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Sep 05 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

NATHANIEL DAVID ROWLAND,

APPELLANT.

APPELLATE CASE NO. 2021-000822

Appeal from Richland County

Honorable Clifton Newman, Circuit Court Judge

Opinion No. 6084

PETITION FOR REHEARING

On August 21, 2024, this Court affirmed Appellant's convictions and sentence. State v. Rowland, Op. 6084 (S.C. Ct. App. filed August 21, 2024) (Howard Adv. Sh. No. 32 at 47). Pursuant to Rule 221(a), SCACR, Appellant respectfully requests this Court rehear the matter based upon the significant points overlooked and/or misapprehended by this Court in reaching its decision.

Fourth Amendment Violation

On appeal, Appellant argued the trial judge erred by denying Appellant's motion to suppress evidence obtained as a product of the unlawful traffic stop of Appellant's vehicle

because law enforcement did not have probable cause that a traffic violation had occurred nor reasonable suspicion that the occupants of the car were engaged in criminal activity before conducting the traffic stop.

This Court held the trial judge did not err when it denied Appellant's motion to suppress. The Court determined "Ofc. Kraft was acting diligently in the course of a missing person investigation, and the facts and circumstances he knew about Josephson's disappearance at the time he spotted the Impala two blocks from the location where Josephson was last seen surpassed the threshold of a 'mere hunch or unparticularized suspicion.'" In short, this Court concluded Kraft had reasonable suspicion to stop Appellant's vehicle. In support of this holding, this Court cited to Robinson v. State, 407 S.C. 169, 754 S.E.2d 862 (2014) and State v. Frasier, 437 S.C. 625, 879 S.E.2d 762 (2022). This Court also held "Appellant failed to establish a Fourth Amendment violation because Ofc. Kraft's initial investigatory stop was justified by the exigent circumstance of attempting to find a missing person."

For the reasons that follow, Petitioner respectfully requests this Court grant rehearing and hold the trial judge erred by denying Appellant's motion to suppress.

The Fourth Amendment guarantees "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend IV. Thus, the Fourth Amendment protects against unreasonable searches and seizures, including seizures that involve only a brief detention. United States v. Mendenhall, 446 U.S. 544 (1980). "A person has been seized within the meaning of the Fourth Amendment at the point in time when, in light of all the circumstances surrounding an incident, a reasonable person would have believed that he was not free to leave." Robinson v. State, 407 S.C. 169, 181, 754 S.E.2d 862, 868 (2014) (citing Mendenhall, 446 U.S. at 554).

“Temporary detention of individuals during the stop of an automobile by the police, even if only for a brief period and for a limited purpose, constitutes a seizure of persons within the meaning of the Fourth Amendment.” State v. Pichardo, 367 S.C. 84, 97, 623 S.E.2d 840, 847 (Ct. App. 2005) (citing Whren v. United States, 517 U.S. 806 (1996) and State v. Maybank, 352 S.C. 310, 573 S.E.2d 851 (Ct. App. 2002)). “Thus, an automobile stop is ‘subject to the constitutional imperative that it not be unreasonable under the circumstances.’” Id. (quoting Whren, 517 U.S. at 810). “Where probable cause exists to believe that a traffic violation has occurred, the decision to stop the automobile is reasonable per se.” Id. (citing Whren, 517 U.S. at 810). “The police may also stop and briefly detain a vehicle if they have a reasonable suspicion that the occupants are involved in criminal activity.” Id. at 97-98, 623 S.E.2d at 847 (citing State v. Butler, 343 S.C. 198, 539 S.E.2d 414 (Ct. App. 2000)); State v. Forester, 269 S.C. 373, 378, 237 S.E.2d 589, 591 (1977).

“Reasonable suspicion is something more than an ‘inchoate and unparticularized suspicion’ or hunch.” Robinson, 407 S.C. at 182, 754 S.E.2d at 868 (quoting Terry v. Ohio, 392 U.S. 1, 27 (1968)). “Instead, looking at the totality of the circumstances, reasonable suspicion requires there be an objective, specific basis for suspecting the person stopped of criminal activity.” Id. at 182, 754 S.E.2d at 868-869 (citing United States v. Cortez, 449 U.S. 411, 417-418 (1981)); State v. Woodruff, 344 S.C. 537, 546, 544 S.E.2d 290, 295 (Ct. App. 2001). “The police officer may make reasonable inferences regarding the criminality of a situation in light of his experience, but he must be able to point to articulable facts that, in conjunction with his inferences, ‘reasonably warrant’ the intrusion.” Id. at 182, 754 S.E.2d at 869 (citing Terry, 392 U.S. at 21, 27).

Officer Kraft seized Appellant within the meaning of the Fourth Amendment at the time he activated his blue lights and initiated the traffic stop on Appellant's vehicle. At that point, a reasonable person in Appellant's position would not have felt free to leave. See Mendenhall, 446 U.S. at 554. Because the seizure began at that point, the requisite reasonable suspicion likewise must have been present at the same time.¹ See Robinson, 407 S.C. at 183, 754 S.E.2d at 869.

Officer Kraft admitted that at the time he activated his blue lights and initiated the traffic stop on Appellant's vehicle, he did not have probable cause that Appellant committed a traffic violation. Rather, the sole reason he stopped Appellant's car was because it was a black Chevy Impala which matched the color, make, and model of the vehicle Josephson was seen getting into before she disappeared about twenty-four hours prior. Importantly, Kraft did not know that a crime had even been committed as he had no knowledge that Josephson's body had been found hours earlier in Clarendon County. This does not amount to reasonable suspicion that the occupants of the vehicle were engaged in criminal activity. Kraft merely had a "hunch" that perhaps the vehicle was related to Josephson's disappearance. See Robinson, 407 S.C. at 182, 754 S.E.2d at 868.

If the stop of Appellant's vehicle was legal, then law enforcement would have been constitutionally permitted to stop any black Chevy Impala in the Five Points and Rosewood area in hours and days after Josephson's disappearance.

Because Officer Kraft did not have probable cause that Appellant committed a traffic violation nor reasonable suspicion that the occupants of the car were engaged in criminal

¹ This Court also discussed what occurred *after* Officer Kraft activated his blue lights, including the fact that Appellant turned the wrong way down a one way road in his haste to pull over, that Appellant did not have identification, and that there was an "apparent odor of marijuana emanating from the car." However, Appellant was seized pursuant to the Fourth Amendment at the moment Officer Kraft activated his blue lights and initiated the traffic stop. Accordingly, what occurred *after* Appellant was seized is irrelevant to the reasonable suspicion determination.

activity, the stop was unreasonable and violated Appellant's Fourth Amendment rights. Consequently, the trial judge should have suppressed all evidence obtained a result of the unlawful stop. See Wong Sun v. United States, 371 U.S. 471, 484 (1963) (The exclusionary rule prohibits the use of evidence obtained directly or indirectly through an unlawful search or seizure under the fruits of the poisonous tree doctrine.).

In its opinion, this Court found "the case at hand is similar to our supreme court's case, Robinson v. State." Respectfully, this case is easily distinguishable from Robinson. In fact, Appellant would go so far as to argue that this case is *nothing* like Robinson. In Robinson, at the time the officer pulled up behind the car Robinson was driving, thereby seizing Robinson within the meaning of the Fourth Amendment, "the officer knew the following: (1) there was a parked car in *a closed and darkened church parking lot* on a Tuesday night; (2) the car was *behind a fence with its lights off*; (3) the car had *no reason* to be within the fence at that time of night when the church was closed; and (4) the area where the car was parked was *not readily open to the public*." 407 S.C. at 183, 754 S.E.2d at 869 (emphasis added). From these facts the officer inferred that a couple might be parked in the vehicle "necking" on church grounds, a potential misdemeanor under S.C. Code Ann. § 16-11-760. Id. Our Supreme Court held these facts gave rise to a reasonable suspicion that potential criminal activity was afoot and that the stop was therefore justified based solely on the officer's assumption that there was a couple "necking" in the car. Id.

In this case, Officer Kraft did not have reasonable suspicion that the occupants of the Impala were engaged in criminal activity. Again, at the time Kraft initiated the traffic stop on Appellant's vehicle, all he knew was that (1) Samantha Josephson was missing; (2) that she had not been seen or heard from in twenty-four hours; (3) that she was last seen getting into a newer

model black Chevy Impala in front of the Bird Dog in Five Points; and (4) that the last known location of her phone was the Rosewood area. The missing person bulletin Kraft received did not specify the license plate number for the Chevy Impala or the vehicle registration information nor did it identify a potential driver of the vehicle. Importantly, Kraft did not know that a crime had even been committed as he had no knowledge that Josephson's body had been found hours earlier in Clarendon County. Accordingly, unlike in Robinson where the officer had an objective, specific basis for suspecting the occupants of the car of criminal activity, Kraft merely had a "hunch" that perhaps the random Chevy Impala he observed was related to Josephson's disappearance.

This Court also held "Appellant failed to establish a Fourth Amendment violation because Ofc. Kraft's initial investigatory stop was justified by the exigent circumstance of attempting to find a missing person." In support of this holding, this Court appeared to rely on a "community caretaker exception" to the warrant requirement used to "uphold warrantless searches and/or seizures, including the search for missing persons." However, our state has never adopted the so called "community caretaker exception" and the exception was directly rejected by the Supreme Court of the United States in Caniglia v. Strom, 593 U.S. 194 (2021).

As noted in the concurrence in Caniglia, the exigent circumstances doctrine applies when officers have an "objectively reasonable basis" for believing that an occupant is "seriously injured or threatened with such injury." Caniglia, 593 U.S. at 207 (Kavanaugh, J., concurring) (citing Brigham City, Utah v. Stuart, 547 U.S. 398, 400, 403 (2006)). No such "objectively reasonable basis" existed in this case for the reasons argued above establishing Officer Kraft did not have reasonable suspicion to stop Appellant's vehicle. Therefore, this Court incorrectly

concluded the traffic stop of Appellant's vehicle was "justified by the exigent circumstance of attempting to find a missing person."

Expert Handwriting Comparison Testimony

Appellant also argued on appeal that the trial judge abused his discretion by admitting expert testimony from the state's document examiner that it was "probable" that the person who wrote the inscription on the back of an envelope found in Appellant's car was the same person whose handwriting appears on Appellant's personnel records obtains from Capital Waste Services and FedEx, since the evidence was not relevant pursuant to Rule 401, SCRE, any probative value of the evidence was substantially outweighed by the danger of unfair prejudice, confusion of the issues, and misleading the jury under Rule 403, SCRE, and was inadmissible pursuant to Rule 702, SCRE, given that it could not assist the jury in understanding the evidence or determining a fact at issue.

This Court held the evidence was relevant since the envelope was found in Appellant's car, a crucial part of the crime scene, and contained Josephson's blood and Appellant's fingerprint. Additionally, the expert testified that it was probable that the same individual who filled out Appellant's employment records also authored the list on the envelope. This Court further found the evidence was admissible pursuant to Rule 702 because it assisted the jury in determining who wrote the inscription on the envelope and the trial judge was not required to decide if the expert's testimony is "correct." Lastly, this Court held the probative value of the expert's testimony did not outweigh the dangers of unfair prejudice.

For the reasons that follow, Petitioner respectfully requests this Court grant rehearing and hold the trial judge abused his discretion by admitting Jamieson's expert testimony.

“‘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.” Rule 401, SCRE. “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. Unfair prejudice pursuant to Rule 403 “is the tendency of the evidence to suggest a decision based on something other than the legitimate probative force of the evidence.” State v. Phillips, 430 S.C. 319, 328, 844 S.E.2d 651, 656 (2020) (citing State v. Gray, 408 S.C. 601, 616, 759 S.E.2d 160, 168 (Ct. App. 2014)).

Jamieson’s expert testimony should have been excluded because it was not relevant nor probative. At the forefront, Jamieson had no evidence that Appellant was the author of the personnel records obtained from Capital Waste Services and FedEx, which Jamieson used as his “known documents.” Moreover, Jamieson could not opine that the writer of the known documents wrote the writing on the questioned document, the envelope found in Appellant’s vehicle. He merely concluded that it was “probable” that the same *unidentified* person wrote all three documents. This testimony does not have a “tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable.” The only purpose of this testimony was to allow the jury to assume or speculate that Appellant was the writer of the questioned document. For these reasons, Jamieson’s testimony was unfairly prejudicial and misleading as it allowed the jury to convict Appellant on an improper basis, namely speculation.

In State v. Council, 335 S.C. 1, 515 S.E.2d 508 (1999), our Supreme Court “set forth what has become the standard South Carolina formulation of the elements of the foundation for scientific evidence under Rule 702.” Phillips, 430 S.C. at 325, 844 S.E.2d at 654 (citing Council, 335 S.C. at 20, 515 S.E.2d at 518). “When admitting scientific evidence under Rule 702, SCRE, the trial judge must find the evidence will assist the trier of fact, the expert witness is qualified, and the underlying science is reliable.” Council, 335 S.C. at 20, 515 S.E.2d at 518. “Further, if the evidence is admissible under Rule 702, SCRE, the trial judge should determine if its probative value is outweighed by its prejudicial effect.” Id. (citing Rule 403, SCRE).

Jamieson’s expert testimony also should have been excluded pursuant to Rule 702 since he was unable to opine that Appellant was the author of the questioned document (the inscription on the back of the envelope found in Appellant’s car). Without being able to conclusively determine whether Appellant was the writer of the list on the envelope, Jamieson’s opinion could not assist the jury in understanding the evidence or determining a fact at issue as required by Rule 702. His opinion that the same *unidentified* person who wrote the personnel records obtained from Capital Waste Services and FedEx *probably* wrote the list on the back of the envelope that was found in the center console of Appellant’s car only caused the jury to speculate.

Respectfully, this Court should grant rehearing, hold the trial judge abused his discretion by admitting Jamieson’s expert testimony, and reverse Appellant’s convictions and sentence.

Expert DNA Analysis Testimony

Appellant also argued on appeal that the trial judge abused his discretion by admitting testimony from the state’s expert DNA analyst concerning Appellant’s inclusion in a mixture of DNA found on a multitool and cuttings from a wad of paper towels and a pair of pants in

violation of Rule 702, SCRE, since the testimony could not assist the jury in understanding the evidence or determining a fact at issue and any probative value of the evidence was substantially outweighed by the danger of unfair prejudice, confusion of the issues, and misleading the jury under Rule 403, SCRE, given that the expert admitted there was only weak support for Appellant's inclusion.

This Court held the trial judge did not abuse his discretion by admitting the expert's testimony pursuant to Rule 702 because the judge properly heard the testimony *in camera* and applied the Council factors before admitting the evidence. Additionally, this Court held the trial judge did not abuse his discretion pursuant to Rule 702 or Rule 403 because the judge was not required to determine whether the expert's testimony was correct. The Court determined the expert's testimony "assisted the jury in understanding the results of the DNA analyses on multiple, relevant items of evidence." Moreover, the Court concluded "the DNA mixtures were probative of who murdered Josephson." Lastly, this Court held that even if some portion of the expert's testimony was erroneously admitted, such error would be harmless in light of the overwhelming evidence of guilt the state presented.

For the reasons that follow, Petitioner respectfully requests this Court grant rehearing and hold the trial judge abused his discretion by admitting DeWane's expert testimony.

In State v. Council, 335 S.C. 1, 515 S.E.2d 508 (1999), our Supreme Court "set forth what has become the standard South Carolina formulation of the elements of the foundation for scientific evidence under Rule 702." State v. Phillips, 430 S.C. 319, 325, 844 S.E.2d 651, 654 (2020) (citing Council, 335 S.C. at 20, 515 S.E.2d at 518). "When admitting scientific evidence under Rule 702, SCRE, the trial judge must find the evidence will assist the trier of fact, the expert witness is qualified, and the underlying science is reliable." Council, 335 S.C. at 20, 515

S.E.2d at 518. “Further, if the evidence is admissible under Rule 702, SCRE, the trial judge should determine if its probative value is outweighed by its prejudicial effect.” Id. (citing Rule 403, 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.”)). Unfair prejudice pursuant to Rule 403 “is the tendency of the evidence to suggest a decision based on something other than the legitimate probative force of the evidence.” Phillips, 430 S.C. at 328, 844 S.E.2d at 656 (citing State v. Gray, 408 S.C. 601, 616, 759 S.E.2d 160, 168 (Ct. App. 2014)).

In United State v. Graves, 465 F.Supp.2d 450 (E.D. Pa. 2006), Graves moved to exclude DNA evidence from his trial for armed bank robbery. The government sought to introduce DNA analysis from an umbrella allegedly used and discarded by the robber and a pair of sneakers taken from Grave’s girlfriend’s residence that purportedly matched shoe prints from the teller counter. 465 F.Supp.2d at 452-53. Graves argued “because of the low statistical significance of the DNA evidence, its probative value is substantially outweighed by the danger of unfair prejudice and confusion of the issues under Rule 403, FRE.” Id. at 457.

The government argued in Graves that the statistical significance went to the weight of the evidence rather than its admissibility. Id. The DNA report regarding the sneakers indicated the presence of DNA from three or more individuals. Id. at 453-545. The probability of selecting an unrelated individual at random from the African American population who could be a potential contributor (“random match probability”) to the mixture of DNA detected was 1 in 2,900 for the left sneaker and 1 in 3,600 for the right sneaker. Id. at 454. For the umbrella, the

DNA report indicated the presence of DNA of more than one individual and listed a random match probability of approximately 1 in 2. Id.

In ruling that the DNA evidence related to the sneakers was admissible but that the DNA evidence regarding the umbrella was inadmissible, the court in Graves emphasized the Third Circuit Court of Appeals' recognition that "overtly probabilistic evidence is no less probative of legally material facts than other types of evidence." Id. at 457 (quoting United States v. Hannigan, 27 F.3d 890, 893 n. 3 (3rd Cir. 1994)). While the court recognized that some courts have admitted DNA evidence even when the statistical significance of the data was relatively low and the probability of a random match in the relevant population was rather high, it recognized the potential danger "for the jury to misconstrue the statistical significance of the DNA evidence." Id. at 458-59. The court held the sneaker DNA evidence was admissible because it had a far greater random match probability and in light of the safeguards of cross-examination, proper explanations, and clarifying jury instructions. Id. at 459. However, the court held the umbrella evidence was inadmissible, writing: "In contrast, even with appropriate safeguards, the minimal probative value of the umbrella DNA evidence—in which half of the relevant population cannot be excluded as a contributor to the DNA sample—is substantially outweighed by the danger of unfair prejudice and confusion of the issues." Id.

In Phillips, our Supreme Court held the trial judge erred by admitting testimony from a DNA analyst that Phillips could not be excluded as a contributor to a mixture of DNA recovered from two samples taken from the crime scene: the grip of the gun used to kill the decedent and the decedent's right front jeans pocket where money or other items of value were allegedly removed by the perpetrator. 430 S.C. at 321, 844 S.E.2d at 652. The analyst testified, however, that "the statistical probability that another person—not Phillips—could have been the

contributor to the touch DNA sample taken from the gun was one in two hundred, and the probability another person was the contributor to the jeans pocket sample was one in two.” Id. at 325, 844 S.E.2d at 654.

The Court held the probative value of the expert’s testimony connecting Phillips to the DNA on the gun was minimal because Phillips admitted he touched the gun earlier in the day while he was at the decedent’s residence. Id. at 327, 844 S.E.2d at 655. It further concluded that “[a]t first glance” the probative value of the evidence “Phillips had his hand in the [decedent’s] pocket” appeared high because there was no innocent explanation. Id. at 328, 844 S.E.2d at 655. However, because the expert “testified that one in two people—half the population—could have been the person who left the DNA in [the decedent’s] pocket,” the probative value of the evidence is “minimal.” Id.

The Court then balanced the minimal probative value of the expert’s testimony “against the danger of unfair prejudice, confusion of the issues, or misleading the jury.” Id. at 328, 844 S.E.2d at 655-656 (citing Rule 403, SCRE). After a thorough analysis, the Court determined the expert’s testimony, which “involved three fundamental concepts”—“touch DNA, non-exclusion DNA, and random match probability”—had a significant potential to confuse and mislead the jury. Id. at 330-331, 844 S.E.2d at 657 (internal quotation marks omitted). Pursuant to Council and Rule 702, the Court held the trial judge abused his discretion by admitting the expert’s testimony. The trial judge failed to require the state to present a factual and scientific foundation for the expert’s testimony as required. Id. at 341, 844 S.E.2d at 662. When the Court conducted such an analysis on appeal, it concluded the evidence should have been excluded. Id. The Court further held the evidence was not harmless and remanded for a new trial. Id. at 341-342, 844 S.E.2d at 662-663.

In this case, because of the weak support for the inclusion of Appellant in the mixture of DNA found on the swab from the multitool and the cuttings from the wad of paper towels and pants, DeWane's testimony concerning these items could not assist the jury in determining a fact at issue or in understanding the evidence as required by Rule 702. Moreover, for this same reason, the evidence had little to no probative value. However, there is a strong probability that DeWane's testimony misled and confused the jury because the jury likely believed Appellant's DNA "matched" the DNA found on these items. Therefore, the evidence was unfairly prejudicial to Appellant due to the significant chance it was misused by the jury. The evidence should have been excluded pursuant to Rule 403.

The deputy solicitor's closing argument is evidence of how DeWane's testimony concerning the results of her analysis on the multitool misled and confused the jury. He asserted, "[W]ell, that's not the only DNA [Josephson's blood] found on that thing actually. *Nathaniel Rowland's DNA was included as part of the mixture on the handle of this weapon, the murder weapon. It was included by way of two different methodologies* you heard about, included in the mixture. **His DNA on the handle.**" R. 1376, ll. 2-9 (emphasis added). The solicitor improperly used DeWane's testimony exactly as the defense feared—to mislead the jury to believe that Appellant's DNA was conclusively on the multitool, the alleged "murder weapon."

Moreover, unlike this Court held, the erroneous admission of DeWane's testimony was not harmless. "The key factor for determining whether a trial error constitutes reversible error is whether it appears beyond a reasonable doubt that the error complained of did not contribute to the verdict obtained." State v. Tapp, 398 S.C. 376, 389, 728 S.E.2d 468, 475 (2012) (citing State v. Charping, 313 S.C. 147, 157, 437 S.E.2d 88, 94 (1993); See Chapman v. California, 386 U.S.

18, 24 (1967), “Whether an error is harmless depends on the circumstances of the particular case.” Id. (quoting State v. Mitchell, 378 S.C. 305, 316, 662 S.E.2d 493, 499 (2008)). “Our jurisprudence requires [this Court] not to question whether the State proved its case beyond a reasonable doubt, but whether beyond a reasonable doubt the trial error did not contribute to the guilty verdict. Id. at 389-90, 728 S.E.2d at 475; See State v. Mizzell, 349 S.C. 326, 334, 563 S.E.2d 315, 319 (2002). The evidence in this case was almost wholly circumstantial. The state improperly used DeWane’s testimony, as emphasized above, to argue that Appellant’s DNA was conclusively on the multitool, the alleged “murder weapon.” Consequently, it cannot be said beyond a reasonable doubt that DeWane’s erroneously admitted testimony did not contribute to the verdict.

Respectfully, this Court should hold the trial judge abused his discretion by admitting this testimony, reverse Appellant’s convictions and sentence, and remand for a new trial.

Based on the foregoing, Appellant respectfully requests this Court rehear his case pursuant to Rule 221(a), SCACR, due to the significant legal and factual points overlooked and/or misapprehended by this Court in affirming Appellant’s convictions and sentence.

Respectfully Submitted,

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Lara M. Caudy
Senior Appellate Defender

ATTORNEY FOR APPELLANT

This 5th day of September, 2024.

RECEIVED

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SC Court of Appeals

STATE OF SOUTH CAROLINA
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Appeal from Richland County

Honorable Clifton Newman, Circuit Court Judge

THE STATE,

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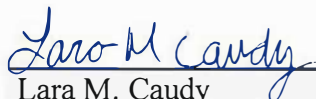
NATHANIEL DAVID ROWLAND,

APPELLANT.

APPELLATE CASE NO. 2021-000822

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Petition for Rehearing in the above referenced case has been served upon Melody J. Brown, Esquire, at her primary email address listed in the Attorney Information System (AIS), this 5th day of September, 2024.


Lara M. Caudy
Senior Appellate Defender

ATTORNEY FOR APPELLANT

From: [Mcinnis, Sara](#)
To: mbrown@scag.gov
Cc: abennett@scag.gov; [Caudy, Lara](#)
Subject: 2021-000822 The State v. Nathaniel D. Rowland Petition for Rehearing
Date: Thursday, September 5, 2024 3:42:00 PM
Attachments: [2021-000822 - The State v. Nathaniel D. Rowland - Petition for Rehearing.pdf](#)

Good Afternoon Ms. Brown,

Please find attached for service in the above-referenced case the petition for rehearing, which will be filed with the Court of Appeals today, September 5, 2024, via email filing.

Thank you!

Sara McInnis

Administrative Assistant
South Carolina Commission on Indigent Defense
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