THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA In The Supreme Court

The State, Respondent,
v.
Tavario Dormell Brunson, Appellant.
Appellate Case No. 2012-211593
Appeal from Florence County William H. Seals, Jr., Circuit Court Judge Memorandum Opinion No. 2015-MO-009 Heard January 22, 2014 – Filed March 4, 2015
REVERSED

Appellate Defender Susan Barber Hackett, of Columbia, for Appellant.

Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, and Senior Assistant Deputy Attorney General Donald J. Zelenka, all of Columbia, and Solicitor Edgar Lewis Clements, III, of Florence, for Respondent.

JUSTICE PLEICONES: Reversed pursuant to Rule 220(b)(1), SCACR, and the following authority: *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014). We stay this relief until all stays issued in *Aiken* are lifted.

REVERSED.

BEATTY and HEARN, JJ., concur. KITTREDGE, J., dissenting in a separate opinion in which TOAL, C.J., concurs.

JUSTICE KITTREDGE: I dissent. For the reasons set forth in the dissent of Chief Justice Toal in *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014), I would affirm Appellant's conviction and sentence.

TOAL, C.J. concurs.