RECEIVED
May 09 2024
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Darlington County

Honorable Paul M. Burch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

FREDDY RAY HARRIS III,

APPELLANT

APPELLATE CASE NO. 2023-001165

ANDERS BRIEF OF APPELLANT

ROBERT M. DUDEK
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

TABLE OF CONTENTS

TABLE OF CONTENTS i

TABLE OF AUTHORITIES ii

STATEMENT OF ISSUE ON APPEAL 1

STATEMENT OF THE CASE 2

STANDARD OF REVIEW 3

ARGUMENT

The court erred in admitting evidence of prior 911 calls involving two incidents of appellant's juvenile behavior towards the decedent and appellant's ex-girlfriend, Mary Beth, where evidence of these prior bad acts was not admissible under Rule 404(b), SCRE, and even if they were, there probative value was substantially outweighed by their unduly prejudicial effect pursuant to Rule 403, SCRE 4

Relevant Facts 4
The Proffer 5
Jury Returns 6
Other Evidence 7
Discussion 11

CONCLUSION 15

PETITION TO BE RELIEVED AS COUNSEL 16

TABLE OF AUTHORITIES

Cases

State v. Clasby, 385 S.C. 148, 682 S.E.2d 892 (2009) 3

State v. Fletcher, 379 S.C. 17, 664 S.E.2d 480 (2008) 13, 14

State v. Gilchrist, 329 S.C. 621, 496 S.E.2d 424 (Ct.App.1998).................... 14

State v. Gillian, 373 S.C. 601, 646 S.E.2d 872 (2007) 3, 12

State v. Holland, 385 S.C. 159, 682 S.E.2d 898 (2009). 14

State v. Lyle, 125 S.C. 406, 118 S.E.2d 803 (1923) 5, 6, 11, 14

State v. Pagan, 369 S.C. 201, 631 S.E.2d 262 (2006).................... 12

State v. Perry, 430 S.C. 24, 842 S.E.2d 654 (2020).................... 12

State v. Spears 403 S.C. 247, 742 S.E.2d 878 (Ct. App. 2013) 12, 14

State v. Wallace, 384 S.C. 428, 683 S.E.2d 275 (2020) 12

State v. Whitner, 399 S.C. 547, 732 S.E.2d 861 (2012) 3

Rules

Rule 404(b), SCRE .... passim

to Rule 403, SCRE.................... passim

STATEMENT OF ISSUE ON APPEAL

Whether the court erred in admitting evidence of prior 911 calls involving two incidents of appellant's juvenile behavior towards the decedent and appellant's ex-girlfriend, Mary Beth, where evidence of these prior bad acts was not admissible under Rule 404(b), SCRE, and even if they were, there probative value was substantially outweighed by their unduly prejudicial effect pursuant to Rule 403, SCRE?

STATEMENT OF THE CASE

Appellant was indicted at the February 20th, 2020 term of the Darlington County grand jury for the offenses of murder, kidnapping, burglary in the first-degree, and possession of a weapon during a violent crime. R. 583. His case was called to trial on July 10, 2023, before the Honorable Paul M. Burch, and a jury. Jacob Godwin and Jamie Scruggs represented appellant. Monty Bell and Patti Parker were the assistant solicitors. R. 1.

On July 14, 2023, appellant was found guilty of murder and possession of weapon during the commission of a violent crime. R. 548, l. 12 –549, l. 17. Judge Burch sentenced appellant to forty-five years imprisonment for murder and he imposed a five years concurrent term for possession of a weapon during a violent crime. R. 578, ll. 1-8.

This appeal follows.

STANDARD OF REVIEW

In reviewing a trial court's ruling on the admissibility of evidence, appellate courts recognize that the trial judge has considerable latitude in this regard and will not disturb such rulings absent a prejudicial abuse of discretion. State v. Whitner, 399 S.C. 547, 557, 732 S.E.2d 861, 866 (2012); State v. Clasby, 385 S.C. 148, 154, 682 S.E.2d 892, 895 (2009). "An abuse of discretion occurs when the trial court's ruling is based on an error of law or, when grounded in factual conclusions, is without evidentiary support." Whitner, 399 S.C. at 557, 732 S.E.2d at 866.

In order to admit evidence of bad acts not resulting in conviction, the trial court must, "[a]s a threshold matter, ... determine whether the proffered evidence is relevant." Clasby, 385 S.C. at 154, 682 S.E.2d at 895; "If the trial judge finds the evidence to be relevant, the judge must then determine whether the bad act evidence [is admissible under the terms] of Rule 404(b)" to show, *inter alia,* the existence of a common scheme or plan. Clasby, 385 S.C. at 154, 682 S.E.2d at 895. If the testimony is relevant and proffered for a permissible purpose, the trial court must next conduct a balancing test, pursuant to Rule 403; where the testimony's probative value is substantially outweighed by the danger of unfair prejudice, the trial court may exclude it. See State v. Gillian, 373 S.C. 601, 611, 646 S.E.2d 872, 877 (2007); see also Rule 403, SCRE ("[E]vidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice ...").

ARGUMENT

The court erred in admitting evidence of prior 911 calls involving two incidents of appellant's juvenile behavior towards the decedent and appellant's ex-girlfriend, Mary Beth, where evidence of these prior bad acts was not admissible under Rule 404(b), SCRE, and even if they were, there probative value was substantially outweighed by their unduly prejudicial effect pursuant to Rule 403, SCRE

Relevant Facts

On December 9, 2019, Appellant's former live-in girlfriend of ten years, Mary Beth Bennett, was inside her Hartsville apartment preparing dinner for her new boyfriend, the decedent, Kurt Scholl. R 89, l. 20 –93, l. 2. Bennett testified that when she got home from work that day, she noticed that appellant had left her a Christmas tree and cigarettes on her front step. R. 91, l. 16 –92, l. 9.

When Bennett took a break to smoke a cigarette while cooking dinner, and went outside, she found appellant sitting on the front steps to her apartment. R. 93, ll. 1-5. Bennett said she did not remember if she even talked to appellant, but she went back inside and continued to cook dinner. She then heard a beating on her windows, and she heard glass breaking. She saw appellant come "busting inside" her apartment through the door. R. 96, ll. 6-25.

Bennett claimed that when appellant came inside, and "he grabbed me and picked me up like a bear hug. Grabbed me." R. 97, ll. 5-7. Bennett maintained appellant told her that they had to go "to Granny's and we have to save Zoey," who was Bennett's daughter. Bennett said this made no sense to her because her daughter was a grown woman. R. 97, ll. 8-25.

Bennett said while appellant attempted to carry her to his car, she told him to put her down so that she could get her shoes. When appellant put her down, Bennett grabbed some

flipflops from her apartment, and she ran away while appellant was attempting to catch his dog. R. 98, ll. 1-24.

Bennett was able to get to her car while appellant was preoccupied with the dog, and she drove away. Then she called 911 while she driving to the decedent's camper. However, Bennett testified that she realized that she had forgotten her purse and her cell phone, so she turned around. When she returned to her apartment, appellant was gone. R. 99, ll. 3-25.

Bennett then called the decedent and told him that appellant had burst into her apartment. The police arrived at Bennett's apartment shortly after the earlier 911 call. R. 102, ll. 6-24.

When the solicitor asked Bennett if this was the first time she had called 911 because of appellant, defense counsel objected. The solicitor maintained this evidence was admissible under Rule 404(b), SCRE, because it went to "motive and intent." The judge said because this was a State v. Lyle, 125 S.C. 406, 118 S.E.2d 803 (1923) matter, and he wanted the evidence proffered before he ruled. R. 103, l. 1 –104, l. 9.

The Proffer

The solicitor said that his theory of the case was that appellant was obsessed with Bennett and that the prior bad acts went to show his motive for murder in this case. R. 103, l. 21 –104, l. 4.

During the proffer, Bennett testified that appellant in September 2019 had come over to the decedent's camper while they were "outside grilling." Bennett recalled that appellant showed up and he "came in kind of dancing and talking kind of gibberish." She asked appellant to leave, but appellant continued dancing instead. Appellant stated that he would "bury" the decedent, and he made crude sexual remarks to Bennett. R. 105, ll. 4-25. Bennett said they

called 911 from the camper in which the decedent lived. The police arrived and told appellant to leave, and appellant did leave.

The second incident occurred in November 2019. This time appellant came to the camper where Bennett was inside with the decedent. R. 106, ll. 14-22. Bennett described that appellant began beating on the doors and walls of the camper. Bennett called 911.

In the meantime, the decedent got his shotgun and pointed it at the camper door. Bennett said that when the decedent cocked the gun, she heard appellant say that the shotgun not scare him. R. 107, ll. 2-17. Bennett recalled that when police came to the camper, appellant was already leaving. R. 107, l. 25 –109, l. 25.

Defense counsel Godwin argued that the evidence of the prior bad acts was not clear and convincing. Counsel also argued that even if the judge thought that this evidence was admissible under Rule 404(b), SCRE, it still should be excluded under Rule 403, SCRE, because its probative value was [substantially] outweighed by its unduly prejudicial effect. R. 410, l. 16 – 411, l. 7.

The solicitor argued that these two prior bad acts went to appellant's motive and intent to murder the decedent. He argued that even with a "balancing test" that these two prior incidents were admissible. The judge ruled that this evidence met the requirements of State v. Lyle and was admissible. R. 112, ll. 2-8.

Jury Returns

In the presence of the jury, Bennett then described how appellant came to the decedent's premises in September 2019 while they were "grilling out." Appellant was dancing and engaging in "erratic behavior." Bennett testified that they called 911, and that appellant made a crude sexual remark to her, and he said that he would "bury" the decedent. R. 116, l. 1 –118, l. 1.

In November 2019, Bennett described to the jury how the appellant was beating on the camper from outside while she was inside with the decedent. The decedent pulled out his shotgun and he cocked it. She then heard appellant exclaim that he was not afraid of the shotgun. Bennett called 911 and she recalled that appellant was leaving when police arrived. R. 118, l. 2 –120, l. 15.

Other Evidence

Bennett testified that on December 9, 2019, after she returned to her apartment to retrieve her phone and purse, that she drove to the decedent's place. However, she saw "cops. Blue lights everywhere," when she got into the vicinity of the decedent's home. She was not permitted to go onto what was an obvious crime scene. R. 122, l. 16 –123, l. 8.

Instead, Bennett went to the police station as requested. She said the police asked her to stay at the police station "for her own safety" until they found appellant. R. 122, l. 23 –123, l. 17.

On cross-examination, Bennett acknowledged that she regularly spoke with appellant and text messaged him. R. 144, l. 10 –145, l. 2. Bennett admitted that appellant did not have a with a gun with him during either the September, 2019 or the November 2019 occurrences where when she called 911. R. 145, l. 9 –146, l. 23. Conversely, the decedent had a shotgun that he carried with him. Bennett further acknowledged that on both occasions, appellant left when the police were called. R. 148, ll. 2-20.

Hartsville police officer John Specht testified that he was dispatched to the apartment of Mary Beth Bennett on December 9, 2019, at about 8:00 p.m. He observed the damage to her front door, and he later received a call about the decedent being shot at his address on Racetrack Road. Specht testified at that time he did not know that the burglary at Bennett's apartment, and the shooting incident on Racetrack Road were related. R. 152, l. 5 –160, l. 7. Specht testified

that he learned that appellant was located shortly after the shooting in Chesterfield County, and he was arrested there. R. 158, l. 14 –159, l.

Perez Graham lived on Racetrack Road near the decedent's body shop and his camper. Graham owned a nearby tavern, the "Bar 112." Graham remembered on December 9, 2019, that his ex-wife called, and she told Graham that she had heard some gunshots in their area. R. 166, l. 10 –171, l. 19. Graham drove to his ex-wife's location and he saw a little SUV. R. 168, ll. 10-13.

Graham talked to a "white man" there, and he asked the man: "What's up with all these damn shots back here I'm hearing." Graham said the man responded: "It's over with now. I said well, damn, with it being over with or not, I'd like to know what was going on because I got children up here. I got family up here. So, I'd like to know what's going on. And he just said it's in God's hands now. And I said what does that mean? And he drove off." R. 168, l. 14 –169, l. 6.

Darlington Sheriff's Deputy George Kelley responded to the scene at the decedent's camper on Racetrack Road. Kelley spoke to Graham who gave him a description of the vehicle the "white man" was driving. Graham remembered spotting drag marks in the dirt with blood where the decedent's body had apparently been dragged. The shotgun that was used in this case was lying near the decedent's body. R. 182, l. 21 –183, l. 21. The decedent had a gunshot wound to his head, and no signs of life were present. R. 175, l. 12 –177, l. 10.

Melissa Row testified that she had known appellant since he was a child. He arrived at her Chesterfield County home on the night of December 9, 2019. He had a bloody nose and she saw apparent beating wounds on his body. R. 201, l. 8 – 203, l. 17.

Appellant told Row that Mary Beth's boyfriend had shot him, and she remembered that appellant was bleeding badly from both legs. Row also recalled appellant told her he took the

gun away from Mary Beth's boyfriend, bit his ear off, and shot him three times in the head. R. 203, l. 3 –205, l. 12. While Row did not believe all of this actually happened, she called 911 when appellant left. R. 205, ll. 9-12.

Doctor Kelly Rose, the pathologist, testified that the decedent was shot from about three feet away with a shotgun. He had one gunshot wound in his back and two shotgun wounds to the back of his head. R. 225, l. 11 –235, l. 19. There was also evidence suggesting the perpetrator had his arms around the decedent's neck as if to attempt to strangle him. R. 242, l. 20 –243, l. 16.

Jason Felkel testified that he knew appellant, and they were in the local jail together after appellant was charged with murder. Felkel maintained that appellant told him he went to the decedent's trailer and that the decedent shot two warning shots at his feet. According to Felkel, appellant said the gun the jammed, appellant was able to take the shotgun away from the decedent and he shot him. R. 375, l. 4 –377, l. 25.

Felkel admitted that he had pending charges against him, and Felkel's son also had murder charges pending against him in Florence County. R. 378, l. 10 –380, l. 21.

The state also presented the testimony of Amanda Rowe Young, who was working at the Darlington County detention center at the time. Young claimed that while appellant was in jail awaiting trial he was bragging about shooting the decedent. She maintained that appellant said he would also get his dog back, and he would kill Mary Beth as well. R. 388, l. 2 - 389, l. 12.

Appellant took the stand in his own defense. As to the burglary charge, appellant testified that he only broke into Mary Beth's apartment on December 9, 2019, after delivering the gift of a Christmas tree because he saw her in distress inside her apartment through her front door. She was bending over the sink at the time. R. 430, l. 4 –434, l. 19.

Appellant also said that the decedent shot him in the foot first, and then shot him in the leg. Appellant displayed his injuries to the jury. Appellant acknowledged that he was able to get the gun from the decedent and shoot him three times in self-defense after following Mary Beth to the decedent's camper. R. 437, l. 13 –444, l. 10.

Appellant admitted that he drove to Chesterfield County immediately after the shooting because he knew Row was a nurse and he needed medical attention after being shot. R. 444, l. 12 –445, l. 17. Appellant finally testified that Mary Beth had told the decedent that appellant was on his way over that night. The decedent was therefore lying in wait for appellant with his shotgun when appellant arrived. R. 460, l. 18 –461, l. 15.

Appellant also testified that he was fighting for his life and was unable to call 911, as the solicitor suggested, during the fatal struggle with the decedent. Appellant told the solicitor that he was ambushed, badly wounded, and he fought back the only way that he could. R. 463, l. 7 – 466, l. 10.

Finally, appellant denied that he ever bragged about shooting the decedent to anyone. The testimony to the contrary was simply not true. R. 465, l. 18 –466, l. 13.

Discussion

In State v. Lyle, 125 S.C. 406, 118 S.E.2d 803 (1923), our Supreme Court considered a case where the question was whether the signature on a check was in fact the defendant's handwriting. The identity of the drawer of the forged check was the only matter to be decided.

The Court noted that where there was serious doubt as to the admissibility of evidence, that doubt should always be resolved in the defendant's favor. However, following State v. Lyle and now, Rule 404(b), SCRE, evidence of other crimes, wrongs, or acts are

admissible if they show motive, identity, the absence of a common scheme or plan, the absence of mistake or accident, or intent.

In this case, the trial judge ruled that the evidence of the September 2019 and November 2019 incidents went to appellant's intent and his motive to kill the decedent. In the September 2019 incident, appellant allegedly said that he would "bury" the decedent and he made a crude sexual comment to his former girlfriend, Mary Beth at the same time. Appellant left when the police arrived without incident.

In the November 2019 incident, appellant beat on the side of the camper while Mary Beth and the decedent were inside. The decedent got out his shotgun and cocked it. Appellant allegedly said he was not scared of the gunshot. Appellant was not arrested either time, much less convicted of a crime. There was also no evidence Mary Beth ever sought an order of protection against appellant, and, to the contrary, the evidence showed they remained friends and they regularly saw each other.

The solicitor maintained that these two prior bad acts showed that appellant was "obsessed" with Mary Beth, and therefore both incidents were admissible to show his motive and intent to murder the decedent. From appellant's juvenile behavior during both of these incidents the solicitor wanted the jury to conclude that appellant intended to kill the decedent. That is, respectfully, not a fair inference to draw this appellant's childish behavior.

In State v. Perry, 430 S.C. 24, 842 S.E.2d 654 (2020), our Supreme Court held that it would apply a logical connection test when determining the admissibility of other crimes evidence to show common scheme or plan evidence. The Court overruled the State v. Wallace, 384 S.C. 428, 683 S.E.2d 275 (2020) similarities test. The Supreme Court then held evidence of

prior sexual assaults by Perry against his stepdaughter more than twenty years ago was not admissible to show a common scheme or plan.

In State v. Gillian, 373 S.C. 601, 646 S.E.2d 872 (2007), our Supreme Court noted that even if prior bad act evidence was admissible because there was clear and convincing evidence of that prior bad act it still must be excluded if its probative value was substantially outweighed by its danger of unfair prejudice to the defendant. See State v. Pagan, 369 S.C. 201, 631 S.E.2d 262 (2006).

In Pagan, Court held that evidence of the defendant's failure to stop for a blue light was not admissible as evidence of his flight or his guilty knowledge of the substantive crime. It was also inadmissible to show identity. In short, drawing the worst possible inference from the prior bad act evidence was not a proper application of the rule pertaining to the prior bad act evidence.

In State v. Spears 403 S.C. 247, 742 S.E.2d 878 (Ct. App. 2013), evidence was admitted during a murder trial regarding a shooting between the defendant Spears and the victim, Hammonds, one month prior to the victim being killed. The testimony of the shooting was admitted by the trial judge as an excited utterance, and as a prior bad act.

This Court determined that there were no findings on the record regarding the probative value, the nature of the prejudice, and simply no balancing test whatsoever as to Rule 403, SCRE This Court determined that the bad act testimony involving the defendant shooting the victim a month before the fatal shooting could have improperly been used by the jury to determine the defendant was guilty by relying on the first shooting testimony as propensity evidence. The Court therefore remanded the case for the trial court to do a proper balancing test.

In State v. Fletcher, 379 S.C. 17, 664 S.E.2d 480 (2008), the trial court allowed prior bad act evidence regarding the defendant leaving the victim unattended in a hot attic and handcuffed to a bed. The Court noted that clear and convincing evidence did not show that defendant placed child victim in attic or handcuffed victim to a bed, and thus evidence of those prior acts was inadmissible under other bad acts rule The Court also held the error in the admission of this evidence was not harmless. It fundamentally demonstrated why such evidence was inadmissible since it can be used by the jury to demonstrate the defendant's bad character -- from which the jury can infer that the defendant did in fact commit the crime for which he was on trial.

The two juvenile or erratic behavior prior incidents in this case could also be used improperly by the jury to infer that appellant was a very strange man of bad character. The jury could then make the impermissible inference that appellant killed the decedent here with malice aforethought, rather than in self-defense, particularly given evidence of appellant's unusual statements following the shooting.

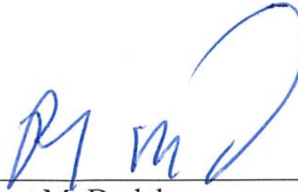
The trial judge also performed no balancing test pertaining of the probative value of the other bad act evidence to determine whether its probative value was substantially outweighed by its unduly prejudicial effect under Rule 403, SCRE. "Unfair prejudice" means an undue tendency to suggest a decision on an improper basis. State v. Gilchrist, 329 S.C. 621, 627, 496 S.E.2d 424, 427 (Ct.App.1998). "The determination of whether the danger of unfair prejudice outweighs the probative value of evidence must be based on the entire record and will turn on the facts of each case. State v. Lyles, 379 S.C. 328, 338, 665 S.E.2d 201, 206 (Ct.App.2008)." State v. Holland, 385 S.C. 159, 171, 682 S.E.2d 898, 904 (2009).

The improperly admitted other bad act evidence in this case was substantially prejudicial because it allowed the jury to view appellant generally as a man of bad character who behaved erratically. The likely earned ire of the jury from hearing evidence of appellant's crude sexual comment to his former girlfriend in the presence of her new boyfriend should also not be underestimated. Appellant in all likelihood lost the benefit of the doubt with the jury on the self-defense determination given this inadmissible bad character and erratic behavior prior bad act evidence.

The judge did not conduct the required Rule 403, SCRE balancing test once that objection was raised. See, State v. Spears 403 S.C. 247, 742 S.E.2d 878 (Ct. App. 2013) Further, evidence of these two prior bad acts was not admissible pursuant to Rule 404 (b), SCRE or State v. Lyle, and the error was not harmless in this self-defense case. See State v. Fletcher, 379 S.C. 17, 664 S.E.2d 480 (2008). Appellant should be granted a new trial.

CONCLUSION

By reason of the foregoing arguments, appellant's conviction should be reversed, and this remanded to the Florence County Court of General Sessions for a new trial.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 9th day of May, 2024.

RECEIVED
May 09 2024
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Darlington County

Honorable Paul M. Burch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

FREDDY RAY HARRIS III,

APPELLANT

APPELLATE CASE NO. 2023-001165

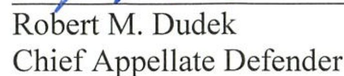
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Freddy Ray Harris states:

1. He is Chief Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.
2. He has reviewed the record of appellant's trial before Judge Paul M. Burch, which was held on July 10 - 14, 2023, and, in his opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. He has, pursuant to Anders v. California, 386 U.S. 738, 87 S. Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

Wherefore, he asks the Court to relieve him as counsel for Freddy Ray Harris.

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 9th day of May, 2024.

RECEIVED
May 09 2024
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Darlington County

Honorable Paul M. Burch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

FREDDY RAY HARRIS III,

APPELLANT

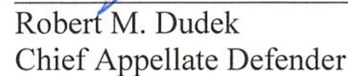
APPELLATE CASE NO. 2023-001165

DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

(1) True-billed indictment;
(2) Entire trial transcript.

I certify that this designation contains no matter which is irrelevant to this appeal.



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

This 9th day of May, 2024.

RECEIVED
May 09 2024
SC Court of Appeals

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Anders Brief of Appellant 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."

Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

This 9th day of May, 2024.

RECEIVED
May 09 2024
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Darlington County

Honorable Paul M. Burch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

FREDDY RAY HARRIS III,

APPELLANT

APPELLATE CASE NO. 2023-001165

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Anders Brief of Appellant and Record on Appeal in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Freddy Ray Harris, #391463, at McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899, this 9th day of May, 2024.

Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT