ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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S.C. Supreme Court

Certiorari to Aiken County

Doyet A. Early, III, Circuit Court Judge

Opinion No. 2015-UP-115 (S.C. Ct. App. filed March 4, 2015)
12-GS-02-989-991, 994, 996- 997, 999, 1852-1853

THE STATE,

RESPONDENT,

V.

WILLIAM POU,

PETITIONER

APPELLATE CASE NO. 2015-001128

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS

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CERTIFICATE OF COUNSEL

Counsel for petitioner certifies that the petition for rehearing was made and finally ruled on by the Court of Appeals on April 24, 2015.

QUESTION PRESENTED

Whether the Court of Appeals erred, citing this Court's opinion in State v. Chavis, Op. No. 27491 (2014), in support of its holding that there was no abuse of discretion in qualifying Dr. Benedetto as an expert, allowing her testimony over petitioner's bolstering objection, where her testimony opined how domestic violence and a "non-supportive" parent allegedly affected the timing of the "disclosure of abuse," where domestic violence and lack of support were both allegedly involved in this case, and her testimony was meant to bolster the testimony of the complaining stepdaughters?

STATEMENT OF FACTS

Procedural history

Petitioner was indicted at the July 2012 of the Aiken County Grand Jury for three counts of criminal sexual conduct with a minor in the first degree, four counts of lewd act upon a minor, two counts of criminal solicitation of a minor and criminal sexual conduct with a minor. R. p. 217. petitioner's case was called to trial on December 4, 2012 before the Honorable Doyet A. Early, III, and a jury. C. David Hayes and Wallis Alves represented petitioner. Ashley Agnew and Elizabeth Young were the assistant solicitors. R. p. 1.

On December 7, 2012 the jury found Petitioner guilty on each count except one count of criminal solicitation of a minor on which appeallant was aquitted. R. p. 208, l. 9 – 214, l. 25. Judge Early then sentenced petitioner to concurrent sentences totally thirty years imprisonment. R. p. 215, l. 11- 216, l. 15.

The Court of Appeals affirmed in State v. William Pou, 2015-UP-115 (March 4, 2015). App. 1-2 The petition for rehearing was filed on March 19, 2015. App. 3-11. The Petition for Rehearing was denied on April 24, 2015. App. 12.

This petition for a writ of certiorari follows.

ARGUMENT

The Court of Appeals erred, citing this Court's opinion in State v. Chavis, Op. No. 27491 (2014), in support of its holding that there was no abuse of discretion in qualifying Dr. Benedetto as an expert, allowing her testimony over petitioner's bolstering objection, where her testimony opined how domestic violence and a "non-supportive" parent allegedly affected the timing of the "disclosure of abuse," where domestic violence and lack of support were both allegedly involved in this case, and her testimony was meant to bolster the testimony of the complaining stepdaughters.

Introduction

In her closing statement, apparently worried the jury may not believe the complaining stepdaughters; the solicitor went right after petitioner's character telling the jurors that petitioner was "a horrible man" and "a bad man." She asked the jury to find petitioner guilty of the charges the government chose to bring against him. The solicitor also told the jurors that the mother of the two alleged victims did not do anything to support them in their accusations, and the police had to intervene. R. p. 177, l. 24 - 178, l. 2. ; R. p. 179, ll. 11-13; R. p. 182, l. 21 - 183, l. 8.

As will be seen infra, there was also evidence of domestic violence between petitioner and the alleged victim's mother. The accusing stepdaughters admitted they did not like petitioner. They wanted him out of their lives.

Relevant trial facts

The first accusing minor was eleven-years- old, and she was being home schooled at the time of the trial. R. p. 32, ll. 12-23. She lived with petitioner, her mother, her sister and two step-sisters that her mother had with petitioner. R. p. 34 ll. 3-25. The first accusing minor testified petitioner asked her to perform oral sex, and she refused. She claimed she was then sent to her room. R. p. 36, l. 10 – 38, l. 22.

The accusing minor said she told her mother about the incident. Her mother's reaction, according to the minor was to force petitioner to leave for a week. Her mother then let petitioner move back into the house. It was unclear whether the mother believed the minor's accusation. R. p. 39, l. 5 - 40, l. 4.

On cross-examination the minor claimed that petitioner told her the sex he allegedly elicited was punishment for not listening to him. R. p. 44, ll. 6-22. The child admitted that petitioner and her mother fought a lot about "cheating" and "the title to the house." The minor said she did not like petitioner, and she alleged that petitioner once cut her mother with a screwdriver during one of their arguments. R. p. 44, l. 6 - 49, l.7.

The second accusing stepdaughter was twelve-years-old. R. p. 50, ll. 7-23. She was also being home-schooled at the time of the trial. R. p. 53, ll. 6-22. She identified petitioner as her former stepfather. R. p. 55.

The minor witness went to Aiken Middle School before she was homeschooled. She remembered a policeman came to talk to her about petitioner at her school. R. p. 56, ll. 6-10. The policeman asked her if petitioner had ever beaten her or her sister or whether he had he ever touched them. R. p. 56, l. 6 – 57, l. 23.

The stepdaughter said when she was ten years old that petitioner gave her a "bad touch." She claimed petitioner also elicited sex from her. R. p. 60, l. 5 – 68, l. 25.

After she went to the Child Advocacy Center she began keeping a journal. She wrote a letter to her grandmother that her mother found. The minor said her mother gave the letter accusing petitioner of abuse to petitioner. She speculated that petitioner then hid the letter. R. p. 68, l. 16 – 70, l. 7.

The second stepdaughter also testified that petitioner often fought with their mother. She maintained they were looking for a "new place" to move so they could get away from petitioner. The minor also said petitioner wanted "the title" to the house because he wanted them to move. R. p. 73, l. 3 – 78, l. 7.

On cross-examination the minor also offered that she thought she had been informed that petitioner had gotten in trouble when he was nineteen-years-old for having sex with a fourteen-year-old. She admitted she knew if she told the police an adult had sex with her she would that adult "in trouble." R. p. 80, ll. 10-19.

The forensic interviews were then played for the jury. They are on file with this Court for viewing. R. p. 84, l. 5 – 87, l. 18.

Mandy Fredell was the mother of the two accusing minors. She maintained that she did not tell the daughters what to say in their testimony against petitioner. R. p. 91, l. 8 – 92, l. 13.

She admitted that she and petitioner "argued over a lot of things" including "the title" to the house. Her children were present during the fights. R. p. 94, ll. 6-24.

Fredell acknowledged she found the letter her daughter wrote to her grandmother alleging abuse: "I asked my daughter about it." R. p. 95, ll. 11-24. She denied she was trying to move and leave petitioner. Petitioner was never forced to leave the home as a result of her daughter's accusation of abuse. "We were in the process of taking care of things when all of this went down. This just happened." Fredell said she was told of the allegations "like a day or two before the police was contacted." R. p. 95, l. 11 – 98, l. 7.

Katherine Chappell testified as an expert in pediatric nursing and child wellness examination. R. p. 135, l. 15 – 136, l. 6. She testified she was not able to do a complete examination on one of the accusing witnesses because the minor began "sobbing and crying."

The judge sustained the defense objections to whether she was surprised by the minor's tearful reaction, and what "her reaction meant to you in your field." R. p. 143, l. 6 – 144, l. 15. It was apparent the solicitor wanted Chappell to testify that such reactions from a person that had been abused were "normal." Chappell testified the child never returned to finish the examination. R. p. 144, ll. 17-18.

Dr. Benedetto

After Chappell's testimony, the judge noted the defense had made a motion to exclude the "expert testimony" of the next witness, Dr. Benedetto, on the grounds that her testimony would only improperly bolster the alleged veracity of the complaining minors. It was an impermissible attempt to convey to the jury that the minors were being truthful. R. p. 109, ll. 8-22. R. p.241 (motion to exclude testimony).

The solicitor, not surprisingly, stated Dr. Benedetto had *not met* with the children or viewed their interviews. She alleged Benedetto was an expert in the area of "child abuse dynamics." The solicitor claimed her testimony was necessary because there had been assertions of "recanting," and "inconsistencies" in the testimony of the children. R. p. 146, l. 14 - 147, l. 20. In short, that their testimony apparently needed bolstering.

The judge said he was in all likelihood going to allow the testimony. Defense counsel responded that whether the jury believed the minor stepdaughters was the critical issue in this case. This "expert" testimony was simply not necessary. R. p. 147, l. 21 - 148, l.14. The judge overruled the objection, and allowed Benedetto to testify. R. p. 147, l. 21- 149, l.1.

In the presence of the jury

Dr. Benedetto then testified that she worked at the Department of Mental Health at the Assessment and Resource Center in Columbia. She also was the chief psychologist at the Children's Advocacy Center. R. p. 150, ll. 6- 13.

She had an undergraduate degree in psychology and a masters and doctoral degrees from St. John's University in psychology. R. p. 150, ll. 17- 22. She had done forensic evaluations and had done between 1,500 and 2,000 interviews with children. She had been working and training with "finding words." R. p. 151, l. 16 – 157, l. 8.

When the solicitor offered Benedetto as an "expert" in "child sexual abuse dynamics," defense counsel again objected to her testifying as an expert correctly noting her testimony in reality involved the "finding words" model. R. p. 155, ll. 10 - 24. The judge qualified Dr. Benedetto as an expert, and allowed her to testify over objection. Dr. Benedetto then testified she had not become "personally involved with the children in this trial." R. p. 155, l. 10 – 156, l. 20.

Benedetto maintained that the way children reacted to abuse seemed "counter-intuitive." She offered that adults tended to think as adults "they would run away and scream" if they were abused. However, she opined, "children reacted differently, delay disclosure." However, she said: "Every child is different, every family is different..." R. p. 146, l. 1 – 148, l. 10.

The solicitor then asked how watching domestic violence among adults could affect a child disclosing abuse. Dr. Benedetto answered: "If a child has seen domestic violence in the home, of course, they may be fearful there might be danger if they told because, in fact, they have seen dangerous things happen; so they may be fearful for their own safety or the other parent's safety." R. p. 158, ll. 14-24.

The solicitor then asked for her opinion on how the reaction of the non-offending parent may affect "disclosure." Dr. Benedetto then said the response of the other parent was very important as to whether the "child feels important, whether they feel that they are believed, whether they feel they are going to be protected or not." She said if the child did not receive support the child may "[f]eel, well, you know, if my parent doesn't believe me, who will? And if I don't feel my parent will protect me, you know, then nobody will." R. p. 159, l. 14 - 160, l. 16.

Dr. Benedetto also testified that the body language of the children being interviewed was important because their emotions were different than adults. "One of the things that surprises us sometimes even as many interviews as I have done is that children are not always as emotional as we might expect them to be in an interview." R. p. 164, ll. 13-25.

After Dr. Benedetto's testimony the solicitor read a stipulation that petitioner had a prior conviction for criminal sexual conduct in the second degree from 1998, thirteen years before this trial. R. p. 172, l. 23 – 173, l. 6.

Reply brief in the Court of Appeals

Petitioner responded to the brief of respondent in this case, and challenged its use of outdated precedent:

> "The state cites precedents of this Court and the Supreme Court from the 1990's that predates relevant precedent on the evils of bolstering in child sex cases. See, State v. Kromah, 401 S.C. 340, 737 S.E.2d 490 (2011); State v. Jennings, 394 S.C. 473, 716 S.E.2d 91 (2009); State v. McKerley, 397 S.C. 461, 725 S.E.2d 139 (Ct. App. 2012).
>
> The state cites to the State v. Weaverling, 337 S.C. 460, 474, 523 S.E.2d 487, 494 (Ct. App. 1999) language that "expert testimony concerning common behavioral characteristics of sexual assault victims and a range of responses to sexual assault encountered by experts is admissible." The state also cites State v. Schumpert, 312 S.C. 402, 506, 435 S.E.2d 859, 862 (1993), for the proposition that

"both expert testimony and behavioral evidence are admissible as rape trauma evidence *to prove a sexual offense occurred* where the probative value of such evidence outweighs its prejudicial effect." (emphasis added). At a minimum Schumpert obviously mandated a Rule 403, SCRE analysis before such evidence could be admitted. Brief of Respondent at 9-10.

Further, and more importantly, such older cases must be viewed through the lens of modern precedents such as Kromah. For example, in State v. Henry, 329 S.C. 266, 495 S.E.2d 463 (1997), this Court held that a psychotherapist possessed the ability and skill to be qualified as an expert to render an opinion that the alleged victim suffered from post-traumatic stress disorder. The psychotherapist based her diagnosis and opinion of post-traumatic stress disorder on what she was told by the alleged victim and her observations of the victim's demeanor and symptoms exhibited by the alleged victim. She made no attempt to corroborate the alleged victim's testimony.

In State v. Henry the alleged victim testified she was an honor roll student in high school, but she was being sexually abused. R. 225-232. However, at the University of Florida her GPA fell to 1.88. She blamed her low grades on having nightmares and an inability to concentrate. She did not disclose the abuse.

The psychotherapist in Henry -- based on her "expertise" -- opined that it was not unusual at all for a person who was sexually abused to excel in high school while at home, and then have trouble coping once away from the abuser (in college). R. 374, ll. 13-16. It was not also unusual for that alleged victim to have nightmares, and not disclose the alleged abuse. The bottom line opinion of the psychotherapist was that the alleged victim suffered from PTSD. This, she explained, was a process people go through after suffering from a traumatic event such as being sexually abused. This Court can take judicial notice of the fact that certiorari in Henry to the Supreme Court was not sought.

In Henry, this Court cited State v. Morgan, 326 S.C. 503, 485 S.E.2d 112 (Ct. App.1997), and State v. Schumpert, 312 S.C. 402, 506, 435 S.E.2d 859, 862 (1993), and held, essentially, that defects in the knowledge or experience of the experience of the expert, or the adequacy (reliability) of her testimony went to its weight and not its admissibility.

> Clearly, an opinion that an "expert" believed the alleged victim's allegation of sexual abuse would be improper today. Moreover, in State v. White, 382 S.C. 265, 676 S.E.2d 684 (2009) our Supreme Court held that the trial court's gate keeping function in assuring reliability of expert testimony applies to non-scientific evidence also, thereby overruling State v. Morgan, 326 S.C. 503, 485 S.E.2d 112 (Ct. App.1997).
>
> "The familiar tenet of evidence law that a continuing challenge to evidence goes to 'weight, not admissibility' has never been intended to supplant the gatekeeping role of the trial court in the first instance in assessing the admissibility of expert testimony, including the threshold determination of reliability. Nonscientific expert testimony must satisfy Rule 702, both in terms of expert qualifications and reliability of the subject matter."[1] State v. White 326 S.C. at 273, 676 S.E.2d at 688.
>
> In Morgan, this Court had held that behavioral science opinions offered by medical doctor and medical health counselor were not subject to challenge based upon reliability of the opinions or of methods and techniques used. It is apparent there has been a vast change in South Carolina precedent on this subject since Weaverling, Schumpert and Henry.
>
> It is evident that solicitors have adopted a strategy of renaming forensic interviewers to "experts" in "child abuse dynamics" or similar titles in a thinly veiled attempt to evade the holding of Kromah. In fact, in an argument before this Court one Assistant Attorney General in the last several months candidly acknowledged that his office had recommended that solicitors not seek to qualify forensics interviewers as experts because they will be accused of bolstering the child's testimony.

Reply brief at 3-5.

Court of Appeals

In a one paragraph summary parenthetical opinion the Court of Appeals, citing this Court's opinion in State v. Chavis, Op. No. 27491 (2014) found no abuse of discretion. The Court

also cited State v. Weaverling, 337 S.C. 460, 474, 523 S.E.2d 787, 794 (Ct.App. 1999) for the proposition that expert testimony concerning common behavioral characteristics of sexual assault victims was admissible. The Court also cited the holding of State v. Schumpert, 312 S.C. 502, 506, 435 S.E.2d 859, 862 (1993) that expert testimony and rape trauma evidence are admissible **to prove a sexual offense occurred**. App. 1-2.

Rehearing

On rehearing petitioner wrote that "[t]his Court may have overlooked that State v. Chavis, Op. No. 27491 (S.C. Sup.Ct. filed Feb. 4, 2015), cited in the instant matter, is instructive on why this case *should be reversed.* The trial court erred by qualifying Dr. Benedetto as an expert and allowing her to testify despite petitioner's objection that she would improperly bolster the testimony of the accusing minors. Further, State v. Weaverling, 337 S.C. 460, 474-475, 523 S.E.2d 787, 794 (Ct.App. 1999), also cited by this Court on expert testimony about the common characteristics of sexual assault victims is no longer good law following State v. White, 382 S.C. 265, 676 S.E.2d 684 (2009), and State v. Chavis, supra. App. 3.

Petitioner further argued:

> This Court also cited State v. Schumpert, 312 S.C. 502, 506, 435 S.E.2d 859, 862 (1993) on expert testimony on rape trauma evidence being admissible **to prove a sexual offense occurred** being admissible after a Rule 403, SCRE analysis. Weaverling and Schumpert are no longer good law, and, at a minimum, as shown above, the qualifications of the expert, and the reliability of such evidence as in Weaverling and Schumpert would have to withstand the gatekeeping function of the trial judge mandated in State v. White, 382 S.C. 265, 676 S.E.2d 684 (2009). Even if the evidence could withstand the gatekeeping predicate, and there is frankly little reason to think it could, it also could not fail to bolster the testimony

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[1] Appellant understands that the "expert" in Henry interviewed the alleged victim, and then cited to a variety of "statistics" on nondisclosure of abuse. The salient point is that the reasoning of Henry, the same as in Morgan is no longer good law.

> of the alleged victim by signaling to the jury that the "expert" believed the alleged victim had been sexually assaulted.

App. 4-5. (emphasis in rehearing petition).

Petitioner continued:

> In Chavis, the Supreme Court noted, and held: "Petitioner contends that Mrs. Griggs and Mrs. Elliot should not have been qualified as expert witnesses in the field of child abuse assessment because there was not a sufficient showing of reliability or peer review of their work product. *We agree as to Mrs. Elliot.* As to *Mrs. Griggs, we do not reach the expert issue but find error in the admission of part of her testimony on separate grounds (bolstering).*" State v. Chavis, 2015 WL 447490 (S.C.,2015) at 2. (emphasis added). Respectfully, this Court should grant rehearing and reconsider its opinion because Chavis strongly supports reversal in this case, and Weaverling and Schumpert are outdated cases, and no longer good law under modern evidentiary standards in criminal sexual conduct cases.
>
> In this case, Dr. Benedetto directly discussed how domestic violence and a "non-supportive" parent allegedly affected the timing of the "disclosure of abuse," since domestic violence and lack of support were both allegedly involved in this case. Her testimony was obviously meant to bolster the testimony of the complaining stepdaughters as counsel alleged.
>
> In her closing statement, the solicitor told the jurors that Petitioner was "a horrible man" and "a bad man." The solicitor also told the jurors that **the mother** of the two alleged victims **did not do anything to support them** in their accusations, and the police had to intervene. R. p. 177, l. 24- 178, l. 2. ; R. p. 179, ll. 11 -13; R. p. 182, l. 21- 183, l. 8. There was also evidence **of domestic violence between Petitioner and the alleged victim's mother**.

App. 5.

Petitioner argued Dr. Benedetto's testimony was meant to match the testimony of the minors regarding their allegedly non-supportive mother, and the delay in disclosure due to that non-supportive mother, and their fear of disclosure because of alleged domestic abuse. The testimony

was backdoor bolstering to avoid this Court's holding in State v. Kromah, 401 S.C. 340, 737 S.E.2d 490 (2011). App. 6-9.

Discussion

This Court should respectfully grant certiorari and overrule State v. Weaverling, 337 S.C. 460, 474-475, 523 S.E.2d 787, 794 (Ct.App. 1999), State v. Henry, 329 S.C. 266, 495 S.E.2d 463 (1997), and State v. Schumpert, 312 S.C. 502, 506, 435 S.E.2d 859, 862 (1993). The Court of Appeals continues to use this outdated law to deny challenges to bolstering challenges. Following State v. White, 382 S.C. 265, 676 S.E.2d 684 (2009), and State v. Chavis, supra, these cases can no longer be good law.

It is difficult to imagine the Attorney General's Office arguing today that evidence from an "expert" is admissible **to prove a sexual assault has occurred**. Respectfully, it is time that Weaverling and Schumpert are addressed directly since they continue to be cited to support this "child abuse dynamics" backdoor avoidance of State v. Kromah, 401 S.C. 340, 737 S.E.2d 490 (2011) Both cases need to be overruled given the modern day precedent of Kromah.

In State v. Kromah, 401 S.C. 340, 737 S.E.2d 490, 499, n.5, (2011) this Court noted that there was no objection to the qualifications of the witness *in that case*. However, the Court noted it had previously observed that the witness may not even need to be qualified as an expert. See State v. Douglas, 380 S.C. 499, 671 S.E.2d 606 (2009).

This Court held that it could "**envision no circumstance where their qualification as an expert at trial would be appropriate**" in the "*forensic interviewer" type context*. Although this Court was speaking of forensic interviewers, the testimony of Benedetto here on "child abuse dynamics" was offered for the same purpose, which was to imply to the jury that someone who worked in this "specialty" of abused children could offer expertise which allegedly would assist the

jury in deciding whether the minors were being truthful. The testimony would allegedly assist the jury within the confines of Rules 702 and 703, SCRE.

Defense counsel correctly objected that Benedetto's testimony was meant to bolster the testimony of the minor witnesses while dressed up as "expert testimony." It was just another version of the "finding words" method. It was not needed and it was highly prejudicial. The hook allegedly was that Benedetto did not interview the minors, and her being allegedly "unprepared" was really a virtue. It is no secret that *some solicitors* have gone backdoor to avoid this Court's opinion in Kromah, and while petitioner does not seek to paint with too broad a brush, it is a well known fact.

Benedetto gave her opinions once clothed as an "expert" over petitioner's objection about how domestic violence and having a non-supporting parent would affect disclosure of abuse. The solicitor had already offered evidence about the domestic abuse the minors had viewed, and how their mother allowed petitioner to live with them after they alleged petitioner had abused them or elicited sexual favors.

While the judge noted that petitioner's objection cited State v. Jennings, 394 S.C. 473, 716 S.E.2d 91 (2011), in support of its position he nonetheless stated he was going to allow Benedetto to testify as an expert. Once Benedetto was qualified as an expert she was entitled to give her opinions about child abuse. It was error to qualify her as an expert so she could give her opinions to the jury. See State v. Douglas, 380 S.C. 499, 671 S.E.2d 606 (2009). Her testimony bolstered the allegations of the minors as defense counsel stated. See, also, State v. McKerley, 397 S.C. 461, 725 S.E.2d 139 (Ct. App. 2012).

The jury was told that the viewing of domestic violence and having a non-supporting mother would cause the children to fear disclosing abuse. Again, domestic violence and a non-

supporting mother were allegedly factors in this case. The solicitor told the jurors: "After the couch incident Adrianna says she tried to tell her mom. Nothing happened. Briana told you that she wrote her mom a letter and her mom sat right there and said, yeah, I got the letter. The letter was for her grandmother, but it never made it because William got it. Those girls then found help from someone else. The police came finally. They went and were interviewed at the Child Advocacy Center and they **told the same story** to the women at the Child Advocacy Center . . . Find him guilty." R. p. 182, l. 19 – 183, l. 8 (emphasis added).

An expert was not necessary in this case, and presented Benedetto with the allure of an "expert" because it thought the stepchildren otherwise may not be believed. That was error under Chavis and Kromah, and the Court of Appeals respectfully erred by ruling otherwise.

Defense counsel correctly objected that Benedetto's testimony was meant to bolster the testimony of the minor witnesses while dressed up as "expert testimony." It was just another rehash of the "finding words" method. It was not needed and it was highly prejudicial. The hook allegedly was that Benedetto did not interview the minors, and her being allegedly "unprepared" was somehow a virtue. This Court's opinion, as argued in petitioner's rehearing petition in the Court of Appeals at page seven, in the intervening case of State v. Chavis, supra, has debunked that myth.

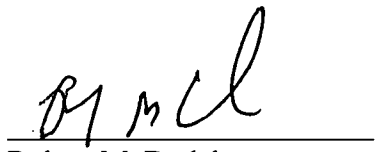
Benedetto, once an "expert, opined as to how domestic violence and having a non-supporting parent would affect disclosure of abuse. The solicitor had already offered evidence about the domestic abuse the minors had viewed, and how their mother allowed petitioner to live with them even after they alleged petitioner had abused them or elicited sexual favors.

Benedetto should not have qualified as an expert which allowed her to impermissibly bolster the testimony of the complaining stepdaughters The Court of Appeals should be reversed, and petitioner should be granted a new trial.

CONCLUSION

By reason of the foregoing arguments, a writ of certiorari should be granted to allow full briefing of this issue.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR PETITIONER.

This 15th day of June, 2015

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Aiken County
Doyet A. Early, III, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

WILLIAM POU,

PETITIONER

APPELLATE CASE NO. 2015-001128

CERTIFICATE OF SERVICE

I certify that a true copy of the petition for writ of certiorari and a copy of the appendix, in this case has been served on David Spencer, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and the S.C. Court of Appeals this 15th day of June, 2015.

Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 15th day
of June, 2015.

_____(L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022