denying certiorari, and remittitur were all improperly omitted from the appendix. Respondent is filing a motion to strike the Appendix and require Petitioner to file an amended appendix that comports with the appellate court rules.

Petitioner filed a notice of appeal. On April 30, 2018, Petitioner filed a petition for a writ of certiorari and a brief of petitioner pursuant to White. This brief of respondent pursuant to White and an accompanying return to petition for a writ of certiorari follow.

ARGUMENT

Petitioner's appellate argument that the trial court erred in instructing the jury that actual knowledge of presence of an item is evidence of Petitioner's intent to control is disposition or use is not preserved for appellate review because trial counsel not only failed to object to the jury instruction and subsequent instruction but affirmatively stated he had no objection numerous times. Regardless of preservation concerns, the trial court did not commit reversible error in instructing the jury that actual knowledge of the presence of an item was evidence of Petitioner's intent to control its disposition or use because such a jury instruction was proper at the time of Petitioner's trial in 2007. Moreover, any purported error was harmless and had no impact on the jury's verdict.

Petitioner contends the trial court committed reversible error when it instructed the jury that actual knowledge of the presence of an item is evidence of Petitioner's intent to control its disposition or use. Absent from Petitioner's argument is any mention that he previously objected to this jury instruction or that this jury instruction was improper at the time of his trial in 2007.

Petitioner's argument fails for several reasons. Initially, any issue with the trial court's instructions to the jury was not preserved for appellate review because Petitioner waived any such issue by specifically indicating to the trial court he had no objections to the jury charge after it was presented to the jury initially or after supplemental jury charges were given. Furthermore, regardless of the issue preservation concerns, the trial court did not commit reversible error in instructing the jury that actual knowledge of presence of an item is evidence of Petitioner's intent to control is disposition or use because such a jury instruction was proper at the time of Petitioner's trial in 2007. Additionally, any error was harmless and had no impact on the jury's verdict. Petitioner's convictions should be affirmed.

A. Issue Preservation

In South Carolina, issue preservation requirements are a fundamental component of appellate procedure. Gaddy v. Douglass, 359 S.C. 329, 350, 597 S.E.2d 12, 23 (Ct. App. 2004). Significantly, the application of issue preservation requirements ensures the trial court has an

opportunity "to rule properly after it considered all relevant facts, law, and arguments." I'On, L.L.C. v. Town of Mt. Pleasant, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000). In order for an issue to properly be preserved for appellate review, the issue must be: (1) raised to and ruled upon by the trial court; (2) raised by the appellant; (3) raised in a timely manner; and (4) raised to the trial court with sufficient specificity. State v. Rogers, 361 S.C. 178, 183, 603 S.E.2d 910, 912-913 (Ct. App. 2004); see JEAN HOEFER TOAL ET AL., APPELLATE PRACTICE IN SOUTH CAROLINA 57 (2nd ed. 2002) (identifying the four requirements that must be met in order for an issue to be properly preserved for appellate review). Importantly, "[i]f a party fails to properly object, the party is procedurally barred from raising the issue on appeal." State v. Johnson, 363 S.C. 53, 58-59, 609 S.E.2d 520, 523 (2005).

In sum, a defendant must make a contemporaneous objection to a perceived error during trial to preserve the issue for appellate review. State v. Blalock, 357 S.C. 74, 79, 591 S.E.2d 632, 635 (Ct. App. 2003); see also Doe v. S.B.M., 327 S.C. 352, 356, 488 S.E.2d 878, 880 (Ct. App. 1997) ("The duty is on the litigant to make a timely objection in order to preserve the right of review."). When a perceived error arises, the defendant must object at the first opportunity to do so in order to preserve the issue for further review. State v. Sullivan, 310 S.C. 311, 314, 426 S.E.2d 766, 768 (1993); see State v. Williams, 303 S.C. 410, 411, 401 S.E.2d 168, 169 (1991) ("A defendant must object at his first opportunity to preserve an issue for appellate review."). "If a party fails to properly object, the party is procedurally barred from raising the issue on appeal." State v. Johnson, 363 S.C. 53, 58-59, 609 S.E.2d 520, 523 (2005); see also State v. King, 349 S.C. 142,157, n.l, 561 S.E.2d 640, 647 (Ct. App. 2002) ("[N]o objection was made contemporaneously with this testimony so as to preserve the issue for review. King's belated objection to subsequent testimony came too late.").

In order to preserve an objection to a jury charge, a defendant must object to the charge as given or request an additional charge when afforded the opportunity to do so. State v. Stone, 285 S.C. 386, 387, 330 S.E.2d 286, 287 (1985). "The rule in this State is firmly established that failure to object to a charge, or failure to request an additional charge when the opportunity is afforded, constitutes a waiver of any right to complain on appeal of an alleged error in the charge." State v. Williams, 266 S.C. 325, 335, 223 S.E.2d 38, 43 (1976). "[T]he right to have the law declared may be waived by the parties and, ordinarily, silence in the face of an omission from, or error in the charge amounts to waiver." Id. Significantly, one of the ways a party can waive an objection is by indicating to the trial court the party does not have an objection to an issue to which the party previously raised an objection. See State v. Brown, 402 S.C. 119, 125, 740 S.E.2d 493, 496 (2013) (holding Brown's issue with a jury instruction was not preserved for appellate review where Brown explicitly stated to the trial judge he had no objection to the instruction); State v. Rios, 388 S.C. 335, 342, 696 S.E.2d 608, 612 (Ct. App. 2010) (holding Rios waived his right to allege error with a jury charge on appeal where the trial court specifically asked if there were any objections to the instructions given and Rios responded there were none).

In present case, Petitioner failed to preserve and waived any issue with the jury charge by not objecting to the initial jury charge before or after it was given and by affirmatively stating he had no objection to the charge. While the charge conference took place in chambers, certain matters pertaining to the jury charge were discussed on the record, such as Petitioner's request for a jury instruction on mere presence. App. 727-730. Following the charge conference, the trial court specifically asked counsels if either party had anything to place on the record regarding the in-chambers charge conference and Petitioner did not raise any issue to the impropriety of a jury charge the actual knowledge of the presence of an item is evidence of Petitioner's intent to

control its disposition or use. App. 730-732; 738. Likewise, after the actual knowledge charge had been given to the jury, the trial court inquired if Petitioner had any objection to the jury instructions, and Petitioner indicated he did not. App. 846. Petitioner similarly informed the trial court he had no objection when supplemental jury instructions were given by the court. App. 850. By failing to object to the actual knowledge instruction after the charge had been given and by allowing the jury to retire and begin deliberations without objection, Petitioner waived any issue with the challenged instruction. See Rule 20(b), SCRCrimP ("Notwithstanding any request for legal instructions, the parties shall be given the opportunity to object to the giving or failure to give an instruction **before the jury retires**. Any objection shall state distinctly the matter objected to and the grounds for objection. **Failure to object in accordance with this rule shall constitute a waiver of objection.**" (emphasis added)).

Subsequently, after the jury begun its deliberations following the jury charge, the jury submitted a question requiring further instruction on "aiding, abetting, possession, dominion." App. 853. Before bringing the jury back out, the trial court indicated he intended to ask the jury whether they needed additional instruction on the jury charge or criminal charge and then re-instruct the jury as needed and offered Petitioner an opportunity to raise any exceptions to his intended re-instructions. App. 854-855 Petitioner did not object and did not raise any issue regarding the actual knowledge charge that had already been presented to the jury during the initial instructions. App. 855; 860; 861.

Because Petitioner never objected to the jury instructions, Petitioner waived any error regarding the actual knowledge jury charge. See State v. Smith, 279 S.C. 440, 442, 308 S.E.2d 794, 794-795 (1983) ("Error is claimed by reason of the trial judge's charge to the jury concerning the implication of malice from the use of a deadly weapon. No objection to the jury

instruction was raised at trial. The question therefore is not available for our review."). In fact, not only did Petitioner not object to the initial jury charge, he specifically assured the trial court he had no objection to the charge as given, which included an instruction on the jury's ability to potentially draw an inference that actual knowledge of the presence of an item is evidence of Petitioner's intent to control its disposition or use. See State v. Rios, 388 S.C. 335, 342, 696 S.E.2d 608, 612 (Ct. App. 2010) ("Even after the trial court specifically asked if there were any objections to the charges given, Rios responded, 'None.' By failing to contemporaneously object to the jury charges, Rios has waived his right to allege error on appeal."); see also State v. Armstrong, 263 S.C. 594, 600, 211 S.E.2d 889, 892 (1975) ("At the conclusion of the charge, an opportunity was afforded to counsel to make any objections thereto. No objection was made that the instructions given were inadequate nor were any additional requests made to the court. The failure to timely request a specific charge or charges constituted a waiver of any right to complain on appeal of asserted errors in the charge."). As Petitioner never raised any objection to the jury charge and therefore deprived the trial court an opportunity to rule on any argument as to the propriety of the charge, Petitioner cannot now complain of an alleged error in the charge for the first time on appeal.[2]

B. Propriety of the Trial Judge's Jury Instructions

The purpose of a trial court's jury instructions is "to enlighten the jury and to aid it in arriving at a correct verdict." State v. Leonard, 292 S.C. 133, 137, 355 S.E.2d 270, 273 (1987).

[2] It is important to note Petitioner did not raise any allegation of ineffective assistance of counsel for failing to object to this jury instruction during his initial post-conviction relief action in 2008, which would have been the proper avenue to raise a challenge to an un-objected jury instruction. Rather, Petitioner waited until over a decade after his trial to complain about this jury instruction for the first time in this action. Petitioner is not relieved of his preservation requirements merely because his appellate review is belated pursuant to White. Regardless, as discussed infra below, this issue would have been unsuccessful if raised as ineffective assistance of counsel claim because this jury charge was a proper jury instruction at the time of Petitioner's trial in 2007.

When instructing a jury on the law, a trial judge is required to charge only the current and correct law of South Carolina, and the law to be charged is determined by the evidence presented at trial. State v. Holland, 385 S.C. 159, 165, 682 S.E.2d 898, 901 (Ct. App. 2009); see State v. Taylor, 356 S.C. 227, 231, 589 S.E.2d 1, 2 (2003) ("In general, the trial judge is required to charge only the **current and correct law** of South Carolina, . . and the law to be charged to the jury is determined by the evidence at trial." (citations omitted) (emphasis added).

In State v. Cheeks, 401 S.C. 322, 737 S.E.2d 480 (2013), which was decided more than five years following Petitioner's trial, this Court overruled prior precedent and instructed the bench to no longer use the "actual knowledge/strong evidence" charge. In Cheeks, appellant Derrick Lamar Cheeks, who was tried with his uncle, co-defendant Ricky Cheeks, was convicted of trafficking in crack cocaine in excess of 400 grams and possession of crack with intent to distribute within proximity to a school and received concurrent sentences of twenty-five years for trafficking and ten years for proximity). Id. at 324, 737 S.E.2d at 482. During trial, Cheeks raised a defense of mere presence and the trial court repeatedly instructed the jury that "mere presence at the scene of a crime is insufficient evidence, in and of itself, to support a guilty verdict." Id. at 327, 737 S.E.2d at 483. When instructing the jury on trafficking by possession, the trial court stated,

> Now, possession, to prove possession the State must prove, beyond a reasonable doubt, that the defendant in the, in the case both had the power and the intent to control the disposition or use of the crack cocaine. Therefore, possession, under the law, can either be actual or constructive.
>
> Now, actual possession means that the crack cocaine was in the actual physical custody of the defendant. Constructive possession means that the defendant had dominion or control or the right to exercise dominion or control over either the crack cocaine or the property on which the crack cocaine was found.

> Now, mere presence at a scene where drugs are found is not enough to prove possession. **Actual knowledge of the presence of the crack cocaine is strong evidence of a defendant's intent to control its disposition or use.** The defendant's knowledge and possession can be inferred when a substance is found on property under the defendant's control. However, this inference is simply an evidentiary fact to be taken into consideration by you along with other evidence in this case and to be given the amount of weight you think it should have. Two or more persons may have joint possession of a drug.

Id. (emphasis in Cheeks). Cheeks's counsel objected to this jury instruction, "arguing that it was a comment on the facts and the weight of those facts, and that it nullifies or at least conflicts with the mere presence charge." Id. The trial court, noting Solomon v. State, 313 S.C. 526, 443 S.E.2d 540 (1994), overruled Cheeks's objection. Id.

On appeal, Cheeks argued the trial court erred in charging the jury that "[a]ctual knowledge of the presence of crack cocaine is strong evidence of a defendant's intent to control its disposition or use." Id. at 325, 737 S.E.2d at 482. This Court agreed with Cheeks that this jury instruction was impermissible because it "this charge both improperly weighs the evidence, and that it largely negates the mere presence charge." Id. at 328, 737 S.E.2d at 484. This Court noted, "[t]his charge converts all persons merely present who have actual knowledge of the drugs on the premises into possessors of that drug." Id. at 329, 737 S.E.2d at 484. This Court concluded, "[w]e now overrule Solomon and instruct the bench to no longer use the "strong evidence" charge, which is derived from a statement on the sufficiency of the evidence in Kimbrell. Id. However, this Court found Cheeks could not establish any reversible error, "as there was no evidence that he was "merely present" at Markley's house when the search warrant was executed. Rather the evidence was that he was actively cooking crack cocaine when the warrant was served, and that he possessed the 650 grams of crack found on the kitchen counter. Further,

in light of the overwhelming evidence of appellant's guilt, he cannot demonstrate prejudice warranting reversal from the adjective "strong" used in the charge." Id.

Following this Court's decision in Cheeks, this Court issued a subsequent published opinion on the same issue in co-defendant Ricky Cheeks's case, again reminding the bench of its decision roughly a year earlier holding the "actual possession/strong evidence" charge "unduly emphasized the evidence, and deprived the jury of its prerogative to draw inferences and to weigh evidence" and that "he charge converted all persons merely present who have actual knowledge of the drugs on the premises into possessors of that drug and largely negated the mere presence charge, and erroneously conveyed that a mere permissible evidentiary inference was, instead, a proposition of law." State v. Cheeks, 408 S.C. 198, 200, 758 S.E.2d 715, 716 (2014). As with his co-defendant, this Court again found Cheeks could not establish any prejudice because '[t]here was no evidence that petitioner was 'merely present;' rather, petitioner provided financial assistance to the drug operation, aided and abetted the operation, and was in actual possession of the drugs. Id. at 200, 758 S.E.2d at 716.

Despite the more than **five year** delay between Petitioner's trial and the Cheeks decisions, and the clear language in the Cheeks opinions that this Court was overruling what had previously been a widely used and accepted jury instruction at the time of Petitioner's trial that actual knowledge was evidence of intent to control, Petitioner almost exclusively relies on Cheeks to argue the trial court's instruction was improper. However, this argument is without merit, as the jury instruction given at the time of Petitioner's trial in 2007 was "the **current and correct law** of South Carolina." See Taylor, 356 S.C. at 231, 589 S.E.2d at 2 ("In general, the trial judge is required to charge only the **current and correct law** of South Carolina, . . and the law to be charged to the jury is determined by the evidence at trial."). Accordingly,

notwithstanding the fact that Petitioner failed to properly preserve the issue for appellate review, the trial court did not commit reversible error in instructing the jury on actual knowledge as evidence of intent to control or possess an item at the time of Petitioner's trial in 2007. Petitioner's convictions and sentences should be affirmed.

C. Harmlessness of Any Error in the Actual Knowledge Jury Instruction

Assuming arguendo that the trial court erred in instructing the jury on actual knowledge as evidence of intent to control or possess an item at the time of Petitioner's trial in 2007, such an error is harmless and had no impact on the jury's verdict.

Errors are considered to be harmless when they could not reasonably have affected the result of the trial. State v. Adams, 354 S.C. 361, 380, 580 S.E.2d 785, 795 (Ct. App. 2003). "It is a rule of practically universal application in appellate procedure that an accused cannot avail himself of error as a ground for reversal where the error has not been prejudicial to him." State v. Hariott, 210 S.C. 290, 298, 42 S.E.2d 285, 288 (1947). When a review of the entire record establishes an error is harmless beyond a reasonable doubt, an appellate court should not reverse a conviction. State v. Thompson, 352 S.C. 552, 562, 575 S.E.2d 77, 83 (Ct. App. 2003).

Any error with respect to a jury instruction is subject to a harmless error analysis. See State v. Middleton, 407 S.C. 312, 317 n. 2, 755 S.E.2d 432, 435 n. 2 (2014) (holding a trial court's refusal to give a jury charge on a lesser-included offense that is supported by the evidence is subject to harmless error analysis). "When considering whether an error with respect to a jury instruction was harmless, we must 'determine beyond a reasonable doubt that the error complained of did not contribute to the verdict.' " Id. (quoting State v. Kerr, 330 S.C. 132, 144–45, 498 S.E.2d 212, 218 (Ct.App.1998)). "In making a harmless error analysis, our inquiry is not what the verdict would have been had the jury been given the correct charge, but whether the

erroneous charge contributed to the verdict rendered." Id. (citation omitted). "Thus, whether or not the error was harmless is a fact-intensive inquiry." Id.

In both Cheeks opinions, this Court ruled neither petitioner could establish any resulting prejudice from the trial court's erroneous instruction because there was no evidence either were "merely present" in the house where the drugs were located. See Cheeks, 408 S.C. at 200, 758 S.E.2d at 716 ("However, we also find petitioner was not prejudiced by the charge. There was no evidence that petitioner was "merely present;" rather, petitioner provided financial assistance to the drug operation, aided and abetted the operation, and was in actual possession of the drugs."); Cheeks, 401 S.C. at 329, 737 S.E.2d at 484 ("Appellant cannot show prejudice from the charge in this case, however, as there was no evidence that he was 'merely present' at Markley's house when the search warrant was executed. Rather the evidence was that he was actively cooking crack cocaine when the warrant was served, and that he possessed the 650 grams of crack found on the kitchen counter. Further, in light of the overwhelming evidence of appellant's guilt, he cannot demonstrate prejudice warranting reversal from the adjective 'strong' used in the charge.").

In Petitioner's case, there is similarly a dearth of credible evidence that Petitioner was "merely present" in the apartment where more than eight kilos of cocaine and numerous other contraband were discovered. Evidence established Petitioner had a key to the apartment, exercised control over who came and went from the apartment, determined who else had keys to the apartment, kept personal belongings in the apartment. See e.g. App. 638-642. Moreover, evidence established Petitioner was selling cocaine out of the apartment and cooking crack cocaine in the apartment. See e.g. App. 644-645; 657. Petitioner cannot establish any prejudice

from the trial court's jury instruction because there is no evidence he was "merely present" at the apartment. Petitioner's convictions and sentences should be affirmed.

CONCLUSION

For all the foregoing reasons, this Court should affirm Petitioner's convictions and sentences.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Brief of Respondent Pursuant to White v. State** has been served upon the applicant by mailing two copies in the United States mail, postage prepaid, addressed to:

Tristan Michael Shaffer, Esquire
Shaffer Law Firm
Post Office Box 1027
Chapin, SC 29036

This 29th day of August, 2018.

Jennifer Jennison
Legal Assistant for Respondent