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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Edward W. Miller, Circuit Court Judge

Opinion No. 25-UP-247

THE STATE,

RESPONDENT,

V.

RAY L. KELLY,

APPELLANT

APPELLATE CASE NO. 2022-001449

PETITION FOR REHEARING

Pursuant to Rule 221(a), SCACR, Ray L. Kelly respectfully requests that this Court grant rehearing in this matter as to Issues 1 – 4, based on significant points this Court has misapprehended and/or overlooked. During the November term of 2020, a Greenville County Grand Jury indicted Appellant for murder, two counts of resisting arrest with assault, driving without a license, and providing false information to police. During the September term of 2021, a Greenville County Grand Jury indicted Appellant for trafficking cocaine base, 28 – 100 grams, and possession of a weapon during the commission of a violent crime. During the November term of 2022, a Greenville County Grand Jury indicted Appellant for a third count of resisting arrest

with assault. Appellant was also charged with speeding and following too closely. R. 701-714; R. 100, l. 21 – 101, l. 10. Appellant was tried before the Honorable Edward W. Miller and a jury, from September 26 – 29, 2022. W. Walter Wilkins, III, and Grace Moroney prosecuted the case. Appellant appeared pro se with Mindy Lipinski as standby counsel during initial portions of the trial. Standby counsel subsequently stepped in to represent Appellant as his counsel. R. 61; R. 166, l. 17 – 171, l. 20; R. 73, ll. 4-24.

Appellant was acquitted of speeding and following too closely. Appellant was convicted as indicted on the remaining offenses, and he was sentenced to serve: life without parole for murder; thirty years for trafficking cocaine base, 28 – 100 grams, third offense; five years for possession of a weapon during the commission of a violent crime; ten years for each count of resisting arrest with assault; time served for driving without a license; and time served for giving false information to police. R. 685, l. 20 – 687, l. 7; R. 697, ll. 15-23; R. 715-721.

On April 16, 2025, a three-judge panel of this Court heard oral argument. On July 16, 2025, this Court affirmed Appellant's convictions in *State v. Kelly*, Op. No. 2025-UP-247 (S.C. Ct. App. filed July 16, 2025). Appellant respectfully asserts this Court overlooked and/or misapprehended the following points.

1.

The trial court erred in forcing Appellant, who was on trial for murdering a police officer, to appear before the jury in a restraint chair, where the restraint chair was not justified by the circumstances, since restraints must be case specific.

This case involved the death of Officer Conley Jumper (Decedent), who was killed when he was hit by a tractor-trailer while trying to arrest Appellant after Appellant was pulled over on the interstate and subsequently tried to flee. R. 140, l. 3 – 102, l. 12; R. 237, l. 6 – 248, l. 23;

State's Exhibit #2; R. 150, ll. 4-15; R. 161, l. 19 – 166, l. 6; R. 247, l. 14 – 259, l. 19; R. 280, l. 2 – 289, l. 6; R. 305, ll. 7-20; R. 284, l. 8 – 344, l. 3; R. 347, l. 3 – 447, l. 8.

The trial began with Appellant proceeding pro se, with standby counsel present. Appellant made arguments and objections that were ill-conceived and verbally disruptive. However, he did not use profanity, he did not threaten anyone, and he did not commit any physical misconduct. R. 46, l. 20 – 23, l. 9; R. 71, ll. 4-14; R. 83, ll. 8-11; R. 92, l. 16 – 97, l. 14; R. 112, l. 24 – 123, l. 16. The trial proceeded through voir dire, jury selection, swearing of the jury, and the court's introductory remarks. The proceedings broke for lunch, and when they resumed, Appellant had been placed in a restraint chair. Appellant stated, "Let the record reflect that I'm not here willingly. I'm handcuffed, shackled. I'm tied to a chair. I was insulted. And I do not choose to participate in any of the proceedings. . ." The court asked why Appellant was in the restraint chair. R. 131, l. 13 – 134, l. 10. A SLED officer, who was doing security for the trial, told the court that Appellant had refused to come out of his holding cell and resisted efforts to put him in the restraint chair. The court ruled that it approved the use of the restraint chair pursuant to *Illinois v. Allen*, 397 U.S. 337, 343 (1970), because Appellant had been "disruptive." R. 134, l. 11 – 135, l. 12. Two body camera recordings of what happened in Appellant's holding cell were made a part of the record. Court's Exhibit #9 and Court's Exhibit #10. Court's Exhibit #4 and Court's Exhibit #5 are photographs of Appellant in the restraint chair that were published by the media.

The trial proceeded with Appellant in the restraint chair through the prosecution's opening statement. Appellant did not give an opening statement. When the State finished its direct examination of its first witness, Appellant asked to speak with standby counsel. Appellant then agreed to be represented by standby counsel. He also told standby counsel he would walk into the courtroom. Thereafter, the court noted Appellant was no longer in the restraint chair, but he

remained shackled except for his writing hand. The court broke for the evening. R. 166, l. 15 – 171, l. 1; R. 175, ll. 14-17.

This Court held that while it recognize[d] the harm inherent in the jury seeing restraints on a defendant," Appellant was "extraordinarily disruptive," "completely uncooperative and refused to answer basic question posed by judges," "continued to disrupt the proceedings by refusing to participate even though he was representing himself," and "refus[ed] to exit his holding cell before opening statements." *State v. Kelly*, Op. No. 2025-UP-247 at 3. This Court concluded that it was "evident from the record that the trial court was aware of the applicable law and that the court ruled in light of that law and based on the facts of this case. This was accordingly an appropriate exercise of the trial court's discretion." *Id.* "Appellant contends the trial court could have utilized other options available under *Illinois v. Allen*, but the trial court does not abuse its discretion simply because it could have done something differently." *Id.*

This Court thus essentially concluded that if any form of restraint was justified, all forms of restraint were justified. Respectfully, this Court overlooked Appellant's arguments that the trial court's response must be tailored to the facts and circumstances; the failure to do so was an abuse of discretion. "[A] defendant can lose his right to be present at trial if, after he has been warned by the judge that he will be removed if he continues his disruptive behavior, he nevertheless insists on conducting himself in a manner so disorderly, disruptive, and disrespectful of the court that his trial cannot be carried on with him in the courtroom." *Illinois v. Allen*, 397 U.S. 337, 343 (1970). "We believe trial judges confronted with disruptive, contumacious, stubbornly defiant defendants must be given sufficient discretion *to meet the circumstances of each case*." *Id.*, 397 U.S. at 343-44 (emphasis added). Allen argued with the judge in an abusive manner and threatened the judge, saying that the judge would be a "corpse" after the lunch break. He tore counsel's file and threw

the papers on the floor. The court repeatedly warned Allen it would remove him after another outburst, removed him after further outbursts, permitted him in again later, only for more problems to ensue, including vile and abusive language. Eventually, Allen was permitted to be present for the remainder of the trial. *Id.*, 397 U.S. at 340-41.

The Supreme Court concluded, "there are at least three constitutionally permissible ways for a trial judge to handle an obstreperous defendant like Allen: (1) bind and gag him, thereby keeping him present; (2) cite him for contempt; (3) take him out of the courtroom until he promises to conduct himself properly." *Id.*, 343 U.S. at 344. "Allen's *behavior* was clearly of such an extreme and aggravated nature as to justify either his removal from the courtroom or his total physical restraint." *Allen*, 397 U.S. at 346 (emphasis added). However, "no person should be tried while shackled and gagged except as a last resort." *Id.* at 344.

"[G]iven their prejudicial effect, due process does not permit the use of visible restraints if the trial court has not taken account of the circumstances of the particular case." *Deck v. Missouri*, 544 U.S. 622, 632 (2005). "Such a determination may of course take into account the factors that courts have traditionally relied on in gauging potential security problems and the risk of escape at trial." *Id.* "[A] judge [may], in the exercise of his or her discretion, [] take account of special circumstances, including security concerns, that may call for shackling. In so doing, it accommodates the important need to protect the courtroom and its occupants. But *any such determination must be case specific; that is to say, it should reflect particular concerns, say, special security needs or escape risks, related to the defendant on trial*." *Id.*, 544 U.S. at 633 (emphasis added). "A defendant in a criminal trial may not be required to wear handcuffs, leg shackles, or other restraints in the presence of the jury unless the trial court makes specific findings on the record as to the particular reasons the restraints are necessary. If the court finds restraints

are necessary, it must make every reasonable effort to ensure the restraints are not visible to the jury." *State v. Heyward*, 441 S.C. 484, 493, 895 S.E.2d 658, 663 (2023).

The trial court did not undertake the careful balancing of competing interests and it did not articulate why a verbally "disruptive" defendant who refused to come out of the holding cell required a restraint chair. This was error. The facts of *Allen* are not like the facts in this case. Appellant did not use vile language, destroy property, or threaten to kill the judge, as Allen did. Moreover, Appellant stated he did not want to be present. Total physical restraint, a measure of last resort, was not befitting these circumstances; it was not a tailored response. When Appellant appeared before the court in the restraint chair, the trial court should have explored alternatives instead of leaving Appellant in the chair before the jury. "[N]o person should be tried while shackled and gagged except as a last resort." *Allen*, 397 U.S. at 344.

The trial court abused its discretion. *See State v. Hatcher*, 392 S.C. 86, 91, 708 S.E.2d 750, 753 (2011) (abuse of discretion occurs when trial court's conclusions either lack evidentiary support or are controlled by an error of law); *Fontaine v. Peitz*, 291 S.C. 536, 538, 354 S.E.2d 565, 566 (1987) ("When the trial judge is vested with discretion, but his ruling reveals no discretion was, in fact, exercised, an error of law has occurred."). The trial court could have used its discretion to fashion an appropriate remedy for these facts. Instead, the court seemingly deferred to courtroom security's decision to put Appellant in a restraint chair, and allowed Appellant to be seen by the jury in the chair.

2.

The trial court erred in requiring Appellant to remain shackled throughout his trial for murdering a police officer, where shackling was not justified by the circumstances, since shackling must be case specific.

The next day of trial, defense counsel made a motion to remove Appellant's shackles, arguing the shackles should be removed since they were audible, and that although they were not visible, "you can nonetheless hear the metal, the belly chain that he's in, the handcuffs that he's in, the leg restraints that he's in. And so the Defense is making a motion to remove those so as to mitigate it." The court ruled, "I go back to the seminal case of *Illinois vs. Allen* about he could be gagged and it would be appropriate if he earned that. So he is where he is based on his conduct up to this point." It was undisputed the shackles were audible. Trial continued. R. 193, l. 20 – 194, l. 25.

This Court observed: "As far as we are aware, no authority discusses prejudice stemming from audible shackles that are concealed from the jury's vision. Our supreme court has made clear that no error occurs when shackles were not seen by the jury and '[t]he trial judge took precautions to minimize any prejudice the restraints might have caused throughout the trial.'" *State v. Kelly*, Op. No. 2025-UP-247 at 4 (quoting *State Tucker*, 320 S.C. 206, 209–10, 464 S.E.2d 105, 107 (1995)). This Court concluded: "the trial court placed picnic screens 'and whatnot' around the table where Appellant was seated during the trial to ensure the shackles were not visible to the jury. Thus, the trial court did not err in balancing the need to restrain Appellant against the need to minimize any potential prejudice from the sight of the shackles." *State v. Kelly*, Op. No. 2025-UP-247 at 4. This Court further held,

> The prejudice arising from shackling is identical to the prejudice that stems from forcing a defendant to be tried in prison attire . . . We point out the parallel between the prejudice of visible restraints and the prejudice from wearing prison attire because it is undisputed that Appellant voluntarily chose to wear the clothing issued by the jail throughout his trial. Given Appellant's refusal to change clothes, we cannot see how he could possibly have been prejudiced by the fact that the jury may have heard Appellant's restraints but not seen them. *See Estelle*, 425 U.S. at 507 ("No prejudice can result from seeing that which is already known." (quoting *United States ex rel*

> *Stahl v. Henderson*, 472 F.2d 556, 557 (5th Cir. 1973))); *see also id*. at 508 ("A defendant may not remain silent and willingly go to trial in prison garb and thereafter claim error." . . .

State v. Kelly, Op. No. 2025-UP-247 at 4 – 5.

Respectfully, this Court overlooked or misapprehended Appellant's argument that shackling was not justified by the circumstances, and that the shackles went to malice and dangerousness, not simply general criminal propensity as a jail uniform does. Moreover, Appellant is not complaining about going to trial in jail scrubs, his objection was to the shackles. "Visible shackling undermines the presumption of innocence and the related fairness of the factfinding process." *Deck v. Missouri*, 544 U.S. 622, 630 (2005). "[G]iven their prejudicial effect, due process does not permit the use of visible restraints if the trial court has not taken account of the circumstances of the particular case." *Id.*, 544 U.S. at 632.

"[T]he use of physical restraints visible to the jury [are prohibited] absent a trial court determination, in the exercise of its discretion, that they are justified by a state interest specific to a particular trial." *Id.*, 544 U.S. at 629. "[A] judge [may], in the exercise of his or her discretion, [] take account of special circumstances, including security concerns, that may call for shackling . . But any such determination must be case specific; that is to say, it should reflect particular concerns, say, special security needs or escape risks, related to the defendant on trial." *Deck*, 544 U.S. at 633. "[A] defendant in a criminal trial may not be required to wear handcuffs, leg shackles, or other restraints in the presence of the jury unless the trial court makes specific findings on the record as to the particular reasons the restraints are necessary. If the court finds restraints are necessary, it must make every reasonable effort to ensure the restraints are not visible to the jury." *State v. Heyward*, 441 S.C. 484, 493, 895 S.E.2d 658, 663 (2023).

Although the shackles were not visible to the jury, they were audible. While the jury can see, it can also hear. Appellant was shackled at the wrists and ankles and chained around his body. *See* Court's Exhibits # 9 – 10. It was undisputed the shackles were audible to the jury. The trial court erred where it did not balance and articulate the competing interests to determine whether the shackles were necessary. Appellant had not attempted to assault anyone or intimidate the jury. He had not committed threats or misconduct that would justify the shackles. Instead, Appellant had been *verbally* disruptive to courtroom decorum prior to his representation by counsel, and he had refused to come out of the holding cell. When counsel made a motion to remove the shackles, Appellant's pro se verbal disruptions were no longer a problem since he was represented by a lawyer. Appellant had agreed he would thereafter come out of the holding cell. These restraints were not "case specific." *Deck v. Missouri*, 544 U.S. at 633.

"[S]hackling is "inherently prejudicial." *Deck v. Missouri*, 544 U.S. at 635 (quoting *Holbrook v. Flynn*, 475 U.S. at 568). "[W]hen a court, without adequate justification, orders the defendant to wear shackles that will be seen by the jury, the defendant need not demonstrate actual prejudice to make out a due process violation." *State v. Heyward*, 441 S.C. 484, 505, 895 S.E.2d 658, 669 (2023) (citations and internal quotation marks omitted). In *Heyward*, the South Carolina Supreme Court found "the State did that in this case by conclusively proving Heyward's guilt with other overwhelming evidence such that no other rational conclusion could be reached except that he is guilty of each crime." *Id.*, 441 S.C. at 506, 895 S.E.2d at 670. In this case, the jury deliberated for close to four hours and asked if it could convict Appellant of manslaughter. R. 682, l. 21 – 685, l. 14. There was no overwhelming evidence of guilt. The State did not show Appellant was not prejudiced from the audible shackles. The shackles also unfairly went to malice, which was in issue in this case, because they portrayed Appellant as dangerous in a way that a jail uniform

did not. *See Estelle v. Willia*ms, 425 U.S. 501, 508 (1976) ("[I]nstances frequently arise where a defendant prefers to stand trial before his peers in prison garments. The cases show, for example, that it is not an uncommon defense tactic to produce the defendant in jail clothes in the hope of eliciting sympathy from the jury."). Appellant was prejudiced. *Deck v. Missouri*, 544 U.S. at 635.

3.

The trial court erred in Appellant's trial for murdering a police officer, where it failed to exercise any discretion regarding the large number of uniformed officers in the gallery (35 – 40 officers in uniform including tactical gear), since Appellant had the right to a fair trial free from outside influence.

As the trial proceeded, defense counsel made a motion that uniformed law enforcement officers in the gallery be instructed to appear in plainclothes. Defense counsel noted that in addition to four plainclothes SLED officers and two uniformed courthouse deputies, the prior day there were "a multitude" of other officers present in the courtroom which presented an unfair prejudice to Appellant. The court denied the motion. R. 183, l. 2 – 184, l. 19; R. 185, l. 25 – 186, l. 4.

Counsel subsequently renewed her motion, noting there were now twenty or twenty-five officers in the courtroom. Defense counsel moved that the officers be instructed to wear plainclothes, or that the court send them into another courtroom to view the proceedings via livestream. Defense counsel noted the number of officers was "overwhelming" and "unduly prejudicial." "I feel the need to renew our motion given the number is climbing." The court denied the motion. R. 600, l. 7 – 601, l. 14.

Later, counsel moved for a mistrial based on the overwhelming presence of law enforcement officers in the courtroom. Counsel renewed her motion "to limit the number of law

enforcement officers in the courtroom, particular [sic] during the closing argument. We're now upwards of 35 to 40 officers in this courtroom, some in tactical gear, various uniforms of any kind." "[T]he prejudice to the Defendant is overwhelming. It could be live streamed in another courtroom. They could have appeared in any—plain clothes. There's any number of options that were available and have been raised by the Defense that would have mitigated that prejudice. And so for that, we ask the Court to consider alternatives so as not to unduly prejudice the jury." The court denied the motions. After the verdicts were returned, counsel moved for a new trial based upon "passion and prejudice" due to "the heavy law enforcement presence." The court denied the motion. Notably, at no time did the solicitor or the trial court dispute counsel's estimates of the number of officers in the room or her description of them as being in uniform, with some in tactical gear. R. 624, l. 9 – 269, l. 9; R. 634, ll. 1-16; R. 688, l. 19 – 689, l. 13.

This Court found,

> **Our caselaw recognizes a clear distinction between a spectator and an activist**. A spectator, who merely observes a trial in open court, only becomes an "activist" when they attempt to influence the jury or otherwise participate in the trial through affirmative conduct. *See Paige*, 375 S.C. at 649, 654 S.E.2d at 303 . . . **Like the trial court in *Paige*, the trial court in this case took precautions to mitigate any prejudice that could arise from the gallery**. . . Moreover, no evidence suggests the uniformed officers crossed the line from spectators to activists . . . Accordingly, we find the trial judge did not err as he appropriately managed the gallery to prevent spectators from influencing the jury or disrupting the proceedings.

State v. Kelly, Op. No. 2025-UP-247 at 5 – 6.

Appellant respectfully asserts this Court misapprehended his argument regarding the impartiality of the courtroom. While this Court concluded the large number of uniformed officers in the courtroom did not behave as activists, the "spectator" versus "activist" distinction utilized by this Court misapprehends the holdings of *Holbrook v. Flynn*, 475 U.S. 560 (1986) and *State v.*

Hill, 331 S.C. 94, 501 S.E.2d 122 (1998). "Whenever a courtroom arrangement is challenged as inherently prejudicial, . . . the question must be not whether jurors actually articulated a consciousness of some prejudicial effect, but rather whether an unacceptable risk is presented of impermissible factors coming into play." *Holbrook v. Flynn*, 475 U.S. at 570 (cleaned up).

In *Hill*, the defendant contended the trial judge erred in refusing to clear the courtroom and the hallways of uniformed officers, and in refusing to order officers who were witnesses to dress in civilian clothing. *State v. Hill*, 331 S.C. 94, 100, 501 S.E.2d 122, 125 (1998). It was unclear how many officers were present, although the defendant counted six people including bailiffs and solicitor's officer personnel. *Id.* The South Carolina Supreme Court held that, "To prevail on such a claim, appellant must show that the measures taken in the courtroom created either an actual or inherent prejudicial effect on the jury. Inherent prejudice occurs when 'an unacceptable risk is presented of impermissible factors coming into play.'" *Id.*, 331 S.C. at 101, 501 S.E.2d at 126 (quoting *Holbrook v. Flynn*, *supra*). The Court found no inherent prejudice. *Id.* The holdings of *Hill* and *Holbrook* did not rest on activism. The question in this case was not whether the officers behaved as activists, the question was whether the courtroom appeared to the jury as an impartial place—whether the upwards of 35 to 40 uniformed officers, some in tactical gear, presented an unacceptable risk of impermissible factors coming into play. *Holbrook v. Flynn*, 475 U.S. at 570.

This Court concluded the trial court took measures to mitigate prejudice, as the trial court did in *State v. Paige*, 375 S.C. 643, 654 S.E.2d 300 (Ct. App. 2007). Respectfully, the trial court did not take measures to mitigate the prejudice. It denied counsel's motions to require the officers to wear plainclothes or attend in a virtual courtroom and denied her mistrial motion. The court gave standard instructions to the gallery to comport itself properly, as is done in virtually any murder case. In *Paige*, the trial court responded to the defendant's complaint prior to jury selection

that several spectators had on buttons with the victim's picture on them by ruling that those spectators were not to sit in the front row or gesture to the buttons, and there was thereafter no further complaint by the defendant. *State v. Paige*, 375 S.C. at 646, 654 S.E.2d at 302. This Court in *Paige* concluded there was "no evidence of record that the jurors in this matter were ever exposed to these button photos, and, if they were, whether they could perceive that they depicted the victim. Accordingly, we find no actual or inherent prejudice to Paige based on the record before us." *Id.*, 375 S.C. at 649, 654 S.E.2d at 303–04. In this case, it was undisputed the large presence of uniformed, tactically kitted-out officers were visible to the jury. Appellant was prejudiced because the circumstances presented an unacceptable risk of impermissible factors coming into play. *Holbrook v. Flynn*, 475 U.S. at 570.

4.

The trial court erred in admitting repeated depictions (video, audio, and photographic) of the fatal crash and its aftermath, where the probative value of the cumulative evidence was substantially outweighed by the danger of unfair prejudice, since the evidence should have been excluded pursuant to Rule 403, SCRE.

Witnesses, including an expert in accident reconstruction, testified about the crash. The officers involved in the traffic stop, crash, and subsequent scene were equipped with body-worn cameras and microphones, and their cars had dashboard cameras. Initially, some of these recordings came in without objection (State's Exhibits #1 – 3; State's Exhibit #5). However, when the prosecutor piled on, counsel objected pursuant to Rule 403, SCRE. These exhibits included video footage, audio recordings, and photographic evidence (State's Exhibit #6; State's Exhibit #7; State's Exhibit #8; State's Exhibit #9; State's Exhibit #26). Counsel argued the exhibits should be excluded under Rule 403, SCRE. The court overruled the objections. The State repeatedly

played and replayed depictions of Decedent being hit by the tractor trailer and Decedent as he lay dying in the road. This included futile attempts to render aid to Decedent and his last words. R. 359, l. 10 – 360, l. 11; R. 400, ll. 2-20; R. 206, ll. 6-16; R. 255, l. 14 – 258, l. 1; R. 281, ll. 11-16; R. 284, ll. 3-15; R. 327, ll. 7-25; R. 368, ll. 4-12; R. 402, l. 18 – 403, l. 14.

This Court concluded,

> While the challenged videos were certainly similar to other evidence, we do not find they were needlessly cumulative. The videos showed different angles of this encounter, and this was relevant because Appellant questioned which of the multiple collisions caused the officer's fatal injuries. The videos likely allowed the officers to testify more effectively and likely helped the jury better understand the testimony as each video portrayed a different point of view as this incident developed.
>
> Furthermore, the probative value of the videos was not substantially outweighed by the danger of unfair prejudice because they contained no gruesome or graphic content that was likely to inflame the jury.

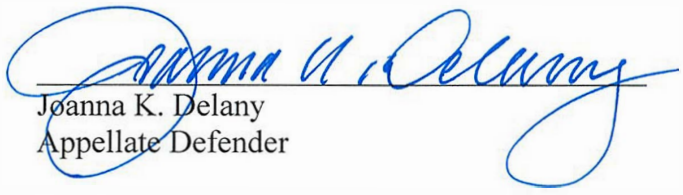
State v. Kelly, Op. No. 2025-UP-247 at 7.

Respectfully, this Court misapprehended or overlooked Appellant's arguments regarding the exhibits, which included not only video, but audio and photographic exhibits. The exhibits were inadmissible under Rule 403 because of their emotionally inflammatory content, which was present regardless of whether they were "gruesome." They were needlessly cumulative and were played and replayed. There was no need for the jury to hear the decedent's last words or watch him slowly die in the road. There was no need for them to see and hear all of these exhibits and to see and hear the same exhibits multiple times. "Photographs calculated to arouse the sympathy or prejudice of the jury should be excluded if they are not necessary to substantiate material facts or conditions." *State v. Lee*, 399 S.C. 521, 528, 732 S.E.2d 225, 228 (Ct. App. 2012) (cleaned up).

See State v. Middleton, 288 S.C. 21, 24, 339 S.E.2d 692, 693 (1986) (testimony of the forensic pathologist negated any arguable evidentiary value of autopsy photographs).

Rehearing should be granted to Appellant Ray L. Kelly.

Respectfully submitted,



Joanna K. Delany
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ATTORNEY FOR APPELLANT

This 31st day of July, 2025.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

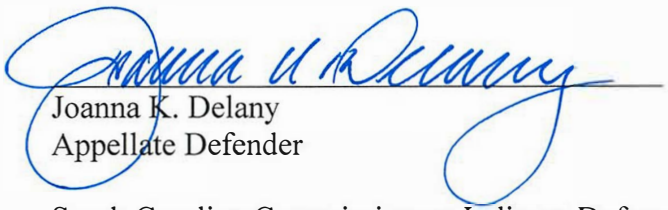
RAY L. KELLY,

APPELLANT

APPELLATE CASE NO. 2022-001449

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 W. Joseph Maye, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Ray L. Kelly, #389127, at Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472, this 31st day of July, 2025.



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ATTORNEY FOR APPELLANT

From:	Mcinnis, Sara
To:	SC - MAYE WILLIAM
Cc:	Donna D"Alessio; Delany, Joanna
Subject:	2022-001449 The State v. Ray Kelly Petition for Rehearing
Date:	Thursday, July 31, 2025 4:11:00 PM
Attachments:	AG Cover Letter - Petition for Rehearing.pdf 2022-001449 The State v. Ray Kelly Petition for Rehearing.pdf

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Good Afternoon Mr. Maye,

Attached for service in the above-referenced case is the petition for rehearing, which will be filed with the Court of Appeals today, July 31, 2025, via email filing.

Respectfully,

Sara McInnis
Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
(803) 734-1330