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THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

MATTHEW FULLBRIGHT,

APPELLANT

RECEIVED
DEC 01 2014
SC Court of Appeals

Appeal from Anderson County

R. Lawton McIntosh, Circuit Court Judge

Opinion No. 2014-UP-399

PETITION FOR REHEARING

On November 12, 2014, this Court affirmed Appellant's convictions and sentences in an unpublished opinion. State v. Fullbright, 2014-UP-399 (S.C. Ct. App. filed Nov. 12, 2014). Pursuant to Rule 221(a), SCACR, Appellant asks this Court to rehear this matter in light of the significant points overlooked and/or misapprehended by this Court in rendering its opinion, which will be explained more fully below.

It appears this Court re-numbered Appellant's issues. For the sake of clarity, Appellant's petition for rehearing will address the issues as decided in this Court's unpublished opinion. The first issue addressed by this Court was Appellant's third issue. On appeal, Appellant challenged the admission of his statement to police where the statement was obtained in violation of Appellant's

right pursuant to the Fifth and Fourteenth Amendments to the United States Constitution and Article One, Section Twelve of the South Carolina Constitution due to Appellant's inability to knowingly and voluntarily waive his rights in light of his drug use and medical condition, and the lengthy interrogation employed by the police. Concerning this issue, this Court cited three South Carolina cases and one United States Supreme Court case. Based upon the parentheticals for each of the cases, it appears this Court determined that the trial judge had not abused his discretion in finding the state had proven by a preponderance of the evidence that the totality of the circumstances demonstrated the statement was voluntary.

The facts surrounding this issue are set out more fully in Appellant's brief. However, several facts bear repeating. Appellant was emotional throughout the interview. R. 10, lines 14-24; R. 39, lines 15-17; R. 40, lines 16-20; R. 42, lines 3-11. One of the interrogating officers showed Appellant photographs of Husband and Wife, explaining he was investigating Husband's death and Wife's disappearance. Two officers then interviewed Appellant for "the next several hours." R. 12, line 13 – R. 13, line 3. According to one interrogator, Appellant

> began to come to a breaking point in the interview. He was looking down at the floor, wouldn't make eye contact, started taking deep breaths. Then he started to act as if he was going to throw up and proceeded to fall out of the chair onto the floor as if he was passed out.

R. 13, lines 16-25; see also R. 42, lines 12-13. EMS responded. R. 14, lines 7-8. Another interrogator attempted to evaluate Appellant, including calling his name, shaking him, opening his eyes, and administering a "sternum rub." R. 42, line 15 – R. 43, line 12. After EMS attended to Appellant, the Sheriff knelt down to Appellant, who remained lying on the floor, and told Appellant it was time to tell the police where Wife was. R. 14, lines 14-25; R. 44, lines 8-15.

Thereafter, Appellant gave multiple statements to his interrogators, including riding along with them to locate Wife. During the drive, Appellant sobbed and indicated he did not want to talk

to the police. R. 15, lines 1-21; R. 44, line 19 – R. 45, line 4. Although the officers prepared a typed statement based upon their interrogation, Appellant refused to sign the statement because the order was not correct and he was tired. R. 18, line 3 – R. 19, line 16; R. 41, line 19 – R. 42, line 2; R. 47, lines 8-15. Thereafter, Appellant was booked at the jail at 4:35 a.m. R. 18, line 21 – R. 19, line 2. This initial interview lasted over ten hours. R. 20, line 1.

The following afternoon, the interrogators met with Appellant again. Three officers interrogated Appellant in an old storage room at the detention center. R. 21, line 9 – R. 21, line 12; R. 23, line 19; R. 48, line 21 – R. 50, line 23; R. 51, lines 7-9; R. 696. Appellant gave yet another statement to police. R. 24, lines 3-7; R. 52, lines 1-5; R. 697. Additionally, officers reviewed the statement from the previous night with Appellant. Appellant agreed that the first five pages were accurate and he initialed and signed those pages. R. 24, lines 10-22; R. 52, line 5 – R. 53, line 16.

Appellant had ingested Oxycontin, Lortab, and Darvocet within the last seventy-two hours of these interrogations. R. 62, lines 8-14; R. 63, line 25 – R. 64, line 3. This drug combination would result in a "drunken stupor" according to the medical personnel who attended to Appellant during the interrogation. R. 68, lines 4-12.

Appellant's father, Marshall Fullbright, testified that he could recognize Appellant's handwriting as to his signature and initials. R. 95, line 11 – R. 96, line 2. He agreed that the signature and initials appearing on State's Exhibit #1 were written by Appellant. However, he testified the initials and signatures on State's Exhibits #2, #3, and #4 were not written by Appellant. R. 96, line 3 – R. 97, line 20.

The Fifth Amendment's privilege against self-incrimination provides an individual who has been accused of a crime the right to consult with an attorney and to have an attorney present during custodial interrogation. Miranda v. Arizona, 384 U.S. 436, 478-479 (1966). In Jackson v. Denno,

378 U.S. 368, 376 (1964), the United States Supreme Court held that "a defendant in a criminal case is deprived of due process of law if his conviction is founded, in whole or in part, upon an involuntary confession, without regard for the truth or falsity of the confession." To introduce a statement produced during custodial interrogation, the prosecution must prove by a preponderance of the evidence that the statement was made freely and voluntarily, and taken in compliance with Miranda. See State v. Pittman, 373 S.C. 527, 656, 647 S.E.2d 144, 164 (2007); State v. Von Dohlen, 322 S.C. 234, 243, 471 S.E.2d 689, 694 (1996); State v. Goodwin, 384 S.C. 588, 601, 683 S.E.2d 500, 507 (Ct. App. 2009); State v. Miller, 375 S.C. 370, 378, 652 S.E.2d 444, 448 (Ct. App. 2007); State v. Compton, 366 S.C. 671, 680, 623 S.E.2d 661, 666 (Ct. App. 2005); State v. Crawley, 349 S.C. 459, 463, 562 S.E.2d 683, 685 (Ct. App. 2002).

The waiver has two distinct dimensions. It must be "voluntary in the sense that it was the product of a free and deliberate choice rather than intimidation, coercion, or deception," and it must be "made with a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it." Moran v. Burbine, 475 U.S. 412, 421 (1986); see also State v. Middleton, 288 S.C. 21, 25, 339 S.E.2d 692, 694 (1986). In South Carolina, a court must examine the totality of the circumstances surrounding the custodial statement. The examining court must answer the question: did totality of the circumstances surrounding the custodial statement defeat the defendant's will? State v. Moses, 390 S.C. 502, 513, 702 S.E.2d 395, 401 (Ct. App. 2010); see also Withrow v. Williams, 507 U.S. 680, 693 (1993).

> Courts have recognized appropriate factors that may be considered in a totality of the circumstances analysis: background; experience; conduct of the accused; age; maturity; physical condition and mental health; length of custody or detention; police misrepresentations; isolation of a minor from his or her parent; the lack of any advice to the accused of his constitutional rights; threats of violence; direct or indirect promises, however slight; lack of education or low intelligence; repeated and prolonged nature of the questioning; exertion of improper influence; and the use of physical punishment, such as the deprivation of food or sleep.

Id. at 513-514, 702 S.E.2d at 401 (internal citations omitted). The test requires consideration of "'totality of all the surrounding circumstances – both the characteristics of the accused and the details of the interrogation.'" Dickerson v. United States, 530 U.S. 428, 434 (2000)(citations omitted).

An examination of the totality of the circumstances demonstrates Appellant's alleged waiver was unknowing and involuntary. Appellant admitted to taking dangerous narcotic medications, which were not prescribed for him, within seventy-two hours of the interrogation. Appellant suffered a medical emergency during the interrogation requiring the services of emergency medical personnel. As admitted by the officers, the initial interrogation continued for over ten hours. The totality of the circumstances required exclusion of Appellant's statements to police officers.

The second issue considered by this Court, which was the first issue appearing in Appellant's brief, concerned the violation of Appellant's right against self-incrimination pursuant to the Fifth and Fourteenth Amendments to the United States Constitution and Article One, Section Twelve of the South Carolina Constitution. The trial judge erred in admitting Appellant's video-recorded statements at his arraignment hearing where the statements were obtained through questioning by the brother of the deceased and Appellant neither received advisement of his right against self-incrimination nor voluntarily waived his right. In disposing of this issue, this Court cited three cases from this state. Each of the parentheticals addresses harmless error. Therefore, this Court determined the trial judge erred in admitting the video recording, but determined the error was harmless. Appellant agrees with this Court that the trial judge erred; therefore, Appellant seeks no rehearing on the matter of whether the judge erred in admitting the statements. However, Appellant respectfully disagrees with this Court's determination that the error was harmless beyond a reasonable doubt.

As explained more fully in the brief, on November 4, 2009, Appellant appeared at an arraignment hearing after being charged with conspiracy relating to the murders of Husband and Wife. R. 54, lines 13-16; R. 187, lines 18-21. The arraignment was conducted using video conferencing. Appellant, dressed in prison garb, remained at the jail surrounded by officers while appearing on video before the judge for his arraignment. The presiding judge, Husband's brother, and the victim's advocate were in a separate area. During the arraignment and in the presence of the judge, Husband's brother interrogated Appellant. Specifically, Husband's brother asked Appellant why he killed Husband and Wife in the manner in which the prosecution alleged. Appellant responded that people make certain decisions when they are caught up in a lifestyle, that he did not justify it, and did not expect the family's forgiveness. Appellant then narrated the Biblical story of King David having Bathsheba's husband killed so that he may wed her and of God's forgiveness of David. State's Exhibit #15. A local television station attended the arraignment and videotaped the exchange between Husband's brother and Appellant. The prosecution wanted to admit the video recorded by the local news channel as no official recording of the proceeding existed. R. 151, lines 18-19; R. 152, lines 11-12; State's Exhibit #15.

The Fifth Amendment to the United States Constitution provides that "No person ... shall be compelled in any criminal case to be a witness against himself." U.S. Const. amend. V. This privilege has been extended to the states through the Fourteenth Amendment. Malloy v. Hogan, 378 U.S. 1, 6 (1964). The Fifth Amendment proscribes self-incrimination obtained by compulsion of testimony. Michigan v. Tucker, 417 U.S. 433, 440 (1974). The Fifth Amendment privileges a person "not to answer official questions put to him in any other proceeding, civil or criminal, formal or informal, where the answers might incriminate him in future criminal proceedings." Lefkowitz v. Turley, 414 U.S. 70, 77 (1973). "The essence of this basic constitutional principle is 'the

requirement that the state which proposes to convict and punish an individual produce the evidence against him by the independent labor of its officers, not by the simple, cruel expedient of forcing it from his own lips.'" Estelle v. Smith, 451 U.S. 454, 462 (1981)(quoting Culombe v. Connecticut, 367 U.S. 568, 581-582 (1961)). "[T]he availability of the privilege does not turn upon the type of proceeding in which its protection is invoked, but upon the nature of the statement or admission and the exposure it invites." In re Gault, 387 U.S. 1, 49 (1967). "[T]he Fifth Amendment privilege is available outside of criminal court proceedings and serves to protect persons in all settings in which their freedom of action is curtailed in any significant way from being compelled to incriminate themselves." Miranda v. Arizona, 384 U.S. 436, 467 (1966). The Fifth Amendment guarantees a criminal defendant an unqualified right to choose whether to testify at trial and at sentencing. Harris v. New York, 401 U.S. 222, 225 (1971).

The Fifth Amendment privilege is violated by officially coerced self-accusation. United States v. Washington, 431 U.S. 181, 187 (1977). Thus, the Fifth Amendment's protections extend to statements or acts that are (1) compelled; (2) testimonial; and (3) incriminating of the person in a criminal proceeding. United States v. Hubbell, 530 U.S. 27, 34-37 (2000). The South Carolina Supreme Court noted "[t]he decision to testify or not is a perilous one." Due to the significant constitutional rights implicated, "[a] defendant's decision to testify or not must be made with knowledge of the consequences of either choice." Brown v. State, 340 S.C. 590, 594, 533 S.E.2d 308, 310 (2000)(citing State v. Orr, 304 S.C. 185, 403 S.E.2d 623 (1991)).

Although this Court determined Appellant's video recorded statements were the product of compulsion, and that Appellant had not waived his right not to give self-incriminating statements, this Court determined the admission of the video was harmless beyond a reasonable doubt.

Appellant's arraignment presented all of the hallmarks of a coercive environment. As an initial matter, Appellant was required to be present for his arraignment. Our law provides:

> The arraignment of a prisoner, against whom a true bill for an offense has been found by the grand jury is for the purpose of obtaining from him his answer to the indictment. It consists of reading the indictment to him, and requiring him to say in open court whether or not he is guilty of what is therein charged against him.

State v. Stewart, 26 S.C. 125, 1 S.E. 468 (1887). Our law also provides for the attendance of victims at judicial proceedings. In South Carolina, victims of crime have the right to be present during the criminal proceedings. S.C. Code Ann. § 16-3-1550 (I). The protections afforded victims provides that the circuit court "must hear or review any victim impact statement, whether written or oral, before sentencing." However, the victim impact statement is not admissible as evidence in any trial. S.C. Code Ann. § 16-3-1550(F). Victim impact statements may include "any ... information the victim believes to be important and pertinent." S.C. Code Ann. § 16-3-1545(A)(6). The Victims' Bill of Rights provides for victims to "be heard at any proceeding involving a post-arrest release decision, a plea, or sentencing." S.C. Const. Art. I, § 24(A)(5). Although statutory law provides for victims to have "a voice at critical stages of the criminal justice proceedings," neither statutory nor case law provide for victims to interrogate defendants. Ex parte Littlefield, 343 S.C. 212, 217, 540 S.E.2d 81, 84 (2000).

Appellant remained at the jail during his arraignment. He was in prison garb and shackled throughout the entire hearing. He was surrounded by officers as well. The presiding judge and other participants were in a separate area, which Appellant accessed only through video conferencing. Perhaps the most disturbing aspect of the video was that the person interrogating Appellant was Husband's brother, who was very emotional and deserving of the utmost sympathy. Although Husband's brother had a right to attend the hearing, his questioning of Appellant regarding the crime and attempting to elicit incriminating statements went beyond anything

permissible in the Victims' Bill of Rights or South Carolina law. See S.C. Const. Art. I, § 24. In fact, America's unique criminal justice system relies upon objective rules and neutral arbiters to resolve conflicts. Victims must be "treated with dignity, respect, courtesy, and sensitivity," but victims must not act as prosecutors. Ex parte Littlefield, 343 S.C. at 218, 540 S.E.2d at 84. "The criminal justice system gives prosecutors, as opposed to victims, broad discretion in deciding which cases to try because prosecutors are less likely to be prejudiced by personal and emotional motives." Id. Certainly, "prosecutors have some duties to crime victims," but "'their prosecutorial discretion is not contracted or limited by victims' rights laws.'" Id. at 219, 540 S.E.2d at 84 (quoting Reed v. Becka, 333 S.C. 676, 676, 511 S.E.2d 396, 400 (Ct. App. 1999)).

In Chapman v. California, 386 U.S. 18, 22 (1967), the United States Supreme Court concluded "that there may be some constitutional errors which in the setting of a particular case are so unimportant and insignificant that they may, consistent with the Federal Constitution, be deemed harmless, not requiring the automatic reversal of the conviction." In order for constitutional error to be deemed harmless, it must be determined beyond a reasonable doubt the error did not contribute to the verdict. Id. at 24. Chapman recognized prior decisions of this Court that some constitutional rights are so basic to a fair trial that their infraction could never be treated as harmless error. Id. at 23. At the time, those included introduction of a coerced confession, a denial of counsel, and proceeding before a partial tribunal. Id. at 23 n. 8.

In Arizona v. Fulminante, 499 U.S. 279, 303 (1991), a plurality of this Court held the admission of an involuntary confession at trial was subject to harmless error analysis, overruling precedent. After cataloguing a list of cases in which this Court had applied harmless error, a pattern emerged that these involved "'trial error' – error which occurred during the presentation of the case to the jury, and which may therefore be quantitatively assessed in the context of other

evidence presented in order to determine whether its admission was harmless beyond a reasonable doubt." Id. at 307-308. The plurality distinguished trial errors, which were subject to harmless error analysis from "structural errors," such as the deprivation of the right to counsel and a partial judge. Id. at 309. "[S]tructural defects in the constitution of the trial mechanism ... defy analysis by 'harmless-error' standards." Id. In addition to the right to counsel and an impartial judge, this Court noted other cases within the "category of constitutional errors ... not subject to harmless error," including unlawful exclusion of members of the defendant's race from the grand jury, the right to self-representation at trial, and the right to a public trial. Id. at 310. "Each of these constitutional deprivations is a similar structural defect affecting the framework within which the trial proceeds, rather than simply an error in the trial process itself." Id.

When examining whether an error were harmless beyond a reasonable doubt, a reviewing court must look at the evidence presented by the prosecution to determine whether the error contributed to the jury's verdict. Here, there is no question the error contributed to the jury's verdict. The only other evidence against Appellant was his statements to police, which were challenged, and placed the blame on a second person, who was not charged or tried. Appellant's video recorded statement to the deceased's brother were the linchpin of the state's case against him because it was an admission. The prosecutor used the statement in closing argument to compel a guilty verdict. Clearly, the video recorded statement contributed to the jury's verdict.

Finally, Appellant's second issue in his brief, which was discussed third by this Court, challenged the admissibility of the video recorded statement because the danger of unfair prejudice substantially outweighed any probative value from the statement. In affirming Appellant's conviction on this issue, this Court cited two cases from this state and the applicable Rule of

Evidence. It appears this Court determined the trial judge's decision should not be reversed because the matter did not involve an "exceptional circumstance." However, the admission of the recorded statement presents all the hallmarks of an exceptional circumstance. Therefore, the trial judge's decision should be reversed.

Rule 403 of the South Carolina Rules of Evidence provides that even relevant evidence "may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice." Although this Court's decision in State v. Collins, 398 S.C. 197, 727 S.E.2d 751 (Ct. App. 2012) was overruled by the South Carolina Supreme Court in State v. Collins, 409 S.C. 524, 763 S.E.2d 22 (2014), the analysis by this Court remains good law and is flawless.

The four-step guide for analyzing whether the danger of unfair prejudice resulting from proffered evidence outweighs the probative value demonstrates the trial judge erred in allowing the prosecution to present the video statement to the jury. The first step requires a determination of the probative value of the evidence. The second requires an evaluation of the danger of unfair prejudice resulting from the introduction of the evidence. Third, a court must balance the probative value and unfair prejudice. And finally, the appellate court reviews the decision of the trial court for an abuse of discretion.

The video statement provided probative evidence of the crimes with which Appellant was charged. As the judge indicated, in the video, Appellant essentially admits his guilt to the murders. Thus, the video statements were probative as to who committed the crimes. However, the probative value was low as Appellant's statements addressed his remorse and potential motivation, which were not elements of the charges requiring proof by the state.

Admission of the video into evidence presented a high level of danger of unfair prejudice. Evidence is unfairly prejudicial when it has a "'tendency to suggest a decision on an improper basis,

commonly, though not necessarily, an emotional one.'" State v. Martucci, 380 S.C. 232, 250, 669 S.E.2d 598, 607 (Ct. App. 2008); see also State v. Stokes, 381 S.C. 390, 673 S.E.2d 434 (2009); State v. Wilson, 345 S.C. 1, 7, 545 S.E.2d 827, 830 (2001); State v. Dickerson, 341 S.C. 391, 400, 535 S.E.2d 119, 123 (2000); State v. Franklin, 318 S.C. 47, 55, 456 S.E.2d 357, 361 (1995). The video presented evidence encouraging, if not demanding, the jury base its decision on emotion. Husband's brother appeared in the video comparing Husband to Appellant in size, age, and health. Husband's brother expressed dismay and extreme loss at the passing of Husband and Wife. Victim impact testimony of this nature is not admissible during the guilt phase of a criminal trial because it encourages the jury to base its decision on emotion, rather than the evidence.

Additionally, Appellant appeared in prison garb in the video. The Supreme Court held the prosecution may not compel a defendant to wear jail clothing during his trial. Estelle, 425 US at 512. The Court explained the potential negative effects of presenting an accused before the jury in prison attire were obvious in light of the almost universal holdings throughout the country that an accused should not be compelled to go to trial in jail clothing because of the possible impairment of the presumption of innocence. Id. at 504. The Court held a defendant appearing in prison attire serves as a "constant reminder of the accused's condition implicit in such distinctive, identifiable attire [that] may affect a juror's judgment." Id. at 504-505. According to the Court, "[t]he defendant's clothing is so likely to be a continuing influence throughout the trial that ... an unacceptable risk is presented of impermissible factors coming into play." Id. at 505. Compelling a defendant to wear jail clothing furthers no essential state policy. Id. In addition, typically defendants wearing prison clothing are the poor because those who can post bail are not subjected to the condition, which offends the concept of equal justice embodied in the criminal justice system. Id. at 505-506.

The South Carolina Supreme Court confronted this issue similar in Humbert v. State, 345 S.C. 332, 548 S.E.2d 862 (2001). The defendant wore a prison jumpsuit, shackles, and a prison identification bracelet during his trial. Id. at 334, 548 S.E.2d at 863. The only issue before the Court in Humbert was whether trial counsel rendered deficient performance in permitting the defendant to proceed to trial in the prison jumpsuit because the issues concerning shackling and the identification bracelet were not preserved for review. Id. at 337, 548 S.E.2d at 865. The Court determined trial counsel was deficient in allowing the defendant to proceed to trial dressed in prison clothing. Id. The Court explained "it [is] generally improper for a defendant to appear for a jury trial dressed in readily identifiable prison clothing." Id. In a footnote, the Court explained that a defendant's appearance at trial dressed in jail clothing is not automatically reversible error because there may be situations where counsel determines the jail attire benefits the defense as a matter of trial strategy. Id. at 338 n.4, 548 S.E.2d at 865 n.4. In Humbert, this Court went on to hold the defendant was not prejudiced by trial counsel's deficient performance concerning the prison clothing based upon the "overwhelming evidence" against him. Id. at 338, 548 S.E.2d at 865-866.

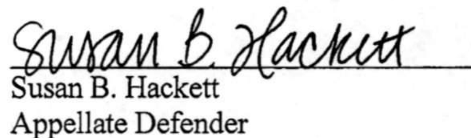
Here, the jury observed Appellant in a prison jumpsuit and surrounded by police officers in the video. Due to the video conferencing aspect of the arraignment, Appellant was not even permitted in the same room with the judge and other participants. This reinforced the appearance that Appellant was dangerous and must be kept far away from the public. Appellant's appearance was in sharp contrast to his interrogator, Husband's brother, who pleaded for understanding over the loss of his family. The obvious inference drawn by the jury was Appellant was guilty and was dangerous to the public at large in light of the fact that Appellant appeared in prison garb in the video, which was admitted into evidence.

Balancing the probative value and the danger of unfair prejudice in this case clearly demonstrated that the unfair prejudice substantially outweighed the probative value. As expressed, the probative value was low in light of the state's burden of proof and the elements it was required to prove for murder and armed robbery. The danger of unfair prejudice was extremely high due to the statements made by Appellant and Husband's brother, the nature of the video conferencing placing Appellant separate from others, and Appellant's appearance in a prison garb.

Finally, Judge McIntosh abused his discretion in determining the danger of unfair prejudice did not substantially outweigh the probative value. According to Judge McIntosh, "[i]t [was] simply a video of the statements made by [Appellant]." R. 194, lines 7-18. One look at the video demonstrates the judge was well wide of the mark. The judge looked at the video as one accustomed to seeing individuals dressed in prison jumpsuits, accustomed to hearing the emotional pleas of victims' family members, accustomed to police officers providing generalized courtroom security, and with the knowledge that the video conferencing was for judicial efficiency and economy. He did not observe Appellant in the video as a juror would – a dangerous man dressed in prison clothing, surrounded by police, evoking fear and loathing, and not even permitted in the same room as other members of society. He did not observe Husband's brother in the video as a juror would - a grief-stricken brother confused at the loss of his loved ones and crying out for justice and answers.

For the reasons stated, Appellant respectfully requests this Court rehear the matter pursuant to Rule 221(a), SCACR, and reverse Appellant's convictions and order a new trial.

Respectfully submitted,



Susan B. Hackett
Appellate Defender

This 1st day of December, 2014.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Anderson County

R. Lawton McIntosh, Circuit Court Judge

THE STATE,

RESPONDENT,

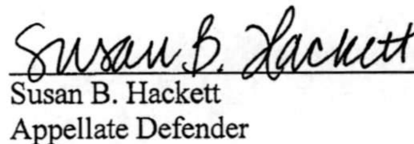
V.

MATTHEW FULLBRIGHT,

APPELLANT

CERTIFICATE OF SERVICE

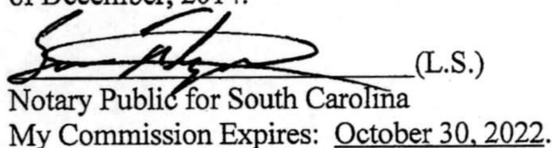
The undersigned attorney hereby certifies that a true copy of the Petition for Rehearing in the above-entitled case has been served upon J. Anthony Mabry, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Matthew Fullbright #349468, at Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472 this1st day of December, 2014.



Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT

SWORN TO BEFORE ME this 1st day
of December, 2014.



_______________(L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.