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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lancaster County
Honorable R. Lawton McIntosh, Circuit Court Judge
Appellate Case No. 2019-001417

THE STATE,

Respondent,

vs.

KAYLA MARIE COOK,

Appellant.

RETURN IN OPPOSITION TO MOTION FOR APPEAL BOND

Respondent ("the State"), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

On February 12, 2021, Appellant Kayla Marie Cook filed a motion seeking for this Court to grant her an appeal bond. In seeking that extraordinary relief, Cook maintains: (1) she is likely to prevail on appeal due to her belief the trial judge committed reversible error by failing to exclude certain evidence and by failing to grant a mistrial; (2) the undeniable seriousness of her offense should not be weighed against her due to the absence of any direct evidence of her inflicting the fatal injuries on the three-year-old victim; (3) she is unlikely to escape or forfeit bond because she has terminal cancer and a "dismal" prognosis; and (4) her circumstances and character support a grant of bond because she will have support from her parents—who currently

have custody of Cook's minor children—along with a family friend and has been described by various people as being caring, kind, and loving. Furthermore, Cook has indicated she intends to leave the state's borders in the event she is released on bond and reside at the home of a friend living in Mecklenburg County, North Carolina.

II.

At present, Cook is serving a sentence of *life without parole* with the South Carolina Department of Corrections after she was convicted by a jury of her peers of homicide by child abuse. Inmate Search Detail Report for Kayla Marie Cook, https://public.doc.state.sc.us/scdc-public/inmateDetails.do?id=%2000381148. As reflected by Cook's inmate report, she appears to have engaged in at least one disciplinary infraction since she has been incarcerated following her conviction. Id.

III.

Before Cook's life without parole sentence was imposed, defense counsel made sure the trial judge was aware Cook was suffering from a dire illness. (Tr. pp. 1271-1277). Nevertheless, the trial judge, who considered the evidence of Cook's guilt to be "overwhelming," explained he believed a life without parole sentence was the "only" proper punishment for Cook under the circumstances involved. (Tr. pp. 1277-1278).

IV.

Cook's conviction stems from the death of a three-year-old girl ("Victim") who was the biological daughter of a man Cook was living with and had been dating "on and off" for around nine months. (Tr. p. 813; p. 815; pp. 817-826; pp. 1032-1036). On the date of Victim's death, Victim's father left for work early that morning at around 6:30 a.m. while leaving Victim in Cook's exclusive care. (Tr. p. 522; p. 526; pp. 864-865; p. 877; p. 892). Just under six hours

later, officers from the Lancaster Police Department rushed Victim into a hospital. (Tr. pp. 230-233; p. 360). At that time, Victim was "ice cold," had pupils that were fixed and dilated, was completely lifeless, was not breathing, did not have a pulse or heartbeat, was covered in bruises all over her body, and had a large bruise to her abdomen that was "obvious" as soon as her clothing was removed. (Tr. pp. 217-218; p. 228; pp. 233-235; p. 237; pp. 242-243; pp. 246-247; pp. 251-252; p. 283; pp. 292-293; p. 296; p. 302; p. 310; pp. 313-314; pp. 320-321; p. 360; p. 639). Despite extensive efforts to resuscitate her, Victim could not be saved. (Tr. pp. 289-290). In the aftermath of Victim's death, multiple contributing factors to her tragic demise were identified, and the major factor was determined to be hemorrhaging caused by blunt force trauma to her abdomen. (Tr. pp. 417-418; p. 420; pp. 433-434; pp. 750-751; p. 766; p. 768; p. 777; p. 999; p. 1002; p. 1004; p. 1149; p. 1156). Victim's abdominal injury extended internally more than halfway through her body, caused bruising to both her muscle tissue and the tissue underneath it, bruised and lacerated her liver and bowels, led to fatal blood loss, and would have resulted in "agon[izing]" pain while leaving her immediately symptomatic.[1] (Tr. pp. 751-752; p. 762; p. 768; pp 1004-1005; pp. 1151-1152; pp. 1154-1155; p. 1160). For such an injury to have been caused, Victim would have needed to have received a blow to her abdomen with force consistent with the amount of force caused by a significant car accident. (Tr. pp. 752-753; p. 1005). Based on the speed with which Victim would have died after sustaining that injury and the freshness of the blood found in Victim's abdominal cavity, multiple experts concluded it

[1] During trial, Cook offered testimony from her own expert in forensic pathology. (Tr. p. 986). While on the witness stand, that expert conceded Victim would have been expected to be "in some sort of pain" after receiving the abdominal injury, but he bizarrely refused to acknowledge the three-year-old's pain level would have been significant because he could not "place [him]self in her mind set." (Tr. pp. 1004-1007).

must necessarily have been inflicted no earlier than just an hour or two before her death.[2] (Tr. p. 766; p. 772; p. 776; pp. 778-779; pp. 1152-1156; p. 1158).

V.

At present, Cook is appealing her conviction on two separate grounds. (App. Br. pp. 1-43). Specifically, Cook is arguing: (1) the trial judge erred by failing to grant a mistrial when a detective informed the jurors Cook's older child, who did not testify, provided information that "reinforced" Cook caused Victim's death; and (2) the trial judge erred by allowing the State to introduce evidence establishing Victim suffered an injury to her arm two-to-four weeks prior to her death when that evidence was purportedly irrelevant, allegedly constituted inadmissible character evidence, and supposedly had a probative value that was substantially outweighed by a potential for undue prejudice. (App. Br. p. 11; p. 18).

VI.

Currently, Cook's appeal is pending before this Court, and the matter is presently in the initial briefing stage. The State has not yet completed the Initial Brief of Respondent but hopes to have the brief ready for this Court's consideration shortly.

VII.

Pursuant to South Carolina law, a criminal defendant "may" potentially be granted bail during the pendency of an appeal following a conviction. S.C. Code Ann. § 18-1-90. Importantly though, a defendant has no right to an appeal bond, and a court ordinarily will only

[2] Cook's expert disagreed with that conclusion and opined it was "unlikely" Victim's fatal abdominal injury was inflicted on the morning of the incident. (Tr. p. 1001). As support for that opinion, the expert pointed to perceived variations in the coloration of Victim's striking abdominal bruise that he claimed to have detected by looking at the photographs of the injury. (Tr. pp. 998-1000; p. 1002). Interestingly, while Cook's expert claimed to have been able to glean "some information" from the color of the bruise, he had also previously written a published article cautioning the medical community to be careful about trying to date bruises from their appearance. (Tr. p. 1002; p. 1010; p. 1022).

issue one with "extreme caution." Nichols v. Patterson, 202 S.C. 352, __, 25 S.E.2d 155, 156 (1943) (citation and internal quotations omitted). In cases—like Cook's—in which a defendant was originally sentenced to a term of imprisonment exceeding ten years, South Carolina's appellate courts alone have discretion to decide whether an appeal bond should be issued. Rule 246(a), SCACR. When deciding whether to exercise that discretion, an appellate court should consider the following factors: (1) the probability of success on appeal; (2) the nature and seriousness of the criminal offense committed; (3) the danger the defendant may pose to the community if he or she is released; (4) the likelihood the defendant may forfeit bail or flee if released; (5) the character and circumstances of the defendant; and (6) the defendant's "personal attitude toward society and government." Nichols, 202 S.C. at __, 25 S.E.2d at 156. However, our legislature has demonstrated a strong preference for an appeal bond *not* to be granted in a case in which a convicted offender has been sentenced to a term of imprisonment exceeding ten years. See S.C. Code Ann. § 18-1-90 ("Bail may be allowed to the defendant in all cases in which the appeal is from the trial, conviction, or sentence for a criminal offense. However, bail is not allowed when the defendant has been sentenced to death, life imprisonment, or imprisonment for more than ten years."); see also State v. Whitener, 225 S.C. 244, 248, 81 S.E.2d 784, 786 (1954) (concluding—in a divided opinion—the Supreme Court could "grant bail, in its discretion, where the sentence exceeds ten years" despite the existence of a statutory provision prohibiting a grant of bail under such circumstances).

VIII.

Looking to the first of the pertinent factors in Cook's case, the State does not believe Cook is likely to prevail on appeal on the first issue she has elected to raise. Specifically, as to Cook's first issue, that issue revolves around the trial judge's refusal to grant a mistrial after the

State elicited objectionable testimony implying Cook's daughter, who was *not* present in the home at any point on the date Victim died, provided some unspecified information reinforcing the fact Cook caused Victim's death. (Tr. pp. 854-855; pp. 915-916; pp. 1053-1054). Notably, instead of granting a mistrial, the trial judge swiftly sustained defense counsel's objection to the testimony, struck the witness's improper response from the record, instructed the jurors they "may not and shall not" consider that response at all during their deliberations, appeared to instruct the jury foreman to ensure the offending response was not part of any deliberations, and later reiterated as part of his jury charge the jurors could not consider any evidence stricken from the record when deciding Cook's case. (Tr. pp. 917-921; p. 1247). In light of the trial judge's thorough curative measures and the substantial deference afforded to trial judges on matters of whether to grant or deny a mistrial, Cook's appellate challenge to the trial judge's decision to pursue a less extreme measure to address a trial error than the granting of a mistrial is unlikely to be successful on appeal. See State v. Harris, 340 S.C. 59, 63, 530 S.E.2d 626, 627-628 (2000) (explaining decisions regarding whether to grant or deny the extreme remedy of a mistrial rest within the broad discretion of the trial judge and instructing such decisions will not be disturbed on appeal absent a prejudicial abuse of discretion amounting to an error of law); State v. Grovenstein, 335 S.C. 347, 353, 517 S.E.2d 216, 219 (1999) ("[J]urors are presumed to follow the law as instructed to them."); State v. Council, 335 S.C. 1, 13, 515 S.E.2d 508, 514 (1999) ("A mistrial should not be granted unless absolutely necessary. Instead, the trial judge should exhaust other methods to cure possible prejudice before aborting a trial."); State v. Walker, 366 S.C. 643, 658, 623 S.E.2d 122, 129 (Ct. App. 2005) ("Generally, a curative instruction is deemed to have cured any alleged error."); see also State v. Greene, 255 S.C. 548, 558, 180 S.E.2d 179, 184 (1971) ("[The appellant] was not entitled to a perfect trial, only a fair one."); cf. State v.

Brown, 389 S.C. 84, 96, 697 S.E.2d 622, 628 (Ct. App. 2010) ("The trial court's curative instruction cured any error presented by Gordon's testimony because the jury was told to disregard that testimony completely. Based on the foregoing, the trial court did not commit reversible error.").

IX.

Similarly, the State does not believe Cook is likely to prevail on appeal on the second issue she has elected to raise. Specifically, as to that issue, it revolves around the admission of limited testimony—including on a number of occasions without objection—establishing: (1) Victim injured her arm a few weeks prior to her death; (2) Cook was aware of the arm injury but did not do anything to get Victim professional medical care to treat it; and (3) the arm was, in fact, broken.[3] (Tr. p. 216; p. 296; pp. 320-321; pp. 402-403; pp. 642-643; pp. 679-680; pp. 684-685; pp. 763-764; p. 792; pp. 828-829; pp. 897-898; p. 971; p. 991; pp. 1081-1083; pp. 1149-1150). Notably, the trial judge admitted that limited testimony solely for the purpose of serving as proof of extreme indifference to human life, which was a required element of the charged offense. (Tr. pp. 378-379; p. 642; p. 680). In doing so, the trial judge also providing multiple limiting instructions to the jury to ensure the jurors were aware of the limited nature for which that testimony could be considered. (Tr. p. 642; p. 680). Beyond that, additional testimony was presented establishing Victim's arm injury did *not* contribute to her death and could have been

[3] Importantly, notwithstanding the fact much of the testimony related to Victim's arm injury was admitted without objection, some of it was elicited by defense counsel on direct examination of defense witnesses, including Cook herself. (Tr. p. 971; p. 991; pp. 1081-1082). As a result, Cook obviously cannot now complain about the admission of that particular testimony on appeal. See State v. Washington, 315 S.C. 108, 110, 432 S.E2d 448, 449 (1993) ("Appellant may not now be heard to complain of the admission of evidence elicited by his own counsel."); see also State v. Burton, 326 S.C. 605, 613, 486 S.E.2d 762, 766 (Ct. App. 1997) ("This testimony was admitted without objection. Because Burton failed to object, he is barred from raising this issue on appeal.").

caused by an accident. (Tr. p. 763; p. 772). As has been repeatedly recognized in South Carolina, evidence related to past injuries of a child may be relevant and admissible towards proving the extreme indifference element of homicide by child abuse. Cf. State v. Holder, 382 S.C. 278, 294, 676 S.E.2d 690, 699 (2009) (finding evidence of past child abuse inflicted by another person to be admissible to demonstrate the required element of extreme indifference in a homicide by child abuse case); State v. Martucci, 380 S.C. 232, 252–53, 669 S.E.2d 598, 609 (Ct. App. 2008) ("The prior abuse or neglect at issue was admissible as proof of intent and the absence of accident. The State contended Martucci killed Child while committing child abuse or neglect under circumstances manifesting an extreme indifference to human life. The prior abuse or neglect at issue in the weeks before the infliction of the fatal injuries was relevant to the material issue of Martucci's state of mind. Martucci's hostility, cruelty, and abuse toward Child could be established by evidence that, during the weeks before he died, Martucci abused Child by slapping his face, taping his mouth shut, and dunking his head in the bathtub until he choked to stop him from crying. The presence of bite marks and bruises, and the fact that Martucci kept Child's skin covered and rarely let him out of the house in the apparent attempt to conceal the abuse, is further evidence of Martucci's state of mind to inflict the fatal injuries. Because Martucci disputed the motive and intent to commit homicide by child abuse, evidence of the prior abuse or neglect was highly probative of his guilt on the homicide charge. The evidence was necessary to establish a material fact or element of the crime charged.").[4] Therefore, in light of the substantial appellate deference afforded to a trial judge's evidentiary decisions coupled

[4] Significantly, the trial judge considered the decisions in Holder and Martucci in deciding to admit the limited testimony he permitted concerning Victim's arm injury. (Tr. pp. 340-341). Despite the fact the trial judge's evidentiary ruling on the matter was guided by those decisions, Cook—perhaps tellingly—elected *not* to reference them at any point in her appellate brief. (App. Br. pp. 1-43).

with the limited and focused nature in which the testimony related to Victim's arm injury was presented, Cook's appellate challenge to the trial judge's decision to admit that limited evidence is unlikely to be successful on appeal. See State v. Torres, 390 S.C. 618, 625, 703 S.E.2d 226, 230 (2010) ("The appellate court reviews a trial judge's ruling on admissibility of evidence pursuant to an abuse of discretion standard and gives great deference to the trial court."); State v. Bixby, 388 S.C. 528, 556, 698 S.E.2d 572, 587 (2010) ("[D]eference is due to the trial court's admission of the evidence.").

X.

Beyond that, looking to the remaining factors identified as relevant to an appeal bond analysis, Cook's charge of homicide by child abuse is an exceedingly serious offense, and the fact a jury unanimously convicted her of that heinous crime supports a conclusion she—in the judgment of her community—poses a legitimate danger to society. See Nichols, 202 S.C. at __, 25 S.E.2d at 155 ("[A]fter conviction the law presumes [a defendant] to be guilty."). Moreover, the seriousness of Cook's crime should in no way be considered to be diminished by the fact no witness testified to directly observing her inflict Victim's fatal injuries in light of the very nature of child abuse, which is ordinarily a secretive crime committed outside the view of potential witnesses. See State v. Fletcher, 379 S.C. 17, 27, 664 S.E.2d 480, 484-485 (2008) (Toal, C.J., dissenting) ("Child abuse differs from other types of crimes in several respects. Specifically, the crime of child abuse often occurs in secret, typically in the privacy of one's home. The abusive conduct is not usually confined to a single instance, but rather is a systematic pattern of violence progressively escalating and worsening over time. Child victims are often completely dependent upon the abuser, unable to defend themselves, and often too young to alert anyone to their horrendous plight or ask for help. It is also not uncommon for child abuse victims to be so

young that they are incapable of offering testimony against the abuser."). Additionally, even if Cook's appeal is ultimately unsuccessful, Cook would still be facing a retrial and the very real prospect of another sentence of life without parole, which would strongly incentivize flight if she ever happened to be released from custody. See S.C. Code Ann. § 16-3-85(C)(1) (mandating a sentence of no less than twenty years up to life without parole for an offender convicted of homicide by child abuse). Furthermore, notwithstanding the fact she was convicted of a despicable offense, Cook has engaged in several acts that suggest she does not possess a character or attitude warranting the extraordinary relief of being released on an appeal bond following the imposition of a life without parole sentence. See Nichols, 202 S.C. at __, 25 S.E.2d at 156 (recognizing a defendant's character, reputation, and attitude toward society and government are relevant considerations when determining whether to grant an appeal bond to a convicted offender). Specifically, Cook previously violated the conditions of her pre-trial bond on at least one occasion, has engaged in at least one disciplinary infraction in the Department of Corrections since her conviction, and has openly admitted to making false statements during law enforcement's investigation into Victim's death, which are all acts reflecting poorly on both her character and her ability to conform her conduct to the requirements and expectations of the law. (Tr. p. 114; p. 1108; p. 1112). Finally, while Cook's physical health certainly sounds poor based on the information she has provided, our legislature has elected to deny access to medical parole to offenders like Cook and to only permit access to medical furlough to a violent offender when such relief has been approved by those affected by the offender's crime, which strongly demonstrates our legislature does not believe defendants convicted of and sentenced for crimes like Cook's should be released from custody even when gravely ill.[5] See S.C. Code Ann. § 24-

[5] As reflected by the statements contained in the attachments to the State's return, Victim's

3-210 (permitting the director of the Department of Corrections to "extend the limits of the place of confinement of a terminally ill inmate for an indefinite length of time when there is reasonable cause to believe that the inmate will honor his trust" but precluding the director from doing so for an offender convicted of a violent crime unless the solicitor, the arresting agency, and all registered victims recommend in writing the offender be permitted to participate in the furlough program); S.C. Code Ann. § 24-21-715 (explaining the full parole board can grant parole to a terminally-ill offender with an "incurable condition caused by illness or disease that was *unknown at the time of sentencing*" if certain specified conditions are met (emphasis added)); see also South Carolina Att'y Gen. Op. of Aug. 24, 2015, 2015 WL 5157544 (concluding Section 24-21-715's special parole provisions do not apply to inmates who are otherwise ineligible for parole).

XI.

For all the foregoing reasons, the collective circumstances of Cook's case—when properly considered—do not warrant the extraordinary relief of a grant of an appeal bond. Therefore, this Court should exercise the extreme caution warranted by the circumstances, deny Cook's motion for an appeal bond, and decline to grant a release from custody to an offender who was convicted of fatally abusing a toddler and was justifiably sentenced to spend the remainder of her life in prison for that utterly indefensible crime.

XII.

Finally, although the State firmly believes this Court should deny Cook's motion for an appeal bond, this Court should impose reasonable bond conditions to protect the community and

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father, Victim's great-grandmother, and the solicitor who prosecuted the case are all opposed to Cook being released on bond during the pendency of her appeal. (Attachment "A"; Attachment "B"; Attachment "C").

ensure Cook does not abscond in the event it determines Cook's case is so exceptional it warrants the grant of an appeal bond. Cf. Rule 243(k), SCACR ("If bail is granted, the court may require the posting of a bond and impose other conditions."). Specifically, due to the fact Cook has been convicted by a jury of her peers of the "violent" and "most serious" offense of homicide by child abuse in connection to the brutal death of a three-year-old girl, this Court should—at a minimum—set bond in a dollar amount this Court believes will be sufficient to ensure compliance with all bond conditions, order Cook to remain on home detention during the pendency of the State's appeal, preclude Cook from leaving her residence for any purpose other than obtaining medical treatment or attending religious services, direct Cook not to have any contact in any form with any member of the victim's family, preclude Cook from living or staying at any residence in which a child resides, bar Cook from having any in-person contact with any children at any location, require Cook to submit to electronic monitoring at her own expense, preclude Cook from changing her address without prior court approval, direct Cook to surrender any passport she may have to the Lancaster County Clerk of Court, and mandate Cook refrain from applying for any new passports until her case is finally resolved. See S.C. Code Ann. § 16-1-60 (identifying homicide by child abuse as a "violent" crime); S.C. Code Ann. § 17-25-45(C)(1) (classifying homicide by child abuse as a "most serious" offense).

WHEREFORE, Respondent prays this Court will deny Cook's Motion for Appeal Bond; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Attorney General

By:_____
Mark R. Farthing
S.C. Bar Number 76901

February 22, 2021

ATTACHMENT "A"

From: Lillian's Lawn Care [redacted]
Sent: Monday, February 22, 2021 10:05 AM
To: Trisha Allen <TAllen@scag.gov>
Subject: Re: Appeal Bond Motion

This is Timothy Scott Schroeder, Lillian Leigh Grace Schroeder's father. It is a shame that my family and I have to go through this every single year. I am arguing to keep her in prison, for the remainder of her life, like the judge intended. She committed one of the most horrific acts in man kind against one of the sweetest, smartest most beautiful little girl in the world, and should be forced to serve life in prison, regardless if she has "a few months to live." My family and I have been through enough heart ache for one lifetime. Please do not grant this appeal, I don't not know how much more my family can take dealing with this matter.

ATTACHMENT "B"

Trisha Allen

From: marjoriehelms[redacted]
Sent: Wednesday, February 17, 2021 12:55 PM
To: Trisha Allen

I am Lillian Schroeder's great grandmother
I still miss her very much. I fill that the verdict in the trial was just. Her sentence was for life and I think that is what it should be. Her sickness does not give her any privilege to anything else. Life is life no matter if she dies from the sickness or from old age. She did this to herself by taking Lilly's life. May God have mercy on her because I can't.
Sent from my Samsung Galaxy , an AT&T LTE smartphone

ATTACHMENT "C"

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lancaster County
Honorable R. Lawton McIntosh, Circuit Court Judge
Appellate Case No. 2019-001417

THE STATE,

Respondent,

vs.

KAYLA MARIE COOK,

Appellant.

STATEMENT IN OPPOSITION OF GRANT OF APPEAL BOND

I, Melissa Dawn McGinnis, am a licensed attorney in South Carolina and an officer of the court, and I provide the following statement which I personally attest to be true and accurate to the best of knowledge and recollection:

I.

I am an Assistant Solicitor in the Sixth Judicial Circuit Solicitor's Office in Lancaster County, South Carolina.

II.

I was present and served as one of the prosecutors for the State of South Carolina during the trial of Appellant Kayla Marie Cook on August 12, 2019, through August 19, 2019.

III.

The Sixth Circuit Solicitor's Office is adamantly opposed to an appeal bond being granted for Appellant in this case. The State feels as though the facts presented at trial were

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overwhelming as to the guilt of the Appellant in causing the death of Lillian Schroeder. The injuries that the child sustained would have been, per testimony from experts at trial, incredibly painful and Lillian would have suffered as she died. The seriousness of the crime and the violence exhibited toward the minor victim indicate that the Appellant is not deserving of an appeal bond.

IV.

At the time that Appellant was sentenced by the Honorable Lawton McIntosh, Judge McIntosh commented that he felt that the evidence of her guilt was overwhelming. Judge McIntosh was also made aware both pre-trial, during trial, and during defense counsel's mitigation presentation of the Appellant's ongoing medical condition. Judge McIntosh specifically stated that he took the medical condition into consideration and still felt that a life sentence was appropriate. With this in mind, the State does not believe that Appellant's medical conditions entitle her to a bond.

WHEREFORE, the undersigned herby certifies the above is true to the best of her knowledge and recollection.

MELISSA DAWN McGINNIS
Assistant Solicitor, Sixteenth Judicial Circuit
S.C. Bar Number 102266

Date: 2/22/21

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STATE OF SOUTH CAROLINA
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Honorable R. Lawton McIntosh, Circuit Court Judge
Appellate Case No. 2019-001417

THE STATE,

Respondent,

vs.

KAYLA MARIE COOK,

Appellant.

PROOF OF SERVICE

I, Mark R. Farthing, certify I have served the within Return in Opposition to Motion for Appeal Bond on Appellant by sending an electronic copy via email to the addresses listed in AIS for the following individuals:

Susan B. Hackett, Esq.
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

Amber M. Hendrick & Daniel J. Westbrook, Esqs.
Nelson Mullins Riley & Scarborough LLP
Post Office Box 11070
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.
This 22nd day of February, 2021.

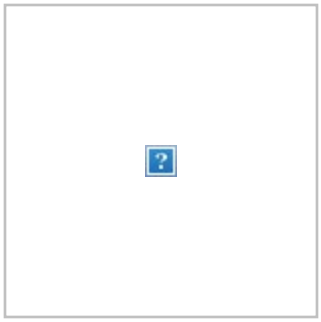
MARK R. FARTHING
Senior Assistant Attorney General

From: Mark Farthing
To: shackett@sccid.sc.gov; amber.hendrick@nelsonmullins.com; dan.westbrook@nelsonmullins.com
Subject: State v. Kayla Marie Cook -- Return in Opposition to Motion for Appeal Bond
Date: Monday, February 22, 2021 7:36:00 PM
Attachments: Cook.Return to Motion for Appeal Bond (02497149xD2C78).pdf
image001.jpg

Dear Counsel,

Attached please find an electronic copy of the State's Return in Opposition to Motion for Appeal Bond in the State v. Kayla Marie Cook appeal. A copy will be electronically filed with the Court of Appeals shortly. If you would also like a paper copy, I will be happy to send one out upon request. Thanks, and please let me know if you have any questions or need any additional information.

Sincerely,
Mark



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