STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

DeAndrea G. Benjamin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CONRAD LAMONT SLOCUMB,

APPELLANT

APPELLATE CASE NO. 2013-000933

INITIAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Appellant's aggregate one hundred and thirty (130) year sentence for nonhomicide offenses committed when he was a juvenile is the functional equivalent of a life sentence without parole because it does not afford him any "meaningful opportunity to obtain release" within his lifetime as required under the United States Supreme Court's decision in Graham v. Florida, 130 S. Ct. 2011 (2010). Therefore, Appellant is entitled to re-sentencing consistent with the Eighth Amendment and the principles set forth in Graham.

STATEMENT OF THE CASE

On March 20, 1996, Appellant Conrad Lamont Slocumb was indicted by the Richland County Grand Jury for (1) first degree burglary; (2) criminal sexual conduct, first degree; (3) kidnapping; (4) escape; and (5) armed robbery. R.p. *. Appellant was sixteen (16) years, eight (8) months, and twenty-four (24) days of age upon the commission of these offenses. R.p. * [Motion for Re-sentencing.]

In November 1996, Appellant was tried and convicted by a jury on the above-referenced counts. Tr. 4, ll. 1-4. At Appellant's sentencing hearing, the Honorable James W. Johnson, Jr. sentenced him to life without the possibility of parole for the charges of kidnapping, criminal sexual conduct, first degree, and first degree burglary. This sentence was predicated upon the finding that Appellant had a prior 1993 conviction for criminal sexual conduct, first degree, and therefore, was subject to a sentence of life without parole on these offenses which would constitute second "most serious offenses" pursuant to S.C. CODE ANN. § 17-25-45(A)(1)(a). Appellant also received a fifteen (15) year, consecutive sentence for robbery and a five (5) year, consecutive sentence for escape. Tr. 3, l. 17 – 4, l. 16.

Appellant appealed his convictions which were affirmed by this Court. State v. Slocumb, 336 S.C. 619, 521 S.E.2d 507 (Ct. App. 1999). While his direct appeal was pending, Appellant was pursuing a post-conviction relief action in Orangeburg County, challenging his prior 1993 plea to criminal sexual conduct. On November 8, 1999, the Supreme Court of South Carolina granted relief and vacated his 1993 plea. Slocumb v. State, 337 S.C. 46, 522 S.E.2d 809 (1999). That plea and conviction was the basis for the life sentence received by Appellant under South Carolina's recidivist statute, § 17-25-45.

Because that plea was vacated, Appellant was brought back before the trial court for a re-sentencing hearing on March 16, 2000. At that proceeding, Appellant was sentenced by Judge Johnson to life imprisonment for burglary; thirty (30) years for kidnapping; thirty (30) years for criminal sexual conduct; fifteen (15) years for robbery; and five (5) years for escape. All sentences were ordered to be served consecutively. R.p.* [Sentencing sheets]; Tr. 4, l. 17 – 5, l. 4.

This Court vacated these sentences imposed on March 16, 2000 for lack of jurisdiction because there will still matters pending on Appellant's direct appeal. Tr. 5, ll. 5-9. On February 18, 2004, Judge Johnson re-sentenced Appellant, again to life for first degree burglary; thirty (30) years for kidnapping; thirty (30) years for criminal sexual conduct; fifteen (15) years for robbery; and five (5) years for escape, all to be served consecutively. Tr. 5, ll. 10-15.

On January 26, 2011, Appellant filed a Motion for Re-sentencing and requested the court to re-sentence Appellant in accordance with the United States Supreme Court's decision in Graham v. Florida, 130 S. Ct. 2011 (2010) which prohibits the imposition of life without parole sentences on juvenile offenders who did not commit homicide. R.p.* [Motion.]

At the time of that filing, Appellant also had pending a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 in the United States District Court for the District of South Carolina. R.p. * [Magistrate's Report and Recommendation]; Tr. 5, ll. 16-21. On June 2, 2011, the Honorable Henry M. Herlong, Jr. issued an Opinion and Order adopting the Report and Recommendation of U.S. Magistrate Judge Bristow Marchant, ordering Appellant's habeas petition be granted on the issue of whether Appellant was entitled to re-

sentencing on his first degree burglary conviction under the Graham decision. Judge Herlong ordered that Appellant be returned to the state sentencing court for re-sentencing consistent with Graham. R.p.* [Opinion and Order; Report and Recommendation]; Tr. 5, ll. 16-23.

Appellant's re-sentencing hearing was held before the Honorable DeAndrea G. Benjamin on April 25, 3013. Tr. 1-28. Tara Dawn Shurling represented Appellant, and Assistant Solicitors K. Luck Campbell and Joanna A. McDuffie represented the State. Tr. 1.

At the hearing, Appellant argued that he should not only be re-sentenced on the burglary conviction for which he was sentenced to life imprisonment, but on all counts because his total term-of-years sentence was the functional equivalent of a life sentence and thus impermissible under the letter and spirit of the United States Supreme Court's Graham decision. R.p.* [Bench Brief in Support of a Reduced Sentence]; Tr. 6, l. 12 – 12, l. 4.

At the conclusion of the hearing, Judge Benjamin re-sentenced Appellant to fifty (50) years imprisonment on the first degree burglary conviction and left the sentences on the remaining convictions intact, with all sentences to run consecutively. Tr. 28, ll. 2-10; R.P.* [2013 Sentence Sheet.]

Appellant timely filed and served his Notice of Appeal on April 30, 2013.

ARGUMENT

Appellant's aggregate one hundred and thirty (130) year sentence for nonhomicide offenses committed when he was a juvenile is the functional equivalent of a life sentence without parole because it does not afford him any "meaningful opportunity to obtain release" within his lifetime as required under the United States Supreme Court's decision in Graham v. Florida, 130 S. Ct. 2011 (2010). Therefore, Appellant is entitled to re-sentencing consistent with the Eighth Amendment and the principles set forth in Graham.

Appellant's aggregate sentence for offenses he committed as a juvenile equals one hundred and thirty (130) years. Appellant is not eligible for parole, and with respect to the sentences for burglary, kidnapping, and criminal sexual conduct, he must serve at least 85% of those sentences before even being eligible for any sort of early release. See S.C. CODE ANN. § 24-13-100; § 24-13-150. Therefore, at a minimum he will have to serve ninety-three (93) years on those three offenses. With respect to the armed robbery and escape convictions, taking a very conservative approach and assuming that he only has to serve 50% of those sentences adds an additional ten years to the minimum ninety-three (93) year sentence he has to serve for a total of one hundred and three (103) years. Having begun his sentence at age sixteen, Appellant will be at least one hundred and nineteen (119) years old and possibly older before he is eligible for any sort of release. With this sentence, there is no question that Appellant will die while incarcerated.

The Eighth Amendment to the United States Constitution prohibits cruel and unusual punishment. Graham v. Florida, 130 S. Ct. 2011, 2021 (2010). "To determine whether a punishment is cruel and unusual, courts must look beyond historical conceptions to 'the evolving standards of decency that mark the progress of a maturing society.'" Id. (quoting Estelle v. Gamble, 429 U.S. 97, 102 (1976)). "Embodied in the Constitution's ban on cruel and unusual punishment is the 'precept of justice that punishment for the crime should be graduated and proportioned to [the] offense.'" Graham, 130 S. Ct. at 2021 (quoting Weems v. United States, 217 U.S. 349, 367 (1910)).

The Supreme Court's cases addressing the proportionality of sentences fall within two general classifications: the first is concerned with the particular circumstances of the case and whether the defendant's sentence for a term of years is grossly disproportionate given the particular offense. Graham, 130 S. Ct. at 2021-22; Harmelin v. Michigan, 501 U.S. 957, 1005 (1991). The second classification of cases is concerned with categorical rules as applied to either groups of offenses or groups of offenders. Graham, 130 S. Ct. at 2022. For example, Supreme Court categorical rulings related to categories of offenses prohibit the imposition of the death penalty for nonhomicide crimes against individuals. Id. (citing Kennedy v. Louisiana, 554 U.S. 407 (2008)). Categorical rulings related to categories of offenders prior to Graham prohibited the death penalty for defendants who committed their crimes before the age of eighteen, Roper v. Simmons, 543 U.S. 551 (2005), or whose intellectual functioning is in a low range, Atkins v. Virginia, 536 U.S. 304 (2002).

In the cases adopting categorical proportionality rules, the Court first considers "objective indicia of society's standards, as expressed in legislative enactments and state practice" to determine whether there is a national consensus against the sentencing practice at issue. Roper, 543 U.S. at 563. In this phase of the analysis, the Court has regularly relied on social science data and statistics to discern "society's evolving standards of decency." Id. at 560-77. Guided by "the standards elaborated by controlling precedents and by the Court's own understanding and interpretation of the Eighth Amendment's text, history, meaning, and purpose," the Court then determines whether the punishment in question violates the Eighth Amendment of the Constitution. Graham, 130 S. Ct. at 2022 (internal citations omitted).

Under this analytical framework, the Supreme Court's Eighth Amendment jurisprudence has evolved toward more protection for the mentally disabled and juvenile offenders. For example,

in 1989, the Court held in Penry v. Lynaugh, 492 U.S. 302 (1989) that the Eighth Amendment did not mandate a categorical exemption from the death penalty for the mentally disabled. In 2002, the Court came to the opposite conclusion in Atkins. In 1989, the Court also held in Stanford v. Kentucky, 492 U.S. 361 (1989) that it was not a violation of the Eighth Amendment to execute a juvenile offender who was older than fifteen when he or she committed the crime. In 2005, the Court reversed course in Roper where it held that it is unconstitutional to impose the death penalty on offenders who were under the age of eighteen at the time of their offense. See People v. Rainer, 2013 WL 1490107, No. 10CA2414, at *7 (Colo. Ct. App. May 9, 2013) (observing evolution of Supreme Court Eighth Amendment jurisprudence).

In Roper, the Supreme Court based its categorical prohibition against the death penalty for juveniles in large part of social science research indicating that youths have a lessened culpability and are less deserving of the most severe punishments. 543 U.S. at 569-75. The Court found that juvenile offenders are fundamentally different from adults for purposes of sentencing for three reasons: (1) they have "[a] lack of maturity and an underdeveloped sense of responsibility;" (2) they "are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure;" and (3) their characters are "not as well formed." Id. at 569-70 (internal citations omitted). Because of these particular characteristics, the Court noted "[i]t is difficult even for expert psychologists to differentiate between the juvenile offender whose crime reflects unfortunate yet transient immaturity, and the rare juvenile offender whose crime reflects irreparable corruption." Id. at 573. Therefore, "juvenile offenders cannot with reliability be classified among the worst offenders." Graham, 130 S. Ct. at 2026 (internal citations omitted). While a juvenile is not absolved of responsibility for his actions, his transgressions are "not as morally reprehensible as that of an adult." Id. (internal citations omitted).

Graham is the first Eighth Amendment case where the Supreme Court considered a categorical challenge to a term of years sentence as opposed to the death penalty. In Graham, the Court used the same categorical proportionality analysis employed in Roper, extending it beyond the death penalty to sentences of life without parole for juveniles who have committed nonhomicide offenses.

In Graham, sixteen-year old Terrance Graham was charged with armed burglary and attempted armed robbery of a restaurant in Florida. Graham pleaded guilty to both charges and was convicted pursuant to a plea agreement. Under the agreement, the trial court withheld adjudication of guilt as to both charges and sentenced Graham to concurrent three-year terms of probation with jail time. 130 S. Ct. at 2018.

Less than six months later, when Graham was seventeen years old, Graham was arrested again after allegedly committing a home invasion and avoiding arrest. His probation officer filed an affidavit stating that Graham had violated the terms of his probation by committing crimes, possessing a firearm, and associating with persons engaging in criminal activity. About a year later, Graham appeared back before the trial court where he maintained he had no involvement in the home invasion. Graham, however, admitting to violating his probation by fleeing arrest, even though the trial court emphasized that the admission could expose him to a life sentence based on his previous charges. Id. at 2018-19.

The trial court ruled that Graham had violated his probation, and at the sentencing hearing, the trial court had the statutory option of sentencing Graham to between five years to life. The trial court sentenced Graham to the maximum sentence of life, stating, "We can't do anything to deter you . . . ." Id. at 2019-20. Florida had abolished its parole system; accordingly, the life sentence gave Graham no possibility of release unless he was granted executive clemency. Id.

Graham challenged his sentence under the Eighth Amendment. The First District Court of Appeal for Florida affirmed Graham's sentence, holding it was not grossly disproportionate to his crimes and that he was incapable of rehabilitation. The Florida Supreme Court denied review, and the United States Supreme Court granted certiorari and reversed. Id. The Supreme Court held that "for a juvenile offender who did not commit homicide the Eighth Amendment forbids the sentence of life without parole." Id. at 2030. The Court expounded:

> This clear line is necessary to prevent the possibility that life without parole sentences will be imposed on juvenile nonhomicide offenders who are not sufficiently culpable to merit that punishment. Because the age of 18 is the point where society draws the line for many purposes between childhood and adulthood, those who were below that age when the offense was committed may not be sentenced to life without parole for a nonhomicide crime.
>
> A State is not required to guarantee the eventual freedom to a juvenile offender convicted of a nonhomicide crime. What the State must do, however, is give defendants like Graham *some meaningful opportunity to obtain release* based on demonstrated maturity and rehabilitation. It is for the State, in the first instance, to explore the means and mechanisms for compliance. It bears emphasis, however that while the Eighth Amendment forbids a State from imposing a life without parole sentence on a juvenile nonhomicide offender, it does not require the State to release that offender during his natural life. Those who commit truly horrifying crimes as juveniles may turn out to be irredeemable, and thus deserving of incarceration for the duration of their lives. The Eighth Amendment does not foreclose the possibility that persons convicted of nonhomicide crimes committed before adulthood will remain behind bars for life. *It does forbid States from making the judgment at the outset that those offenders never will be fit to reenter society.*

Id. (emphasis added) (internal citations omitted).

In pronouncing this categorical rule, the Court in Graham adopted its analysis in Roper that juvenile offenders are fundamentally different from adults for sentencing purposes, noting "[n]o recent data provide reason to reconsider the Court's observations in Roper about the nature of juveniles":

> [De]velopments in psychology and brain science continue to show fundamental differences between juvenile and adult minds. For example, parts of the brain involved in behavior control continue to mature through late adolescence. Juveniles

> are more capable of change than are adults, and their actions are less likely to be evidence of irretrievably depraved character than are the actions of adults. It remains true that from a moral standpoint it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed.

Id. at 2026-27 (internal citations omitted).

The Graham court underscored the severity of a life without parole sentence for juvenile offenders. A life without parole sentence is the "second most severe penalty permitted by law." Id. at 2027 (internal citations omitted). For a juvenile offender, a life without parole sentence "'means denial of hope; it means that good behavior and character improvement are immaterial; it means that whatever the future might hold in store for the mind and spirit [of the convict], he will remain in prison for the rest of his days.'" Id. (quoting Naovarath v. State, 779 P.2d 944 (Nev. 1989)).

The Graham court further observed that a juvenile offender sentenced to life without parole will on average serve more years and a greater percentage of his life in prison than an adult offender. "A 16-year-old and a 75-year-old each sentenced to life without parole receive the same punishment in name only." Graham, 130 S. Ct. at 2028.

Finally, the Graham court concluded that its new categorical rule "gives all juvenile nonhomicide offenders a chance to demonstrate maturity and reform:

> The juvenile should not be deprived of the opportunity to achieve maturity of judgment and self-recognition of human worth and potential. . . . Life in prison without the possibility of parole gives no chance for reconciliation with society, no hope. Maturity can lead to that considered reflection which is the foundation for remorse, renewal, and rehabilitation. A young person who knows that he or she has no chance to leave prison before life's end has little incentive to become a responsible individual. . . . A categorical rule against life without parole for juvenile nonhomicide offenders avoids the perverse consequences in which the lack of maturity that led to an offender's crime is reinforced by the prison term.

Id. at 2032-33.

Since Graham, the Supreme Court has continued to provide more constitutional protections for juvenile offenders. In Miller v. Alabama, 132 S. Ct. 2455 (2012), the Court extended the reasoning of Roper and Graham and held that a mandatory sentence of life without parole for juvenile homicide offenders also violates the Eighth Amendment's prohibition on cruel and unusual punishment.

The issue that now arises in this case is whether a lengthy term-of-years sentence for a juvenile that is the functional equivalent of a life without parole sentence is also prohibited under Graham and the Eighth Amendment. A number of cases nationwide have considered this issue of whether the holding in Graham should be extended to prohibit term-of-years sentences that are materially indistinguishable from life without parole.

In several cases, courts have read Graham narrowly and have rejected the argument that Graham applies to lengthy term-of-years sentences that are the functional equivalent of life without parole. See State v. Kasic, 265 P.3d 410, 414 (Ariz. Ct. App. 2011) (concluding Graham only applies to those juvenile offenders sentenced to life without parole for a nonhomicide offense); Henry v. State, 82 So.3d 1084 (Fla. Dist. Ct. App. 2012); Adams v. State, 707 S.E.2d 359 (Ga. 2011).

In a number of cases, however, courts have explicitly or implicitly held that the reasoning in Graham should be extended to apply to term-of-years sentences that result in a de facto life without parole sentence. In these well-reasoned cases, courts have relied on Graham to reverse a juvenile offender's term-of-years sentence on the ground that it was the functional equivalent of life without parole, and thus unconstitutional under the Eighth Amendment. In People v. Caballero, 282 P.3d 291 (Cal. 2012), the Supreme Court of California held that term-of-years sentences that extend beyond a juvenile's life expectancy and are imposed for nonhomicide

offenses, violate the Eighth Amendment pursuant to Graham. In Caballero, the Supreme Court of California reversed an intermediate court, ruling as follows:

> Consistent with the high court's holding in Graham... we conclude that sentencing a juvenile offender for a nonhomicide offense to a term of years with a parole eligibility date that falls outside the juvenile offender's natural life expectancy constitutes cruel and unusual punishment in violation of the Eighth Amendment. Although proper authorities may later determine that youths should remain incarcerated for their natural lives, the state may not deprive them at sentencing of a meaningful opportunity to demonstrate their rehabilitation and fitness to reenter society in the future.

282 P.3d at 295. Consistent with Graham, the court further directed that, when sentencing nonhomicide juvenile offenders, California courts must consider the defendant's age and mental development in order to impose an appropriate time when the juvenile will be able to seek parole from the parole board. Id.

In its reasoning, Caballero drew on People v. Mendez, 114 Cal.Rptr.3d 870, 886 (Ct. App. 2010), a previous California appellate case in which the court held that a sentence of eighty-four (84) years to life for a nonhomicide child offender constituted cruel and unusual punishment because it was the equivalent of life without parole. The court in Mendez acknowledged that Graham was not expressly controlling because Mendez's sentence was "not technically" a life without parole sentence, but stated, "We are nevertheless guided by the principles set forth in Graham ...." Id. at 883. Noting that the Court in Graham "did not define what constitutes a 'meaningful' opportunity for parole," the Mendez court concluded that "common sense dictates that a juvenile who is sentenced at the age of 18 and who is not eligible for parole until after he is expected to die does not have a meaningful, or as the Court put it, 'realistic,' opportunity of release." Id.

In People v. Nunez, 125 Cal.Rptr.3d 616, 624 (Ct. App. 2011), the court was particularly

concerned with "the failure of any penological theory to rationally justify 'the severity of life without parole sentences,' " (quoting Graham,130 S. Ct. at 2030). It concluded:

> A term of years effectively denying any possibility of parole is not less severe than a LWOP [life without parole] term. Removing the "LWOP" designation does not confer any greater penological justification. Nor does tinkering with the label somehow increase a juvenile's culpability. Finding a determinate sentence exceeding a juvenile's life expectancy constitutional because it is not labeled an LWOP sentence is Orwellian. Simply put, a distinction based on changing a label, as the trial court did, is arbitrary and baseless.
>
> ... Absent any penological rationale, the sentence the trial court imposed precluding any possibility of parole for 175 years is unconstitutional under the Eighth Amendment.

Id.

Courts from other jurisdictions have also found that the Graham principles apply to term-of-years sentences for juvenile offenders that are the functional equivalent of a life without parole sentence. See People v. Rainer, 2013 WL 1490107, No. 10CA2414 (Colo. Ct. App. May 9, 2013) (holding aggregate sentence of 112 years for juvenile offender did not offer defendant an opportunity to obtain release before the end of his expected life span and therefore, constituted functional equivalent of a sentence of life without the possibility of parole and thereby violated the Eight Amendment); United States v. Mathurin, 2011 WL 2580775, No. 09-21075-CR (S.D. Fla. June 29, 2011 (holding a combined sentence of 307 years for a child offender convicted of armed robbery and carjacking constitutionally offensive under Graham); Adams v. State, 2012 WL 3193932, No. 1 D 11–3225 (Fla. Dist. Ct. App. Aug. 8, 2012) (holding that a sentence requiring a nonhomicide juvenile offender to serve at least 58.5 years in prison was a de facto sentence to life because the defendant would not be eligible for release until he was nearly seventy-six years old, which exceeded his life expectancy according to data from the Centers for Disease Control)

(further defining de facto life sentence as "one that exceeds the defendant's life expectancy"); Floyd v. State, 87 So.3d 45 (Fla. Dist. Ct. App. 2012) (holding that child sentenced to combined eighty (80) year sentence for two counts of armed robbery constituted cruel and unusual punishment as the functional equivalent of a life sentence without parole); Thomas v. Pennsylvania, 2012 WL 6678686, No. 10-4537 (E.D. Pa. Dec. 21, 2012) (holding that where juvenile offender was not eligible for parole until the age of eighty-three (83), sentence imposed amounted to cruel and unusual punishment in violation of the Eighth Amendment).

In yet other post-Graham cases, several courts have held that some term-of-years sentences may qualify as the functional equivalent of life sentences for purposes of the Eighth Amendment and Graham, but have declined to invalidate the sentence at issue on the particular facts and circumstances in each of those cases. See Gridine v. State, 89 So.3d 909 (Fla. Dist. Ct. App. 2011) (*review granted* Oct. 11, 2012) (a child's seventy-year sentence for attempted first degree murder was not the functional equivalent of a life sentence, but stating in dicta that some term-of-years sentences may be under Graham); Thomas v. State, 78 So.3d 644 (Fla. Dist. Ct. App. 2011) (child offender's fifty-year sentence was not the functional equivalent of a life sentence, but some term-of-years sentences may be); Angel v. Commonwealth, 704 S.E.2d 386, 401–02 (2011) (three consecutive life sentences did not violate Graham specifically because defendant could petition for parole at age sixty, and, thus his sentence complied with Graham's requirement for a "meaningful" opportunity to obtain release based on demonstrated maturity and rehabilitation).

This Court should likewise adopt the holdings from courts around the county that Graham prohibits de facto life sentences for juvenile offenders which deprive such offenders of any "meaningful opportunity to obtain release." Like Terrance Graham's life sentence prior to

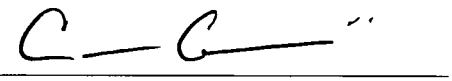
the Graham decision, Appellant's one hundred and thirty (130) year sentence, of which he will at least have to serve a minimum of one hundred and three (103) years and possibly more, guarantees that Appellant will die in prison without any meaningful opportunity to obtain release, "no matter what he might do to demonstrate that the bad acts he committed as a teenager are not representative of his true character, even if he spends the next half century attempting to atone for his crimes and learn from his mistakes. The State has denied him any chance to later demonstrate that he is fit to rejoin society based solely on a nonhomicide crime that he committed while he was a child in the eyes of the law. This the Eighth Amendment does not permit." Graham, 130 S. Ct. at 2033.

Therefore, Appellant requests that this Court vacate his one hundred and thirty (130) year sentence as unconstitutional under the Eighth Amendment and Graham and remand for re-sentencing.

CONCLUSION

For the reasons set forth herein, Appellant Conrad Lamont Slocumb requests that this Court remand for re-sentencing on his convictions for (1) first degree burglary; (2) kidnapping; (3) criminal sexual conduct, first degree; (4) armed robbery; and (5) escape.

Respectfully submitted,



Carmen V. Ganjehsani
Appellate Defender

ATTORNEY FOR APPELLANT

This 11th day of October, 2013.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
DeAndrea G. Benjamin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CONRAD LAMONT SLOCUMB,

APPELLANT

APPELLATE CASE NO. 2013-000933

DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL

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

(1) True–billed indictments;
(2) 2000 and 2013 sentence sheets;
(3) Motion for Re-sentencing;
(4) Bench Brief in Support of Reduced Sentence with attachments; and
(5) Entire transcript of hearing held April 25, 2013.

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

October 11th, 2013

Carmen V. Ganjehsani
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STATE OF SOUTH CAROLINA
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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Initial Brief of Appellant and Designation of Matter in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Mr. Conrad Slocumb #197165, at South Carolina State Government Just Care Columbia Care Center, 7901 Farrow Road, Columbia, SC 29203, this 11th day of October, 2013.

Carmen V. Ganjehsani
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 11th day of October, 2013.

(L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.