ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Charleston County

Kristi Lea Harrington, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KADRIN RAJUN SINGLETON,

APPELLANT

APPELLATE CASE NO. 2015-000306

INITIAL BRIEF OF APPELLANT

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1.

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2.

Whether the trial court erred in granting the State's motion pursuant to Batson v. Kentucky, 476 U.S. 79 (1986) because the defense gave race-neutral explanations for its strikes and the State failed to prove pretext?

STATEMENT OF THE CASE

On March 4, 2013, a Charleston County grand jury indicted appellant for murder. R. __. Appellant was also indicted for possession of a stolen motor vehicle, failure to stop for a blue light, and trafficking cocaine to which he pled guilty before the trial. Tr. v. 1, 11, ll. 5 - 24. Tr. v. 1, 33, l. 2 – 37, l. 22. On January 5, 2015, appellant was tried before the Honorable Kristi L. Harrington and a jury. Tr. v. 1, 1. Culver Kidd and Chris Lietzow represented the State. Tr. v. 1, 2. Michael T. Cooper and Megan Ehrlich represented appellant. Tr. v. 1, 2. The jury convicted appellant of murder. Tr. v. 5, 28, ll. 13 – 19. Judge Harrington sentenced appellant to life imprisonment for murder and concurrent terms of ten years, five years, and three years' imprisonment on the other charges. Tr. v. 5, 40, l. 3 – 41, l. 9. This appeal of appellant's murder conviction now follows.

ARGUMENT

1.

The trial court erred in refusing appellant's requested charge that he did not have to wait until he was attacked and allow the assailant to "get the drop" on him because appellant testified that the decedent threatened him with a gun, which appellant grabbed and used in self-defense.

Relevant Facts

Appellant Kadrin Singleton ("Singleton") testified that he shot the decedent in self-defense. Tr. v. 4, 21, ll. 24 – 25. Singleton admitted he dealt marijuana. Tr. v. 4, 63, l. 22 – 64, l. 3. Singleton was referred to Chris Felder ("Felder") as someone who knew where marijuana could be obtained. Tr. v. 4, 25, l. 21 – 26, l. 4. On the evening of the shooting, Felder told Singleton that Felder's cousin would sell him marijuana at Pizza Hut. Tr. v. 4, 26, ll. 2 – 18. Singleton did not know Felder's cousin. Tr. v. 4, 28, ll. 17 – 20. Singleton rode with Felder in Felder's car to Pizza Hut. Tr. v. 4, 27, ll. 18 – 25. Singleton did not take a gun. Tr. v. 4, 26, ll. 20 – 21.

At the Pizza Hut, Felder introduced Singleton to Kenny Fludd ("Fludd").[1] Tr. v. 4, 28, l. 21 – 29, l. 10. Fludd got into their car and they waited for approximately an hour when Fludd left to use the bathroom. Tr. v. 4, 31, l. 10 – 32, l. 2. Singleton told Felder he thought they were going to make the transaction at the Pizza Hut and was surprised when Fludd returned and told them to follow him in his car. Tr. v. 4, 31, l. 21 – 32, l. 12. After following Fludd for approximately five minutes, Fludd told them to park their car. Tr. v. 4, 32, ll. 16 – 23. Fludd told them to leave their car, and get in his car. Tr. v. 4, 35, ll. 16 – 22.

[1] Fludd is sometimes referred to in the transcript by his nickname, "Boss Hogg." Tr. v. 4, 29, ll. 6 – 9.

Singleton was reluctant. Tr. v. 4, 35, ll. 23 – 24. The streets were dark and unfamiliar. Tr. v. 4, 35, ll. 10 – 25. Fludd taunted Singleton that he was scared and eventually Singleton relented and he and Felder got into Fludd's car. Tr. v. 4, 36, l. 1 – 37, l. 8.

Fludd drove them two blocks to a house that was under FBI surveillance as part of a massive operation involving approximately fifty targets for drug trafficking. Tr. v. 4, 37, ll. 9 – 18. Tr. v. 2, 211, l. 11 – 212, l. 15. State's Ex. 2. A video of the outside of the house was admitted into evidence. State's Ex. 2. The decedent, Sharell Williams ("Williams"), arrived in his SUV and the four men went into the house. Tr. v. 4, 37, l. 15 – 38, l. 22. State's Ex. 2. Singleton had never seen Williams before this night. Tr. v. 5, 38, ll. 2 – 7. Williams had the key to the house and let them inside. Tr. v. 4, 38, ll. 12 – 20. Before they went inside, Singleton asked Felder what he had gotten him into and Felder said, "I don't know." Tr. v. 4, 38, ll. 12 – 20.

Once inside the house, Fludd told Williams that Singleton and Felder were afraid. Tr. v. 4, 38, l. 23 – 39, l. 3. Williams made a phone call to find out the location of the drugs and at the conclusion of the call, opened the refrigerator and pulled out marijuana. Tr. v. 4, 39, ll. 14 – 20. Williams began weighing the marijuana. Tr. v. 4, 40, ll. 1 – 3. Fludd went to the bathroom and when he returned, Felder went outside. Tr. v. 4, 40, ll. 4 – 9. Despite the fact that Felder and Singleton arrived in Fludd's car, Fludd testified that Singleton sent Felder out to get their money. Tr. v. 2, 92, ll. 14 – 17.

Singleton denied sending Felder outside and testified that his money was in his pocket. Tr. v. 4, 40, ll. 12 – 15. The FBI surveillance video shows Felder walk outside and talk on his phone in front of the house. State's Ex. 2 (29:10 to 30:01). Felder remains

outside until Singleton runs out of the house, they get into Fludd's car, and drive away. State's Ex. 2 (30:01 to 30:22).

Fludd claimed that after Felder went outside, Singleton (now alone) decided to rob him and Williams. Tr. volume 2, 90, l. 12 – 96, l. 23. Fludd denied having a gun when he entered the house. Tr. volume 2, 92, ll. 19 – 23. According to Fludd, a gun was sitting on the countertop of a bar area in the unoccupied house. Tr. volume 2, 92, l. 24 – 93, l. 6. Singleton supposedly told Williams to "give it up." Tr. volume 2, 96, ll. 19 – 23. Fludd and Williams laughed. Tr. volume 2, 96, ll. 19 – 23. Singleton pulled a black pistol from behind his back and fired. Tr. volume 2, 96, l. 19 – 97, l. 24. Singleton demanded Fludd's car keys. Tr. volume 2, 98, ll. 16 – 21. Singleton took the gun from the bar and the marijuana that Williams was weighing. Tr. volume 2, 98, ll. 16 – 99, l. 17. Fludd claimed he heard "several more gunshots" before Singleton left. Tr. volume 2, 99, ll. 18 – 21.

The police recovered shell casings from two different pistols. Tr. volume 3, 49, ll. 9 – 11. They recovered two .40 caliber shell casings and one 9mm shell casing. Tr. volume 3, 49, ll. 9 – 11. The police also found an empty gun holster in a back bedroom of the house. Tr. volume 3, 82, ll. 2 – 7. The State's pathologist admitted that it was possible that Williams' gunshot wounds came from different directions. Tr. volume 3, 142, ll. 10 – 13.

Singleton testified that he was forced to shoot Williams in self-defense. When Fludd returned from the bathroom, he went into the living room behind Singleton. Tr. volume 4, 43, ll. 14 – 22. Williams finished weighing the marijuana and Singleton paid him. Tr. volume 4, 44, ll. 3 – 8. Singleton asked Williams to let him see the weight of

the marijuana on the scale. Tr. volume 4, ll. 9 – 21. The weight was twenty grams less than the negotiated amount. Tr. volume 4, l. 14 – 45, l. 17.

Singleton told Williams that he wanted "what I paid for." Tr. volume 4, 45, ll. 18 – 20. Williams told him, "Man, you better take that and go on ahead about your business." Tr. volume 4, l. 23 – 46, l. 2. Singleton again protested and Williams asked Fludd, "what's wrong with him." Tr. volume 4, 45, l. 23 – 48, l. 7. Singleton told Williams to return his money. Tr. volume 4, 48, ll. 10 – 14.

In response, Williams pulled a gun from his waist, set it on the bar, and told Singleton that he was "going to get what you paid for." Tr. volume 4, 48, ll. 15 – 24. Singleton testified that he thought Williams would shoot him. Tr. volume 4, 49, ll. 2 – 12. Singleton grabbed the gun. Tr. volume 4, 49, ll. 15 – 21. He pointed the gun at Williams and said "Give me my money back," while Fludd, positioned behind him, pointed a gun at Singleton and said, "Don't do that, little bro." Tr. volume 4, 50, ll. 1 – 23.

Singleton testified that he believed that if he tried to leave, he would get shot. Tr. volume 4, 50, l. 24 – 51, l. 10. When Singleton looked at Fludd, Williams charged. Tr. volume 4, 51, ll. 1 – 10. Singleton "just reacted and pulled the trigger." Tr. volume 4, 52, l. 21 – 53, l. 1. Fludd fired, accidentally shooting Williams, and then Fludd's gun jammed. Tr. volume 4, 54, ll. 2 – 13. Tr. volume 4, 68, ll. 9 – 14.

Singleton pointed the gun at Fludd and Fludd threw his gun down on a couch. Tr. volume 4, 54, l. 25 – 55, l. 5. Singleton told Fludd to give him his car keys so he could leave. Tr. volume 4, 55, ll. 6 – 14. Singleton "grabbed the weed off of the counter" and

left. Tr. volume 4, 55, ll. 15 – 21. Singleton took nothing else from the house. Tr. volume 4, 55, ll. 22 – 24.

When the police arrived at the scene, they found large amounts of cocaine and marijuana in the refrigerator in the same room where the shooting occurred. Tr. volume 2, 222, l. 15 – 229, l. 2. There was cash throughout the house in several different locations, including in plain view in the living room. Tr. volume 3, 79, ll. 16 – 24. Photographs showing the easy accessibility of these drugs and cash if Singleton had wanted to steal them were entered into evidence by the defense. Defendant's Ex. 1, 2, 3, 8, 9.

At the time of his testimony, Fludd had a pending charge for drug conspiracy related to the drugs found in the house. Tr. volume 2, 131, l. 18 – 131, l. 23. Fludd had not yet pled guilty to the charge. Tr. volume 2, 131, ll. 24 – 25. He admitted there was a possibility the solicitor would dismiss his case but claimed he had no deal with the State. Tr. volume 2, 134, ll. 2 – 15. Fludd told the Solicitor's office that he was afraid of Williams' cousin because he is "a scarey dude." Tr. volume 2, 135, l. 18 – 136, l. 7. Defense counsel also impeached Fludd's testimony with the multiple lies he told the police after the shooting, beginning with the 911 operator. Tr. volume 2, 154, ll. 3 – 166, l. 8. After much evasiveness, Fludd also admitted on cross-examination that he told the police there was "like a tussle" between Williams and Singleton. Tr. volume 2, 168, l. 22 – 169, l. 7. The defense called a witness from SLED who testified that Fludd tested positive for gunshot residue on his hands. Tr. volume 4, 125, ll. 9 – 19.

The trial judge agreed to charge self-defense. Tr. volume 4, 146, ll. 9 – 12. During the charge conference, trial counsel requested a charge that the defendant "does not have to

wait until the assailant gets the drop on him." Tr. volume 4, 146, l. 24 – 147, l. 21. The trial judge stated she was not aware of any such charge. Tr. volume 4, 147, ll. 6 – 21. Judge Harrington told appellant, "I am not charging the wait until you get the drop on." Tr. volume 4, 152, ll. 17 – 20.

Defense counsel also submitted written charges. Tr. volume 4, 152, ll. 3 – 20. Court's Exhibit 1 from v. 6 of trial transcript (Defendant's Requests to Charge). Defendant's third Request to Charge read:

> In this case, Kadrin Singleton has offered evidence that he believed he was in imminent danger of death or of receiving serious bodily harm. If Kadrin Singleton's belief was reasonable, he does not have to wait until he is actually attacked or injured or until force is used by the aggressor before he exercises his right to use deadly force in self-defense.
>
> In other words, Kadrin Singleton does not have to wait until the assailant "gets the drop on him" in order to be entitled to use force in self-defense.
>
> *See* F. PATRICK HUBBARD, JURY INSTRUCTION FOR CRIMINAL CASES IN SOUTH CAROLINA: DEFENDANT'S REQUESTED INSTRUCTIONS 265-298 (2d ed. 2001).

Court's Exhibit 1 from v. 6 of trial transcript (Defendant's Requests to Charge). While the trial judge charged the jury that the defendant has the right to act on appearances, she did not give the defendant's requested charge. Tr. volume 5, 18, ll. 2 – 13.

Discussion

The court erred in refusing appellant's requested charge because a trial judge has a duty to craft her self-defense charge to fit the facts of the case. State v. Brandt, 393 S.C. 526, 549, 713 S.E.2d 591, 603 (2011); State v. Fuller, 297 S.C. 440, 444-45, 377 S.E.2d 328, 331 (1989). As recognized in Fuller, there is a "body of common law self-defense" and

trial judges must "consider the facts and circumstances of the case at bar in order to fashion an appropriate charge." Fuller at 443, 377 S.E.2d at 330.

A deep understanding of Fuller demonstrates the court's error. In Fuller, the defendant was black. Id. at 441, 377 S.E.2d at 329. He solicited a white prostitute. Id. The prostitute took him to her trailer for sex, but the trailer was occupied and the defendant left. Id.

The defendant later returned to the prostitute's trailer and a car driven by a white woman was blocking the road. Id. The defendant asked her to move her car. Id. At this point, two men approached the defendant's car and asked him "what he was 'trying to do to that white lady.'" Id. One of the men used a racial slur and grabbed the defendant by the throat. Id. at 441, 377 S.E.2d at 329-30.

The defendant fired a warning shot which temporarily allowed him to drive away, but the street was a dead end. Id. at 442, 377 S.E.2d at 330. The two assailants tried to block the defendant's car from leaving and the defendant ultimately crashed and pinned his car against a steel rail. Id. The two men yelled, "'we're going to take care of you.'" Id. The defendant thought he saw something shiny in one of the men's hands and fired four shots at them, killing them both. Id. No gun was found on the assailants. Id.

Relying on State v. Davis, 282 S.C. 45, 317 S.E.2d 452 (1984), the trial judge in Fuller only instructed the jury on the basic elements of self-defense. Id. Fuller held it was error to only give the general charge from Davis when the defendant "repeatedly requested additional charges." Id. at 443, 377 S.E.2d at 330. The trial judge erred by not giving three specific charges on self-defense that explained the principles in the general charge.

In this case, appellant's request was a correct statement of the law of self-defense that has been in existence since at least 1936. State v. Rash, 182 S.C. 42, 50, 188 S.E. 435, 438 (1936). In State v. Nichols, 325 S.C. 111, 117, 481 S.E.2d 118, 121 (1997), the Supreme Court cited Rash in reversing a conviction for the trial judge's failure to give a charge that "a person does not have to wait before acting in self-defense." In State v. Starnes, 340 S.C. 312, 322, 531 S.E.2d 907, 913 (2000), the Supreme Court reversed a capital conviction, in part, because of the failure to give the Rash charge. The Court stated, "Appellant did not have to wait for Welborn or Champlin to fire or aim at him before acting in self-defense. Accordingly, appellant was entitled to a charge instructing the jury he did not have to wait before acting in self-defense." Starnes at 322, 531 S.E.2d at 913. "Refusal to charge this request was reversible error." Id.

Appellant's request was manifestly necessary in this case. Singleton testified that when Williams placed the gun on the bar, he was afraid for his life and grabbed the gun. Tr. volume 4, 49, ll. 2 – 21. In a classic Mexican Standoff, Fludd simultaneously pointed a gun at Singleton.[2] Tr. volume 4, 50, ll. 1 – 23. Singleton testified he was afraid that if he turned to leave, he would be shot. Tr. volume 4, 50, l. 24 – 51, l. 10.

The Rash charge exists for just this circumstance. It would have made a difference on multiple elements of self-defense. It would have justified appellant's initial grab of the gun instead of leaving. It would have justified appellant pointing the gun at Williams. It also would have justified shooting Williams. This case amounted to a

[2] A "Mexican Standoff" is a "confrontation among two or more parties in which no participant can proceed or retreat without being exposed to danger." https://en.wikipedia.org/wiki/Mexican_standoff. As noted in the Wikipedia article, a famous example from cinema is the end of Sergio Leone's famous Spaghetti Western, *The Good, the Bad, and the Ugly,* in which Clint Eastwood, Lee Van Cleef, and Eli Wallach face down each other in a cemetery over buried gold.

credibility contest between Fludd and Singleton and appellant had a right to a properly constructed self-defense charge under Fuller. The failure to give this charge was reversible error.

2.

The trial court erred in granting the State's motion pursuant to *Batson v. Kentucky*, 476 U.S. 79 (1986) because the defense gave race-neutral explanations for its strikes and the State failed to prove pretext.

Following jury selection, the State challenged appellant's strikes pursuant to Batson v. Kentucky, 476 U.S. 79 (1986). Tr. volume 1, 87, ll. 1 – 12. The State argued that appellant's use of all of its strikes against whites violated Batson. Tr. volume 1, 87, ll. 5 – 21. The trial judge required appellant to provide explanations for all of his strikes. Tr. volume 1, 87, l. 22 – 88, l. 6. Appellant gave the following reasons for his strikes:

1. Juror 193, white male: military ties and asked to be excused during qualification;
2. Juror 210, white male: military ties, retired colonel;
3. Juror 213, white female: asked to be excused during qualifications and was "cavalier, didn't seem to be taking anything real seriously;"
4. Juror 344, white female: would not make eye contact with defense and seemed disinterested;
5. Juror 21, white female: had ties to a crime victim;
6. Juror 312, white male: occupation as a real estate appraiser and "wouldn't be able to relate at all to the poverty of this case, when dealing with corporate real estate appraising;"

Tr. volume 1, 88, l. 7 – 90, l. 1.

At this point, Judge Harrington interrupted trial counsel and asked him why he struck people in the military. Tr. volume 1, 290, ll. 2 – 7. Trial counsel explained that people in the military were associated with "state institutions, institutions of power and authority, which is similar to law enforcement, similar to the State." Tr. volume 1, 90, ll. 8 – 11. The trial judge responded, "Mr. Cooper, then you strike some people because they have too much knowledge and some people because they don't have any?" Tr. volume 1, 90, ll. 12 – 14. Trial counsel explained that the circumstances are different in that a person's affluence was different than being connected to the military. Tr. volume 1, 90, ll. 15 – 17. The trial judge then asked, "So you're saying he is too well-paid to be on the jury?" Tr. volume 1, 90, ll. 20 – 21. Appellant then continued with his explanations for his strikes:

7. Juror 369, white female: prior victim involvement and a husband who was an attorney in North Charleston;
8. Juror 261, white female: prior jury service in a murder case;
9. Juror 127, white female: when asked about prior jury service, did not specify whether it was civil or criminal;
10. Juror 97, white female: her uncle was murdered;
11. Juror 191, white male: prior jury service on an armed robbery case;
12. Juror 353, white female: employed by the Department of the State and a connection to a government entity;
13. Juror 188, white female: Singleton did not like the way she looked at him and expressed his concerns to counsel.

Tr. volume 1, 90, l. 25 – 93, l. 10.

The State first argued that appellant's strikes were pretextual because he seated some jurors who had prior jury service. Tr. volume 1, 93, ll. 14 – 17. The State pointed to Jurors 333 and 321. Tr. volume 1, 93, ll. 20 – 25. Appellant explained that Juror 333's jury service was in small claims court and was "not connected to a criminal matter at all." Tr. volume 1, 94, ll. 5 – 7. The State then pointed out that Juror 321 was a black female and sat as a juror on an assault case and was employed by the Department of the Navy. Tr. volume 1, 94, ll. 17 – 25. The State also pointed to Juror 154 who worked for the Department of Social Services as a person with a connection to the government that was seated by the defense. Tr. volume 1, 95, ll. 4 – 16. The trial judge indicated that she was concerned that similarly situated jurors were not struck and then took a recess. Tr. volume 1, 96, l. 4 – 97, l. 15.

When court resumed, the trial judge stated that after a conference in chambers, she was inclined to grant the State's motion because "the totality of the circumstances" showed that the State had met its burden. Tr. volume 1, 97, l. 20 – 98, l. 2. Trial counsel was allowed to place his argument on the record. Tr. volume 1, 98, l. 3 – 99, l. 12. Appellant pointed out that out of a panel of forty-four jurors, there were only seven non-white jurors which greatly increased the odds that the majority of jurors struck would be white. Tr. volume 1, 99, ll. 5 – 9. As for Juror 321, appellant explained that the assault case on which she served as a juror "was a very long time ago," was "not as similar as armed robbery or murder, which were the other jurors that I used that strike on...." Tr. volume 1, 98, ll. 7 – 18. As for Juror 321's employment with the Navy, appellant explained that she was a secretary with the civil department at "[Space and Naval Warfare Systems Command], which is different from retired Army colonel or other greater connection" to the State. Tr.

volume 1, 98, ll. 7 – 18. Appellant also explained that Juror 154's employment at the Department of Social Services meant that she was "well-connected to low-income families" and was a social worker, which led him to believe she would be favorable to the defense. Tr. volume 1, 98, l. 19 – 99, l. 4.

The judge persisted in her ruling, but noted that trial counsel's articulation of "appearance and demeanor, I did not find that to be pretextual." Tr. volume 1, 100, ll. 11 – 18. Judge Harrington again stated that "under the totality of the circumstances and the reasons given, I find that your striking was pretextual." Tr. volume 1, 101, ll. 1 – 3. The parties then selected another jury. Tr. volume 1, 102, l. 1 – 120, l. 4.

Discussion

The trial judge erred in finding that the State had met its burden of proving pretext when appellant provided race-neutral explanations for his strikes and explained why certain jurors were not similarly situated. State v. Inman, 409 S.C. 19, 26, 760 S.E.2d 105, 108 (2014). After appellant provided race-neutral reasons, the State had the burden to prove purposeful discrimination. Id. at 26, 760 S.E.2d at 108 (*quoting* State v. Giles, 407 S.C. 14, 18, 754 S.E.2d 261, 263 (2014).

Appellant's reasons were sufficient and the State failed to prove pretext. The State ultimately only challenged only three strikes as pretextual by claiming that appellant seated similarly situated jurors: Jurors 333, 321, and 154. The State challenged Juror 333 because appellant claimed he struck other jurors for prior service, but those jurors served on an armed robbery and murder case. As the defense explained, these cases were far more serious than the small claims court jury on which Juror 333 had served. Juror 321's service on an assault case was remote and not as serious as this case.

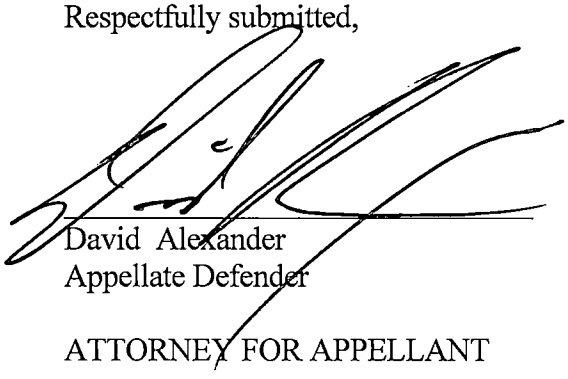
The court also erred in accepting the State's argument that appellant struck similarly situated jurors who had ties to the government. The defense explained that it did not want jurors with a military background as it perceived such jurors to be pro-police. Appellant did not strike Juror 321 because she was a civilian employee of the Navy, not military personnel. Appellant's seating of Juror 154, who worked at DSS, is also race-neutral because appellant perceived social workers as sympathetic to lower-income people. A social worker is a far cry from Juror 210, a retired army colonel. Tr. volume 1, 88, ll. 16 – 25.

The trial court also erred in relying solely on the "totality of the circumstances." State v. Ford, 334 S.C. 59, 512 S.E.2d 500 (1999). In Ford, twelve of the defendant's thirteen strikes were used against whites. Ford at 61-62, 512 S.E.2d at 502. The trial judge quashed the jury, stating that "'[t]he cumulative effect is a lot worse picture than looking at it on an individual basis.'" Id. at 63, 512 S.E.2d at 503. The Supreme Court reversed, stating "the fact that appellant used most of his challenges to strike white jurors is not sufficient, in itself, to establish purposeful discrimination." Id. at 66, 512 S.E.2d at 504. Here, like in Ford, the trial judge did not follow the Batson analysis and make a finding of purposeful discrimination, but made a decision based on the "totality" of appellant's strikes. This was error. As pointed out by appellant, the vast majority of the pool was white, so the odds of striking white jurors were much greater than black jurors. Prejudice is presumed and the proper remedy is a new trial. Inman at 29-30, 760 S.E.2d at 110.

CONCLUSION

For the foregoing reasons, this Court should reverse appellant's murder conviction and remand this case for a new trial.

Respectfully submitted,



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

This 6th day of January, 2016.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Kristi Lea Harrington, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KADRIN RAJUN SINGLETON,

APPELLANT

APPELLATE CASE NO. 2015-000306

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Initial Brief of Appellant and Designation of Matter in the above referenced case has been served upon Donald J. Zelenka, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Kadrin Singleton, #335449, at Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472, this 6th day of January, 2016.

David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 6th day of January, 2016.

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