THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED
Feb 24 2021
S.C. SUPREME COURT

APPEAL FROM PICKENS COUNTY
Court of Common Pleas
Alexander S. Macaulay, Circuit Court Judge

Appellate Case No. 2020-000881

Jerry Buck Inman a/k/a Jerry Buck Inmon, ...Respondent-Petitioner,

v.

State of South Carolina, ...Petitioner-Respondent.

JERRY INMON'S RETURN TO THE STATE'S PETITION FOR A WRIT OF CERTIORARI

Diana Holt
S.C. Bar Number 7079
Diana Holt, LLC
Post Office Box 6454
Columbia, South Carolina 29260-6454
Phone: 803-782-1663
Email: DianaHolt@dianaholtllc.com

E. Charles Grose, Jr.
S.C. Bar Number 66063
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466
Email: charles@groselawfirm.com

Attorneys for Respondent-Petitioner Jerry Inmon

TABLE OF CONTENTS

Table of Contents i

Table of Authorities iv

State's Statement of Question Presented 1

Jerry Inmon's Counter Statement of Question Presented 1

Additional Sustaining Grounds 1

Statement of Case 2

Standard of Review 2

Argument on the Questions Presented

The post-conviction relief court properly concluded (a) S.C. Code § 16-3-20(B) is not constitutional because that section precludes jury sentencing following a guilty plea to murder, in violation of the Sixth Amendment of the United States Constitution and Article I, Section 14 of the South Carolina Constitution, (b) this Court's prior precedent was not controlling because those cases were decided without considering *Blakely v. Washington*, 542 U.S. 296 (2004), and (c) Jerry Inmon's guilty plea to murder was involuntary because he was not advised the trial court would treat judicial sentencing differently than jury sentencing 2

A. S.C. Code § 16-3-20(B) is not constitutional because that precludes jury sentencing following a guilty plea to murder, in violation of the Sixth Amendment of the United States Constitution and Article I, Section 14 of the South Carolina Constitution 5

B. This Court's prior precedent was not controlling because those cases were decided without considering *Blakely v. Washington*, 542 U.S. 296 (2004)… 12

C. Jerry Inmon's guilty plea to murder was involuntary because he was not advised the trial court would treat judicial sentencing differently than jury sentencing. 13

D. Contrary to the State's assertion, this issue is not procedurally barred 14

E. The State's argument, "*The PCR court also impermissibly relied on the Victim's Bill of Rights to support a finding that the plea was involuntary*" is a red herring 17

Argument on the Additional Sustaining Grounds

Pursuant to Rule220(c), SCACR, this Court should sustain the decision of the post-conviction relief court because: 18

A. Jerry Inmon's trial counsel rendered constitutionally deficient assistance of counsel, under the Sixth Amendment to the United State Constitution and Article I, §§ 3 and 14 of the South Carolina Constitution, for failing to investigate, develop, and present mitigation evidence that was available at the time of the sentencing hearing regarding Mr. Inmon's life history, adaptability to incarceration, and extremely rare medical condition that is treatable and controllable with a common, inexpensive medication, when that very mitigation evidence explained Mr. Inmon's conduct at the time of the crimes, explained the State's aggravating evidence, precluded a finding that Mr. Inmon is an "animal" who "cannot be rehabilitated," and would have led to a sentence of life imprisonment without the possibility of parole 18

B. Jerry Inmon's appellate counsel rendered constitutionally deficient assistance of counsel, under the Sixth Amendment to the United State Constitution and Article I, §§ 3 and 14 of the South Carolina Constitution, for not appealing Mr. Inmon's motion to continue his sentencing hearing so that he would have sufficient time to obtain another mitigation investigator after Dr. Loring refused to participate in Mr. Inmon's case because the prosecutor intimidated her by threatening to arrest her if she testified...19

C. Jerry Inmon's appellate counsel rendered constitutionally deficient assistance of counsel, under the Sixth Amendment to the United State Constitution and Article I, §§ 3 and 14 of the South Carolina Constitution, for not appealing the trial court's order denying his request to plead guilty and have his sentence determined by the jury when that right is protected by the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution after trial counsel preserved that issue for appellate review.

D. Jerry Inmon's trial counsel rendered constitutionally deficient assistance of counsel, under the Sixth Amendment to the United States Constitution and Article I, §§ 3 and 14 of the South Carolina Constitution, for advising him to plead guilty and appeal the trial judge denying his request for jury sentencing when existing state law did not allow jury sentencing following a guilty plea in a capital case. 19

E. Jerry Inmon's trial counsel rendered constitutionally deficient assistance of counsel, under the Sixth Amendment to the United States Constitution and Article I, §§ 3 and 14 of the South Carolina Constitution, for failing

to object to the judicial rush to judgment, including the foregone conclusion that the sentence would be death. 20

Conclusion…. 21

Certificate of Service 22

TABLE OF AUTHORITIES

Cases

Apprendi v. New Jersey, 530 U.S. 466 (2000) 3, 5, 7, 8, 9

Asay v. State, 210 So. 3d 1 (Fla. 2016) 16

Blakely v. Washington, 542 U.S. 296 (2004) 1, 2, 6, 10, 11, 12

Dervin v. State, 386 S.C. 164, 687 S.E.2d 712 (2009) 12

Evitts v. Lucey, 469 U.S. 387 (1985) 15, 19

Furman v. Georgia, 408 U.S. 238 (1972) 3

Graham v. Florida, 560 U.S. 48 (2010) 11

Hurst v. Florida, 577 U.S. 92 (2016) 9, 10, 11, 16

In re Winship, 397 U.S. 358(1970) 2, 3

I'On, L.L.C. v. Town of Mt. Pleasant, 338 S.C. 406, 526 S.E.2d 716 (2000) 18

Jones v. United States, 526 U.S. 227 (1999) 8, 9

Jordan v. State, 406 S.C. 443, 752 S.E.2d 538 (2013) 14

Lee v. United States, ___ U.S. ___, 137 S. Ct. 1958 (2017) 6

Lewis v. Wheeler, 609 F.3d 291 (4th Cir. 2010) 13

Lucas v. Evatt, 308 S.C. 31, 416 S.E.2d 646 (1992) 10

Mangal v. State, 421 S.C. 85, 805 S.E.2d 568 (2017) 14

McGautha v. California, 402 U.S. 183 (1971) 3, 4

Montgomery v. Louisiana, ___ U.S. ___, 136 S. Ct. 718 (2016) 16

Miller v. Alabama, 567 U.S. 460 (2012) 16

Mosley v. State, 209 So. 3d 1248 (Fla. 2016) 16

Patrick v. State, 349 S.C. 203, 562 S.E.2d 609 (2002) 15, 19

Payne v. Tennessee, 501 U.S. 808 (1991).. 10

People v. Montour, 157 P.3d 489 (Colo. 2007) 11

Rauf v. State, 145 A.3d 430 (Del. 2016).. 16

Ring v. Arizona, 536 U.S. 584 (2002)... 5, 8, 9, 15, 16

Rosemond v. Catoe, 383 S.C. 320, 680 S.E.2d 5 (2009) 5, 10

Sellner v. State, 416 S.C. 606, 787 S.E.2d 525 (2016) 14

Smith v. Robbins, 528 U.S. 259 (2000).. 15, 19, 20

Southerland v. State, 337 S.C. 610, 524 S.E.2d 833 (1999) 15, 19, 20

State v. Allen, 386 S.C. 93, 687 S.E.2d 21 (2009) 12

State v. Bixby, 388 S.C. 528, 698 S.E.2d 572 (2010) 10

State v. Blakely, 158 S.C. 304, 155 S.E. 408 (1930)... 5

State v. Brown, 360 S.C. 581, 602 S.E.2d 392 (2004)... 12

State v. Chasteen, 228 S.C. 88, 88 S.E.2d 880 5

State v. Crisp, 362 S.C. 412, 608 S.E.2d 429 (2005).. 12

State v. Downs, 361 S.C. 141, 604 S.E.2d 377 (2004) 12

State v. Harper, 251 S.C. 379, 162 S.E.2d 712 (1968)... 4

State v. Inman, 395 S.C. 539, 720 S.E.2d 31 (2011) 6, 17, 20

State v. Johnson, 306 S.C. 119, 410 S.E.2d 547 (1991) 10

State v. King, 158 S.C. 251, 155 S.E. 409 (1930)... 5

State v. Louviere, 833 So. 2d 885 (La. 2002) 11

State v. Page, 2006 S.D. 2, 709 N.W.2d 739 (2006) 11

State v. Piper, 2006 S.D. 1, 709 N.W.2d 783 (2006) 11

State v. Plath, 281 S.C. 1, 313 S.E.2d 619 (1984).. 10

State v. Rice, 401 S.C. 330, 737 S.E.2d 485 (2013) 12

State v. Stewart, 283 S.C. 104, 320 S.E.2d 447 (1984) 10

State v. White, 246 S.C. 502, 144 S.E.2d 481 (1965) 4

State v. Wood, 362 S.C. 135, 607 S.E.2d 57 (2004) 12

State v. Worthy, 239 S.C. 449, 123 S.E.2d 835 (1962)... 5

United States v. Collins, 415 F.3d 304 (4th Cir. 2005).. 12, 13

Walton v. Arizona, 497 U.S. 639 (1990).. 9

Statutes

S.C. Code Ann. § 16-3-20(B) and (C) 9

S.C. Code § 16-3-20(B) 1, 2, 5, 6, 10, 12, 20

State Constitution and Article I, §§ 3 and 14.. 2, 1, 18, 19

United States Constitution and Article I, §§ 3 .... 2, 20, 21

Constitutional

S.C. Const. and Art. I, § 3...*passim*

S.C. Const. Art. I, §14..*passim*

U.S. Const. Am. VI.. passim

Rules

Rule 220(c), SCACR 18

STATE'S STATEMENT OF QUESTION PRESENTED

Whether the PCR court erred in considering a procedurally barred challenge to the constitutionality of the provision in S.C. Code § 16-3-20(B) for judge sentencing following a guilty plea in a capital case, then erred again in granting relief on that issue despite a lack of factual support for finding [Jerry Inmon's] plea involuntary, and despite this Court's precedent rejecting identical challenges to the statutory provision.

JERRY INMON'S COUNTER STATEMENT OF QUESTION PRESENTED

The post-conviction relief court properly concluded (a) S.C. Code § 16-3-20(B) is not constitutional because that section precludes jury sentencing following a guilty plea to murder, in violation of the Sixth Amendment of the United States Constitution and Article I, Section 14 of the South Carolina Constitution, (b) this Court's prior precedent was not controlling because those cases were decided without considering *Blakely v. Washington*, 542 U.S. 296 (2004), and (c) Jerry Inmon's guilty plea to murder was involuntary because he was not advised the trial court would treat judicial sentencing differently than jury sentencing.

ADDITIONAL SUSTAINING GROUNDS

Pursuant to Rule220(c), SCACR, this Court should sustain the decision of the post-conviction relief court because:

A. Jerry Inmon's trial counsel rendered constitutionally deficient assistance of counsel, under the Sixth Amendment to the United State Constitution and Article I, §§ 3 and 14 of the South Carolina Constitution, for failing to investigate, develop, and present mitigation evidence that was available at the time of the sentencing hearing regarding Mr. Inmon's life history, adaptability to incarceration, and extremely rare medical condition that is treatable and controllable with a common, inexpensive medication, when that very mitigation evidence explained Mr. Inmon's conduct at the time of the crimes, explained the State's aggravating evidence, precluded a finding that Mr. Inmon is an "animal" who "cannot be rehabilitated," and would have led to a sentence of life imprisonment without the possibility of parole.

B. Jerry Inmon's appellate counsel rendered constitutionally deficient assistance of counsel, under the Sixth Amendment to the United State Constitution and Article I, §§ 3 and 14 of the South Carolina Constitution, for not appealing Mr. Inmon's motion to continue his sentencing hearing so that he would have sufficient time to obtain another mitigation investigator after Dr. Loring refused to participate in Mr. Inmon's case because the prosecutor intimidated her by threatening to arrest her if she testified.

C. Jerry Inmon's appellate counsel rendered constitutionally deficient assistance of counsel, under the Sixth Amendment to the United State Constitution and Article

I, §§ 3 and 14 of the South Carolina Constitution, for not appealing the trial court's order denying his request to plead guilty and have his sentence determined by the jury when that right is protected by the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution after trial counsel preserved that issue for appellate review.

D. Jerry Inmon's trial counsel rendered constitutionally deficient assistance of counsel, under the Sixth Amendment to the United States Constitution and Article I, §§ 3 and 14 of the South Carolina Constitution, for advising him to plead guilty and appeal the trial judge denying his request for jury sentencing when existing state law did not allow jury sentencing following a guilty plea in a capital case.

E. Jerry Inmon's trial counsel rendered constitutionally deficient assistance of counsel, under the Sixth Amendment to the United States Constitution and Article I, §§ 3 and 14 of the South Carolina Constitution, for failing to object to the judicial rush to judgment, including the foregone conclusion that the sentence would be death.

STATEMENT OF CASE

The Statement of Case set forth in Jerry Inmon's cross-petition for a writ of *certiorari* ("Cross-Petition"), at 2-11, is incorporated herein by reference.

STANDARD OF REVIEW

The Standard of Review for post-conviction relief ("PCR") cases contained in Jerry Inmon's Cross-Petition, at 11-13, is incorporated herein by reference.

ARGUMENT ON QUESTION PRESENTED

The post-conviction relief court properly concluded (a) S.C. Code § 16-3-20(B) is not constitutional because that section precludes jury sentencing following a guilty plea to murder, in violation of the Sixth Amendment of the United States Constitution and Article I, Section 14 of the South Carolina Constitution, (b) this Court's prior precedent was not controlling because those cases were decided without considering *Blakely v. Washington*, 542 U.S. 296 (2004), and (c) Jerry Inmon's guilty plea to murder was involuntary because he was not advised the trial court would treat judicial sentencing differently than jury sentencing.

"The requirement that guilt of a criminal charge be established by proof beyond a reasonable doubt dates at least from our early years as a Nation." *In re Winship*, 397 U.S. 358, 361(1970). "The reasonable-doubt standard . . . is a prime instrument for reducing the

risk of convictions resting on factual error." *Id*., at 363. "The accused during a criminal prosecution has at stake interest of immense importance, both because of the possibility that he may lose his liberty upon conviction and because of the certainty that he would be stigmatized by the conviction." *Id.*

"Any possible distinction between an 'element' of a felony offense and a 'sentencing factor' was unknown to the practice of criminal indictment, trial by jury, and judgment by court as it existed during the years surrounding our Nation's founding." *Apprendi v. New Jersey*, 530 U.S. 466, 478 (2000) (internal footnote omitted). "As a general rule, criminal proceedings were submitted to a jury after being initiated by an indictment" placing the accused on notice of the crime charged "in order that he may prepare his" defense and leaving "'*no doubt as to the judgment which should be given,* if the defendant be convicted.'" *Id*. (citing J. Archbold, Pleading and Evidence in Criminal Cases 44 (15th ed. 1862) (emphasis supplied by the Court). "[T]he English trial judge of the later eighteenth century had very little explicit discretion in sentencing" because "[t]he substantive criminal law tended to be sanction-specific [by] prescribe[ing] a particular sentence for each offense." *Id*., at 479 (internal quotations omitted) (citing Langbein, The English Criminal Trial Jury on the Eve of the French Revolution, in The Trial Jury in England, France, Germany 1700-1900, pp. 36-37 (A. Schioppa ed.1987)).

Under English common law, capital punishment was mandatory for virtually any homicide and there was no mechanism in the legal system for dispensing mercy. *McGautha v. California*, 402 U.S. 183, 198 (1971). The American colonies, including South Carolina, followed this tradition, *Furman v. Georgia*, 408 U.S. 238, 335 (1972) (Marshall, J., concurring), but from the beginning in this country, "there was rebellion against the

common-law rule imposing a mandatory death sentence on all convicted murderers." *McGautha*, 402 U.S. at 199. The practice of jury sentencing in non-capital cases also arose in this country during the colonial period as a reaction to harsh punishments imposed by judges and the "distrust of governmental power." *Id.,* at fn.10. Even in capital cases, it was clear that "jurors on occasion took the law into their own hands and would simply refuse[] to convict of the capital offense" in order to avoid the imposition of the death penalty. "In order to meet the problem of jury nullification, legislatures . . . . adopted the method of forthrightly granting juries the discretion which they had been exercising in fact." *Id.* Beginning with Tennessee, around 1832, the states permitting capital punishment and the federal government changed the laws to require a sentence of death for murder unless the jury made a "recommendation of mercy." *Id.,* at 200.

In 1894, our General Assembly amended the statute to require the death penalty following a conviction of murder unless the jury recommended mercy. This Court jealously guarded the right for jurors to recommend mercy, not only in murder cases but also for other crimes that carried a potential death sentence. *E.g. State v. Harper*, 251 S.C. 379, 385, 162 S.E.2d 712, 715 (1968) ("hereafter, regardless of past custom and practice, the choice between life imprisonment and the death penalty must be left by the trial courts in this State to the jury in Every case, in accord with Section 16-52, regardless of how the defendant's guilt has been determined, whether by the verdict of the jury or by a plea of guilty");[1] *State v. White*, 246 S.C. 502, 506, 144 S.E.2d 481, 483 (1965) ("[W]hether or

[1] The State criticizes the PCR court's reliance on *Harper.* State's Petition, at 22-24. *Harper*, however, illustrates this Court's longstanding recognition of the role of jurors in capital sentencing. *Harper* also supports the PCR court's conclusion that Article I, Section 14 of the South Carolina Constitution provides greater protections than the Sixth Amendment.

not mercy was recommended upon a finding of guilt, and thereby the death penalty avoided, rest[ed] within the sole discretion of the jury. The duty of the court in that regard [was] to see that such discretion [was] left with the jury, free as reasonably possible of influences which would prevent its fair and impartial exercise."); *State v. Worthy,* 239 S.C. 449, 123 S.E.2d 835 (1962) (in rape case, if requested, the trial judge must charge that a recommendation of mercy may be given for any reason at all); *State v. Chasteen*, 228 S.C. 88, ___, 88 S.E.2d 880, 887 (1955 ("The discretion of the jury as to recommending mercy [was] an unlimited one. . . . [A] recommendation to mercy [did] not have to be based on evidence."); *State v. Blakely*, 158 S.C. 304, 155 S.E. 408 (1930); *State v. King*, 158 S.C. 251, 155 S.E. 409 (1930). Juries retain the right to consider mercy under our state's current capital scheme. *Rosemond v. Catoe*, 383 S.C. 320, 330, 680 S.E.2d 5, 10 (2009) ("A jury's consideration of mercy, if proper evidence of mercy is admitted, is well recognized in the sentencing phase of a capital case.").

It is against this background that this Court must consider Jerry Inmon's challenge to S.C. Code § 16-3-20(B)'s mandate of judicial sentencing following a guilty plea to murder. Second Amended PCR Application (corrected), ¶¶ 10(a)&11(a)(1), 10(c)&11(c)(1), 10(d)&11(d), A. 790-95.

A. S.C. Code § 16-3-20(B) is not constitutional because that section precludes jury sentencing following a guilty plea to murder, in violation of the Sixth Amendment of the United States Constitution and Article I, Section 14 of the South Carolina Constitution.

All along, the strategy was for Mr. Inmon to plead guilty and appeal the constitutionality of S.C. Code Ann. § 16-3-20(B), which mandates the capital "sentencing procedure must be conducted before the judge." Trial counsel argued the Sixth Amendment—as interpreted by *Apprendi v. New Jersey*, *Ring v. Arizona,* 536 U.S. 584

(2002), and *Blakely v. Washington*, 542 U.S. 296 (2004)—require the jury to make the decisions necessary for eligibility and imposition of the death penalty. They raised these arguments in a written motion to determine the mode of trial (A. 1202), the hearing on the motion to determine the mode of trial (A. 106), during an interlocutory appeal to this Court (A. 107), during Mr. Inmon's guilty plea (A. 3941-43), at the beginning of the sentencing hearing (A. 2994), and in the motion for a new trial (A. 4263-667). Mr. Inmon supported this strategy and wanted the issue preserved for appeal. A. 1171-73.[2] Rather than appealing this issue, appellate counsel argued Mr. Inmon's "guilty plea to murder should be vacated on the ground it constituted an invalid conditional guilty plea." *State v. Inman*, 395 S.C. 539, 554, 720 S.E.2d 31, 39 (2011); *see also* Final Brief of Appellant and Final Reply Brief of Appellant (A. 2864) and Applicant's Ex. 46 (A. 1899). This Court held:

> Inman's guilty plea was unconditional. Significantly, Inman never attempted to reserve the right to challenge or deny the merits of his guilt. Any condition that he sought to attach to the plea involved an appellate challenge to section 16-3-20(B), which mandates that a judge rather than a jury determine sentencing in a capital case if the defendant enters a guilty plea. Under the mandatory appeal procedures in capital cases, Inman was permitted to appeal this secondary sentencing issue; however, any decision as to this issue did not affect the entry or validity of his plea.

Id., 395 S.C. at 555, 720 S.E.2d at 40. During the direct appeal, this Court also observed appellate counsel "specifically abandoned this issue on appeal." *Id.,* 395 S.C. at 556, 720 S.E.2d at 40. The PCR court correctly found that section 16-3-20(B) violates the Sixth

[2] Under the standard of review, the decision whether to plead guilty also involves assessing the respective consequences of a conviction after trial and by plea." *Lee v. United States*, ___ U.S. ___, ___, 137 S. Ct. 1958, 1961 (2017). "Courts should not upset a plea solely because of *post hoc* assertions from a defendant.... Rather, they should look to contemporaneous evidence to substantiate a defendant's expressed preferences." *Id.* During the sentencing hearing recess, trial counsel attempted to negotiate resolution of the case, which included Mr. Inmon singing an offer to accept a sentence of life imprisonment without the possibility of parole for murder. A. 991-93, 1033, 1633-36.

Amendment of the United States Constitution and Article I, Section 14 of the South Carolina Constitution. A. 1-68.

The sentencing hearing record and the evidence presented at the PCR hearing, support this claim. By this specific reference, the facts and legal arguments raised elsewhere in the Cross-Petition and this pleading relevant to this claim are fully incorporated herein.

In *Apprendi v. New Jersey*, the Supreme Court considered "whether the Due Process Clause of the Fourteenth Amendment requires that a factual determination authorizing an increase in the maximum prison sentence for an offense from 10 to 20 years be made by a jury on the basis of proof beyond a reasonable doubt." 530 U.S. 466, 469 (2000). The Supreme Court summarized the trial court's handling of the guilty plea to a 23-count indictment:

> The parties entered into a plea agreement, pursuant to which Apprendi pleaded guilty to two counts (3 and 18) of second-degree possession of a firearm for an unlawful purpose, and one count (22) of the third-degree offense of unlawful possession of an antipersonnel bomb; the prosecutor dismissed the other 20 counts. Under state law, a second-degree offense carries a penalty range of 5 to 10 years; a third-degree offense carries a penalty range of between 3 and 5 years. As part of the plea agreement, however, the State reserved the right to request the court to impose a higher "enhanced" sentence on count 18 . . . on the ground that that offense was committed with a biased purpose…. Apprendi, correspondingly, reserved the right to challenge the hate crime sentence enhancement on the ground that it violates the United States Constitution.

Id., at 469-70 (internal citations omitted). "After the trial judge accepted the three guilty pleas, the prosecutor filed a formal motion for an extended term." *Id*., at 470. "The trial judge thereafter held an evidentiary hearing on the issue of Apprendi's 'purpose' for the shooting." *Id*. After finding "by a preponderance of the evidence that Apprendi's actions were taken with a purpose to intimidate as provided by the statute, the trial judge held that

the hate crime enhancement applied," rejected Apprendi's constitutional challenge to the statute," and "sentenced him to a 12-year term of imprisonment on count 18, and to shorter concurrent sentences on the other two counts." *Id*., at 471 (internal quotations and citations omitted).

The Supreme Court concluded, "The New Jersey procedure challenged in this case is an unacceptable departure from the jury tradition that is an indispensable part of our criminal justice system." *Id.*, at 497. The Court held, "Other than the fact of a prior conviction, any fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt." *Id*., at 490. It "is unconstitutional for a legislature to remove from the jury the assessment of facts that increase the prescribed range of penalties to which a criminal defendant is exposed, and it "is equally clear that such facts must be established by proof beyond a reasonable doubt." *Id*.

In *Ring v. Arizona*, the Supreme Court considered "the Sixth Amendment right to a jury trial in capital prosecutions." 536 U.S. 584, 588 (2002). Relying on *Apprendi* and *Jones v. United States*, 526 U.S. 227 (1999) (provisions of carjacking statute that established higher penalties to be imposed when offense resulted in serious bodily injury or death set forth additional elements of offense, not mere sentencing considerations), "Ring argued that Arizona's capital sentencing scheme violate[d] the Sixth and Fourteenth Amendments to the U.S. Constitution because it entrusts to a judge the finding of a fact raising the defendant's maximum penalty." *Ring*, at 595. "Based solely on the jury's verdict finding Ring guilty of first-degree felony murder, the maximum punishment he could have received was life imprisonment" because "in Arizona, a death sentence may not legally be

imposed unless at least one aggravating factor is found to exist beyond a reasonable doubt." *Id*., at 597 (internal quotations and punctuation omitted).

Ring considered "whether that aggravating factor may be found by the judge, as Arizona law specifie[d], or whether the Sixth Amendment's jury trial guarantee, made applicable to the States by the Fourteenth Amendment, requires that the aggravating factor determination be entrusted to the jury." *Id*. The Supreme Court recognized:

> [T]he English jury's role in determining critical facts in homicide cases was entrenched. As fact-finder, the jury had the power to determine not only whether the defendant was guilty of homicide but also the degree of the offense. Moreover, *the jury's role in finding facts that would determine a homicide defendant's eligibility for capital punishment was particularly well established.* Throughout its history, the jury determined which homicide defendants would be subject to capital punishment by making factual determinations, many of which related to difficult assessments of the defendant's state of mind. By the time the Bill of Rights was adopted, the jury's right to make these determinations was unquestioned."

Id., at 599 (quoting *Walton v. Arizona*, 497 U.S. 639, 710-11 (1990) (emphasis original) (Stevens, J, dissenting), *overruled by Ring v. Arizona*, 536 U.S. 584 (2002). The Supreme Court held, "Because Arizona's enumerated aggravating factors operate as "the functional equivalent of an element of a greater offense, the Sixth Amendment requires that they be found by a jury." *Id*., at 609 (internal citations and quotations omitted) (citing *Apprendi,* 530 U.S., at 494, fn. 19).

In *Hurst v. Florida,* the Supreme Court further held, "The Sixth Amendment requires a jury, not a judge, to find each fact necessary to impose a sentence of death." 577 U.S. 92, 94 (2016).

Resolving the question presented by the State in this appeal requires consideration of our state's capital sentencing procedure. In South Carolina, a death sentence is never required, even with a finding of an aggravating circumstance. S.C. Code Ann. § 16-3-20(B)

and (C). Our state's capital procedure allows for consideration of the specific circumstances of the crime and the character of the defendant. In a capital "sentencing proceeding, the jury or judge shall hear additional evidence in extenuation, mitigation, or aggravation of the punishment." S.C. Code Ann. § 16-3-20(B); *and see State v. Stewart*, 283 S.C. 104, 107, 320 S.E.2d 447, 450 (1984) ("Before a death sentence may be imposed, the attention of the jury or judge must be directed to the specific circumstances of the crime and the characteristics of the person who committed the crime."); *State v. Plath*, 281 S.C. 1, 15, 313 S.E.2d 619, 627 (1984) ("the sole function of the jury in a capital sentencing trial is the individualized selection of one or the other penalty, based upon the circumstances of the crime and characteristics of the individual defendant."). South Carolina's capital sentencing scheme additionally allows the sentencing authority to consider victim impact evidence. *Payne v. Tennessee*, 501 U.S. 808 (1991); *State v. Bixby*, 388 S.C. 528, 698 S.E.2d 572 (2010); *Lucas v. Evatt*, 308 S.C. 31, 33, 416 S.E.2d 646, 647 (1992); *State v. Johnson*, 306 S.C. 119, 410 S.E.2d 547 (1991). "It is proper to instruct a jury in a capital sentencing phase that it may recommend a life sentence for any reason or no reason at all, including as an act of mercy." *Rosemond*, 383 S.C. at 330, 680 S.E.2d at 10.

Mr. Inmon's guilty plea does not preclude application of *Apprendi* and *Ring*. *Apprendi* was a guilty plea case. Prior to and during his guilty plea, Mr. Inmon reserved the right to challenge the sentence—just as Apprendi had done. The Supreme Court continued to apply *Apprendi* "to instances involving plea bargains" in *Blakely v. Washington,* 542 U.S. 296 (2004). *Hurst*, 136 S. Ct. at 621. Blakely "was sentenced to more than three years above the 53-month statutory maximum of the standard range

because the sentencing judge subjectively found that Blakely had acted with 'deliberate cruelty.' The facts supporting that finding were neither admitted by [Blakely] nor found by a jury." *Id*. The Court held, "[T]he State's sentencing procedure did not comply with the Sixth Amendment" and Blakely's "sentence [was] invalid." *Id*. at 305.

Mr. Inmon asked the PCR court to consider whether the trial court judge found any fact beyond Mr. Inmon's admissions during his guilty plea to support imposing the death sentence. The sentencing judge, as provided for by our state's capital sentencing scheme, considered more than Mr. Inmon's admissions to the elements of murder, first-degree burglary, kidnapping, and first-degree criminal sexual conduct. The trial judge subjectively found the crime "horrific," "savage, brutal, and unconscionable." The trial judge expressly stated that, in addition to the statutory aggravating factors, he considered the circumstances of the crime, the characteristic of Mr. Inmon, victim impact evidence, and penological justifications for sentencing.[3] The trial judge further subjectively found Mr. Inmon to be "within a small group of deviant predators who exhibit in their conduct a callous disregard for society and the rights and safety of others." The trial court subjectively made findings of fact concerning victim impact evidence. Under *Blakely*, a jury and not a judge must decide all of these facts, which the trial judge used to enhance Mr. Inmon's sentence.[4] That did not happen here.

---

[3] Protection of the community, punishment, and accountability are traditional sentencing considerations. *See, e.g., Graham v. Florida*, 560 U.S. 48, 71-74 (2010) (discussing "penological justifications" including retribution, deterrence, incapacitation, and rehabilitation).

[4] Cases from other states support applying *Apprendi, Ring,* and *Blakely* in this manner. *People v. Montour*, 157 P.3d 489, 497 (Colo. 2007) (holding provision of death penalty statute that mandated that defendant waive his right to a jury trial on sentencing facts when he pled guilty violated defendant's Sixth Amendment rights); *State v. Page*, 2006 S.D. 2, ¶ 71, 709 N.W.2d 739, 762 (2006) ("We agree with Page's argument that

The PCR court properly concluded S.C. Code § 16-3-20(B) is not constitutional because that precludes jury sentencing following a guilty plea to murder, in violation of the Sixth Amendment of the United States Constitution and Article I, Section 14 of the South Carolina Constitution.

B. This Court's prior precedent was not controlling because those cases were decided without considering *Blakely v. Washington*, 542 U.S. 296 (2004).

The State's relies on *State v. Allen*, 386 S.C. 93, 101-02, 687 S.E.2d 21, 25 (2009), *State v. Crisp,* 362 S.C. 412, 608 S.E.2d 429 (2005), *State v. Wood,* 362 S.C. 135, 607 S.E.2d 57 (2004), and *State v. Downs*, 361 S.C. 141, 146, 604 S.E.2d 377, 380 (2004). State's Petition for a Wirt of *Certiorari* ("State's Petition"), at 16-19. None of these cases, however, considered *Blakely*.[5] *Blakely,* as "a superseding contrary decision of the Supreme Court," *United States v. Collins*, 415 F.3d 304, 311 (4th Cir. 2005), allows Mr. Inmon to ask the PCR court to consider the merits of Mr. Inmon's arguments that are contrary to *Allen, Crisp,* and *Downs*. *Blakely* followed *Apprendi* and *Ring*. "In each case, [the Supreme

---

under *Ring,* a capital sentencing scheme would be unconstitutional if it prevented a defendant who pleaded guilty from having alleged aggravating circumstances found by a jury."); *State v. Piper*, 2006 S.D. 1, ¶ 48, 709 N.W.2d 783, 803 (2006) ("We agree with Piper's argument that under *Ring*, a capital sentencing scheme would be unconstitutional if it prevented a defendant who pleaded guilty from having alleged aggravating circumstances found by a jury."); and *State v. Louviere*, 833 So. 2d 885, 895 (La. 2002) ("Only this interpretation of Art. I, § 17—that the legislature is thereby restricted only inasmuch as any capital sentencing scheme must put the penalty issue before the jury—preserves a capital defendant's ability to present a defense of his choice, while preventing the infirmity ultimately found in *Ring*.").

[5] The South Carolina appellate courts have cited *Blakely* on three occasions. *State v. Rice*, 401 S.C. 330, 737 S.E.2d 485 (2013) (held that *Apprendi* was not applicable to a family court juvenile waiver hearing); *Dervin v. State*, 386 S.C. 164, 687 S.E.2d 712 (2009) (held that trial counsel was ineffective in failing to object to imposition of 25-year sentence when maximum sentence was 10 years); *State v. Brown*, 360 S.C. 581, 602 S.E.2d 392 (2004) (evidence did not establish that defendant actually used aggravated force on or about time of sexual assaults, as element of first-degree criminal sexual conduct). None of these cases considered the issue currently before this Court.

Court] concluded that the defendant's constitutional rights had been violated because the judge had imposed a sentence greater than the maximum he could have imposed under state law without the challenged factual finding." *Blakeley*, at 303. Blakely "was sentenced to more than three years above the 53-month statutory maximum of the standard range because the sentencing judge subjectively found that Blakely had acted with 'deliberate cruelty.' The facts supporting that finding were neither admitted by [Blakely] nor found by a jury." *Id*. The Court held, "[T]he State's sentencing procedure did not comply with the Sixth Amendment" and Blakely's "sentence [was] invalid." *Id*. at 305.

The State's reliance on *Lewis v. Wheeler*, 609 F.3d 291 (4th Cir. 2010) is misplaced. State's Petition, at 16. The court in *Lewis* specifically noted that *Blakely* "was not issued until after Lewis pleaded guilty and her sentences were affirmed on appeal." *Id*. at 310. Thus, the court concluded, "*we express no opinion* as to what effect, if any, *Blakely* has upon the question of whether a capital defendant has a constitutional right to plead guilty and demand a jury trial on aggravating factors or under what circumstances that right, if it exists, will be deemed waived." *Id*. at 310 (emphasis added). Therefore, *Lewis* has no bearing here, where *Blakely* was well established law at the time of Mr. Inmon's guilty plea and sentencing hearing.

C. Jerry Inmon's guilty plea to murder was involuntary because he was not advised the trial court would treat judicial sentencing differently than jury sentencing.

The State complains that the PCR "judge granted relief upon finding the plea was involuntary. Cross-Petition, at 3. The PCR judge found Mr. Inmon's guilty plea to be involuntary because Mr. Inmon "was not advised in his colloquy with the trial judge or at any other time" that his sentencing hearing before the trial judge would be treated

differently than if it had proceeded before a jury. A. 22-23. Under the standard of review, this Court "defer[s] to a PCR court's findings of fact and will uphold them if there is any evidence in the record to support them." *Mangal v. State*, 421 S.C. 85, 91, 805 S.E.2d 568, 571 (2017) (citing *Sellner v. State*, 416 S.C. 606, 610, 787 S.E.2d 525, 527 (2016) and *Jordan v. State*, 406 S.C. 443, 448, 752 S.E.2d 538, 540 (2013)).

Here, the PCR court's finding is supported by the record. In denying trial counsel's April 2009 motion to continue so Jan Vogelsang would have sufficient time to prepare, the trial judge did not articulate a reason for denying the motion other than stating, "This case needs to be finished." A. 3659-65. While noting his dual role as fact finder and presiding judge, the trial judge also revealed, "[I]f this had been a jury trial in September, there may have been a different result." A. 3657-58. The PCR court placed significance on this statement. A. 23. Additionally, during his PCR deposition Solicitor Robert Ariail testified:

> Judge Miller had an agenda, probably one of the better agendas. And that was: Let's get through this case. You know, I know what the decision – I know what the verdict is going to be. Let's get through it and quit interrupting.

A. 1927-32. This testimony supports the PCR court's finding that the trial judge treated Mr. Inmon's sentencing hearing differently as a bench trial than if it had proceeded as a jury trial. Having found the guilty plea involuntary, the PCR court was obligated to invalidate the plea and order a new trial. The State is not entitled to an unconstitutional conviction any more than it is entitled to an unconstitutional sentence.

D. Contrary to the State's assertion, this issue is not procedurally barred.

The State contends this question is procedurally barred. State's Petition, at 11-13. The PCR court, however had at least three paths to consider this issue.

First, Jerry Inmon's trial counsel preserved this issue for review by this Court, but his appellate counsel did not brief the issue. Appellate counsel's failure to appeal this issue constitutes deficient performance under both prongs of *Strickland*. *See also Smith v. Robbins*, 528 U.S. 259 (2000); *Evitts v. Lucey*, 469 U.S. 387, 396 (1985); *Patrick v. State*, 349 S.C. 203, 562 S.E.2d 609 (2002); *Southerland v. State*, 337 S.C. 610, 524 S.E.2d 833 (1999). Mr. Inmon raised this issue in his PCR application. A. 790, 794. Thus, consideration of this issue by the PCR court was proper—especially since this Court's precedent considering this issue did not consider *Blakely*.

Second, Mr. Inmon's PCR application alleged *Hurst* is a binding decision by the Supreme Court that can be applied retroactively. A. 790, 792, 794-95. A review of *Apprendi* and *Ring* reveals *Hurst* established a new constitutional rule requiring jurors to make all findings of fact necessary for *imposition* of the death penalty. *Ring* considered the application of *Apprendi* to Arizona's capital sentencing scheme. *Apprendi* held that the Sixth Amendment does not permit a defendant to be

> expose[d] . . . to a penalty *exceeding* the maximum he would receive if punished according to the facts reflected in the jury verdict alone. . . . even if the State characterizes the additional findings made by the judge as sentencing factor[s].

Ring, 536 U.S. at 588-89 (internal citations and quotations omitted; emphasis supplied by Court). *Ring*, however, was expressly limited to whether "the Sixth Amendment required jury findings on the aggravating circumstances." *Id*. at 597 (fn. 4). *Ring* did not address whether a jury must consider mitigation and "make the ultimate determination whether to *impose* the death penalty." *Id*. (emphasis added). *Ring*, accordingly, was limited to a jury determination regarding *eligibility* for the death penalty. *Hurst*, however, involved a challenge to Florida's capital sentencing procedure where the jurors render an "advisory

sentence" but "the court, after weighing the aggravating and mitigating circumstances, shall enter a sentence of life imprisonment or death." 136 S.Ct. at 620. *Hurst* held the Sixth Amendment requires jurors make the "critical findings necessary to *impose* the death penalty." *Id.* at 622 (emphasis added). *Ring*, accordingly, addressed only *eligibility* for the death penalty. *Hurst* addressed *imposition* of the death penalty. *Hurst*, therefore, decided constitutional issues not considered in *Ring*. This Court must determine whether *Hurst* is a substantive constitutional rule that applies retroactively. *Montgomery v. Louisiana*, militates in favor of *Hurst* applying retroactively. __ U.S. ___, 136 S. Ct. 718 (2016) (*Miller v. Alabama*, 567 U.S. 460 (2012) prohibiting under Eighth Amendment mandatory life sentences without parole for juvenile offenders, announced a new substantive constitutional rule that was retroactive on state collateral review). Thus, consideration of this issue by the PCR court was proper.

Third, even if *Hurst* is not retroactive under the United States Constitution, the PCR court properly considered whether *Hurst* can be applied retroactively under Article I, Section 14 of the South Carolina Constitution. Other state supreme courts reached this conclusion under their state constitutions. Florida applies *Hurst* retroactively to death sentences that became final after the U.S. Supreme Court's opinion in *Ring*. *Asay v. State*, 210 So. 3d 1 (Fla. 2016); *Mosley v. State*, 209 So. 3d 1248 (Fla. 2016). Delaware applies *Hurst* retroactively. *Rauf v. State*, 145 A.3d 430 (Del. 2016) (Delaware's capital sentencing statute unconstitutionally allows a judge to find an aggravating circumstance for the weighing phase). The order on appeal contains ample evidence the PCR court decided this issue under Article I, Section 14. The order on appeal also contains ample evidence the

PCR court concluded our state's constitution provides more protections that the Sixth Amendment.

E. **The State's argument, "*The PCR court also impermissibly relied on the Victim's Bill of Rights to support a finding that the plea was involuntary*" is a red herring.**

The State contends, "The PCR court also impermissibly relied on the Victim's Bill of Rights to support a finding that the plea was involuntary." State's Petition, at 21-22. This argument is a red herring. By citing the Victim's Bill of Rights, the PCR court merely drew a contrast between the compassion Jerry Inmon showed the victim's family with the spectacle that ensued after the Solicitor threatened to arrest Dr. Marti Loring. The PCR court expressly found:

> **Mr. Inman,** who did *"not want to contest his guilt, "had informed his" counsel of his strong desire to acknowledge his guilt,"* ***did "not want to put the victim's family through the spectacle of a courtroom proceeding regarding his guilt," and sought "to alleviate the cruel impact the attendant media attention would have on everyone involved."***

A. 6 (emphasis original). By contrast, this Court held, "[T]here is evidence to support the judge's finding of prosecutorial misconduct as the Solicitor's actions were done for no other purpose than to intimidate Dr. Loring."[6] *Inman*, 395 S.C. at 564, 720 S.E.2d at 45.

---

[6] In a concurring opinion, joined by Chief Justice Toal and Justice Hearn, Justice Pleicones wrote, "The solicitor's conduct in this case was inexplicable and reprehensible. In light of the aggravated nature of the crime and the fact that the sentencing hearing took place before a judge, it is difficult to comprehend how the solicitor believed that intimidating an expert witness would be more likely to ensure a death sentence than to create a risk of reversal." *Inman*, 395 S.C. at 570, 720 S.E.2d at 48.

ARGUMENT ON ADDITIONAL SUSTAINING GROUNDS

Pursuant to Rule 220(c), SCACR, this Court should sustain the decision of the post-conviction relief court based on additional sustaining grounds.

"Under the present rules, a respondent—the 'winner' in the lower court—may raise on appeal any additional reasons the appellate court should affirm the lower court's ruling, regardless of whether those reasons have been presented to or ruled on by the lower court." *I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 419, 526 S.E.2d 716, 723 (2000). *See also* Rule 220(c), SCACR. This Court should sustain the decision of the PCR court based on the five additional sustaining grounds discussed below.

A. Jerry Inmon's trial counsel rendered constitutionally deficient assistance of counsel, under the Sixth Amendment to the United State Constitution and Article I, §§ 3 and 14 of the South Carolina Constitution, for failing to investigate, develop, and present mitigation evidence that was available at the time of the sentencing hearing regarding Mr. Inmon's life history, adaptability to incarceration, and extremely rare medical condition that is treatable and controllable with a common, inexpensive medication, when that very mitigation evidence explained Mr. Inmon's conduct at the time of the crimes, explained the State's aggravating evidence, precluded a finding that Mr. Inmon is an "animal" who "cannot be rehabilitated," and would have led to a sentence of life imprisonment without the possibility of parole.

Dr. Donna Schwartz Maddox and Dr. Marti Loring provided information about Jerry Inmon's life history that was not known to the trial judge. Dr. Maddox also diagnosed Mr. Inmon with a rare sexual philia, known as Biastophilia, which can be treated and controlled with a common medication. Trial counsel's failure to investigate and present this powerful mitigation evidence constitutes ineffective assistance of counsel under both prongs of *Strickland*. The factual and legal basis supporting this additional sustaining ground are set forth in Question I of Mr. Inmon's Cross-Petition, at 13-30, and by this specific reference are fully incorporated herein.

B. Jerry Inmon’s appellate counsel rendered constitutionally deficient assistance of counsel, under the Sixth Amendment to the United State Constitution and Article I, §§ 3 and 14 of the South Carolina Constitution, for not appealing Mr. Inmon’s motion to continue his sentencing hearing so that he would have sufficient time to obtain another mitigation investigator after Dr. Loring refused to participate in Mr. Inmon’s case because the prosecutor intimidated her by threatening to arrest her if she testified.

When Dr. Marti Loring discontinued her participation in Jerry Inmon’s case because the Solicitor threatened to arrest her if she testified, the trial judge continued the sentencing hearing for over seven months and offered trial counsel two options: (1) proceed with Dr. Loring when the sentencing hearing reconvenes or (2) find a new mitigation witness to replace Dr. Loring. When the sentencing hearing reconvened, trial counsel explained their reasons for not continuing with Dr. Loring and represented their replacement witness, Jan Vogelsang, required more time to prepare. Trial counsel moved for a continuance. The trial judge denied the continuance motion and ruled Dr. Loring would testify. A. 3649-55. Appellate counsel failed to appeal the denial of the continuance motion. Appellate counsel’s failure to appeal this issue constitutes deficient performance under both prongs of Strickland. *See also Smith v. Robbins*, 528 U.S. 259 (2000); *Evitts v. Lucey*, 469 U.S. 387, 396 (1985); *Patrick v. State*, 349 S.C. 203, 562 S.E.2d 609 (2002); *Southerland v. State*, 337 S.C. 610, 524 S.E.2d 833 (1999). The factual and legal basis supporting this additional sustaining ground are set forth in Question II of Mr. Inmon’s Cross-Petition, at 30-33, and by this specific reference are fully incorporated herein.

C. Jerry Inmon’s appellate counsel rendered constitutionally deficient assistance of counsel, under the Sixth Amendment to the United State Constitution and Article I, §§ 3 and 14 of the South Carolina Constitution, for not appealing the trial court’s order denying his request to plead guilty and have his sentence determined by the jury when that right is protected by the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution after trial counsel preserved that issue for appellate review.

As seen throughout this pleading, the strategy was for Mr. Inmon to plead guilty and appeal the constitutionality of S.C. Code Ann. § 16-3-20(B), which mandates the capital "sentencing procedure must be conducted before the judge." Appellate counsel failed to appeal this issue. During the direct appeal, this Court observed appellate counsel "specifically abandoned this issue on appeal." *Inman,* 395 S.C. at 556, 720 S.E.2d at 40. Appellate counsel's failure to appeal this issue constitutes deficient performance under both prongs of Strickland. *See also Smith, Patrick,* and *Southerland, supra*. As discussed above, this Court could view the PCR order granting relief as finding ineffective assistance of appellate counsel. The factual and legal basis supporting this additional sustaining ground are also set forth in Question III of Mr. Inmon's Cross-Petition, at 33-38, and by this specific reference are fully incorporated herein.

D. Jerry Inmon's trial counsel rendered constitutionally deficient assistance of counsel, under the Sixth Amendment to the United States Constitution and Article I, §§ 3 and 14 of the South Carolina Constitution, for advising him to plead guilty and appeal the trial judge denying his request for jury sentencing when existing state law did not allow jury sentencing following a guilty plea in a capital case.

As seen, trial counsel testified the strategy was for Mr. Inmon to plead guilty and appeal the constitutionality of S.C. Code Ann. § 16-3-20(B), which mandates the capital "sentencing procedure must be conducted before the judge." As alternate relief, Mr. Inmon alleged constitutional deficient performance for advising him to plead guilty and appeal the trial judge denying his request for jury sentencing when existing state law did not allow jury sentencing following a guilty plea in a capital case. The factual and legal basis supporting this additional sustaining ground are also set forth in Question IV of Mr. Inmon's Cross-Petition, at 39-42, and by this specific reference are fully incorporated herein.

E. Jerry Inmon's trial counsel rendered constitutionally deficient assistance of counsel, under the Sixth Amendment to the United States Constitution and Article I, §§ 3 and 14 of the South Carolina Constitution, for failing to object to the judicial rush to judgment, including the foregone conclusion that the sentence would be death.

Solicitor Robert Arial testified the trial judge "had an agenda," knew "what the verdict [was] going to be," and wanted to "get through" the case without interruptions. A. 1927-32. The trial court record contains evidence supporting the Solicitor's testimony. Trial counsel's failure to object to the judicial rush to judgment constitutes ineffective assistance of counsel under both prongs of *Strickland*. The factual and legal basis supporting this additional sustaining ground are set forth in Question V of Mr. Inmon's Cross-Petition, at 42-43, and by this specific reference are fully incorporated herein.

CONCLUSION

For the foregoing reasons, this Court should deny the State's petition for a writ of *certiorari*.

Respectfully Submitted,

By s/*E. Charles Grose, Jr.*
E. Charles Grose, Jr.
S.C. Bar Number 66063
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466
Email: charles@groselawfirm.com

By s/*Diana Holt*
Diana Holt
S.C. Bar Number 7079
Diana Holt, LLC
Post Office Box 6454
Columbia, South Carolina 29260-6454
Phone: 803-782-1663
Email: DianaHolt@dianaholtllc.com

February 24, 2020

Attorneys for Jerry Inmon