STATE OF SOUTH CAROLINA

COURT OF APPEALS

APPEAL FROM CHEROKEE COUNTY

COURT OF GENERAL SESSIONS

The Honorable J. Derham Cole, Circuit Court Judge

Indictment Nos.: 2018-GS-11-01402, 25018-GS-11-01403, 2018-GS-11-01404
Appellate Case No. 2020-000771

The State of South Carolina.....Respondent,

v.

Cornelius Sentell Mayberry, Defendant and John Steen d/b/a John Steen Bail Bonding and Palmetto Surety Corp., as Surety ..... Appellants.

FINAL BRIEF OF APPELLANTS

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STATEMENT OF ISSUES ON APPEAL

The Trial Judge erred in ordering the estreatment of the appearance bond in this matter.

A. **The bonding company and the surety corporation should not be obligated to pay the estreatment because there was an intervening event that changed the expectations and obligations of the parties to the bond contract.**

B. **The Trial Judge erred by ruling that he had no discretion to remit any portion of the bond as a matter of law and by failing to make factual findings pursuant to Ex Parte Polk and S.C. Code Ann. § 38-53-70.**

STATEMENT OF THE CASE

This is an appeal from an order confirming judgement and estreating bond against Appellants, John Steen d/b/a John Steen Bail Bonding and Palmetto Surety Corporation. (Notice of Intent to Appeal dated May 14, 2020).

On May 3, 2018, Cornelius Sentell Mayberry was arrested in Cherokee County on state charges of trafficking in heroin, morphine, 14 g. or more but less than 28g.; trafficking in meth or cocaine base, 400 g. or more; and unlawful neglect of a child; warrant numbers 2018A1110100427-429. (R. p. 028, lines 8-14; p. 030, lines 13-15).

On May 16, 2018, a $465,000 surety bond was posted by John Steen Bail Bonding and Palmetto Surety Corporation, securing the release of Mayberry from jail. (R. p. 001).

On August 14, 2018, the United States District Court for the District of South Carolina issued a Federal Indictment, Order for Bench Warrant, and Writ of Habeas Corpus, requiring law enforcement to arrest Mayberry for a violation of federal law that was incorporated in the May 3, 2018 State warrants. (R. p. 004; R. p. 076, lines 14-19).

On August 27, 2018, officers initiated a traffic stop to arrest Mayberry on the Federal charges, but he escaped after he was handcuffed. (R. pages 090 and 091; p. 093, lines 5-6; p. 094, lines 1-14).

Mayberry failed to appear for a regularly scheduled term of General Sessions Court in Cherokee County and a bench warrant was issued for his arrest on October 15, 2018 (R. p. 140).

On February 19, 2019, the State filed a Petition for Estreatment of Bond with the subsequently obtained indictment numbers of 2018-GS-11-01402-404 as well as an Order and

Rule to Show Cause signed by the Court requiring Appellants to appear on March 11, 2019 and show cause why judgement should not be confirmed against them in the sum of $465,000.00 (R. p. 018).

Two estreatment hearings were held in this matter. Mayberry was not in police custody during the first hearing on March 11, 2019 but he was in law enforcement custody during the second hearing of April 18, 2019. (R. p. 052, lines 19-24); (R. p. 055, lines 1-8).

The Trial Judge issued an oral order giving both the State and Appellants thirty (30) days to prepare a brief at the April 18, 2019 hearing. (R. p. 138, lines 2-9). On May 5, 2020, the Honorable J. Derham Cole, Circuit Court Judge, issued a written order confirming judgement against Appellants in the amount of $465,000. (R. p. 006).

A Notice of Intent to Appeal was served and filed by Appellants on May 14, 2020. (Notice of Intent to Appeal).

A request for an extension to file Initial Brief and Designation of Matter was made and the Court granted same until July 15, 2020 as reflected by its Order filed May 25, 2020. (Order of Court of Appeals filed May 25, 2020).

STATEMENT OF FACTS

Cornelius Mayberry was arrested in Cherokee County on May 3, 2018 and was charged with trafficking heroin, trafficking methamphetamine or cocaine base, and unlawful neglect of a child. (R. pp. 140-141) (R. p. 028, lines 8-14; p. 030, lines 13-15). On May 16, 2018, John Steen and Palmetto Surety Corporation posted a $465,000 surety bond to secure Mayberry's release from jail. (R. pp. 001-003).

The Appellants, John Steen and Palmetto Surety Corporation further placed a monitor on Mayberry to maintain surveillance assistance on him. (R. p. 096, lines 8-16).

Nearly three months after he was released on bond, on August 14, 2018, Mayberry was indicted by a Federal Grand Jury on essentially the same charges that were pending in Cherokee County. (R. p. 030, lines 16-22).

While Mayberry was out on bond, he complied with the conditions of his bond by satisfying the requirements of first and second appearances (R. p. 036, lines 8-14; R. p. 051, lines 6-12). Mayberry maintained good behavior by not being rearrested, wearing a GPS monitor, and checking in with the bond agent every two weeks. (R. p. 109, lines 19-24).

On August 27, 2018, two weeks after Mayberry was federally indicted, he was stopped by two police officers, Lieutenant David Oglesby, a state-federal joint task force officer with Cherokee County Sheriff's Department and the Department of Homeland Security, and Captain Ronnie Painter, an officer with the Cherokee County Sheriff's Department. (R. p. 060, lines 6-22; p. 090, lines 8-17). The officers initiated the stop to arrest Mayberry on a Federal pickup order. (R. p. 061). After the officers approached the vehicle Mayberry was driving, an altercation occurred between Oglesby and Mayberry. Mayberry accelerated the vehicle, which

went off the road, flipped and landed on Oglesby's legs. Mayberry exited the vehicle and attempted to flee after being handcuffed by Painter (R. pp. 090-093). He later cut the monitor that the bondsman had placed on him off. (R. p. 096, lines 20-24).

Neither of the officers involved in the take-down of Mayberry or any agent of the State or Federal government contacted Appellants to request assistance with locating or securing Mayberry prior to the traffic stop. (R. p. 068, line 17 - p. 069, line 11.)

Although Appellants were not given the opportunity to help secure Mayberry prior to the traffic stop, they immediately began working their community, informants, and indemnitors to locate Mayberry after they were made aware of his escape (R. p. 097, lines 16-20). Appellants also contacted the monitor company and tracked Mayberry's prior GPS movements (R. p. 097, lines 20-24). Despite their efforts, Appellants were not able to immediately locate Mayberry.

Mayberry's state cases were subsequently docketed for the October 8, 2018 term of General Sessions Court in Cherokee County (R. pp. 142-143).

Mayberry failed to appear for the October 8, 2018 term of General Sessions Court and a bench warrant was subsequently issued on October 15, 2018 (R. pp. 140-141).

On February 19, 2019, the Solicitor filed a Petition for Estreatment of Bond as well as an Order and Rule to Show Cause, requiring the Appellants to show cause why judgement should not be confirmed in the sum of $465,000 (R. p. 018).

Two estreatment hearings were held. No witnesses testified during the first hearing on March 11, 2019. However, the Solicitor and Appellants, through their attorney, presented arguments. At the conclusion of the hearing, Judge Cole agreed to allow a second hearing because the Solicitor sought to get bills or affidavits to present, and Appellants' attorney

requested the right to cross-examine any testimony from the deputies in regards to what they did or did not do (R. p. 045, line 10 - p. 046, line 5).

A second hearing was held on April 18, 2019. Prior to the hearing, on April 2, 2019, John Steen secured Mayberry and turned him over to the county jail (R. p. 115, lines 7-23). Officer Oglesby and Officer Painter both testified about what happened during the traffic stop, but most of the testimony during the second hearing was about the expenses each party claimed they incurred because of this incident.

David Oglesby Testimony

Officer Oglesby testified that he broke his ankles, broke his fibula, and injured his knees when Mayberry's vehicle rolled on top of him (R. p. 063, lines 1-4; p. 064, lines 2-6). He further testified that his medical bills were covered by workers' compensation and he was out of work for two and a half to three months (R. p. 064, lines 13-16 and lines 7-12).

Angela Jarrett Testimony

Angela Jarrett is the financial counselor for Cherokee Medical Center (R. p. 077, lines 16-18). She testified that the amounts indicated on two of Officer Oglesby's bills were correct. First, she confirmed that an $82,992.26 hospital bill had a zero balance. Insurance paid $17,093.28 and the remainder of the balance was written off (R. p. 080, lines 7-15). She also confirmed that a $31,000 helicopter transport bill was still due in full (R. p. 080, lines 16-18; p. 081, lines 5-11).

Steve Muller Testimony

Steve Muller is the Sheriff of Cherokee County (R. p. 083, lines 1-4). He testified about the man-hours the state and federal officers committed to the search for Mayberry and the costs associated with the search. He testified that the federal government dedicated 930 man-hours, at

a cost of $64,356, and the state government dedicated 990 man-hours, at a cost of $17,958 (R. p. 084, lines 5-22). Sheriff Muller further testified that workers' compensation had paid $68,020.98 in medical bills regarding Officer Oglesby's injuries. (R. p. 084, line 23 - p. 085, line 5).

Scott Willis Testimony

Scott Willis is the senior executive officer of Palmetto Surety Corporation (R. p. 095, lines 14-16). He testified that he immediately contacted Mayberry's bondsman after he learned that Mayberry had escaped federal custody (R. p. 097, lines 7-15). Because there was no state bench warrant for Mayberry's arrest, Willis instructed the bail agent to begin searching for Mayberry but not to interfere with the federal government's efforts to apprehend him (R. p. 097, lines 7-24). Willis further testified that he activated three multi-state recovery teams to assist the recovery efforts, which ultimately resulted in Mayberry's capture (R. p. 098, line 9 - p. 099, line 12; p. 100, lines 6-8).

John Steen Testimony

John Steen was the bail bondsman on the bond for Mayberry (R. p. 109, lines 13-15). He testified that he began looking for Mayberry the day after he escaped federal custody (R. p. 110, line 12 - p. 111, line 4). He subsequently assisted with capturing Mayberry and submitted him to law enforcement officers (R. p. 113, lines 4-23).

Don Mescia Testimony

Don Mescia is the managing general agent and legislative liaison for Palmetto Surety Corporation (R. p. 129, lines 17-19). He testified about Palmetto Surety's increased efforts to capture Mayberry from March 12, 2019 to April 2, 2019 (R. p. 130, line 8 - p. 133, line 19). He estimated that his group committed about 350 hours to capturing Mayberry (R. p. 133, lines 7-9).

STANDARD OF REVIEW

The Trial Judge's estreatment of a bond forfeiture will not be set aside unless there has been an abuse of discretion. State v. Lara, 386 S.C. 104, 107, 687, S.E.2d 26, 28 (2009).

"An abuse of discretion occurs when the judge's ruling is based upon an error of law or, when based upon factual conclusions, is without evidentiary support". Fontaine v. Peitz, 291 S.C. 536, 538, 354 S.E.2d 565, 566 (1987)

An abuse of discretion has also occurred when the Trial Judge is vested with discretion, but his ruling reveals no discretion was, in fact, exercised. Id. Furthermore, where a Court is clothed with discretion, but rules as a matter of law, the appealing party is entitled to have the matter reconsidered and passed on as a discretionary matter. Id. 291 S.C. at 539, 354 S.E.2d at 567.

ARGUMENT

I. The Trial Judge erred in ordering the estreatment of the appearance bond in this matter.

The Court made several findings in its Order confirming judgement against Appellants for the entire $465,000 bond. " (1) the Petition is properly before the Court; (2) the Defendant breached the conditions of bond by failing to appear and not being of good behavior; (3) the recognizance has been forfeited by that breach and a conditional judgement properly entered; (4) the surety has been provided an opportunity to show cause and present any excuse for nonperformance of the recognizance; (5) no reason sufficient to this Court has been given excusing nonperformance of the recognizance; (6) the forfeiture of the recognizance was not the result of ignorance, unavoidable impediment, an act of law rendering performance impossible, or other impediment created by the State and beyond the control of the defendant, preventing performance; (7) the forfeiture of the recognizance was by deliberate and wilful [sic] default of the defendant; and (8) the conditional judgement entered on the forfeiture is therefore confirmed." (R. p. 017).

The Court concluded that although it had "much empathy toward the surety . . . in light of the fact that he has presented evidence of significant effort expended in the successful surrender of the defendant . . . *the law*, upon application to the facts as established by the record, *allows this Court no discretion* in affording relief by way of a remission of the forfeiture. Should the legislature wish to grant the Court greater discretion in these matters, it may do so by enactment or by repeal of S.C. Code Ann. §17-15-180." (R. p. 017) (emphasis added).

A. The bonding company and the surety corporation should not be obligated to pay the estreatment because there was an intervening event that changed the expectations and obligations of the parties to the bond contract.

The Courts have long viewed bonds as being based on contract law. State v. White, 284 S.C. 69, 325 S.E.2d 64 (1985), State v. McIntyre, 307 S.C. 363, 415 S.E.2d 399 (1992).

There are three (3) situations that normally excuse the surety from non-performance in the bond estreatment process all founded in basic contract law: (1) an act of God prevents the performance (i.e. something occurs that prevents appearance, such as death); (2) an act of law making performance impossible; and (3) the obligee has prevented performance, as where the State extradites a Defendant to a foreign jurisdiction. State v. Boatwright, 310 S.C. 281, 423 S.E.2d 139 (1992) (Toal, J. dissenting); Taylor v. Taintor, 83 U.S. 366 (1872).

The Courts have further reflected on bonds as a contractual relationship where one looks at the expectations of the parties.

The bonding company was not held responsible on a bond estreatment where the monitor used to track the Defendant had been allowed to be taken off and the bonding company was not apprised of the situation. State v. McIntyre, supra.

In a somewhat similar situation, where there were three (3) bonding companies and two (2) of the bonding companies did not appear and agree to the monitor being taken off. The Solicitor only went after the one bonding company present at the hearing when the monitor was allowed to be removed. State v. Hinojos, 393 S.C. 517, 713 S.E.2d 351 (2011).

In the matter at hand, the bondsman had no knowledge that law enforcement officers would be arresting Mayberry without contacting the bondsman on the identical charges that he was bonded out on.

The Trial Judge in this case has found that the principles enumerated in State v. Boatwright, supra do not apply because Defendant was not in custody; and no action was taken by the State preventing the Defendant from appearing in Court (R. p. 015). The Court further stated that the arrest was insufficient to release the bondsman from the bond estreatment (R. p. 015).

The actions by the two (2) officers were certainly an intervening action that caused the bondsman to lose control of the Defendant. After Mayberry was arrested, he broke free from the officers and removed the monitor the bonding persons had placed on him resulting in a delay in them being able to secure his appearance.

The two (2) officers were representing the Federal authorities and obviously had knowledge of the State charges and the bonding company in that they also worked with the Cherokee County Sheriff's Department.

The Trial Judge cites State v. Williams, 237 S.C. 252, 116 S.E.2d 858 (1960) as a case to look to as to whether Mayberry was in the custody of law enforcement officers.

In the case at hand, a Federal Bench Warrant was issued to have the "Defendant brought and have bond set (R. p. 004). The bondsman could certainly not interfere with the arrest being made by the officers. Once the hand cuffs had been placed on Mayberry he was under arrest and under control of those officers for the Federal charges that existed.

The subsequent removal of the monitor that happened after the arrest for the Federal Bench Warrant was not anticipated, acquiesced in, or agreed to by the bondsman. The intervention of these two officers prevented the bondsman from doing his job in accordance with those ramifications surrounding the bond he signed.

Mayberry had not been on "bad behavior" or under any violations of the terms of the bond until this event.

Mayberry had been released on May 16, 2018 and had a monitor placed on him to keep up with him (R. p. 087, lines 9-22) (R. p. 096, lines 8-16).

Defendant Mayberry checked in with his Bondsman (Steen) and maintained GPS monitor without any problems (R. p. 109, line 19 - p. 110. line 5). The GPS was working from day one up until the monitor was cut off. Mayberry never left the State, nor did the bonding company have any problem with him (R. p. 119, lines 7-17).

Mayberry appeared at any and all necessary court appearances until the events of August 27, 2018 (R. p. 059 lines 8-14).

On August 27, 2018, Lt. David Oglesby, along with Captain Ronnie Painter, arrested Mayberry on the Federal Bench Warrant to bring him to Federal Court on the 28th of August, 2018 (R. p. 061, lines 7-17). He (Mayberry) was cuffed and ordered to stay, but fled (R. pp. 093 and 094). Mayberry then cut the monitor off (R. p. 096, line 20 - p. 097, line 6).

The bondsman, on April 2, 2019 secured the arrest of Mayberry on the bond he had signed. On April 18, 2019, the date of the bond estreatment hearing, Mayberry was in the custody of the Federal authorities (not State authorities) and was not even present for the bond estreatment hearing (R. p. 054, line 4 - p. 055, line 8).

The bondsman did his job. But for the intervening events by the "Federal Arrest", Mayberry would never have left.

The Circuit Court found that the forfeiture of recognizance was by deliberate and wilful "default of the Defendant" (emphasis added). However, the Circuit Court failed to consider the actions of Appellants as required by §17-15-180 and the State v. Mitchell, supra.

When Mitchell is read in the light of S.C. Code Ann. §17-15-180, it is clear that the wilfullness, or lack thereof, of the bondsman is also to be considered by the Circuit Court in deciding whether to confirm a bond forfeiture and to what extent.

The Court, in Mitchell, found an estreatment should be held even though the Defendant had appeared at all Court appearances because the bondsman failed to accurately monitor Defendant's actions.

Here, the intervening act was used to estreat the bond when the Defendant did not appear but did not look at all to the superb actions of the bondsman. This failure was an abuse of discretion by not properly applying all of the factors before estreating the bond.

B. The Trial Judge erred by ruling he had no discretion to remit any portion of the bond as a matter of law and by failing to make factual findings pursuant to Ex Parte Polk and S.C. Code Ann. § 38-53-70.

In this case, the Circuit Court was vested with the discretion to remit all or a portion of the forfeited bond. See S.C. Code Ann. § 38-53-70 ("At any time before execution is issued on a judgment of forfeiture against a defendant or his surety, the court may direct that the judgment be remitted in whole or in part, upon conditions as the court may impose, if it appears that justice requires the remission."); see also State v. Lara, 386 S.C. 104, 107, 687 S.E.2d 26, 28 (2009) ("The courts of this State are vested with discretionary power to grant relief from bond forfeitures."); Ex Parte Polk, 354 S.C. 8, 13, 579 S.E.2d 329, 331 (2003) ("[T]he decision regarding remission is within the discretion of the trial court.").

However, the Circuit Court abused its discretion here by refusing to exercise its discretion and ruling that it had no discretion as a matter of law. See Fontaine v. Peitz, 291 S.C. 536, 538, 354 S.E.2d 565, 566 (1987) (An abuse of discretion has occurred "[w]hen the trial judge is vested with discretion, but his ruling reveals no discretion was, in fact, exercised.").

Therefore, this case should be remanded to the Circuit Court with instructions that it properly exercise its discretion in remitting all or a portion of the forfeited bond. Id., 291 S.C. at 539, 354 S.E.2d at 567 ("[w]here a court is clothed with discretion, but rules as a matter of law, the appealing party is entitled to have the matter reconsidered and passed on as a discretionary matter.").

The Circuit Court's Discretion is Granted by Statute

Although S.C. Code Ann. § 38-53-70 expressly permits the Circuit Court to remit a bond forfeiture in whole or in part "[a]t any time before the *execution* is issued on a judgment of forfeiture," (emphasis added) the Circuit Court in this case stated that it had no discretion to remit any portion of the bond because such discretion was incompatible with S.C. Code Ann. § 17-15-180. (R. p. 016).

The Circuit Court here viewed Section 17-15-180 as a limitation on its discretion to remit a forfeited bond. (R. p. 015-016). However, when Section 17-15-180 is read in conjunction with S.C. Code Ann. § 17-15-170, it becomes clear that Section 17-15-180 expands, rather than limits, a trial judge's discretion to remit a forfeited bond.

The bond forfeiture proceedings are described in Section 17-15-170. First, "when the terms of a bond are breached, the bond is estreated by a conditional order." State v. Lara, 386 S.C. 104, 106-07, 687 S.E.2d 26, 28 (2009) (quoting State v. Boatwright, 310 S.C. 281, 423 S.E.2d 139 (1992) (Toal, J., dissenting)). Next, a bondsman is given "notice and an opportunity to be heard to show cause as to why the estreatment order should not become final." Id. "Because the bond has already been estreated by the conditional order, the second hearing is to determine the amount, if any to be remitted." Id. "If no sufficient reason is given for noncompliance with the bond conditions, judgment on the recognizance is confirmed." Id., 386

S.C. at 108, 687 S.E.2d at 28, n. 3. "Thereafter, upon affidavit sufficiently stating the excuse or cause thereof, [pursuant to Section 17-15-180], the court may remit the whole or any part of the forfeiture as it deems reasonable." Id.

Thus, an order confirming judgment on a forfeited bond does not end a trial judge's discretion to remit the bond in whole or in part. Instead, Section 17-15-180 grants the trial judge continued discretion on the matter.

This interpretation of Section 17-15-180 is consistent with the language of Section 38-53-70, which allows a trial judge to remit a bond forfeiture at any time before the execution of a judgment of forfeiture. Under both statutes, the trial judge is granted more, not less, discretion to remit forfeited bonds where it is reasonable to do so.

Here, because the conditional judgment of forfeiture had not yet been confirmed at the time of the second hearing, the Circuit Court had the discretion to remit the forfeited bond in whole or in part pursuant to Section 38-53-70 and Section 17-15-170.

Factors the Circuit Court Must Consider in Exercising Discretion

In its order, the Circuit Court correctly concluded that Section 38-53-70 does not "allow a judge unfettered discretion in the remission of a forfeited recognizance." (R. p. 016). Rather, the relevant statutes and case law provide guidance regarding the factors a trial judge must consider when exercising her or his discretion in remitting a forfeited bond.

In determining whether, and to what extent, a bond should be remitted, a trial judge must consider the actual "costs to the State or a county or municipality resulting from the necessity to continue or terminate the defendant's trial and the efforts of law enforcement officers or agencies to locate the defendant." S.C. Code Ann. § 38-53-70; see also Polk, 354 S.C. at 12, 579 S.E.2d at

330 ("[Section] 38-53-70 unambiguously provides that the trial court must consider the costs to the State in determining remission of the judgment on a forfeited bond.").

However, the analysis does not end there. "Our courts have [also] held the following factors, at the least, should be considered in determining whether . . . the bond should be remitted: (1) the purpose of the bond; (2) the nature and willfulness of the default; (3) any prejudice or additional expense resulting to the State." Polk, 354 S.C. at 13, 579 S.E.2d at 330. Furthermore, the trial judge should also consider the willfulness of the bondsperson's actions "in determining whether justice requires the enforcement of a forfeiture order." State v. Mitchell, 421 S.C. 365, 373, 807 S.E.2d 193, 197 (2017).

Although the Circuit Court heard testimony about the costs allegedly incurred by the State, federal government, and Appellants during the second hearing, it failed to make any factual findings regarding these costs to support its ruling that the entire $465,000.00 bond should be estreated against Appellants.[1]

Therefore, this matter should be remanded to the Circuit Court with instructions that it properly exercise its discretion based on the evidence and testimony presented at the second hearing.

[1] Even if the Circuit Court made factual findings in this case, the following evidence was not relevant to the determination of whether, and to what extent, the bond should be remitted: (a) Officer Oglesby's medical bills; (b) the costs incurred by the federal government; and (c) the costs incurred by the State before Mayberry failed to appear. See S.C. Code Ann. § 38-53-70 (considers only the costs to the State, county, and municipality resulting from necessity to continue or terminate trial); State v. Boatwright, 310 S.C. 281, 285, 423 S.E.2d 139, 141-42 (1992) (Toal, J., dissenting) (quoting Paris v. United States, 137 F.2d 300 (4th Cir. 1943) ("Bail is not a revenue measure nor is it to be forfeited to compensate victims.").

CONCLUSION

The Trial Judge erred in ordering the estreatment of the appearance bond where there was an intervening event, not anticipated by the parties to the bonding contract, that changed their expectations, and as a result, their obligations.

The Trial Judge further erred by estreating $465,000, the full amount of the bond, where there was no application of Ex Parte Polk, statutory laws, or prior court rulings that address what factors should always be considered in determining the amount to estreat.

Respectfully submitted,

December 18, 2020

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CERTIFICATE OF COUNSEL

The undersigned certified that this Final Brief of Appellants complies with Rule 211(b), SCARC.

December 18, 2020

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PROOF OF SERVICE

I certify that I have served the **Final Brief of Appellants** on the Respondent by depositing copies of it in the United States Mail, postage prepaid and by email at the email addresses provided by the Attorney Information System (AIS), on December 18, 2020, addressed to Barry J. Barnette, Solicitor, Seventh Judicial Circuit, 180 Magnolia Street, Spartanburg, South Carolina 29306, email, bbarnette@spartanburgcounty.org, William M. Blitch, Jr., Esquire, Assistant Attorney General, S.C. Attorney General's Office, Post Office Box 11549, Columbia, South Carolina, 29211, email, wblitch@scag.gov, Alan McCrory Wilson, Esquire, Attorney General, S.C. Attorney General's Office, Post Office Box 11549, Columbia, South Carolina, 29211, email, awilson@scag.gov.

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

Dated: December 18, 2020

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