The Supreme Court of South Carolina

RE: Administrative Suspensions for Failure to Pay License Fees Required by Rule 410 of the South Carolina Appellate Court Rules (SCACR)

O R D E R

The South Carolina Bar has furnished the attached list of lawyers (including those holding a limited certificate to practice law) who have failed to pay their license fees for 2017. Pursuant to Rule 419(d)(1), SCACR, these lawyers are hereby suspended from the practice of law. They shall surrender their certificate of admission to practice law to the Clerk of this Court by March 24, 2017.

Any petition for reinstatement must be made in the manner specified by Rule 419(e), SCACR. Additionally, if they have not verified their information in the Attorney Information System, they shall do so prior to seeking reinstatement.

These lawyers are warned that any continuation of the practice of law in this State after being suspended by this order is the unauthorized practice of law, and will subject them to disciplinary action under Rule 413, SCACR, and could result in a finding of criminal or civil contempt by this Court. Further, any lawyer who is aware of any violation of this suspension shall report the matter to the Office of Disciplinary Counsel. Rule 8.3, Rules of Professional Conduct for Lawyers, Rule 407, SCACR.

s/ Donald W. Beatty C.J.

s/ John W. Kittredge J.

s/ Kaye G. Hearn J.

s/ John Cannon Few J.

s/ George C. James, Jr J.

Columbia, South Carolina
February 21, 2017

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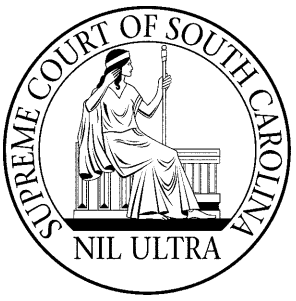

OPINIONS

OF

THE SUPREME COURT

AND

COURT OF APPEALS

OF

SOUTH CAROLINA

ADVANCE SHEET NO. 8
February 22, 2017
Daniel E. Shearouse, Clerk
Columbia, South Carolina
www.sccourts.org

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2016-UP-352-State v. Daniel W. Spade	Pending
2016-UP-366-In Re: Estate of Valerie D'Agostino	Pending
2016-UP-367-State v. Christopher D. Campbell	Pending
2016-UP-368-Overland, Inc. v. Lara Nance	Pending
2016-UP-382-Darrell L. Goss v. State	Pending
2016-UP-392-Joshua Cramer v. SCDC (2)	Pending
2016-UP-395-Darrell Efird v. The State	Pending
2016-UP-402-Coves Darden v. Francisco Ibanez	Pending
2016-UP-403-State v. Arthur Moseley	Pending
2016-UP-404-George Glassmeyer v. City of Columbia (2)	Pending
2016-UP-405-Edward A. Dalsing v. David Hudson	Pending
2016-UP-406-State v. Darryl Wayne Moran	Pending
2016-UP-408-Rebecca Jackson v. OSI Restaurant Partners	Pending
2016-UP-411-State v. Jimmy Turner	Pending
2016-UP-421-Mark Ostendorff v. School District of Pickens	Pending
2016-UP-424-State v. Daniel Martinez Herrera	Pending
2016-UP-430-State v. Thomas James	Pending
2016-UP-436-State v. Keith D. Tate	Pending

2016-UP-447-State v. Donte S. Brown	Pending
2016-UP-448-State v. Corey J. Williams	Pending
2016-UP-461-Melvin T. Roberts v. Mark Keel	Pending
2016-UP-473-State v. James K. Bethel, Jr.	Pending

THE STATE OF SOUTH CAROLINA
In The Supreme Court

The State, Respondent,

v.

Alphonso Chaves Thompson, Petitioner.

Appellate Case No. 2015-002221

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal from Spartanburg County
J. Derham Cole, Circuit Court Judge

Opinion No. 27706
Heard December 1, 2016 – Filed February 22, 2017

REVERSED

Michael Patrick Scott, of Nexsen Pruet, LLC, and Chief Appellate Defender Robert Michael Dudek, both of Columbia, for Petitioner.

Attorney General Alan McCrory Wilson, Assistant Attorney General Mark Reynolds Farthing, of Columbia, and Solicitor Barry J. Barnette, of Spartanburg, for Respondent.

ACTING JUSTICE PLEICONES: Petitioner Thompson was convicted of trafficking in cocaine in excess of 400 grams, possession of a weapon during the commission of a violent crime, and possession with intent to distribute ("PWID") marijuana. He was sentenced to concurrent sentences of twenty-five years' imprisonment, and two terms of five years' imprisonment, respectively.

At a pre-trial hearing, Thompson challenged the admissibility of the evidence recovered during a search conducted at his parents' home located in Spartanburg County at 120 River Street,[1] arguing the affidavit supporting the search warrant for the property was invalid. The trial judge found the affidavit was sufficient, and denied the motion to suppress the evidence. The Court of Appeals affirmed Thompson's convictions and sentences. *See State v. Thompson*, 413 S.C. 590, 776 S.E.2d 413 (Ct. App. 2015). We granted Thompson's request for a writ of certiorari to review the Court of Appeals' decision. Because we find the affidavit supporting the search warrant fails to establish a fair probability that the evidence sought would be found at 120 River Street, we hold the Court of Appeals erred in affirming the trial judge's denial of the motion to suppress the evidence recovered there.

FACTS

Prior to trial, Thompson moved to suppress the evidence seized from 120 River Street. Thompson challenged the search warrant under the Fourth Amendment to the United States Constitution, Article I, § 10 of the South Carolina Constitution, and S.C. Code Ann. § 17-13-140 (2014). Specifically, Thompson argued the affidavit in support of the search warrant was insufficient because it: relied on information that was stale; provided information from informants without any indicia of their reliability or basis of knowledge; and offered defectively unspecific facts as to whether the evidence sought would be found at Thompson's parents' home.

The affidavit supporting the search warrant for the premises, which was provided to the issuing judge on May 13, 2010, states:

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[1] The trial judge ruled Thompson had standing to challenge the search conducted at his parents' home, and the State does not challenge that finding on appeal.

In June of 2007 Investigators from the Spartanburg County Sheriff's Office[2] Narcotics Division had two different Confidential Reliable Informants (CRI) give information that they had been buying large amounts of cocaine from a black male that they only knew as "POO BEAR." These two CRI's [sic] stated that several large cocaine transactions took placed [sic] over the course of several months. These CRI's [sic] furnished information that was able to be corroborated such as vehicle descriptions and photo identifications. Both CRI's [sic] stated that they knew POO BEAR to drive a gray in color Honda Accord Station wagon when he would conduct these drug deals. It was learned through this Investigation that "POO BEAR" was positively identified as Alfonso Thompson and he also had an F350 Ford Dually [sic] blue and Gold in color. In August of 2007 the SCSO Narcotics Division arrested Keith Jeter who stated that he was being supplied 4 ½–9 oz. of cocaine at a time from Alfonzo Thompson aka "POO BEAR." Jeter further stated that "POO BEAR" would bring the cocaine to his residence on Huxley St. in Spartanburg City. In September of 2008 the SCSO Narcotics Division interviewed a [sic] individual named Fred Meadows who stated that he was being supplied cocaine from "POO BEAR" and that "POO BEAR" drove a blue and gold Ford F–350 Dually [sic]. Meadows further stated that he grew up with "POO BEAR" in the city and has known him for a long time. Meadows stated that "POO BEAR" would deliver the cocaine to his house on Virginia St. in the city of Spartanburg. Also in late 2008 Spartanburg City Police Narcotics had an informant who came forward and stated the [sic] "POO BEAR" had a residence at the end of River St. on the left hand side and that "POO BEAR" was a large scale cocaine Trafficker [sic]. In January of 2009 the Spartanburg County

[2] Referred to throughout the remainder of the affidavit as the "SCSO."

Narcotics Division had two more different CRI's that came forward and stated that they had purchased 18 ounces of cocaine from "POO BEAR." They identified Alfonzo Thompson in a photo lineup as being the "POO BEAR" that they had dealt with. These two CRI's also confirmed that "POO BEAR" had an F–350 Ford Dually [sic] and it was Blue and Gold in color. On February 11, 2009 The [sic] Spartanburg County Narcotics Division arrested Jose Luis Diaz–Arroyo with a kilo of cocaine. During the interview with Arroyo he stated that his brother in law Alejandro Sosa Galvan was supplying a black male named "POO BEAR." Arroyo further stated that Sosa Galvan had multiple Kilos of cocaine delivered to "POO BEAR" at this River St. address on several different occasions. On July 30, 2009 a fifth CRI stated he was being supplied by a Deangelo Young aka "LITTLE MAN" and that Young was getting his cocaine from his cousin "POO BEAR." This CRI made a controlled buy from "LITTLE MAN" by taking him $4000 in Spartanburg County Sheriff's Office recorded funds. "LITTLE MAN" left the buy location and was followed to 1868 Tamara Way where he met with "POO BEAR" (THOMPSON). Thompson was driving a white in color Honda Civic Sc [sic] tag []. This Civic is registered to a Pamela D. Jones of 1868 Tamara Way. Pamela Jones is a known girlfriend of "POO BEAR." "LITTLE MAN" left "POO BEAR" and met with the CRI at the buy location where he turned over 4 ounces of Cocaine to him.

Over the past 6 months the Spartanburg County Sheriff's Office Narcotics Division has conducted surveillance on 120 River St. and on several occasions has seen Thompson driving different vehicles to include the Ford F–350 Dually [sic] blue and gold in color and the white in color Honda Civic to and from this location. Investigators have also seen the gray in color Honda Accord station wagon come and go from this residence.

Over the past 6 months Investigators have witnessed Thompson visit this 120 River St. address just before making cocaine deliveries throughout Spartanburg City.

On May 11, 2010 Investigators bought ½ ounce of cocaine base from Authur Jones. When Jones was approached he started cooperating with the SCSO Narcotics Division. Jones stated that he was buying his cocaine from Alfonzo Thompson aka "POO BEAR." Jones stated that "POO BEAR" was fronting him about 9 ounces of Powder [sic] Cocaine [sic] a month. Jones stated that he would take the powder and then turn it into cocaine base and then sell it. When it was all gone he would call "POO BEAR" and tell him that he was ready for him. Jones stated that he was paying $1000 an ounce for the cocaine. On 05-11-2010 Jones placed a recorded telephone call to Thompson stating that he was ready to re-up. Thompson agreed to come by. Jones stated that Thompson's M.O. was to come by in the next couple of days. On 05-12-2010 Jones called "POO BEAR" again with no response. At approximately 6:30 PM Jones received a telephone call from "POO BEAR" [] asking Jones if he was going to be home. Jones stated yes and hung up. Jones knew this to mean that “POO BEAR” was coming shortly. At Approximately [sic] 7:19 PM Thompson pulled into Jones [sic] driveway driving the white Honda Civic. Thompson exited the vehicle and came inside. Once inside Jones handed Thompson $9000.00 in recorded funds. Thompson stated that he would bring the package in the morning. Jones knew this to mean that Thompson would bring the cocaine to him the next day. Investigators were inside the residence watching the transaction take place as well as the transaction being Video [sic] and Audio [sic] recorded. There was [sic] also outside surveillance units near the scene. Thompson was loosely followed in the Honda Civic after the transaction.

> This investigator feels that Thompson has demonstrated a pattern over the course of the last 2 years of large scale cocaine trafficking. It is believed that Items [sic] related to the Drug Trafficking Trade [sic] will be located inside this residence as well as Cocaine [sic] and or Cocaine Base [sic]. It is also known by Investigators that Drug Traffickers [sic] hide their drugs and proceeds from drugs [sic] sales in various places about the residence and cartilage [sic] areas. Due to the violent Nature of Drug Trafficking Organizations [sic] a "NO KNOCK WARRANT IS REQUESTED."

The search warrant affidavit was presented to a circuit court judge as opposed to a magistrate. It appears there was no oral testimony provided supplementing the contents of the affidavit.[3] The circuit court judge issued the search warrant.

While the search warrant for 120 River Street was being executed, Thompson was arrested at his place of employment.[4] Simultaneously, law enforcement was conducting searches at Thompson's residence in Greenville County and his girlfriend's Spartanburg residence. The search of 120 River Street resulted in several bags of marijuana, several bags of cocaine, and several firearms being seized. No drugs were recovered at the other locations, only cash and firearms.[5] Thompson was charged with trafficking in cocaine, PWID marijuana, possession of a weapon during the commission of a violent crime, and possession of a stolen weapon.

A pretrial suppression hearing was held regarding the evidence recovered at 120

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[3] At the suppression hearing, Thompson' attorney stated the judge who issued the search warrant informed him "there is no file on the search warrant" as it appeared to be missing. The issuing judge further informed Thompson's attorney he had no recollection of any sworn testimony supplementing the affidavit.

[4] The arrest warrant was issued for Thompson prior to the search of his parents' home, and was based on an incident not related to that address.

[5] Thompson does not challenge the search of his residence or his girlfriend's residence.

River Street. The trial judge denied Thompson's motion to suppress, finding that considering the facts and circumstances set forth in the affidavit, combined with "the reasonable inferences that might be derived from those facts as alleged," probable caused existed to issue the search warrant.

The Court of Appeals affirmed the trial judge's refusal to suppress the evidence recovered from 120 River Street. *See State v. Thompson*, 413 S.C. 590, 776 S.E.2d 413 (Ct. App. 2015). We granted Thompson's petition for a writ of certiorari to review the decision of the Court of Appeals.

ISSUE

Did the Court of Appeals err in finding the trial judge properly refused to suppress the evidence seized from the River Street address?

ANALYSIS

Thompson contends the Court of Appeals erred in affirming the trial judge's refusal to suppress the evidence seized from his parents' home. We agree.

In determining whether a search warrant is supported by probable cause, the crucial element is not whether the target of the search is suspected of a crime, *but whether it is reasonable to believe that the items to be seized will be found in the place to be searched*. *Zurcher v. Stanford Daily*, 436 U.S. 547, 556 (1978) (emphasis supplied). In South Carolina, the judicial officer asked to issue a search warrant must make a practical, common sense decision concerning whether, under the totality of the circumstances set forth in the affidavit, *there is a fair probability that evidence of a crime will be found in the particular place to be searched*. *State v. Tench*, 353 S.C. 531, 534, 579 S.E.2d 314, 316 (2003) (emphasis supplied) (citing *State v. Weston*, 329 S.C. 287, 494 S.E.2d 801 (1997); *State v. Philpot*, 317 S.C. 458, 454 S.E.2d 905 (Ct. App. 1995)). If no supplemental oral testimony is taken, an issuing judge's probable cause determination is limited to the four corners of the search warrant affidavit. *State v. Kinloch*, 410 S.C. 612, 616, 767 S.E.2d 153, 155 (2014) (citation omitted).

The duty of the reviewing court is to ensure the issuing judge had a substantial basis for concluding probable cause existed. *Kinloch*, 410 S.C. at 616, 767 S.E.2d

at 155 (citation omitted). Although great deference must be given to an issuing judge's conclusions, the judge may only issue a search warrant upon a finding of probable cause. *State v. Jones*, 342 S.C. 121, 126, 536 S.E.2d 675, 678 (2000) (citing *State v. Bellamy*, 336 S.C. 140, 519 S.E.2d 347 (1999)).

The appellate courts of this state have routinely held that information contained in an affidavit providing a timely and direct nexus between the contraband sought and the location to be searched—e.g., *inter alia*, specific details of surveillance of a suspect conducting a drug transaction immediately upon leaving a residence—is sufficient to support a search warrant. *See Kinloch*, 410 S.C. at 618, 767 S.E.2d at 156 (concluding probable cause existed to issue a search warrant based on "namely, the numerous tips indicating drug activity was probably present at 609 A and the subsequent surveillance of 609 A during which seemingly drug-related behavior was observed"); *State v. Gore*, 408 S.C. 237, 248, 758 S.E.2d 717, 722–23 (Ct. App. 2014) (cert. dismissed as improvidently granted) (finding surveillance of defendant leaving residence to sell drugs at another location provided a sufficient nexus to the residence to justify a search warrant); *cf. State v. Scott*, 303 S.C. 360, 362–63, 400 S.E.2d 784, 785–86 (Ct. App. 1991) (cert. denied) (upholding subsequent search warrant of defendant's home when affidavit stated officers had visual contact with defendant from time he left his residence until the time of the traffic stop and drugs were uncovered on defendant at stop).

However, in this case, only two pieces of information in the affidavit tie drug activity to 120 River Street: (1) a 2009 hearsay statement that cocaine was delivered there "on several different occasions"; and (2) the assertion that "in the six months preceding the affidavit, investigators 'witnessed Thompson visit this 120 River Street address just before making cocaine deliveries throughout Spartanburg.'" We find neither statement, independently or together, demonstrates a sufficiently specific indication that the drugs Thompson was selling were being accessed at that address on or near May 2010. *See Zurcher*, 436 U.S. at 556 ("The critical element in a reasonable search is not that the owner of the property is suspected of crime but that there is reasonable cause to believe that the specific 'things' to be searched for and seized are located on the property to which entry is sought"); *Tench*, 353 S.C. at 534, 579 S.E.2d at 316 (citations omitted) (finding a search warrant is valid if the affidavit supporting it shows a fair probability the contraband sought will be found in the location to be searched).

More to the point, the assertions in the affidavit in this case contain no specific facts showing any connection between drug-related activity and 120 River Street after February 2009. *See Tench*, 353 S.C. at 534, 579 S.E.2d at 316; *Kinloch*, 410 S.C. at 616, 767 S.E.2d at 155. And we find the non-specific statement in the affidavit—that in the past six months law enforcement observed Thompson stop at 120 River Street "just before making cocaine deliveries throughout Spartanburg County"—is insufficiently specific to provide a fair probability the evidence sought by the search warrant would be located there.

Accordingly, we find the Court of Appeals erred in holding the trial judge properly denied the motion to suppress the evidence recovered from 120 River Street. *See State v. Khingratsaiphon*, 352 S.C. 62, 69, 572 S.E.2d 456, 459 (2002) ("The Fourth Amendment to the United States Constitution prohibits unreasonable searches and seizures. Evidence seized in violation of the Fourth Amendment must be excluded from trial" (citing *Mapp v. Ohio*, 367 U.S. 643 (1961))).

CONCLUSION

We reverse the Court of Appeals' decision, which affirmed the trial judge's denial of the motion to suppress the evidence located at 120 River Street.

REVERSED.

BEATTY, C.J., HEARN, J., and Acting Justices James E. Moore and William P. Keesley, concur.

THE STATE OF SOUTH CAROLINA
In The Supreme Court

Rogers Townsend & Thomas, PC, Petitioner/Respondent,

v.

Stephen H. Peck, Thomas Moore, and Community Management Group, LLC, Respondents/Petitioners.

Appellate Case No. 2011-199626

IN THE ORIGINAL JURISDICTION

Opinion No. 27707
Heard November 7, 2016 – Filed February 22, 2017

DECLARATORY JUDGMENT ISSUED

Robert P. Wood, of Rogers Townsend & Thomas, PC, of Columbia, for Petitioner/Respondent.

Matthew Evan Pecoy and Peter Gerard McGrath, both of McGrath Law Firm, PA, of Mt. Pleasant, for Respondents/Petitioners.

PER CURIAM: The Court accepted this declaratory judgment action in our original jurisdiction to determine whether Community Management Group, LLC; its president, Stephen Peck; and its employee, Tom Moore, engaged in the

unauthorized practice of law while managing homeowners' associations. We find Community Management Group engaged in the unauthorized practice of law.

I. Background

Community Management Group manages homeowners' associations and condominium associations in Charleston, Dorchester, and Berkeley Counties. The company manages the associations' grounds and common areas, enforces covenants and rules, and takes care of financial matters, including collecting assessments for the associations. Until we issued a temporary injunction in connection with this case, when a homeowner in an association did not pay an overdue assessment, Community Management Group—without the involvement of an attorney—prepared and recorded a notice of lien and related documents; brought an action in magistrate's court to collect the debt; and after obtaining a judgment in magistrate's court, filed the judgment in circuit court. Community Management Group also advertised that it could perform these services.

We referred the case to the Honorable Stephanie P. McDonald[1] to act as special referee. Judge McDonald recommended we find Community Management Group engaged in the unauthorized practice of law.

II. Unauthorized Practice of Law

The supreme court has the power to regulate the practice of law. *See* S.C. CONST. art. V, § 4; S.C. Code Ann. § 40-5-10 (2011) (recognizing "[t]he inherent power of the Supreme Court with respect to regulating the practice of law"); *Linder v. Ins. Claims Consultants, Inc.*, 348 S.C. 477, 486, 560 S.E.2d 612, 617 (2002) ("Under the South Carolina Constitution, this Court has the duty to regulate the practice of law in South Carolina."). Generally, the practice of law includes "the preparation of pleadings, and other papers incident to actions and special proceedings, and the management of such actions and proceedings on behalf of clients before judges and courts." *State v. Despain*, 319 S.C. 317, 319, 460 S.E.2d 576, 577 (1995) (quoting *In re Duncan,* 83 S.C. 186, 189, 65 S.E. 210, 211 (1909)). The practice of law "extends to activities . . . which entail specialized legal knowledge and ability." *Linder*, 348 S.C. at 487, 560 S.E.2d at 617 (quoting *State v. Buyers Serv. Co., Inc.*, 292 S.C. 426, 430, 357 S.E.2d 15, 17 (1987)). "Other than these general

[1] At the time, Judge McDonald was a circuit court judge.

statements, there is no comprehensive definition of the practice of law. Rather, what constitutes the practice of law must be decided on the facts and in the context of each individual case." *Roberts v. LaConey*, 375 S.C. 97, 103, 650 S.E.2d 474, 477 (2007) (citing *Linder*, 348 S.C. at 487, 560 S.E.2d at 617-18); *see also Medlock v. Univ. Health Serv., Inc.*, 404 S.C. 25, 28, 743 S.E.2d 830, 831 (2013) ("We have encouraged any interested individual to bring a declaratory judgment action in this Court's original jurisdiction to determine the validity of any questionable conduct.").

III. Agent

In an administrative order titled *In re Unauthorized Practice of Law Rules Proposed by South Carolina Bar*, 309 S.C. 304, 422 S.E.2d 123 (1992), we modified prior case law to "allow a business to be represented by a non-lawyer officer, agent or employee." 309 S.C. at 306, 422 S.E.2d at 124 (modifying *State ex rel. Daniel v. Wells*, 191 S.C. 468, 5 S.E.2d 181 (1939)). We also promulgated South Carolina Magistrate Court Rule 21, which provides, "A business . . . may be represented in a civil magistrates court proceeding by a non-lawyer officer, agent, or employee . . . ."

The central question of this action is whether the word "agent" in *Unauthorized Practice of Law* and Rule 21 includes a third party agent like Community Management Group. We find "agent" does not include non-lawyer third party entities or individuals. "Agent"—in *Unauthorized Practice of Law* and Rule 21—includes individuals who are not officers or employees of a business, but who have some nexus or connection to the business arising out of its corporate structure. For example, a member of a corporation's board of directors who is not an officer or employee would qualify as an "agent" under these provisions. However, we now clarify that we never intended to permit non-lawyer third party entities or individuals to be an agent under *Unauthorized Practice of Law* or Rule 21.

IV. Community Management Group's Actions

We find Community Management Group engaged in the unauthorized practice of law when it (A) represented associations in magistrate's court, (B) filed judgments in circuit court, (C) prepared and recorded liens, and (D) advertised that it could perform the services we now clarify constitute the unauthorized practice of law.

A. Representing Associations in Magistrate's Court

Community Management Group brought actions in magistrate's court on behalf of associations to collect unpaid assessments owed to the associations. Community Management Group did not hire a lawyer for these magistrate court proceedings; instead, it sent Moore to represent the associations. The only way Community Management Group could have performed these services without engaging in the unauthorized practice of law is if it were an "agent" as referenced in *Unauthorized Practice of Law* and Rule 21. *See Wells*, 191 S.C. at 480, 5 S.E.2d at 186 (stating "[i]n legal matters" a corporation "must act, if at all, through licensed attorneys"), *modified by Unauthorized Practice of Law*, 309 S.C. at 305-06, 422 S.E.2d at 124. We acknowledge that prior to our decision today the meaning of "agent" in *Unauthorized Practice of Law* and Rule 21 was not clear. However, we have now clarified "agent" does not include third party entities or individuals.

Community Management Group argues—relying on our recent decision in *Medlock*—it was not the unauthorized practice of law to represent associations in magistrate's court because the representation did not require specialized legal skill or knowledge. In *Medlock*, we held "a non-attorney may present claims against an estate and petition for allowance of claims in the probate court on behalf of a business entity without engaging in the unauthorized practice of law." 404 S.C. at 26–27, 743 S.E.2d at 831. We noted, "It is the character of the services rendered, and not the denomination of the tribunal where the services are rendered, that determines whether such services constitute the practice of law." 404 S.C. at 28, 743 S.E.2d at 831. We then proceeded to examine the "character" of presenting a claim and seeking allowance of the claim in probate court. We stated,

> To file a claim in the probate court, a claimant must merely deliver to the personal representative and the probate court a written statement of the claim indicating its basis, the claimant's name and address, the amount claimed, and the date upon which the claim is due. Similarly, a petition for allowance of a claim in the probate court merely requires a creditor to complete a one-page standard form, located on the South Carolina Judicial Department website, requesting the probate court allow the claim and attesting that such claim is valid, timely presented, and has not been paid. None of these

> activities require the professional judgment of an attorney or entail specialized legal knowledge and ability.

404 S.C. at 28, 743 S.E.2d at 831–32 (2013) (citation omitted).

We find the services required to represent a business in magistrate's court are not comparable to making a claim against an estate or petitioning for the allowance of the claim in probate court. We therefore decline to extend the reasoning of *Medlock* to Community Management Group and other third-party agents representing businesses in magistrate's court.

B. Filing Judgments in Circuit Court

After entering judgment, the magistrate's court typically mailed Community Management Group a transcript of the judgment. The transcripts came with instructions on how to file the judgment in circuit court. Without consulting an attorney, Community Management Group filed the judgments in circuit court.

We find Community Management Group engaged in the unauthorized practice of law by filing judgments in circuit court. South Carolina Code section 22-3-300 (2007) provides that at the request of the prevailing party, a magistrate judge will provide a transcript of a judgment, which may be filed in circuit court. Upon filing the magistrate's court judgment in circuit court, the judgment becomes a circuit court judgment. § 22-3-300. It would be the unauthorized practice of law for Community Management Group to represent an association in circuit court to obtain a judgment against a homeowner. *See Renaissance Enter. Inc. v. Summit Teleservices, Inc.*, 334 S.C. 649, 652-53, 515 S.E.2d 257, 258-59 (1999) (finding it was the unauthorized practice of law for non-lawyers to represent a corporation in circuit court). Thus, it is the unauthorized practice of law for Community Management Group to obtain a circuit court judgment for the associations by filing the magistrate's court judgment in circuit court.

C. Preparing and Recording Liens

When homeowners did not pay overdue assessments, Community Management Group prepared lien documents and recorded them in the county where the property was located. A legal description of the homeowners' property was

attached to the documents. We find it was the unauthorized practice of law for Community Management Group to prepare and record the lien documents.

As Community Management Group conceded, it prepared the lien documents for the purpose of "put[ting] a cloud on the title," so a property could not be sold without the homeowner paying the overdue assessments. In preparing the documents, Community Management Group sought to define an association's rights with regard to the homeowner's property and the association's entitlement to be repaid a debt. Community Management Group's purpose for filing the lien documents demonstrates the lien documents were "instruments," which include "written legal document[s] that define[] rights, duties, entitlements, or liabilities . . . ." *Instrument*, BLACK'S LAW DICTIONARY (10th ed. 2014) ("Also termed *legal instrument*."). Preparing and recording legal instruments constitutes the unauthorized practice of law. *See Wells*, 191 S.C. at 473-74, 5 S.E.2d at 183 ("According to the generally understood definition of the practice of law . . . it embraces . . . the preparation of legal instruments of all kinds . . . ."); *see also State v. Robinson*, 321 S.C. 286, 290, 468 S.E.2d 290, 292 (1996) ("This Court has defined the practice of law to include the preparation and filing of legal documents . . . ."); *Buyers Serv.*, 292 S.C. at 434, 357 S.E.2d at 19 (holding recording instruments after a real estate transfer is the practice of law because "it is an aspect of conveyancing and affects legal rights"). Thus, we find Community Management Group engaged in the unauthorized practice of law by preparing and recording lien documents.

D. Advertising

Community Management Group advertised for many of the services we have found constitute unauthorized practice of law, including that it could "handle collections, lien filing and Small Claims Court actions in house." Community Management Group also advertised it could file judgments without the use of an attorney. It is the unauthorized practice of law for a non-lawyer to advertise he can provide legal services. Thus, Community Management Group advertising it could file liens, represent associations in magistrate's court, and file judgments without the use of an attorney was the unauthorized practice of law.

E. Other Actions

Rogers Townsend also asks that we find Community Management Group engaged in the unauthorized practice of law by (1) interpreting covenants for homeowners, (2) addressing disputes between homeowners and associations, and (3) advising associations on remedies to collect unpaid assessments. However, Rogers Townsend did not include specific facts or details about Community Management Group performing these services. We have stated it is best to decide "what is and what is not the unauthorized practice of law in the context of an actual case or controversy." *Unauthorized Practice of Law*, 309 S.C. at 305, 422 S.E.2d at 124. Without specific facts, we cannot determine that Community Management Group was practicing law by interpreting covenants for homeowners, addressing disputes between homeowners and associations, or advising associations on remedies to collect unpaid assessments.

V. Injunction

Rogers Townsend asks that we permanently enjoin Community Management Group from any actions we find were the unauthorized practice of law. An injunction is a drastic remedy, which courts should apply with caution. *Hampton v. Haley*, 403 S.C. 395, 409, 743 S.E.2d 258, 265 (2013). An injunction should be issued only "where no adequate remedy exists at law." *Id.* After we issued the temporary injunction, Community Management Group stopped representing associations in magistrate's court, filing judgments in circuit court, and preparing and recording liens without an attorney. Additionally, Peck testified Community Management Group has no interest in resuming these activities. We decline to issue a permanent injunction in this situation.

VI. Conclusion

We find Community Management Group engaged in the unauthorized practice of law by (1) representing associations in magistrate's court, (2) filing judgments in circuit court, (3) preparing and recording lien documents, and (4) advertising it could provide legal services.

BEATTY, C.J., KITTREDGE, FEW, JJ., and Acting Justice James E. Moore, concur. Acting Justice Costa M. Pleicones not participating.

The Supreme Court of South Carolina

In the Matter Fulton Casey Dale Cornwell, Respondent.

Appellate Case Nos. 2017-000252 and 2017-000253

ORDER

The Office of Disciplinary Counsel asks this Court to place respondent on interim suspension pursuant to Rule 17 of the Rules for Lawyer Disciplinary Enforcement (RLDE) contained in Rule 413 of the South Carolina Appellate Court Rules (SCACR). The petition also seeks appointment of the Receiver pursuant to Rule 31, RLDE, Rule 413, SCACR.

IT IS ORDERED that respondent's license to practice law in this state is suspended until further order of this Court.

IT IS FURTHER ORDERED that Peyre Thomas Lumpkin, Esquire, Receiver, is hereby appointed to assume responsibility for respondent's client files, trust account(s), escrow account(s), operating account(s), and any other law office accounts respondent may maintain. Mr. Lumpkin shall take action as required by Rule 31, RLDE, to protect the interests of respondent's clients. Mr. Lumpkin may make disbursements from respondent's trust account(s), escrow account(s), operating account(s), and any other law office accounts respondent may maintain that are necessary to effectuate this appointment.

This Order, when served on any bank or other financial institution maintaining trust, escrow and/or operating account(s) of respondent, shall serve as an injunction to prevent respondent from making withdrawals from the account(s) and shall further serve as notice to the bank or other financial institution that Peyre Thomas Lumpkin, Esquire, Receiver, has been duly appointed by this Court.

Finally, this Order, when served on any office of the United States Postal Service, shall serve as notice that Peyre Thomas Lumpkin, Esquire, Receiver, has been duly

appointed by this Court and has the authority to receive respondent's mail and the authority to direct that respondent's mail be delivered to Mr. Lumpkin's office.

Mr. Lumpkin's appointment shall be for a period of no longer than nine months unless an extension of the period of appointment is requested.

Within fifteen days of the date of this order, respondent shall serve and file the affidavit required by Rule 30, RLDE. Should respondent fail to timely file the required affidavit, he may be held in civil and/or criminal contempt of this Court as provided by Rule 30, RLDE.

s/ Donald W. Beatty C.J.
FOR THE COURT

Columbia, South Carolina

February 17, 2017

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

The State, Respondent,

v.

Charles Moody Brandenburg, Jr., Appellant.

Appellate Case No. 2013-002655

Appeal From Abbeville County
Thomas L. Hughston, Jr., Circuit Court Judge

Opinion No. 5470
Submitted September 1, 2016 – Filed February 22, 2017

AFFIRMED

Appellate Defender Robert M. Pachak, of Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Assistant Attorney General Megan Harrigan Jameson, both of Columbia, for Respondent.

WILLIAMS, J.: In this criminal appeal, Charles Moody Brandenburg claims the circuit court erred in charging the jury on first-degree harassment (harassment) as a lesser included offense of stalking. Brandenburg argues harassment is not a lesser included offense of stalking because harassment includes two elements not found in stalking: "unreasonable intrusion into the private life of a targeted person" and "emotional distress." We affirm.

FACTS

In December 2013, Brandenburg proceeded to trial on an indictment for stalking. Angela Brandenburg (Angela) testified Brandenburg was her estranged husband. Angela claimed they had two children and lived in Berkeley County, but they separated in June 2012. According to Angela, she left Brandenburg without notice and moved into her parents' home in Abbeville County. Angela stated Brandenburg followed her or "showed up" unexpectedly on several occasions. Despite the family court awarding Angela sole custody of their children and issuing an order prohibiting Brandenburg from contacting her, she asserted he continued to contact her.

After Brandenburg rested, the State requested the circuit court charge the jury on harassment as a lesser included offense. Brandenburg objected to including harassment because the State originally had a warrant for stalking and a warrant for harassment. Brandenburg claimed the State chose to proceed on the stalking charge, and therefore, "they need[ed] to go with that choice." The State claimed harassment was a lesser included offense and the law did not require the State to choose between lesser included offenses. The State asserted the circuit court should charge harassment if the evidence supported the charge. The circuit court noted it believed harassment was not a lesser included offense of stalking, but it reserved its final ruling until the following day.

The next day, the circuit court noted it had "extensive in chambers discussions" regarding the jury charge, but it would allow the parties to explain their positions on the record. The circuit court explained it intended to include a jury charge on harassment and allow the jury to find Brandenburg guilty of harassment if they found him not guilty of stalking. The State explained the test for determining whether an offense was a lesser included offense was "whether the elements [were] the same, minus one." Brandenburg argued harassment was not a lesser included offense because "the harassment statute included elements that [were] not in the stalking statute." Specifically, Brandenburg claimed the harassment statute required an "[un]reasonable intrusion" but the stalking statute did not. In addition, Brandenburg asserted the harassment statute required the victim to suffer emotional distress whereas the stalking statute did not. The court indicated it appreciated Brandenburg's position, but "considering everything," it believed charging harassment was appropriate.

Subsequently, the circuit court charged the jury that it could consider whether the State proved beyond a reasonable doubt that Brandenburg committed harassment if it found Brandenburg not guilty of stalking. The jury found Brandenburg not guilty of stalking but guilty of harassment. The circuit court sentenced Brandenburg to three years' imprisonment suspended on the service of sixteen months' imprisonment and five years' probation. Brandenburg's counsel submitted a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), asserting the appeal was meritless and asking to be relieved as counsel. This court denied the motion to be relieved as counsel and directed the parties to brief the issue that is now before this court on appeal.

STANDARD OF REVIEW

"An appellate court will not reverse the [circuit court]'s decision regarding a jury charge absent an abuse of discretion." *State v. Brandt*, 393 S.C. 526, 550, 713 S.E.2d 591, 603 (2011) (quoting *State v. Mattison*, 388 S.C. 469, 479, 697 S.E.2d 578, 584 (2010)). "An abuse of discretion occurs when the [circuit] court's ruling is based on an error of law." *State v. Patterson*, 367 S.C. 219, 224, 625 S.E.2d 239, 242 (Ct. App. 2006). "To warrant reversal, a [circuit court]'s refusal to give a requested jury charge must be both erroneous and prejudicial to the defendant." *State v. Adkins*, 353 S.C. 312, 319, 577 S.E.2d 460, 464 (Ct. App. 2003).

Questions of statutory interpretation are questions of law, which are subject to *de novo* review and which we are free to decide without any deference to the court below. *Transp. Ins. Co. & Flagstar Corp. v. S.C. Second Injury Fund,* 389 S.C. 422, 427, 699 S.E.2d 687, 689 (2010). "The cardinal rule of statutory interpretation is to ascertain and effectuate the intent[] of the legislature." *Sloan v. Hardee,* 371 S.C. 495, 498, 640 S.E.2d 457, 459 (2007). "All rules of statutory construction are subservient to the one that the legislative intent must prevail if it can be reasonably discovered in the language used, and that language must be construed in light of the intended purpose of the statute." *State v. Sweat,* 386 S.C. 339, 350, 688 S.E.2d 569, 575 (2010) (quoting *Broadhurst v. City of Myrtle Beach Election Comm'n*, 342 S.C. 373, 380, 537 S.E.2d 543, 546 (2000)).

LAW/ANALYSIS

Brandenburg argues the circuit court erred by including a jury charge for harassment as a lesser included offense of stalking. Specifically, Brandenburg claims harassment is not a lesser included offense of stalking because harassment includes the elements of an "unreasonable intrusion into the private life of a targeted person" and "emotional distress," which are not elements of stalking. We disagree.

"In reviewing jury charges for error, we must consider the [circuit] court's jury charge as a whole in light of the evidence and issues presented at trial." *Adkins*, 353 S.C. at 318, 577 S.E.2d at 463. The circuit "court is required to charge only the current and correct law of South Carolina." *Brandt*, 393 S.C. at 549, 713 S.E.2d at 603 (quoting *Sheppard v. State*, 357 S.C. 646, 665, 594 S.E.2d 462, 472 (2004)). "The [circuit court] is to charge the jury on a lesser included offense if there is any evidence from which the jury could infer that the lesser, rather than the greater, offense was committed." *State v. Watson*, 349 S.C. 372, 375, 563 S.E.2d 336, 337 (2002). "A [lesser included] offense is one whose elements are wholly contained within the crime charged." *State v. Dickerson*, 395 S.C. 101, 118, 716 S.E.2d 895, 904 (2011).

"The primary test for determining if a particular offense is a lesser included of the offense charged is the elements test. The elements test inquires whether the greater of the two offenses includes all the elements of the lesser offense." *Watson*, 349 S.C. at 375, 563 S.E.2d at 337 (citation omitted). "If the lesser offense includes an element not included in the greater offense, then the lesser offense is not included in the greater." *Hope v. State*, 328 S.C. 78, 81, 492 S.E.2d 76, 78 (1997) (quoting *State v. Bland*, 318 S.C. 315, 317, 457 S.E.2d 611, 612 (1995)). To that end, under any circumstance, if a person can commit the greater offense without being guilty of the purported lesser offense, then the latter is not a lesser included offense. *State v. Parker*, 344 S.C. 250, 256, 543 S.E.2d 255, 258 (Ct. App. 2001). However, even if the elements of the greater offense do not include all the elements of the lesser offense, we may still construe the lesser offense as a lesser included offense if it "has traditionally been considered a lesser included offense of the greater offense." *Watson*, 349 S.C. at 376, 563 S.E.2d at 338.

The cardinal rule of statutory construction is that the court must ascertain and effectuate the intent of the legislature. *Mid-State Auto Auction of Lexington, Inc. v. Altman*, 324 S.C. 65, 69, 476 S.E.2d 690, 692 (1996). Therefore, "[i]n interpreting a statute, [the] words must be given their plain and ordinary meaning without resorting to subtle or forced construction [that] limit or expand the statute's operation." *Rowe v. Hyatt*, 321 S.C. 366, 369, 468 S.E.2d 649, 650 (1996). "[S]tatutes, as a whole, must receive [a] practical, reasonable[,] and fair interpretation consonant with the purpose, design[,] and policy of lawmakers." *Whiteside v. Cherokee Cty. Sch. Dist. No. One*, 311 S.C. 335, 340, 428 S.E.2d 886, 888 (1993).

Furthermore, the court should not consider the particular clause being construed in isolation, but should read it in conjunction with the purpose of the whole statute and the policy of the law. *S.C. Coastal Council v. S.C. State Ethics Comm'n*, 306 S.C. 41, 44, 410 S.E.2d 245, 247 (1991). Statutory provisions should be given a reasonable construction consistent with the purpose of the statute. *Jackson v. Charleston Cty. Sch. Dist.*, 316 S.C. 177, 181, 447 S.E.2d 859, 861 (1994). "[S]tatutes [that] are part of the same [a]ct must be read together." *Burns v. State Farm Mut. Auto. Ins. Co.*, 297 S.C. 520, 522, 377 S.E.2d 569, 570 (1989).

Section 16-3-1700(A) of the South Carolina Code (2015) defines harassment in the first degree as follows:

> [A] pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person that serves no legitimate purpose and causes the person and would cause a reasonable person in his position to suffer mental or emotional distress. Harassment in the first degree may include, but is not limited to:
>
> > (1) following the targeted person as he moves from location to location;
> >
> > (2) visual or physical contact that is initiated, maintained, or repeated after a person has been provided oral or written notice that the contact is unwanted or after the victim has filed an incident report with a law enforcement agency;

> (3) surveillance of or the maintenance of a presence near the targeted person's:
>
> > (a) residence;
> >
> > (b) place of work;
> >
> > (c) school; or
> >
> > (d) another place regularly occupied or visited by the targeted person; and
>
> (4) vandalism and property damage.

Section 16-3-1700(C) of the South Carolina Code (2015) defines stalking as follows:

> [A] pattern of words, whether verbal, written, or electronic, or a pattern of conduct that serves no legitimate purpose and is intended to cause and does cause a targeted person and would cause a reasonable person in the targeted person's position to fear:
>
> > (1) death of the person or a member of his family;
> >
> > (2) assault upon the person or a member of his family;
> >
> > (3) bodily injury to the person or a member of his family;
> >
> > (4) criminal sexual contact on the person or a member of his family;
> >
> > (5) kidnapping of the person or a member of his family; or
> >
> > (6) damage to the property of the person or a member of his family.

For harassment in the first degree to be a lesser included offense under the elements test, the elements of stalking enumerated in section 16-3-1700(C) must include all of the elements of harassment from section 16-3-1700(A). *See Hope*, 328 S.C. at 81, 492 S.E.2d at 78 ("If the lesser offense includes an element not included in the greater offense, then the lesser offense is not included in the greater." (quoting *Bland*, 318 S.C. at 317, 457 S.E.2d at 612)).

At first blush, there is arguable merit to Brandenburg's claim that stalking does not require the element of "a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person," which is an element of harassment. *See* § 16-3-1700(A) (defining harassment, in part, as "a pattern of intentional, substantial, and unreasonable intrusion into the private life" of the victim). By the statute's plain language, stalking requires merely "a pattern of words . . . or a pattern of conduct" that is intended to cause and does cause the victim to experience fear of certain actions. *See* § 16-3-1700(C) (defining stalking, in part, as "a pattern of words . . . or a pattern of conduct that . . . is intended to cause and does cause" the victim to fear death, assault, bodily injury, criminal sexual conduct, kidnapping, or property damage). Unlike harassment, stalking does not expressly require the element of "a pattern of intentional, substantial, and unreasonable intrusion." *See Watson*, 349 S.C. at 376, 563 S.E.2d at 338 (adhering to a "strict application of the elements test").

However, we find stalking impliedly includes this element. Based on our reading of the statute, we conclude the more loosely defined "intrusion" element from the harassment statute equates to the "words . . . or conduct" element in the stalking statute as an intrusion could conceivably—and logically—be through either words or conduct. *See* §§ 16-3-700(A), (C). Further, we are uncertain how an intentional and purposeless pattern of words or conduct that causes a reasonable person to fear for his or her safety or that of a family member (stalking) would not also be an intentional and purposeless intrusion into that person's private life (harassment). To that end, it is difficult to conceive a stalking scenario targeted at either a victim or a victim's family member that would *not* intrude into the victim's private life. *See Stevenson v. State*, 335 S.C. 193, 200, 516 S.E.2d 434, 438 (1999) (noting "a lesser offense is included in the greater only if each of its elements is *always* a necessary element of the greater offense" (emphasis added)).

Regarding Brandenburg's argument that harassment requires the victim "to suffer mental or emotional distress" and stalking does not, we find this claim to be

without merit. The stalking statute does not expressly require the victim suffer mental or emotional distress; rather, the perpetrator's words or conduct must cause the victim to "fear" death, assault, bodily injury, criminal sexual conduct, kidnapping, or property damage. *See* § 16-3-1700(C) (defining stalking, in part, as "a pattern of words . . . or a pattern of conduct that . . . is intended to cause and does cause" the victim to fear death, assault, bodily injury, criminal sexual conduct, kidnapping, or property damage). Despite this, if the victim fears one or more of these actions, we believe it is also reasonable to assume the victim is suffering mental or emotional distress. *See Jackson*, 316 S.C. at 181, 447 S.E.2d at 861 (finding statutory provisions should be given a reasonable construction consistent with the purpose of the statute); *see also* 12B AM. JUR. PLEADING & PRACTICE FORMS *Fright, Shock, Etc*. § 40 (2016) ("The term 'emotional distress' means mental distress, mental suffering[,] or mental anguish. It includes all highly unpleasant mental reactions, such as fright, nervousness, grief, anxiety, worry, mortification, shock, humiliation[,] and indignity, as well as physical pain."); *Emotional Distress*, BLACK'S LAW DICTIONARY (10th ed. 2014) ("A highly unpleasant mental reaction (such as anguish, grief, fright, humiliation, or fury) that results from another person's conduct; emotional pain and suffering."). Thus, despite the difference in the wording of these elements, we conclude stalking includes the victim suffering mental or emotional distress.

Even if we concluded a strict application of the elements test does not warrant including harassment as a lesser included offense of stalking, this court could construe it as a lesser included offense if harassment "has traditionally been considered a lesser included offense of the greater offense charged." *See Watson*, 349 S.C. at 376–77, 563 S.E.2d at 338 (finding the elements of murder did not include all the elements of reckless homicide, but holding the lesser included inquiry did not end with the application of the elements test if the offense was traditionally considered a lesser included offense of the greater offense, and ultimately concluding nothing in our jurisprudence indicated reckless homicide was a lesser included offense of murder).

No South Carolina case expressly recognizes harassment as a lesser included offense of stalking. We are, however, aware of *State v. Prince*, 335 S.C. 466, 471, 517 S.E.2d 229, 232 (Ct. App. 1999), in which this court addressed whether property damage was an "act of violence" sufficient to support a charge of aggravated stalking. In resolving this question of first impression, the court

indicated that harassment and stalking crimes are intertwined. Specifically, the court stated,

> Our current harassment and stalking statute, which took effect on June 12, 1995, delineates a three-tiered approach to stalking crimes. The first level, harassment, is a misdemeanor, and the statute specifically includes vandalism and property damage as acts sufficient to support a harassment charge. The second level, stalking, is also a misdemeanor, but the penalties for stalking are greater than those for harassment. A pattern of conduct causing fear of "damage to the property of the person" is sufficient to support a stalking charge. The third level, aggravated stalking, is a felony and is defined as stalking accompanied or followed by an act of violence.

Prince, 335 S.C. at 472–73, 517 S.E.2d at 232 (internal citations omitted). The court's discussion of our "anti-stalking legislation" and the interplay between harassment and stalking in section 16-3-1700 lends credit to our conclusion that harassment was intended by our state legislature to be a lesser included offense of stalking. Further, the *Prince* court agreed that "while one isolated incident of property damage could be harassment, if [the property damage was] accompanied by a pattern of conduct causing fear, it could be sufficient as an aggravating factor to justify a charge of aggravated stalking." *Id.* at 476, 517 S.E.2d at 234. Although the precise issue in *Prince* was different from the issue before this court, we find this statement evinces this court's agreement with the notion that harassment is a lesser included offense of stalking.

Since *Prince*, the crime of harassment has been delineated into a first-degree and second-degree offense and aggravated stalking has been omitted as a separate offense. *See* S.C. Code Ann. §§ 16-3-1700(A)–(C) (2000) (current version at §16-3-1700(A)–(C) (2015)). However, we are mindful that the offenses of harassment and stalking are still included in the same statutory framework, and when "interpreting a statute, [this court] does not look merely at a particular clause in which a word may be used, but rather looks at the word and its meaning in conjunction with the purpose of the whole statute, and in light of the object and policy of the law." *S.C. Coastal Council*, 306 S.C. at 44, 410 S.E.2d at 247. Despite post-*Prince* amendments to section 16-3-1700, we recall this court's public policy explanation for anti-stalking legislation from *Prince* and believe this

reasoning is congruent with a finding that harassment is a lesser included offense of stalking. Specifically, the *Prince* court held,

> This state adopted these statutes to protect stalking victims and provide help and intervention *before* a pattern of harassing conduct results in bodily injury or death. To require that one can *only* be guilty of aggravated stalking when there is a bodily injury does not promote the public policy of apprehending stalkers at the earliest possible moment before their acts of stalking escalate to acts of violence against the victim. To so hold would be illogical.

Prince, 335 S.C. at 476, 517 S.E.2d at 234. Aware that we must read statutes that are part of the same act together and cognizant of the public policy concerns underpinning our anti-stalking legislation, we find the legislature intended harassment to be a lesser included offense of stalking. *See S.C. Coastal Council*, 306 S.C. at 44, 410 S.E.2d at 247 ("[I]n interpreting a statute, [this court] does not look merely at a particular clause in which a word may be used, but rather looks at the word and its meaning in conjunction with the purpose of the whole statute, and in light of the object and policy of the law."); *Burns*, 297 S.C. at 522, 377 S.E.2d at 570 (stating statutes that are part of the same act must be read together).

CONCLUSION

Based on the foregoing, the circuit court's decision is

AFFIRMED.

THOMAS and GEATHERS, JJ., concur.