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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Kershaw County

D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

FRANK TERRANCE SINGLETON, III,

APPELLANT

APPELLATE CASE NO. 2014-002004

FINAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Did the court err by failing to limit expert testimony regarding firearms and toolmark identification where the record revealed the identification was not based upon reliable science?

STATEMENT OF THE CASE

A Kershaw County Grand Jury indicted Appellant at the October 17, 2012 term of General Sessions for murder, armed robbery, first degree burglary, and possession of a weapon during the commission of a violent crime. R. 567. His case was called to trial on September 8, 2014 before the Honorable D. Craig Brown, and a jury. R. 1. Assistant Solicitors Kathryn Campbell, Joanna McDuffie, and Daniel Coble represented the state, and Doug Strickler and Jason Kirincich represented Appellant. R. 1.

At the conclusion of the trial on September 11, 2014, the jury found Appellant guilty. R. 527, l. 14 – 528, l. 7. Judge Brown sentenced him to life without parole for both murder and first degree burglary, thirty years for armed robbery, and one day for the weapons offense.[1] The court ordered all the sentences to be served consecutively. R. 533, l. 25 – 535, l. 3.

This appeal follows.

[1] Before trial, the state served Appellant and his counsel with notice of its intent to seek a sentence of life without parole pursuant to S.C. Code Ann. § 17-25-45 based on Appellant's prior conviction for murder from 2014. See R. 530, l. 19 – 531, l. 6.

STATEMENT OF FACTS

Around 4:00 pm on the afternoon of November 14, 2008, Robert Mackey was sitting at the kitchen table in his mobile home with his two children, ages twelve and five. Suddenly, five black males wearing ski masks entered the home through the front door. R. 397, l. 12 – 399, l. 19. As they entered, one of the men yelled "Kershaw County Police Department" and then demanded the children "get down on the floor." R. 399, ll. 20-23. As the children got down, two of the men approached Mackey, who was still sitting on a stool, and demanded, "Where's the money? Where's the dope?" They then shot Mackey once in the leg and continued to demand, "Where's the money? Where's the dope?" When Mackey did not respond, one of the men picked up Mackey's five-year-old daughter from the floor, put a gun to her head, and said, "Where is the money and dope or I'll shoot her." R. 400, l. 1 – 402, l. 12.

The men eventually forced Mackey into the master bedroom where they continued to strike him and demand money and drugs. While the men were in the back bedroom with Mackey, there was a knock at the front door. R. 402, l. 15 – 403, l. 8. The knock was from Robert Sullivan, who had come to the home to purchase marijuana. R. 89, ll. 18-21. Several of the men answered the door and one put a gun in Sullivan's face. Sullivan turned and ran. He was shot in the head as he was running from the home. R. 90, l. 15 – 91, l. 18. During this commotion, Mackey fled from the master bedroom and out the front door. Mackey was shot in the chest in the front yard after a struggle with one of the armed men. The men ultimately fled on foot.

Mackey and Sullivan were both able to make it to the neighbor's home across the street where EMS eventually arrived. R. 404, l. 10 – 405, l. 16. Sullivan was treated and

released that day from the hospital. R. 95, ll. 8-12. Mackey was air lifted from a local hospital to Carolina Medical Center in Charlotte due to the critical nature of his injuries. He was in a coma for over two months and was not able to give any statements to law enforcement. He eventually died of his injuries on January 24, 2009 without ever waking. R. 158, l. 1 – 160, l. 21; R. 127, ll. 22-23.

Janice Ross, the forensic pathologist who conducted the autopsy, testified that Mackey died from an infection called peritonitis that started in his intestines and spread throughout his body. The infection was caused by the gunshot wound to the chest which had damaged Mackey's intestines. Ross maintained that this infection caused multi-organ failure, including liver and kidney failure, which was the ultimate cause of death. R. 132, l. 1 – 133, l. 18; R. 135, ll. 2-4.

The law enforcement officers who processed the scene found one shotgun shell casing and one .45 caliber shell casing outside in the front yard. They also noticed that the front door had been kicked in. Once inside, the officers found blood in the kitchen and a bullet hole in the kitchen floor. Despite efforts, they were never able to locate the bullet that went through the floor. R. 165, ll. 9 – 166, l. 2. They also discovered a trail of blood leading to the master bedroom from the kitchen and more blood in the bedroom. R. 156, l. 10 – 157, l. 21; R. 111l. 7 – 112, l. 16. For whatever reason, the officers did not process the home for latent fingerprints or for DNA. R. 175, ll. 10-19; R. 114, l. 13-24; R. 118, l. 12 – 120, l. 12.

Law enforcement was unable to develop any suspects in 2008 and the case eventually went cold. R. 161, l. 22 – 162, l. 3. It was not until the summer of 2011 when officers finally received a new lead in the case. Lieutenant Justin Dill with the Kershaw

County Sheriff's Office was informed that an inmate at the local detention center had some information regarding this case. Information from this unidentified inmate led to Jerome Lewis, also known as Sticky, who was also an inmate at the Kershaw County Detention Center. Dill interviewed Jerome Lewis. The information Jerome provided led to Darrien Jackson, also known as Diablo. Dill and Special Agent Lee Blackmon of SLED travelled to Florence to interview Jackson. Jackson was very eager to offer his version and "gave a very detailed, very lengthy story of all the events from before it happened to everything that happened afterwards." R. 409, l. 8 – 414, l. 25. Jackson was arrested after his interview and charged for his participation in the armed robbery and murder. After interviewing Jackson, Dill had a list of people he wanted to speak with about the case. Some of the more significant people Dill interviewed were Randy Lewis and William Smith, both of whom admitted involvement in this crime and were subsequently arrested.

Jerome Lewis, Darrien Jackson, Randy Lewis, and William Smith all testified against Appellant at trial. Their testimony was largely consistent with each other. Based on their testimony it appears Jerome learned of Robert Mackey through a woman he was dating. This woman told Jerome that Mackey sold cocaine and other drugs. R. 185, l. 13 – 186, l. 11.

On November 14, 2008, Darrien Jackson, Randy Lewis, Will Smith, Appellant, and a man named Richard Roach allegedly set out to rob Mackey.[2] R. 215, l. 10 – 216, l. 6. Smith was armed with a 12 gauge shotgun, Appellant allegedly with a .45 caliber semi-automatic pistol, and Jackson with a .22 revolver. R. 291, l. 7 – 292, l. 7. Smith drove the

[2] Richard Roach did not cooperate with law enforcement and refused to give any statements. R. 437, ll. 6-18.

group in a 1992 Mercury Grand Marquis that belonged to a man named Rasheed Halley. R. 62, l. 12 – 64, l. 16. Jerome stayed behind with his girlfriend "to make it look like . . . we ain't had nothing to do with it." R. 191, ll. 19-25. All the men had masks to cover their faces and, on the way to Mackey's home, they stopped at a convenience store and bought gloves. R. 290, l. 13 – 291, l. 6; R. 218, ll. 13-21. Smith parked the car on a dirt road behind Mackey's mobile home and the men walked through the woods to an abandoned trailer. R. 216, l. 17 – 217, l. 3; R. 218, l. 22 – 219, l. 3; R. 254, ll. 2-8.

They waited in the abandoned trailer until "the time was right." They were able to see Mackey's home from the abandoned trailer and observed a lot of "traffic" so they thought their information about Mackey having drugs was accurate. R. 219, ll. 4-18; R. 294, l. 2 – 295, l. 10; R. 333, l. 25 – 334, l. 6. At some point, the men decided "it was time," and approached the front door of Mackey's mobile home. Appellant allegedly kicked in the front door, entered the home first, and yelled "Kershaw County Police Department." R. 295, l. 4 – 296, l. 5; R. 220, ll. 9-19; R. 224, l. 22 – 225, l. 7. Jackson, Randy, Roach, and Smith all allegedly entered the home after Appellant. They found Mackey and his two children in the kitchen. Jackson admitted to shooting Mackey in the leg. He claimed this was planned in advance because he had the smallest caliber firearm and it would do the least amount of "damage." R. 296, l. 6 – 297, l. 4.

Jackson also admitted that after he shot Mackey in the leg, he picked up the little girl from the floor and told Mackey if he did not tell them where the money and "dope" was located, he would shoot her. R. 220, l. 20 – 223, l. 1. However, Mackey "just didn't want to talk. He just didn't want to tell where it was at." R. 297, l. 15 – 299, l. 2. The men then forced Mackey into the back bedroom and Appellant allegedly struck him in the head with

his pistol. R. 298, l. 12 – 299, l. 23; R. 223, l. 2 – 224, l. 7. Once in the bedroom, Mackey told the men there was a safe in the closet. Suddenly, while the men were looking for the safe, there was a knock at the front door. R. 299, l. 24 – 300, l. 8; R. 224, ll. 8-16.

Appellant, Smith, and Jackson allegedly went to answer the door while Roach and Randy, who were both unarmed, stayed with Mackey. Smith opened the door, pointed a shotgun at the man outside, and "told him to come on in," but the man resisted and "wouldn't come in." R. 300, l. 9 – 301, l. 10; R. 225, ll. 11-23. Mackey then escaped from the bedroom and ran out the front door. R. 226, l. 23 – 227, l. 7. He jumped on Jackson's back who was now outside. Mackey tried to grab Jackson's gun and "the trigger went off." Then, suddenly, Mackey jumped on Appellant's back and Appellant "turn[ed] around and [shot] him in the chest area." R. 301, l. 12 – 304, l. 16; R. 228, ll. 7-25. Mackey took off running and Smith fired the shotgun at Mackey as he was fleeing. The men then ran back to their car that was parked on the dirt road and left. R. 304, l. 22 – 305, l. 24; R. 229, ll. 6-25. Jackson alleged that at some point Appellant ran back into the house and grabbed the safe as the men were leaving and carried the safe to the car. R. 306, l. 20 – 307, l. 5; R. 231, ll. 1-25.

After the robbery, Appellant, Randy, Smith, Roach, Jackson, Jerome, and a few others allegedly drove out to the "country" to have a man open the safe. The only item inside the safe was a paper notebook. There was no money or drugs. The men also allegedly stole a .22 caliber handgun from Mackey's mobile home. R. 308, l. 9 – 310, l. 21; R. 232, ll. 1-19.

ARGUMENT

The court erred by failing to limit expert testimony regarding firearms and toolmark identification where the record revealed the identification was not based upon reliable science.

Relevant Facts

Defense counsel filed a written motion in limine to limit the testimony of the firearm and toolmark examiner who analyzed alleged evidence in this case. This motion was marked as Court's Exhibit No. 2. Counsel explained during pretrial proceedings that he was challenging firearm and toolmark examiner Suzann Cromer's opinion that a shell casing found at the scene and the bullet jacket recovered from Mackey's body matched or was fired from the .45 caliber semi-automatic pistol recovered in 2011 during a search of a residence nearly three years after the incident.[3] Counsel argued "there was no scientific basis for such a conclusion." R. 13, ll. 1-9.

The state called Suzann Cromer to testify in camera in response to Appellant's motion. Cromer initially testified about her educational background and experience. She said she earned a Bachelor's degree from Clemson University and completed some graduate

[3] The .45 caliber semi-automatic pistol was found in May 2011 during the execution of a search warrant associated with a completely unrelated narcotics investigation. R. 441, l. 15 – 442, l. 1. This firearm was "unique" because the barrel of the gun extended an inch past the frame of the weapon and it had "the word Grizzly stamped into the side of it in large letters." R. 443, ll. 2-7. Lieutenant Justin Dill testified that when Darrien Jackson was describing the gun allegedly used by Appellant to shoot Mackey, he recalled the firearm seized months earlier during the narcotics investigation and believed it could be the same weapon. As a result, the gun was sent to SLED for comparison testing to the evidence that was submitted in 2008. R. 442, ll. 1-16.

work at the University of South Carolina.[4] After her formal schooling, Cromer completed SLED's in house training program for firearm and toolmark examiners, "which is a three to five year extensive program where we train under court qualified firearm examiners." She maintained that SLED's training program was "more of an apprenticeship."

In addition to her training at SLED, Cromer explained that she also attended conferences organized by the Association of Firearm and Toolmark Examiners, the South Carolina Chapter of the International Association of Identification, and the Bureau of Alcohol, Tobacco, and Firearms. Moreover, she has been qualified as an expert in state court to testify in firearm and toolmark identification approximately seventy-seven times. R. 14, l. 13 – 15, l. 23.

When given evidence to analyze, Cromer explained that she first examines the evidence to determine whether it is suitable for identification, weighs it, measures it, and notes it composition. She then examines the firearm and determines whether it functions properly, its caliber, and what type of riffling it has. At this stage, she is ready to test fire the firearm. After test firing the weapon, she microscopically compares the "test specimens that [she] knowingly fired" to each other and notes the consistency of the markings. Lastly, Cromer then compares the "test specimens" to the unknown evidence. R. 16, ll. 3-20.

Cromer testified that she may reach one of four conclusions: a positive conclusion, meaning this cartridge case or this bullet was fired by this gun; a negative conclusion, meaning this cartridge case or this bullet was not fired by this gun; an unsuitable conclusion, meaning this particular piece of evidence did not have enough markings on it for her to

[4] Cromer did not indicate whether her degree was a Bachelor of Arts or a Bachelor of Science nor did she specify what major she studied. Later in her testimony, she indicated that her graduate work was in the field of criminal justice. R. 27, ll. 15-18.

render a conclusion; or an inconclusive result, meaning there was not enough corresponding markings for her to say that the cartridge case or bullet was fired by that gun or that it was not fired by that gun. R. 16, l. 21 – 17, l. 11.

Cromer explained that at SLED, the examiners use the Association of Firearm and Toolmark Examiners' "theory of identification" to determine whether there is a sufficient number of "individual identifying markings" to conclude that the unknown evidence was fired by a specific firearm. She maintained that after an examiner comes to a conclusion, he or she must have another qualified firearms examiner analyze the evidence and agree with the first examiner's conclusion before the first examiner may issue a report. R. 17, l. 15 – 18, l. 25.

In this case, Cromer testified that she examined the cartridge case and the fired bullet jacket that were submitted to her in 2008 along with the .45 caliber firearm that was submitted in 2011. She found "sufficient agreement" between the cartridge case and the fired bullet jacket "to state that they were indeed fired by the .45 semi-automatic pistol." R. 25, ll. 12-18. She further maintained that based on her education, training, background, and participation in research studies, she believed "that another firearm having that much agreement would be a practical impossibility." R. 25, l. 24 – 26, l. 5. Moreover, Cromer testified that that her conclusions were verified by former Lieutenant Ira Byrd Parnell, who was with SLED for approximately forty-two years and had recently retired. R. 19, l. 11 – 20, l. 9.

Cromer maintained that firearm identification has existed since the 1800s and that examiners have been using the comparison microscope to analyze cartridge cases and fired bullets since 1925. While the technology has been updated, she claimed that the comparison

microscope is the still the main tool used to identify firearms today. R. 20, l. 10 – 21, l. 1. Additionally, Cromer testified that there are several studies that SLED relies on to access the validity and reliability of their firearm and toolmark identifications. One such study is the "Hamby Ten Consecutively made Ruger barrel," which was originally published in 1998 and then republished in 2009. SLED has also participated in the Fadul's Glock Ebis Barrel Test and the Glock Cartridge Case Test. Moreover, Cromer claimed there have been over one hundred studies on firearm identification in the last hundred years. R. 21, l. 6 – 22, l. 14. She also maintained that she was not aware of any study that discredits the methodology she uses. R. 24, ll. 8-12.

On cross-examination, Cromer admitted that her Bachelor's degree from Clemson had nothing to do with firearm and toolmark identification and that all of her training was completed at SLED. R. 27, ll. 9-24.

She testified that firearm and toolmark examiners first look for "class characteristics" that are not "unique" to a specific weapon, but to a class of firearms. Examples of "class characteristics" are "same caliber," "same rifling," "same number of lands and grooves," "same dimension," and "same twist or raves of direction of spin." Examiners then look for "sub-class characteristics" that are the "minor imperfections from the production process." Lastly, examiners look for "individual characteristics" that are "unique" to each firearm. Cromer maintained that in her field, there is no definition of what constitutes "sufficient agreement" in order for there to be an identification. She explained that there is not a specific number of "individual characteristics" that must "match up" in order for an examiner to conclude that the evidence was fired from a specific firearm. R. 31, l. 19 – 33, l. 22.

Cromer maintained that she does not "have a personal error rate," but that in the "study [she] participated in last year the error rate for false positives was one percent" and the error rate for "false negatives was .367 percent." R. 35, ll. 9-23. She also testified that in a study completed by the Collaborative Testing Services from 1992 until 2005, the error rate for false positives was 1.5 percent and the error rate for false negatives was 0.5 percent. R. 35, ll. 21-25.

Arguments and Ruling

After Cromer's in camera testimony, defense counsel argued that, while he had no objection to her qualifications, her testimony before the jury should be limited. He argued that she should not be permitted to testify that the fired shell casing and bullet jacket collected from the scene in this case were fired from the .45 caliber pistol at the exclusion of all other firearms. Instead, her conclusion in this case should be limited to she cannot exclude the .45 caliber pistol as the weapon that fired the collected bullet jacket and shell casing. Counsel argued that based on the studies cited in his written motion, there is no scientific basis for the conclusions Cromer made in her report. He specifically mentioned a report published by the National Research Council, which is an operating agency of the National Academy of Sciences, and argued that the conclusions made by firearm and toolmark identification examiners are not based on science, but rather on the opinion of the examiner. R. 38, l. 4 – 41, l. 2.

The state argued that under State v. Council, 335 S.C. 1, 515 S.E.2d 508 (1999), State v. Jones, 343 S.C. 562, 541 S.E.2d 813 (2001), and State v. White, 382 S.C. 265, 676 S.E.2d 684 (2009), they had laid the proper foundation for the admissibility of Cromer's expert testimony. The assistant solicitor maintained that the scientific method used by

firearm and toolmark examiners is accepted in both the scientific and legal communities and, based on her research, in every jurisdiction in our country. She also argued that there are numerous peer reviewed publications on the topic and that SLED has its own quality control procedures in place. Moreover, she claimed there was no evidence before the court that the science behind the field is unreliable and that Cromer should not be require to change her conclusions in this case. R. 41, l. 4 – 43, l. 7.

The court stated, "It's widely accepted, based upon the testimony that was elicited from this stand, the method, manner, and procedure in which she performed the testing and the conclusions that she came to, based upon her testimony, is accepted within the scientific community of this particular expert area." R. 43, ll. 17-22. Moreover, the court found "the testimony of Ms. Cromer is outside the ordinary lay knowledge of individuals" and that defense counsel acknowledged "she is an expert entitled to testify with regards to firearms and toolmarkings." R. 44, l. 21 – 45, l. 1. Judge Brown also indicated that he did not believe "it would be proper for the Court to order that she change her conclusion" and, therefore, he denied Appellant's motion and found Cromer was qualified to render such opinion. R. 45, ll. 1-21.

Discussion

In Council, 335 S.C. at 20, 515 S.E.2d at 518, our Supreme Court held that "[w]hen admitting scientific evidence under Rule 702, SCRE, the trial judge must find the evidence will assist the trier of fact, the expert witness is qualified, and the underlying science is reliable." In order to determine whether the underlying science is reliable, the trial judge must apply the four factor test announced in Jones. Id. Those factors are (1) the publications and peer review of the technique; (2) prior application of the method to the type

of evidence involved in the case; (3) the quality control procedures used to ensure reliability; and (4) the consistency of the method with recognized scientific laws and procedures. Id., at 19, 515 S.E.2d at 517 (citing State v. Ford, 301 S.C. 485, 392 S.E. 2d 781 (1990). Recently, the Supreme Court reiterated the Jones test for determining reliability. State v. Jones, 383 S.C. 535, 681 S.E.2d 580 (2009). The trial judge erred in admitting the testimony of Cromer because the underlying science of firearm and toolmark identification is not reliable.

In the later Jones, 383 S.C. at 550, 681 S.E.2d at 588, the Supreme Court concluded the trial judge erred in admitting testimony that "barefoot insole impression" testimony revealed Jones' foot to be consistent with the impression made by the wearer of steel toe boot because the "science" lacked reliability. The Court held that although research by two witnesses had been presented and published, it did not satisfy the requirement of "peer review." Id. at 556, 681 S.E.2d at 591. The Court also concluded that the "barefoot insole impression" testing conducted in Jones' case was the first for SLED, and the testing is no longer used by SLED or the FBI. Id. at 557, 681 S.E.2d at 591. The SLED agent testified that SLED had no established protocol or quality control procedure in place for the testing. Thus, the Court concluded the evidence lacked quality control measures to ensure reliability. Id. Finally, the Court held the testing lacked a consistency of the methodology based upon the testimony of a statistician. The research supporting the testing was a sample of barefoot impressions of 1000 college students. The statistician testified the sample could not be applied to the general population due to the sampling. In addition, the sample involved barefoot impressions, not barefoot insole impressions and the measurements were conducted differently. Id.

The trial court erred in admitting the testimony of Cromer in Appellant's trial because the state did not present evidence to establish that firearm and toolmark identification is based upon reliable science. In 2006, the National Academy of Sciences established a committee to study forensic science pursuant to a mandate from Congress. The National Research Council's Committee on Identifying the Needs of the Forensic Science Community, Strengthening Forensic Science in the United States: A Path Forward, at 2 (2009) (quoting P.L. No. 109-08, 119 Stat. 2290 (2005)) (hereinafter "NRC Forensic Science Report" or "the Report"). Among the requests of the committee was to produce "best practices and guidelines concerning the collection and analysis of forensic evidence to help ensure quality and consistency in the use of forensic technologies and techniques to solve crimes, investigate deaths, and protect the public." Id. The Report, published in 2009, explained that toolmark identification testing has "never been exposed to stringent scientific scrutiny." Id. at 42. Further, the Report explained that when a firearm and toolmark examiner determines the extent of agreement in marks made by tools, the decision "involve[s] subjective qualitative judgments by the examiner." Id. at 153. "[T]he accuracy of the examiners' assessments is highly dependent on their skill and training." Id. Toolmark examiners make determinations based upon "direct physical comparison of the evidence ..., not the computer analysis of images." The examiner then makes a subjective decision based on unarticulated standards. There exists no statistical foundation for estimation of error rates. Id. at 153-154.

According to the Report, the committee was unable to specify how many points of similarity were necessary for any level of confidence in a result because not enough was known about the variables among individual guns and toolmarks. "Sufficient studies have

not been done to understand the reliability and repeatability of the methods." The committee could state only that class characteristics "are helpful in narrowing the pool of tools that may have left a distinctive mark." Further, "[i]ndividual patterns from manufacturer or from wear might, in some cases, be distinctive enough to suggest one particular source." However, the committee warned more studies were necessary "to make the process of individualization more precise and repeatable." Id. at 154.

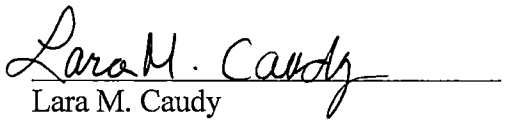
The committee explained that a fundamental problem with firearm and toolmark examination is the lack of a specific protocol. The AFTE permits an examiner to identify a match based on "sufficient agreement," which is defined using terms such as "exceeds the best agreement" and "consistent with" that offer no specificity or quantifiable measurement. Id. at 155.

The focus for this Court is whether firearm and toolmark identification is a science and if so whether its methodology will withstand rigorous scientific scrutiny. The answer is firearm and toolmark identification is not a science as evidence by the findings of the NRC Forensic Sciences Report. If this Court determines it is a science, then certainly its methodology cannot withstand rigorous scientific scrutiny as it has never been exposed to such. Due to the unreliability of the "science" on which Cromer based her conclusion, the trial court erred by failing to limit her testimony to the only proper opinion that she could offer – that the .45 caliber pistol could not be excluded as the weapon that fired the recovered fired bullet jacket and the cartridge casing.

CONCLUSION

Based on the foregoing argument, Appellant respectfully requests this Court reverse his convictions and sentence and remand for a new trial.

Respectfully submitted,



Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT

This 8th day of December, 2015.

CERTIFICATE OF COUNSEL FOR APPELLANT

The undersigned certifies that to the best of my ability the Final Brief complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

December 8, 2015

Lara M. Caudy

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FRANK TERRANCE SINGLETON, III,

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APPELLATE CASE NO. 2014-002004

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Final Brief of Appellant in the above referenced case has been served upon Caroline M. Scrantom, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 8th day of December, 2015.

Lara M. Caudy
Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 8th day of December, 2015.

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