RECEIVED
Oct 13 2021
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Court of General Sessions
The Honorable Steven H. John, Circuit Court Judge

Appellate Case No. 2020-000214

THE STATE, ...RESPONDENT,

v.

LEE ANTHONY CORLEY, ...APPELLANT.

FINAL BRIEF OF RESPONDENT

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

WILLIAM F. SCHUMACHER, IV
Assistant Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-3713

ATTORNEYS FOR RESPONDENT

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Cases

Rules

STATEMENT OF ISSUE ON APPEAL

The trial judge properly admitted evidence of the frequent use of methamphetamine by Appellant and the State's witnesses because it was necessary res gestae evidence explaining why Appellant committed the charged crimes and also why he confessed his crimes to the State's witnesses. Further, Appellant's use of methamphetamine was also admissible under Rule 404(b), SCRE, as evidence of his motive and intent to murder Victim.

STATEMENT OF THE CASE

The State agrees with Appellant's Statement of the Case.

STATEMENT OF FACTS

Pre-Trial

Prior to trial, the State informed the trial judge of its intention to introduce evidence of drug use, specifically methamphetamine, by Appellant and several witnesses. The State explained that, based on the evidence in its possession, it believed the murder occurred on the same date Appellant provided methamphetamine to his codefendant, Haley Coleman (Codefendant), who acted as an accessory to the murder. Further, Appellant, Codefendant, and witness Jake Rupert were using methamphetamine together after the murder when Appellant confessed his actions to them and showed Rupert Victim's corpse and Codefendant heard Appellant confess during that same event that he had choked Victim to death. Both Rupert and Codefendant would testify Appellant was extremely paranoid when he confessed to the crime and believed Victim was spying on him and observing him through the use of hidden cameras and holes in the walls of his home; Appellant claimed he began choking Victim when she refused to give him her Google password. The State also planned on introducing the testimony of Jennifer Bryant who, shortly before the murder, used methamphetamine with Appellant and Victim and observed Appellant become paranoid and agitated that Victim and Bryant were having a private conversation. Finally, the State planned on introducing testimony from Regina Wangness who, while using methamphetamine with Appellant, heard Appellant make an admission that he choked Victim observed Appellant go as far as to demonstrate the choking motion he used and ripping the Victim's throat out. Wangness, like Rupert and Codefendant, heard Appellant claim he believed Victim was spying on him through holes in the wall and that Victim refused to give him her Google password. (R.p.2, line 6–R.p.5, line 7)

The State explained the "central theme" of the witnesses' testimonies was: (1) Appellant acted extremely paranoid around Victim while on methamphetamine; (2) he believed Victim was spying on him through holes in his walls and secret cameras; (3) he demanded Victim provide him with her Google password; (4) while smoking methamphetamine, he admitted to multiple people he murdered Victim and indicated the murder was due to the belief she was spying on him. Thus, the information was relevant to proving Appellant's state of mind and motive and was "absolutely necessary and probative to the State's case." (R.p.5, line 8–R.p.6, line 7)

Notably, the State explained it did not intend to offer evidence that Appellant had assaulted Victim on a prior occasion despite the fact that it had evidence of such in its possession and the information was relevant and probative to proving his state of mind. (R.p.6, lines 8–18)

In response, trial counsel argued it was inappropriate for the State to introduce any evidence of drug use because the State had not provided conclusive evidence indicating Appellant was on drugs at the time of Victim's murder or that his drug use caused the delusions alleged by the State. However, trial counsel did not dispute that the State could provide evidence of Appellant's statements regarding the holes in the wall and Victim's failure to provide Appellant with her Google password. (R.p.6, line 19–R.p.8, line 4)

The State replied by citing to other South Carolina cases allowing evidence of drug use which occurred during the time frame in which a crime was committed, including State v. Dickerson, 341 S.C. 391, 535 S.E.2d 119 (2000), which found such evidence was admissible as res gestae evidence. The State emphasized the evidence of drug use went beyond explaining Appellant's state of mind and behavior; it also explained the interactions among Victim, Appellant, and several of the State's witnesses and explained why Appellant freely confessed to the crime to those witnesses. (R.p.8, line 5–R.p.10, line 2)

After considering the parties' arguments, the trial judge found the evidence's probative value outweighed its prejudicial effect because it "present[ed] a full and complete picture to the jury as to the relationship[s] between the parties, [and] why the [Appellant] would exhibit a trust in these individuals to relay incriminating information regarding a serious crime." However he cautioned the State not to "harp" on the drug use or use it to try and demonize the defendant. (R.p.10, line 3–R.p.11, line 12)

Opening Statements

During the defense's opening statement, trial counsel explained his theory of the case: Codefendant killed Victim in a jealous rage by tackling her after finding Victim had stayed the night at Appellant's home. He further claimed Appellant had not participated in the murder, but had willingly helped Codefendant cover up the crime and dispose of Victim's body. (R.p.26, line 21–R.p.32, line 7)

Trial Evidence

Jeneice Kennedy, Victim's mother, testified she was aware that Victim had been addicted to drugs throughout her adult life. However, by February of 2017, Victim was able to support herself and her young child by working as a housekeeper. Still, Victim struggled with substance abuse and, due to those problems, lost custody of her young daughter by early March of 2017 but was determined to regain custody of her child after working through her issues. In early April, Victim told Kennedy she was driving down to Florida to visit her brother to "get away from some people and stuff." On April 16, 2017, Victim called Kennedy and told her she had spoken with DSS and scheduled a visit with her daughter for April 23 and asked Kennedy to join her. (R.p.33, line 12–R.p.41, line 16)

On April 23, 2017, Kennedy texted Victim to work out the details of where they would meet, but received a text message from the phone number asking, "[W]ho is this?" Believing Victim had lost her phone, Kennedy drove to Victim's home but observed no cars were there and no one answered the door. Kennedy did not hear back from Victim or the phone number, so after several days she texted Victim again and asked her to call. By May 9, Kennedy still had not received a response so she began actively looking for information about Victim's location and discovered Victim had not been spending money and had failed to refill a prescription for medication. On May 25, Kennedy contacted the Lexington County Sheriff's Department and filed a missing person report on Victim. Kennedy also contacted Victim's friends and the media in her attempts to locate Victim. (R.p.41, line 17–R.p.46, line 17)

On May 1, 2017, Jeremy Denny was an employee of Lexington County Animal Control and responded to a report of what was reported to be a deceased cat inside a trash can covered with cement. The report was made by Irene Coleman, Codefendant's mother, and the trash can was located on the right side of her residence. When he arrived at the home, Denny discovered the trash can did possess a strong odor and that a black tar substance appeared inside the can. Denny photographed the trash can but left it at the residence. (R.p.68, line 21–R.p.76, line 3)

On June 21, 2017, James Tallon of SLED responded to a location on the 9200 block of Old Two Notch Road in Batesburg/Leesville. There, he observed a trash can with bones scattered on the ground around it. He photographed the scene and also swabbed the handles of the trash can for DNA. The bones and the trash can were transported to the Richland County Coroner's Office for analysis. Notably, the trash can was covered in cement. After the cement was removed, more bones were located amongst the burned debris found inside the trash can. (R.p.77, line 5–R.p.93, line 10)

Ashley Cook testified that on June 16, 2017, she gave Appellant a ride home from the Lexington County Courthouse. During the drive, Appellant spontaneously asked Cook whether she had heard anything about him killing Victim. When Cook acknowledged she had heard as much, Appellant responded by saying, "[W]ell, then, no body, there's no evidence." Later, Cook was at Appellant's home along with Rebecca Hill when an argument broke out between the two women. As the argument heated up, Appellant asked the women to stop, stating, "I already have a crime scene here and I don't need no cops." (R.p.96, line 3–R.p.105, line 22)

On cross-examination, trial counsel questioned Cook about her criminal history, including prior convictions for possession of methamphetamine, possession with intent to distribute methamphetamine, domestic violence, and shoplifting; trial counsel also referenced the charges Cook was facing at the time, which included indictments for trafficking methamphetamine and trafficking heroin and that Cook had yet to be convicted of and sentenced for those charges. (R.p.106, line 1–R.p.115, line 17)

Michael Gooding was a sergeant with the major crimes division with the Lexington County Sheriff's Department at the time of Victim's disappearance and murder. While investigating, Gooding discovered Victim's debit card had been used to withdraw money from a Bank of America ATM after her disappearance. Photographs from a camera connected to that ATM showed the money being withdrawn by a person driving a white Nissan. Gooding also discovered Appellant's mother owned a vehicle matching the one seen in the photographs. (R.p.117, line 16–R.p.123, line 22; R.p.138, line 15–R.p.139, line 2; R.p.846)

Gooding also testified about numerous tips his office received about Victim's disappearance. After local media began publicizing Victim's disappearance, multiple people contacted the sheriff's department and informed officers they last saw Victim alive at

Appellant's home. As officers began investigating these leads and conducting interviews, both Appellant and Codefendant were identified as the primary persons of interest in Victim's disappearance. As a result, Gooding contacted Appellant who agreed to an informal interview at his mother's home. When Gooding explained that officers were looking for a missing person, Appellant acted "extremely animated" and nervous, shuffled his feet and slapped his hands. Appellant told officers "[Victim] is fine" and he believed officers contacted him because they were "listening to those crack heads in jail" and "dope fiends like Jake Rupert, Tony Oxendine . . . ." Appellant claimed he had helped Victim leave town and get her life in order and Victim was in Charleston. Appellant also admitted to being aware of news reports claiming Victim was missing but began criticizing Victim's family when asked why he did not contact anyone about her location. Appellant remarked that he "just hope[d] [Victim]'s in a better place where she d[id]n't have to worry about all of this." (R.p.123, line 23–R.p.137, line 11)

Officers pressed Appellant as to whether he had any contact with Victim, and he claimed he had through Facebook Messenger and showed officers messages which appeared to support the claim. However, another officer pointed out the messages on the phone were not indicating they had be read or seen by Victim. Appellant immediately became more agitated, repeatedly slapped his hands together and said, "Jupiter, Florida. Jupiter, Florida. That's all I'm gonna say." (R.p.137, line 12–R.p.138, line 12)

After Victim's remains were located and identified, Gooding and another detective attempted to speak with Appellant again on June 21. After encountering officers, Appellant immediately noted he had spoken with Codefendant who had spoken with officers shortly beforehand. Throughout the interview, Appellant volunteered various information, such as: (1) he had changed his phone number since the last time he had spoken with officers; (2) he had

driven a blue car owned by Codefendant for several weeks while she drove a van; (3) Codefendant had used illegal narcotics; (4) Appellant had never been to the bank with Victim or obtained any money or stolen items from her; and (5) Codefendant had stayed overnight at his home before. After hearing he was a person of interest, he offered to allow officers to search his home later that day. Officers showed up at Appellant's home at the agreed upon time, but Appellant never appeared. (R.p.139, line 6–R.p.144, line 25; State's Exhibit 15)

After Appellant was formally charged with murder and taken into custody, Gooding formally interrogated him and recorded the interview. Appellant began the interview by repeatedly claiming Victim was still alive. As the interview progressed, Appellant's story underwent drastic changes and evolved into him claiming he witnessed Codefendant killing Victim at his house and he recorded the event, after which he told Codefendant he was not going to call the cops and that it was her responsibility to "handle" the body. Later, the phone with the footage of the incident was stolen. Appellant denied participating in the destruction of Victim's corpse. (R.p.148, line 10–R.p.165, line 23; State's Exhibits 17, 62)

Following Appellant's incarceration, his mother visited him at the jail and, based on that conversation between them, officers obtained probable cause to search the mother's home. During that search, officers recovered various cell phones and SIM cards. Additionally, officers obtained search warrants to collect Appellant's phone records. (R.p.165, line 24–R.p.172, line 6)

Sergeant Douglas Novak of the Lexington County Sheriff's Department works with the CSI unit of that office and participated in the collection of evidence related to Appellant's case. After a search warrant was obtained for Codefendant's van, Novak searched the vehicle and observed numerous items of interest. For example, Novak immediately noticed the back rows of seats were missing from the vehicle and the floor of that area appeared to contain cement residue

on its carpet. Novak also found a hacksaw blade in the van along with several suspicious stains which he swabbed for DNA. (R.p.203, line 18–R.p.211, line 23)

Murray Corley, Appellant's uncle, recalled speaking with officers in June of 2017 and telling them about a strange situation which occurred with Appellant. He remembered Appellant had showed up at his home with a woman asking to burn some trash in a barrel in his backyard. Later, a blanket with blood stains was recovered from the backyard area. Thomas Smith, an investigator with the crime scene unit of the Lexington County Sheriff's Department, searched Corley's home and yard and documented his findings. Smith found a number of items in the dirt around the burn barrel, including processed wood and a partially burned chair. A two sided metal door was also found which had been exposed to extreme heat along with pieces of that door in the nearby dirt. A suspected piece of plastic was also found which appeared to be a "press-on nail" along with a piece of green plastic which appeared out of place in the area. Various pieces of cloth were located around the barrel and the blanket with apparent blood stains was found within the barrel itself. Later, Smith went to the Richland County Coroner's Office to collect items found with Victim's remains, which included several pieces of finished wood and part of a door hinge. Notably the part of the hinge found with Victim's remains appeared to connect to a piece of the hinge found at Corley's home. (R.p.219, line 3–R.p.228, line 11; R.p.230, line 21–R.p.258, line 15)

Smith also participated in the search of Appellant's home. A bloody towel was found in the kitchen of the house. Behind the home and in a trash can, a top and pair of jeans were found which were designed for petite females and were consistent with Victim's clothing size. (R.p.258, line 17–R.p.268, line 4)

Catherine Leisy, a forensic scientist with SLED, analyzed many of the items collected from Corley's and Appellant's homes. Of the items collected, only the towel from Appellant's home and a swab from the door to his dresser yielded DNA samples which could be analyzed: the latter contained the DNA of an unidentified male and the former contained a DNA mixture of two individuals and neither profile could be identified as belonging to Victim. However, Leisy found the "press-on nail" was actually a biological fingernail. (R.p.292, line 16–R.p.309, line 14)

William D. Stevens, a forensic anthropologist who inspected Victim's remains, found evidence of fractures on her first and second ribs which, due to discoloration from being burned, indicated they occurred prior to her body being burned. Other fractures appeared to be a part of the same injury but did not show burning discoloration, possibly due to them being less exposed to the fire which burned Victim's body. Based on his conclusion that the bone breaks were caused by "compressive force and/or twisting to the base of the neck," Stevens believed they occurred either at or near her time of death. Stevens also explained such injuries were not consistent with a fall as they were in a protected area usually unaffected such an event. (R.p.369, line 2–R.p.392, line 15; R.p.401, line 7–R.p.403, line 23)

Jennifer Bryant, who was incarcerated at the time of Appellant's trial after pleading to charges which included the manufacturing and distribution of methamphetamine and LSD, recalled that on April 18, 2017, she was at Appellant's home with several people including Victim. Both Bryant and Appellant were using methamphetamine during that visit. Bryant, who had never met Victim prior to that date, observed her sitting off the side looking "very timid" and scared. Feeling something was wrong with Victim, Bryant made an excuse to go to the bathroom and asked Victim to show her where it was. As they walked down the hallway, Victim

kept mouthing, "help [me]" to Bryant. In the bathroom, Bryant and Victim were able to have a brief discussion, during which Victim had Bryant feel the back of Victim's head and two to three large lumps underneath her hair. Before long, Appellant, who appeared "very paranoid," was walking up and down the hallway and asking what Victim and Bryant were doing and what was taking them so long. Bryant tried to calm Appellant down while simultaneously scheduling an Uber ride for Victim. When Bryant told Appellant Victim was leaving, Appellant smirked and laughed. Bryant tried to schedule an Uber ride several times, but discovered the credit card linked to her account was no longer active. (R.p.50, line 4–R.p.58, line 4; R.p.66, line 19–R.p.67, line 15)

Bryant recalled the local police showed up at the home that day for an unrelated reason and that both Appellant and Victim spoke with the police while they were there; Victim did not want to speak with the officers, but Appellant ordered she do so, swearing at her until she complied with his demand. When Bryant made arrangements for a friend to pick her up, she told Appellant that Victim was leaving with her. Appellant responded with aggression, stating Victim was not permitted to leave and that "[he] would like to see somebody try to get past him." Although Victim stood up and attempted to leave, Appellant ordered her to "sit the fuck down." No one at the home supported Bryant's attempt to extricate Victim from the house so Bryant was forced to leave without Victim. Bryant noted that Appellant appeared "extremely, extremely paranoid" throughout the ordeal. (R.p.58, line 5–R.p.61, line 21)

On cross-examination, trial counsel impeached Bryant with her prior convictions, including those involving drugs and those which did not; Bryant's convictions unrelated to drugs were for shoplifting, financial transaction theft, grand larceny, and giving false information to law enforcement. (R.p.62, line 1–R.p.66, line 15)

Codefendant testified she met Appellant in 2015 through her ex-boyfriend and the group of drug users he hung out with. By early 2017, Codefendant fell in love and engaged in a sexual relationship with Appellant who also kept her supplied with methamphetamine. Due to these factors, she regularly went to his home, up to five days of the week. However, Codefendant was aware Appellant dated other women throughout their relationship. Still Codefendant aided Appellant however she could, even allowing him to drive a cobalt blue Kia Spectra which she had leased while she drove a white Mercury van. (R.p.461, line 17–R.p.467, line 16)

However, on April 21, 2017, Codefendant had yet to allow Appellant to drive her car and he instead relied upon others for transportation, including Codefendant. Unsure of whether Appellant had a ride to a court appearance he had scheduled for that morning, Codefendant stopped by his home around 8:00 a.m. When she arrived, she discovered Appellant was panicked and distraught. He told Codefendant to sit down, handed her methamphetamine, and asked her if she wanted to get high. As Codefendant began consuming the drugs, Appellant asked her to stay at his house while his mother took him to his court appearance. Although Appellant refused to tell her what was wrong, Codefendant agreed to stay at the home and prevent anyone from entering it while he was gone. Codefendant waited at the home, leaving only to pick her son up from school and drop him off at her mother's home. When Appellant returned, he was accompanied by Keith Kirkland, Kendall Hancock, and a woman unknown to her. Codefendant, along with everyone else, used methamphetamine until Jake Rupert showed up at Appellant's house. Eventually, Appellant spoke with Rupert and Codefendant in his living room and told them he had "messed up" and "killed somebody." Codefendant and Rupert doubted Appellant's story, so he went to his bedroom and returned with a photograph of Victim's hands. Shocked, Rupert left the residence. Soon after, Appellant informed

Codefendant that the reason he killed Victim was because he believed she was drilling holes in his wall to spy on him or "set him up" and Victim refused to provide him with her Google password when he demanded it. (R.p.467, line 17–R.p.475, line 22)

Following this explanation, Appellant resumed panicking and threatened to commit suicide. He called his mother to tell her about what had occurred, but she did not believe him so he threw his phone against the wall. After Appellant began crying, Codefendant spent a period of time trying to convince Appellant to not harm himself before becoming upset herself and walking outside. Appellant eventually exited his home, hugged Codefendant, and told her he was sorry and that they would "just figure this out." Codefendant agreed to help Appellant figure out his next move. (R.p.475, line 24–R.p.479, line 17)

Between April 21 and April 23, 2017, Appellant and Codefendant continued using methamphetamine and stayed awake for several days. On April 23, Appellant and Codefendant took Victim's body to the home of Appellant's uncle. The body was placed in a trash can and driven to the location in Codefendant's van. After receiving approval to use Corley's burn pit, Appellant unloaded the barrel from the van and began burning the remains. Codefendant left the scene for a bit in order to obtain a container of gas and food from McDonalds, both of which were purchased with Victim's debit card. After setting Victim's remains on fire, Appellant noticed the trash can containing them began melting so he used nearby debris to try and hide the flames; Appellant used a steel door, pieces of wood, and anything he could find in the area. Codefendant took Appellant's uncle to pick up food in order to get him away from the location, and by the time she returned Appellant had placed Victim's burned remains inside a new trash can which was loaded into the van. Afterwards, Appellant went over to the home of his friends Amy and Edward. Not wanting responsibility for the trash can, Codefendant left the trash can

with Appellant. From there, Appellant transported the trash can back to his house and stored it in a small storage shed. (R.p.479, line 18–R.p.486, line 9)

Concerned that visitors may eventually find Victim's remains, Appellant decided to use concrete to further conceal them. Codefendant told Appellant they could take the remains to her mother's home where they could mix the concrete, pour it into the trash can, and let it set. As soon as the concrete had dried, Appellant was supposed to move the remains to a different location. After the concrete was poured, Codefendant pulled the trash can into the woods bordering the property to hide it. (R.p.486, line 10–R.p.488, line 2)

Following the disposal of Victim's remains, Appellant limited his contact with Codefendant. Codefendant got the impression from Appellant that he intended to pin Victim's murder on her. Codefendant was distraught: Appellant had initially told her he would leave town with her and leave everyone behind. Additionally, Appellant refused to see Codefendant at her home because Victim's remains were still nearby. On April 27, Codefendant confronted Appellant in a message, explaining that no one else would support him given "the crime [he] committed." By May 4, Appellant began looking for a truck so he could move the trash can. However, despite weeks of discussion regarding moving the remains, Appellant failed to do so. Additionally, Appellant became paranoid that Codefendant was working with the police. Eventually, after repeated assurances Codefendant was loyal and loved him, Appellant began talking about the two of them fleeing to Florida. Appellant and Codefendant began hanging out again, but the situation soured in early June of 2017 when Appellant once again became romantic with another woman. As a result, Codefendant tried to reclaim her car from Appellant, but the other woman who had been using Codefendant's car beat her with a metal flashlight. Despite the beating and the filing of a police report over the incident, both women continued dating

Appellant. Additionally, Appellant and Codefendant continued to message each other about the crime and the police investigation into it. On June 23, 2017, both Appellant and Codefendant were arrested. (R.p.488, line 3–R.p.508, line 21; R.pp.847–911)

Dr. Amy Durso, the forensic pathologist who studied Victim's remains, also testified the fractures found to Victim's ribs were not consistent with a scenario in which she was tackled or fell to the floor and that a fall which would actually cause fatal injuries requires significant height, starting at about twenty feet off the ground. Further, the fractured ribs themselves would not have caused any instantly fatal injuries: if they had punctured her lungs or organs, she would have had time to obtain medical treatment. Dr. Durso also noted Victim's spinal cord did not show any indication that it had been broken or damaged. (R.p.558, line 14–R.p.579, line 12; R.p.589, line 6–R.p.592, line 18)

Regina Wangness, a friend of Appellant's who routinely used methamphetamine with him, recalled an occasion in May of 2017 when she and Appellant used methamphetamine and stayed awake for several days straight. Eventually, the pair went to Appellant's uncle's home. While sitting on the front porch of the residence, Appellant acted reserved. When Wangness asked him if anything was wrong, Appellant told her that he had "ripped a girl's throat out" because he believed "she was setting him up because he could see the dudes through the holes in his bedroom wall." (R.p.626, line 22–R.p.640, line 15)

Michael Potts met Appellant when both men were incarcerated at the Lexington County Detention Center. One day, while Potts was waiting to be processed, he heard Appellant tell another inmate he "had a body" and had choked and murdered Victim. Additionally, Appellant told the inmate he had murdered Victim because she "had people installing cameras around the house watching them have sex." Appellant then claimed he hid the body and called his friend

Jake Rupert and invited him to the home; when Rupert arrived, Appellant asked him to help dispose of Victim's body, but Rupert refused and left. Appellant told the other inmate that he had sawed the body into pieces and placed it inside of a barrel. After hearing the conversation, Potts purposely got himself placed into "lock-up" so he would no longer be held in proximity to Appellant because he planned to reveal Appellant's admissions to his attorney and the authorities. Potts's concern was further validated when he discovered Appellant had placed a "hit" on Rupert, asking members of the Gangster Disciple gang to kill him "on sight." While in lock-up, Potts encountered Rupert and warned him about the danger he was in. (R.p.661, line 17–R.p.674, line 12)

Rupert himself also testified and explained his interactions with Appellant around the time of the murder. On March 31, 2017, Appellant was released from prison and ended up moving to Lexington County. After running into Appellant by chance at a Walmart, the two men resumed their decades of friendship. In the early hours of April 21, 2017, Appellant messaged Rupert and asked where he was. Later that day, Rupert went over to Appellant's home to deliver methamphetamine and encountered Appellant and two women he did not recognize. After the group began ingesting the methamphetamine, Appellant went over to Rupert and began talking about an "accident." When Rupert pressed Appellant for an explanation, Appellant described choking a woman to death and eventually revealed it was Victim. Rupert was visibly confused by Appellant's claim, so Appellant showed Rupert Victim's arm by pulling it out of a blanket. Overwhelmed by the situation, he refused to help Appellant dispose of the body and left the home. (R.p.703, line 18–R.p.715, line 12; R.p.719, line 15–25; R.p.722, lines 3–6)

After Rupert left, Appellant continued messaging him and claiming the corpse was a "joke" and asked Rupert to return to the house. In May of that year, Appellant again solicited

help from Rupert, who again refused to aid him in disposing of the body. (R.p.772, line 7–R.p.724, line 25; R.pp.843–45)

Rupert did not contact law enforcement about what he had seen, but was arrested in the middle of June 2017 on a weapons charge. While incarcerated, the Lexington County Sheriff's Department asked Rupert about Appellant and the murder. Rupert was initially hesitant to speak about what he had witnessed, but provided the information to deputies during a second interview on June 22. Rupert told officers that Appellant had even demonstrated how he committed the murder, using his hands to reenact what he had done. Rupert recalled Appellant was "sketched out, sleep [deprived]" when he described the murder on April 21. He also remembered Appellant had claimed the murder occurred because Victim had drilled holes into the walls of his home to place cameras with which she could record him. During the police interview, Rupert was also able to identify the blanket found at Appellant's uncle's property as the one he saw covering Victim at Appellant's home. (R.p.715, line 13–R.p.719, line 14; R.p.726, line 19–R.p.727, line 19; State's Exhibit 116)

Rupert also testified about seeing Victim approximately a week before discovering she had been murdered. Rupert saw Victim at Appellant house after Appellant asked Rupert for methamphetamine; Rupert had previously met Victim through Ryan Jackson, the father of her child. When he first entered the home, Appellant was in the bathroom and Victim was by herself in the living room. When Rupert yelled to ask Appellant who was paying for the drugs, Victim began whispering to him and saying Appellant was crazy. Victim asked Rupert for a pipe with which to smoke the drugs, but he did not have one and suggested they go to the store to obtain one. Victim rejected the idea, stating she did not want leave with Rupert out of fear Appellant would kill them both. When Appellant finally entered the room, Victim was still whispering

with Rupert which sparked immediate jealousy in Appellant who asked Victim whether she wanted to have sexual intercourse with Rupert. (R.p.720, line 1–R.p.722, line 2)

Nicholas Batalis, a forensic pathologist who testified for the defense, reviewed Dr. Stevens's report and found Victim's rib fractures may have punctured her lungs and could have been caused by being tackled by a much heavier person. However, on cross-examination Batalis conceded intense pressure applied to Victim's sternum while she was being strangled could have caused her rib fractures. During its closing, the defense again argued Codefendant killed Victim in a fit of jealousy. (R.p.593, line 25–R.p.620, line 8; R.p.901, lines 11–25; R.p.803, line 25–R.p.808, line 6)

STANDARD OF REVIEW

In criminal cases, appellate courts sit to review errors of law only. State v. Baccus, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006). Trial judges have considerable discretion in ruling on the admission or exclusion of evidence, and an appellate court will not reverse a trial judge's ruling on evidentiary matters absent a clear abuse of that discretion resulting in prejudice to the defendant. State v. Gaster, 349 S.C. 545, 557, 564 S.E.2d 87, 93 (2002); 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. Kelley, 319 S.C. 173, 176, 460 S.E.2d 368, 370 (1995) ("A trial judge has considerable latitude in ruling on the admissibility of evidence and his rulings will not be disturbed absent a showing of probable prejudice."); also 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.").

Likewise, decisions regarding the conduct of a criminal trial are left largely to the sound discretion of trial judges, and a trial judge's ruling on the conduct of a trial will not be reversed absent a prejudicial abuse of discretion. State v. Bryant, 372 S.C. 305, 312, 642 S.E.2d 582, 586 (2007); see State v. Heath, 232 S.C. 384, 391, 102 S.E.2d 268, 272 (1958) ("Necessarily the conduct of a trial is largely within the discretion of the presiding judge, to the end that a fair and impartial trial may be had."). "An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law." State v. McDonald, 343 S.C. 319, 325, 540 S.E.2d 464, 467 (2000).

ARGUMENT

The trial judge properly admitted evidence of the frequent use of methamphetamine by Appellant and the State's witnesses because it was necessary res gestae evidence explaining why Appellant committed the charged crimes and also why he confessed his crimes to the State's witnesses. Further, Appellant's use of methamphetamine was also admissible under Rule 404(b), SCRE, as evidence of his motive and intent to murder Victim.

Appellant argues the trial judge erred in admitting evidence pertaining to the use of methamphetamine by himself and the State's witnesses. The State disagrees with this allegation of error. Evidence of Appellant's methamphetamine use was admissible pursuant to res gestae theory to establish the context in which Appellant committed his various crimes, explaining his multiple confessions to various friends and acquaintances, and corroborating the testimony of several of the State's witnesses. Additionally, the evidence was admissible as evidence of other bad acts because it demonstrated his motive and intent for committing the murder. However, even assuming the trial judge abused his discretion in admitting the evidence, any error was entirely harmless in light of the insignificance of the challenged evidence in relation to the case as a whole coupled with the overwhelming nature of the other evidence of Appellant's guilt. Appellant's convictions should be affirmed.

Res Gestae and Rule 403, SCRE

Issue Preservation

As an initial matter, the State notes Appellant appears to blend the concepts of Rule 404(b), SCRE, and res gestae evidence together: Appellant's issue statement fails to allege which rules of evidence or precedent were violated by the admission of evidence of methamphetamine use. (Br. of Appellant p.10). Then, Appellant begins his argument by citing to case law describing Rules 403 and 404(b) but omits citations related to res gestae theory. (Br.

of Appellant, p.14). Appellant's argument section only further confuses the issue because he cites predominantly to portions of cases analyzing Rule 404(b)[1] and uses them to argue against the admission of the State's evidence under res gestae theory. (Br. of Appellant pp.15–19); see also State v. King, 422 S.C. 47, 69–70, 810 S.E.2d 18, 29–30 (2017) (finding the admission of the defendant's jailhouse phone call, while relevant to establishing his identity as the owner of a cell phone number, was unfairly prejudicial to the defendant due to it containing the use of swearing, racial slurs, and reference to the defendant's prior bad acts because other evidence establishing the defendant's phone number was available to the State) ; State v. Dickerson, 341 S.C. 391, 396, 535 S.E.2d 119, 121 (2000) (finding evidence of the defendant's drug use was admissible to prove his identity as the Victim's killer because of the "overkill" of the murder) ; State v. Smith, 309 S.C. 442, 445–46, 424 S.E.2d 496, 498 (1992) (finding evidence of the defendant's drug use was "incompetent to establish motive" for murder because there was not any evidence in the record supporting a relationship between the crime and drug use); State v. Bolden, 303 S.C. 41, 43, 398 S.E.2d 494, 494–95 (1990) (explaining the admission of evidence pertaining to defendant's social use of crack cocaine was prejudicial where its "only function was to demonstrate the defendant's bad character" and nothing in the record demonstrated a logical connection between the drug use and the crime); State v. Coleman, 201 S.C. 57, 60, 389 S.E.2d 659, 660–61 (1990) (stating evidence of the defendant's drug use, based on the record in

[1] Two of the cases utilized by Appellant predate the enactment of Rule 404(b) in the South Carolina Rules of Evidence. Instead, they were based upon the common law standard of that rule first stated in State v. Lyle, 125 S.C. 406, 118 S.E. 803 (1923). However, both Lyle and Rule 404(b) allow for the admission of a defendant's prior bad acts or crimes provided the show either motive, intent, the absence of mistake or accident, a common scheme or plan, or the identity of the perpetrator. See id.; also Rule 404(b), SCRE.

that case, was incompetent to establish his motive for the murder and only demonstrated his bad character and social irresponsibility).

Accordingly, Appellant's failure to cite authority supporting an argument about the inapplicability of res gestae theory to his case renders his argument on the issue conclusory and therefore abandoned on appeal. See State v. Jones, 344 S.C. 48, 58, 543 S.E.2d 541, 546 (2001) (finding an argument to be abandoned where it raised in a conclusory manner); Glasscock, Inc. v. United States Fid. & Guar. Co., 348 S.C. 76, 81, 557 S.E.2d 689, 691-692 (Ct. App. 2001) (holding an argument raised on appeal in a conclusory fashion without citation to authority was abandoned for appellate purposes and noting "South Carolina law clearly states that short, conclusory statements made without supporting authority are deemed abandoned on appeal and therefore not presented for review").

Merits

Even if this Court finds Appellant articulated a preserved argument on res gestae, this Court should affirm Appellant's conviction because the trial judge correctly found the evidence of Appellant's drug use was admissible under res gestae theory.

Evidence of prior bad acts is admissible when it furnishes part of the context of the crime or is necessary to a full presentation of the case. State v. Adams, 322 S.C. 114, 470 S.E.2d 366 (1996); State v. Fletcher, 363 S.C. 221, 246, 609 S.E.2d 572, 585 (Ct. App. 2005). "The res gestae theory recognizes that evidence of other bad acts may be an integral part of the crime with which the defendant is charged or may be needed to aid the fact finder in understanding the context in which the crime occurred." Fletcher, 363 S.C. at 246, 609 S.E.2d at 585 (citing State v. Owens, 346 S.C. 637, 552 S.E.2d 745 (2001); State v. Wood, 362 S.C. 520, 608 S.E.2d 435 (Ct. App. 2004). This evidence of other crimes is admissible:

> when such evidence "furnishes part of the context of the crime" or is necessary to a "full presentation" of the case, or is so intimately connected with and explanatory of the crime charged against the defendant and is so much a part of the setting of the case and its "environment" that its proof is appropriate in order "to complete the story of the crime on trial by proving its immediate context or the 'res gestae' " or the "uncharged offense is 'so linked together in point of time and circumstances with the crime charged that one cannot be fully shown without proving the other ... '[and is thus] part of the res gestae of the crime charged.' And where evidence is admissible to provide this 'full presentation' of the offense," [t]here is no reason to fragmentize the event under inquiry" by suppressing parts of the "res gestae."

Adams, 322 S.C. at 122, 470 S.E.2d at 370–71 (quoting United States v. Masters, 622 F.2d 83, 86 (4th Cir.1980) (citations omitted)).

Pursuant to Rule 401, SCRE: "'Relevant evidence' means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Additionally: "All relevant evidence is admissible, except as otherwise provided by the Constitution of the United States, the Constitution of the State of South Carolina, statutes, these rules, or by other rules promulgated by the Supreme Court of South Carolina. Evidence which is not relevant is not admissible." Rule 402, SCRE. "Although relevant, evidence may be excluded if its probative value is *substantially* outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." Rule 403, SCRE (emphasis added).

"Probative" means "[t]ending to prove or disprove." Black's Law Dictionary 1323 (9th ed. 2009). "Probative value" is the measure of the importance of that tendency to the outcome of a case. State v. Gray, 408 S.C. 601, 609–10, 759 S.E.2d 160, 165 (Ct. App. 2014). "It is the

weight that a piece of relevant evidence will carry in helping the trier of fact decide the issues." Id. at 610, 759 S.E.2d at 165. "[T]he more essential the evidence, the greater its probative value." Id. (quoting United States v. Stout, 509 F.3d 796, 804 (6th Cir.2007)) (internal quotation marks omitted). "Thus, a court analyzing probative value considers the importance of the evidence and the significance of the issues to which the evidence relates." Gray, 408 S.C. 610, 759 S.E.2d 165.

"Unfair prejudice means an undue tendency to suggest decision on an improper basis." State v. Wiles, 383 S.C. 151, 158, 679 S.E.2d 172, 176 (2009). "Unfair prejudice does not mean the damage to a defendant's case that results from the legitimate probative force of the evidence; rather it refers to evidence which tends to suggest decision on an improper basis." State v. Gilchrist, 329 S.C. 621, 630, 496 S.E.2d 424, 429 (Ct. App. 1998) (quoting United States v. Bonds, 12 F.3d 540, 567 (6th Cir.1993)). "[A]ll evidence is meant to be prejudicial; it is only unfair prejudice which must be avoided." United States v. Rodriguez–Estrada, 877 F.2d 153, 156 (1st Cir.1989). "The term 'unfair prejudice,' as to a criminal defendant, speaks to the capacity of some concededly relevant evidence to lure the factfinder into declaring guilt on a ground different from proof specific to the offense charged." Old Chief v. United States, 519 U.S. 172, 180 (1997).

In his brief, Appellant compares his case to both Smith and Coleman, cases in which the Supreme Court found the admission of the defendants' drug use improper. (Br. of Appellant pp.16–18). Notably, both cases are distinguishable from Appellant's because in those cases, the evidence of drug use was entirely unconnected to underlying facts of the charged crimes. See Smith, 309 S.C. at 446 (finding evidence of the defendant's cocaine use "at unspecified times prior to the murder" were admitted solely to portray her in a negative light); Coleman, 301 S.C.

at 60, 389 S.E.2d at 660 (finding no connection between the defendant's past cocaine use with the facts presented by the State at trial).

However, Appellant's case is similar to that of Dickerson,[2] in which the Supreme Court of South Carolina found evidence of Appellant's drug use admissible under res gestae theory. Citing to Adams, 322 S.C. at 122, 470 S.E.2d at 471, the court found "the cocaine use [by defendant] was so much a part of the crime that omitting the evidence of it would unnecessarily fragmentize the State's case" and drug use was "inextricably intertwined" with the defendant's charged offenses. Dickerson, 341 S.C. at 400, 535 S.E.2d at 123.

In the case at bar, the sole evidence challenged on appeal was the various testimony indicating Appellant, along with many of the State's witnesses, regularly used methamphetamine. Appellant fails to recognize this evidence of drug use was not submitted into evidence to attack his character, but to provide context for the events witnessed by the State's witnesses. Notably, Bryant, Wangness, Rupert, and Codefendant all witnessed the events relevant to the State's case while they and Appellant were using methamphetamine. Bryant and Rupert saw Appellant and Victim together in the days leading up to the murder. Both witnesses observed Appellant using methamphetamine during their visits and, while high, acted paranoid and controlling of Victim. During those incidents, Victim expressed concern for her wellbeing and fear of Appellant. Bryant's encounter with Appellant ended in a confrontation in which he refused to let her leave with Victim.

---

[2] As explained above, Dickerson involved the court admitting evidence of a defendant's drug use under res gestae theory and Rule 404(b), SCRE. Id. at 396–401, 535 S.E.2d at 121–24. However, Appellant cites in his brief only to the portion of Dickerson finding the admission of the defendant's drug use was admissible under Rule 404(b). (Br. of Appellant pp.16–17). Accordingly, the State maintains Appellant's challenge to the admission of the evidence of his drug use pursuant to res gestae theory is not preserved for appellate review.

Wangness, Rupert, and Codefendant all saw Appellant in the days and weeks following the murder and used methamphetamine with him. While under the effects of methamphetamine, Appellant was extremely paranoid and confessed to the murder, claiming the motive for which was the bizarre belief that Victim had placed cameras inside the walls of his home. Rupert specifically recalled that when he saw Appellant on April 21, he was appeared "sketched out" and suffering from sleep deprivation. Codefendant also observed Appellant's paranoia from the drugs and continued using methamphetamine with him for several days, through the time in which Appellant and Codefendant burned Victim's body. Importantly, Codefendant's testimony indicated Appellant came up with and executed his idea of burning Victim's body while on a methamphetamine bender.

As evidenced by the State's witnesses, Appellant's methamphetamine use, like the drug use in Dickerson, was relevant to the State's case because it was inextricably intertwined with Appellant's crimes. The State's eyewitnesses to Appellant's treatment of Victim before her murder and his actions afterwards all confirmed that Appellant was under the influence of methamphetamine during those time periods; Appellant confessed to the crime and his paranoid delusions relating to it while high. These witnesses also connected Appellant's paranoid fears with his methamphetamine use and his tendency to stay awake for days at a time while using it. Additionally, Appellant committed at least two of his charged crimes, criminal conspiracy and desecration of human remains, while on a methamphetamine bender with Codefendant in the days following his confession of the murder to Wangness and Rupert. Thus, Appellant's drug use was part of the "environment" of the crime and inextricably linked with his criminal acts. See Anderson v. State, 354 S.C. 431, 435, 581 S.E.2d 834, 836 (2003) ("A defendant's prior bad act is admissible if it forms part of the res gestae of the crime."); see also United States v.

Williford, 764 F.2d 1493, 1499 (11th Cir. 1985) ("Evidence, not part of the crime charged but pertaining to the chain of events explaining the context, motive and set-up of the crime, is properly admitted if linked in time and circumstances with the charged crime, or *forms an integral and natural part of* an account of the crime, or is *necessary to complete the story* of the crime for the jury." (emphasis added)).

Moreover, Appellant was not unfairly or unduly prejudiced by the admission of the drug evidence. Evidence of Appellant's drug use did not translate into improper propensity evidence suggesting a pattern of violent behavior. See State v. Brown, 344 S.C. 70, 76, 543 S.E.2d 552, 555 (2001) (finding evidence of the defendant's gambling problem did not imply the defendant had a propensity for violent crime). Further, the evidence of his drug use did not prejudice or alter Appellant's defense, which was admitting to helping Codefendant dispose of the body but blaming her for the actual murder. In fact, admission of the drug use gave Appellant a powerful tool with which to challenge the testimony of the State's eyewitnesses: the ability to attack their credibility and memories of these events by pointing out they were also high on methamphetamine at those moments.

For those reasons, the trial judge did not abuse her discretion in admitting the prior bad act evidence or in finding the probative value of the evidence outweighed the potential prejudicial effect that might have resulted from its admission. See State v. Hamilton, 344 S.C. 344, 358, 543 S.E.2d 586, 594 (Ct. App. 2001) ("If judicial self-restraint is ever desirable, it is when a Rule 403 analysis of a trial court is reviewed by an appellate tribunal."), overruled on other grounds by State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005); see also State v. Gilchrist, 329 S.C. 621, 630, 496 S.E.2d 424, 429 (Ct. App. 1998) (" 'Unfair prejudice does not mean the damage to a defendant's case that results from the legitimate probative force of the evidence;

rather it refers to evidence which tends to suggest decision on an improper basis.' " (citations omitted)). Accordingly, Appellant's convictions should be affirmed.

Rule 404(b), SCRE

Additionally, even if not part of the res gestae of the crime, the evidence of drug use was admissible under Rule 404(b), SCRE as evidence of Appellant's motive and intent for the incident.

"Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith." State v. Cope, 405 S.C. 317, 337, 748 S.E.2d 194, 204 (2013); see also State v. Weaverling, 337 S.C. 460, 467, 523 S.E.2d 787, 791 (Ct. App. 1999) *citing* State v. Lyle, 125 S.C. 406, 118 S.E.2d 803 (1923) ("Generally, South Carolina law precludes evidence of a defendant's prior crimes or other bad acts to prove the defendant's guilt of the crime charged."); Rule 404(b), SCRE (evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith).

However, evidence of other crimes or misconduct is admissible to prove the specific crime charged when it tends to establish (1) motive; (2) intent; (3) the absence of mistake or accident; (4) a common scheme or plan embracing the commission of two or more crimes so related that proof of one tends to establish the other; or (5) identity. See Rule 404(b), SCRE; State v. Lyle, 125 S.C. 406, 118 S.E.2d 803 (1923); also State v. Wilson, 274 S.C. 635, 266 S.E.2d 426 (1980); State v. McClellan, 283 S.C. 389, 323 S.E.2d 772 (1984); State v. Atkins, 309 S.C. 542, 424 S.E.2d 554 (1992); State v. Weaverling, at 468–69, 523 S.E.2d at 791; State v. Wallace, 384 S.C. 428, 683 S.E.2d 275 (2009); State v.Clasby, 385 S.C.148, 682 S.E.2d 892 (2009); "To be admissible, the bad act must logically relate to the crime with which the

defendant has been charged. If the defendant was not convicted of the prior crime, evidence of the prior bad act must be clear and convincing. When considering whether there is clear and convincing evidence of other bad acts, an appellate court is bound by the trial judge's factual findings unless they are clearly erroneous. State v. Clasby, 385 S.C. at 154, 682 S.E.2d at 895, *citing* State v. Wilson, 345 S.C. 1, 6, 545 S.E.2d 827, 829 (2001).

In the case sub judice, Appellant's drug use also constitutes evidence of his motive and intent for killing Victim. Codefendant, Wangness, and Rupert all testified Appellant killed Victim based upon the paranoid belief she had placed cameras in the walls of Appellant's home and was recording him. This testimony, combined with other testimony that Appellant suffered from extreme paranoia while using methamphetamine, served as the foundation for the State's theory of the case: Appellant killed Victim in a drug-induced paranoia in an effort to find and destroy the cameras he imagined were hidden in his walls of his home. Accordingly, evidence of Appellant's drug use was admissible under Rule 404(b), SCRE. See Rule 404(b), SCRE; Lyle, 125 S.C. 406, 118 S.E.2d 803.

Harmlessness of Any Error in the Admission of the Evidence

Appellate courts will generally not set aside a judgment based on insubstantial errors not affecting the result. State v. Sherard, 303 S.C. 172, 176, 399 S.E.2d 595, 597 (1991). After an error is found, the appellate court must then review the other evidence considered at trial besides the erroneously admitted evidence. State v. Baccus, 367 S.C. 41, 55, 625 S.E.2d 216, 223 (2006). Error is harmless beyond a reasonable doubt if it does not contribute to the verdict. State v. Fletcher, 379 S.C. 17, 25, 664 S.E.2d 480, 484 (2008). The harmlessness of an error in the admission of evidence generally depends on the materiality of the evidence in relation to the case as a whole. State v. Haselden, 353 S.C. 190, 196, 577 S.E.2d 445, 448 (2003); see State v.

Wiley, 387 S.C. 490, 497, 692 S.E.2d 560, 564 (Ct. App. 2010) ("No definite rule of law governs this finding; rather, the materiality and prejudicial character of the error must be determined from its relationship to the entire case."). "When guilt has been conclusively proven by competent evidence such that no other rational conclusion can be reached, the Court should not set aside a conviction because of insubstantial errors not affecting the result." State v. Bailey, 298 S.C. 1, 5, 377 S.E.2d 581, 584 (1989). Thus, when overwhelming evidence of guilt has been presented or when erroneously admitted evidence is merely cumulative to other properly admitted evidence, any trial error may be harmless. See State v. Gathers, 295 S.C. 476, 480-481, 369 S.E.2d 140, 143 (1988) ("[I]n view of the overwhelming evidence of appellant's guilt, we hold any error harmless beyond a reasonable doubt."); State v. Blackburn, 271 S.C. 324, 329, 247 S.E.2d 334, 337 (1978) ("Under settled principles, the admission of improper evidence is harmless where it is merely cumulative to other evidence.").

In Appellant's case, even if the admission of Appellant's drug use into evidence was error, its introduction at trial was harmless. On appeal, Appellant does not challenge the propriety of the substance of the testimony against him, including the various witnesses who heard him confess to the crime, his misrepresentations to law enforcement, or the use of uncle's property to burn Victim's corpse. At trial, the State presented overwhelming evidence of Appellant's guilt. No other rational conclusion could be drawn from the State's evidence and Appellant's conviction should not be reversed based on such an insignificant error. See State v. Bryant, 369 S.C. 511, 518, 633 S.E.2d 152, 156 (2006) ("[A]ppellate courts will not set aside convictions due to insubstantial errors not affecting the result."). Appellant's convictions should be affirmed.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

WILLIAM F. SCHUMACHER, IV
Assistant Attorney General

BY: _____
William F. Schumacher, IV
Bar # 100231
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-0368

ATTORNEYS FOR RESPONDENT

October 13, 2021

RECEIVED
Oct 13 2021
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Court of General Sessions
The Honorable Steven H. John, Circuit Court Judge

Appellate Case No. 2020-000214

THE STATE, ...RESPONDENT,

v.

LEE ANTHONY CORLEY, ...APPELLANT.

CERTIFICATE OF COUNSEL

The undersigned certifies this Final Brief of Respondent complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

WILLIAM F. SCHUMACHER, IV
Assistant Attorney General

BY: _____

WILLIAM F. SCHUMACHER, IV
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

October 13, 2021