

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Certiorari to Richland County

S.C. Supreme Court

Honorable DeAndrea G. Benjamin, Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

MELVIN P. STUKES,

PETITIONER.

APPELLATE CASE NO. 2012-212628

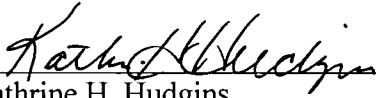
MOTION TO ARGUE AGAINST PRECEDENT

The undersigned respectfully shows the Court:

1. The State relies on State v. Schumpert, 312 S.C. 502, 435 S.E.2d 859 (1993); State v. Rayfield, 369 S.C. 106, 631 S.E.2d 244 (2006) and State v. Hill, 394 S.C. 280, 715 S.E.2d 368 (Ct.App. 2011) as controlling precedent. See Brief of Respondent.
2. Oral argument in this matter is scheduled for January 13, 2016, at 9:30 a.m.
3. Counsel for Petitioner Stukes submits that the specific facts of this particular case distinguish it from Schumpert, Rayfield and Hill. Alternatively, Petitioner respectfully moves to

argue against the precedent of Schumpert, Rayfield and Hill to the extent that the State contends that these cases hold that S.C. Code §16-3-657 is the proper subject of a jury charge.

Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender

Attorney for Petitioner

This 10th day of December, 2015

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STATE OF SOUTH CAROLINA,

RESPONDENT,

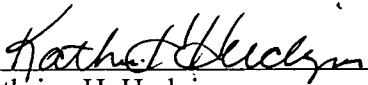
V.

MELVIN P. STUKES,

PETITIONER.

CERTIFICATE OF SERVICE

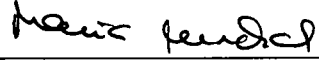
The undersigned attorney hereby certifies that a true copy of the Motion to Argue Against Precedent in the above referenced case has been served upon opposing counsel, Susannah R. Cole, Esquire this 10th day of December, 2015.



Kathrine H. Hudgins
Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me
this 10th day of December, 2015.



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