

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Georgetown County

R. Knox McMahon, Circuit Court Judge

RECEIVED

JUL 20 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DAMONTE RIVERA,

APPELLANT

APPELLATE CASE NO. 2015-002292

ANDERS BRIEF OF APPELLANT

Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1343

ATTORNEY FOR APPELLANT

TABLE OF CONTENTS

TABLE OF CONTENTS.....1

TABLE OF AUTHORITIES2

STATEMENT OF ISSUE ON APPEAL.....3

STATEMENT OF THE CASE.....4

ARGUMENT

The trial judge erred in curtailing Appellant’s cross-examination of an alleged co-conspirator concerning whether he had fulfilled the terms of his proffer agreement where the agreement was admitted into evidence without objection and the terms required him to submit to a polygraph examination.....5

CONCLUSION.....14

PETITION TO BE RELIEVED AS COUNSEL.....15

TABLE OF AUTHORITIES

Cases

| | |
|--|--------|
| <u>Anders v. California</u> , 386 U.S. 738 (1967)..... | 15 |
| <u>Bruno v. State</u> , 347 S.C. 446, 556 S.E.2d 393 (2001)..... | 12 |
| <u>State v. Beam</u> , 336 S.C. 45, 518 S.E.2d 297 (Ct. App. 1999)..... | 12 |
| <u>State v. Council</u> , 335 S.C. 1, 515 S.E.2d 508 (1999)..... | 12 |
| <u>State v. Dunlap</u> , 353 S.C. 539, 579 S.E.2d 318 (2003)..... | 12 |
| <u>State v. Foster</u> , 354 S.C. 614, 582 S.E.2d 426 (2003)..... | 11 |
| <u>State v. Jackson</u> , 364 S.C. 329, 613 S.E.2d 374 (2005)..... | 12, 13 |
| <u>State v. Palmer</u> , 415 S.C. 502, 783 S.E.2d 823 (Ct. App. 2016)..... | 12 |
| <u>State v. Robinson</u> , 305 S.C. 469, 409 S.E.2d 404 (1991)..... | 12 |
| <u>State v. Stroman</u> , 281 S.C. 508, 316 S.E.2d 395 (1984)..... | 12 |
| <u>State v. Sullivan</u> , 277 S.C. 35, 282 S.E.2d 838 (1981)..... | 12 |
| <u>Washington v. Texas</u> , 388 U.S. 14 (1967)..... | 11 |

Rules

| | |
|---------------------|----|
| Rule 401, SCRE..... | 11 |
| Rule 402, SCRE..... | 11 |
| Rule 403, SCRE..... | 11 |
| Rule 702, SCRE..... | 12 |

STATEMENT OF ISSUE ON APPEAL

Did the trial judge err in curtailing Appellant's cross-examination of an alleged co-conspirator concerning whether he had fulfilled the terms of his proffer agreement where the agreement was admitted into evidence without objection and the terms required him to submit to a polygraph examination?

STATEMENT OF THE CASE

On November 14, 2012, a Georgetown County grand jury indicted Appellant for armed robbery (2012-GS-22-0955), burglary in the first degree (2012-GS-22-0956), and kidnaping (2012-GS-22-957). R. 727 - 728; R. 730 - 731; R. 733 - 734. On September 18, 2013, a Georgetown County grand jury indicted Appellant for murder (2013-GS-22-0854). R. 736 - 737. The state, represented by Alicia A. Richardson and Erin E. Bailey, called the case for trial on October 26, 2015, before the Honorable R. Knox McMahon. R. 1. William Foster Edgeworth represented Appellant. R. 1. The jury found Appellant guilty as charged. R. 717, ll. 16-24. Judge McMahon sentenced Appellant to thirty years' imprisonment for burglary in the first degree, thirty years' imprisonment for armed robbery, thirty years' imprisonment for kidnaping, and life without the possibility of parole for murder. R. 722, l. 22 - R. 723, l. 11; R. 735; R. 738. He ordered the thirty-year sentences to be served concurrently, but ordered that those sentences be served consecutively to the life sentence. R. 723, ll. 11-14; R. 732.

Appellant filed a timely notice of appeal. This brief follows.

ARGUMENT

The trial judge erred in curtailing Appellant's cross-examination of an alleged co-conspirator concerning whether he had fulfilled the terms of his proffer agreement where the agreement was admitted into evidence without objection and the terms required him to submit to a polygraph examination.

Relevant facts

Late at night on August 29, 2012 or during the early morning hours of August 30, 2012, four African American men wearing masks burglarized the home of Walter Dozier and Antoinette Wilson. R. 131, ll. 5-8; R. 132, ll. 2-8; R. 132, ll. 12-16; R. 132, ll. 22-23; R. 142, l. 2 – R. 143, l. 9; R. 144, ll. 10-15; R. 161, ll. 3-9. The intruders broke through a door to enter the residence and then broke through the master bedroom door to enter the bedroom. R. 132, ll. 4-5; R. 142, ll. 8-17. Initially, two men, both with light skin, entered the master bedroom. R. 142, ll. 18-25; R. 161, ll. 8-9. The masked men demanded money. R. 133, ll. 16-17; R. 142, ll. 19-21. A third man escorted Dozier's daughter, Alayah W., to the master bedroom. R. 144, ll. 5-17. This man was short and wearing an orange shirt. R. 144, ll. 18-22; R. 132, ll. 17-20; R. 164, ll. 1-3. According to Alayah W., one of the four men had a gun and wore a white shirt. R. 132, ll. 20-21; R. 133, ll. 10-13; see also, R. 161, ll. 8-9. He was tall with light skin. R. 132, l. 21; R. 162, ll. 10-12; R. 162, l. 22. The other man was shorter, approximately 5'7" or 5'8". R. 162, ll. 18-19. According to Dozier, the masked men took approximately \$40, two cell phones, one of which belonged to Alayah, and car keys. R. 143, ll. 18-20; R. 145, ll. 9-12; R. 147, ll. 16-21; see also, R. 165, ll. 11-25. When the intruders left, Dozier and his family drove to his father's house to call for help. R. 149, ll. 7-12.

When the police began their investigation of the home invasion during the early morning hours of August 30, 2012, the lead detective noticed footprints on a piece of Plexiglas that was broken at the entryway. R. 332, l. 12 – R. 333, l. 9; R. 339, l. 20 – R. 340, l. 17; R. 341, l. 20 – R. 342, l. 3; R. 344, l. 17 – R. 346, l. 6. While investigating the home invasion, the detective received a call for shots fired on a path. R. 332, l. 12 – R. 333, l. 9; R. 346, l. 17 – R. 347, l. 9. When the detective arrived, he found the body of Alfonso Terrell Thomas along the path. R. 347, ll. 15-24.¹ He observed footprints in the dirt that resembled footprints from the home invasion. R. 349, ll. 4-5; R. 354, ll. 16-25. This was his first indication that that the two incidents may have been related. R. 354, ll. 18-25. The detective collected Thomas' shoes for later examination. R. 356, l. 24 – R. 357, l. 6. When the coroner arrived to examine the deceased's body, a cell phone was removed from his pocket. R. 363, ll. 1-11. When the detective looked at the phone, he saw what appeared to be the name of Dozier's daughter. R. 363, l. 9 – R. 364, l. 8.² This convinced the detective that the two incidents were connected. R. 364, ll. 7-15.

Through Thomas' sister, the detective learned Thomas had been at the home of Anthony Lawrence on the night of August 29, 2012. R. 370, l. 16 - R. 371, l. 3. Lawrence indicated Thomas was with Anthony Fraser and Appellant. R. 371, ll. 11-18. The police arrested Fraser on September 2, 2012, charging him with crimes related to the home invasion. R. 374, ll. 3-6; R. 378, ll. 16-20. The police also executed a search warrant on Fraser's home, seizing a set of keys in the rafters that were identified by Dozier as belonging to him and several pairs of shoes.

¹Thomas died from a single gunshot wound to the head. R. 514, l. 21-22.

²At trial, Alayah identified the phone found on the deceased as belonging to her. R. 134, l. 23 – R. 135, l. 6. She also identified an orange shirt presented at trial as the one worn by one of the masked me. R. 136, ll. 8-11.

R. 374, ll. 1-16; R. 150, ll. 1-11. The police arrested Appellant shortly thereafter. R. 378, ll. 21-25.

A SLED analyst compared the footwear impressions of the shoes recovered from Thomas' body and from Fraser's home to the impressions left on the Plexiglas at the Dozier home. According to the analyst, at least two impressions on the Plexiglas were identified to the shoes of Thomas and Fraser. R. 302, l. 1 – R. 319, l. 20.

The state's case against Appellant hinged upon the testimony of three jailhouse snitches as none of the physical evidence connected Appellant to the home invasion or murder. Quanmaine Brown, an individual who first met Appellant in jail, claimed Appellant confessed to committing the home invasion and consented to Fraser killing Thomas. R. 425, l. 13 – R. 428, l. 17. Brown elaborated that prior to Appellant, Fraser, and Thomas walking on the path, "it was already understood between them two that if [Thomas] didn't kill the little girl, that one of them was gonna kill the victim. So, he give him the nod like go ahead and that's when he shot him." R. 431, ll. 1-6.

The other jailhouse snitch, Trown Davis, claimed he was in a cell with Appellant and a third person in 2012. R. 457, ll. 1-7. He further claimed he overheard Appellant tell the third person that he committed the home invasion with Fraser and Thomas. R. 458, l. 17 – R. 459, l. 6. According to Davis, who feigned sleep to overhear the conversation, Appellant believed Thomas was going to tell so he and Fraser killed him. R. 458, l. 17 - R. 459, l. 1.

Joshua Taylor, the third jailhouse snitch, claimed he was the third man in the room with Appellant and Davis at the jail. R. 621, l. 24 – R. 622, l. 10. According to Taylor, Appellant admitted to going to Dozier's house, but said that Dozier did not have any money. R. 623, ll. 7-19. Taylor claimed that Appellant said "they didn't really get nothing, they leave, went across

town and that's when I found out they killed him." R. 623, ll. 21-22. Further, Taylor claimed he was killed "[s]o he won't tell." R. 623, l. 25 – R. 624, l. 1. They believed he was going to tell because of "[f]ingerprints. He was touching some of the stuff." R. 624, ll. 2-3.

Additionally, the state presented the testimony of Shakeem Geathers, one of the alleged co-conspirators in the home invasion. Geathers claimed that on August 29, 2012, he was at the home of his friend Shaheem Gardner along with Jasen Wade. R. 273, l. 17 – R. 274, l. 12. Gardner was not at home because he was in jail. R. 274, ll. 13-16. That night, Fraser, Thomas, and Appellant joined them at Gardner's home. R. 275, ll. 1-2. They were "plotting around looking for things to do, like steal dirt bikes or steal four wheelers or something" in an effort to get Gardner out of jail. R. 275, ll. 3-11. They did not find any, however. R. 275, ll. 12-13. The group decided to go to "Walter's house because he had some money or some weed." R. 275, ll. 14-16.

Geathers drove to Walter Dozier's house. R. 276, ll. 1-2. Geathers and Wade stayed in the car, while the others got out to go to Dozier's house. R. 277, ll. 11-17; R. 279, ll. 14-21. Approximately, "[s]even, eight minutes" later, the group returned. R. 278, ll. 8-9. Geathers claimed they returned wearing their shirts over their faces. R. 279, ll. 1-5. He denied seeing any weapons. R. 279, ll. 10-13. Geathers said the group had "a couple of cell phones and like a quarter bag or several grams of reefer." R. 281, ll. 10-15. According to Geathers, he "dropped them off at right there by the housing projects by the Landing." R. 281, l. 25 – R. 282, l. 14.

Geathers claimed he saw Appellant at the park across from the police station the following day. R. 284, l. 22 – R. 285, l. 6. Geathers further claimed that when Appellant was asked what happened, Appellant "just was like, he had to go." R. 285, ll. 17-23. According to Geathers, "he" referred to Thomas. R. 285, ll. 24-25. Upon further prompting, Geathers claimed

“he was like, he had to go because he probably would have end up telling the police what happened and everybody would went down.” R. 286, ll. 1-4.

Ultimately, Geathers was charged with offenses related to the home invasion. R. 287, ll. 2-3. He also gave statements to the police. R. 287, ll. 4-6. On cross-examination, Geathers admitted that he lied to the police by claiming he was working on the night of the incident. R. 289, ll. 2-9. He admitted to meeting with the prosecutor prior to his testimony, but stated he had not been offered a deal for his testimony. R. 289, ll. 14-19. He admitted he had entered into a proffer agreement with the state in regards to his testimony, but said he had “not really” been offered a deal. R. 289, ll. 20-24. He had not entered any guilty pleas related to his charges, but intended to plead guilty to unknown crimes. R. 289, l. 25 – R. 290, l. 10.

Geathers agreed that the document marked as Defendant’s Exhibit #1 was the proffer agreement to which he had entered with the state. R. 290, l. 16 – R. 291, l. 9; R. 725. The state posed no objection to the admission of the agreement. R. 291, l. 17. Per the agreement, Geathers intended to plead guilty to accessory before the fact and accessory after the fact. R. 292, ll. 2-5. However, Geathers made clear there was no “specific agreement as to what charges” he would enter guilty pleas ultimately. R. 297, ll. 2-4. He also claimed there was no “specific agreement as to a recommendation.” R. 297, ll. 5-7. The agreement provided that the state would consider the “extent and degree of cooperation” “in the election of charges and at the sentencing” and would advise the court of such. R. 725. The state characterized the agreement as “just” saying “that that will be taken into consideration, your cooperation with the state.” R. 297, ll. 8-10.

When defense counsel began questioning Geathers regarding other aspects of the agreement, including that he would submit to a polygraph examination, the state objected.

R. 292, ll. 6-11. Specifically, the state objected “to any reference to this Defendant as to whether or not he took a polygraph exam.” R. 292, l. 25 – R. 293, l. 2. Defense counsel explained the document was in evidence, without objection, and he was asking if Geathers had complied with the requirements of the terms. R. 293, ll. 4-8. The judge ruled as follows:

That is not admissible. The document in itself is admissible. It speaks for itself. Whether or not he did or did not take a polygraph is not admissible. The polygraph testimony, I know of two cases, State v. William Billy Pierce and there’s another more cent case that Judge Newman tried, I was trying to look for it. Give me just a moment. Well, I’m not gonna be able to find that in the time. Polygraph testimony is not admissible.

R. 293, ll. 9-17. Defense counsel clarified that he did not want ask about results, but only wanted to ask if Geathers had taken a polygraph. The judge responded that such testimony would “end up being misleading to the jury ... and then the jury would have to speculate.” R. 293, ll. 21-23. Defense counsel explained that Geathers had not taken a polygraph examination. R. 293, ll. 23-24. According to the prosecutor, Geathers was not asked to submit to an examination. R. 294, ll. 1-2. The state argued the examination was at the state’s discretion. R. 294, ll. 12-14.

The judge countered that Geathers having not taken the polygraph exam did not go to his credibility because he was never offered one. R. 294, ll. 7-11. He agreed that defense counsel could “highlight” what the agreement said, but could not ask the witness whether he took the polygraph because that fact was not relevant. R. 294, l. 15 – R. 295, l. 2. Concerning this aspect, the agreement provided as follows:

Shakeem Isiah Geathers shall submit himself to polygraph examination(s) to verify all information provided to the state at the election of the state. The polygraph examiner(s) shall be selected by the state and, for the purpose of this Proffer, are designated agent(s) of the state; upon examination(s) by polygraph, if Shakeem Isiah Geathers [*sic*] responses show deception, the terms of this Proffer

are null and void at the election of the state. Any statements made by Shakeem Isiah Geathers may be used against him by the state for any purpose.

R. 725. The agreement called for Geathers to appear as a witness in the trials of all individuals in the matter designated as defendants and to “testify truthfully, completely and consistently, with prior statements.” R. 725. If Geathers failed to do so, then the proffer was “null and void.”

R. 725. The agreement was amended to add that “[n]o statements given today will be used against him unless he refuses to testify or is untruthful.” R. 725.

Discussion

Here, the trial judge ruled whether Geathers had taken a polygraph was not relevant and was misleading to the jury. The trial judge erred on both accounts. Generally, all relevant evidence is admissible. Rule 402, SCRE. “‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. Rule 401, SCRE. However, even relevant evidence must “be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” Rule 403, SCRE.

“The right to offer the testimony of witnesses, and to compel their attendance, if necessary, is in plain terms the right to present a defense, the right to present the defendant’s version of the facts as well as the prosecution’s to the jury so it may decide where the truth lies.” Washington v. Texas, 388 U.S. 14, 19 (1967). “This right is a fundamental element of due process of law.” Id. When the state introduces evidence concerning a particular matter, the defendant is entitled to explain or rebut it, even if the latter evidence would have been incompetent or irrelevant had it been offered initially. See e.g., State v. Foster, 354 S.C. 614, 582 S.E.2d 426 (2003); State v. Dunlap,

353 S.C. 539, 579 S.E.2d 318 (2003); State v. Robinson, 305 S.C. 469, 409 S.E.2d 404 (1991); State v. Stroman, 281 S.C. 508, 316 S.E.2d 395 (1984); State v. Sullivan, 277 S.C. 35, 282 S.E.2d 838 (1981); State v. Beam, 336 S.C. 45, 518 S.E.2d 297 (Ct. App. 1999).

South Carolina law provides for the admission of the *results* of polygraph examinations if the evidence passes the test announced in Rule 702 of the South Carolina Rules of Evidence. In other words, the evidence is admissible based a finding that the evidence will assist the jury, the expert witness is qualified, and the underlying science is reliable. State v. Council, 335 S.C. 1, 20, 515 S.E.2d 508, 518 (1999) (citing Rule 702, SCRE). Even when South Carolina law provided that evidence of polygraph examinations was generally inadmissible, the Supreme Court found trial counsel's failure to object to the mention of a state's witness taking a polygraph was not prejudicial to the defendant. The Court reasoned the evidence was simply that the witness "took a polygraph test" and the results were not admitted. The evidence in the record did not lend itself to whether the witness passed the test; rather, "[w]hile the jury could have inferred [the witness] passed the polygraph, an equally plausible inference is that [the witness] did not pass the polygraph." Bruno v. State, 347 S.C. 446, 556 S.E.2d 393 (2001); see also, State v. Palmer, 415 S.C. 502, 783 S.E.2d 823 (Ct. App. 2016)(affirming the denial of a mistrial where a witness testified he took a polygraph, but the results were not discussed because the one reference was an isolated comment and the results were not indicating leaving two equally plausible inferences for the jury to draw).

In State v. Jackson, 364 S.C. 329, 613 S.E.2d 374 (2005), the state introduced a taped conversation between the defendant and a witness. The witness asked the defendant if he would be willing to take a polygraph and the defendant responded he would be willing to do so. The defendant then sought to introduce the results of the polygraph, arguing the state had opened the door. Id. at 335, 613 S.E.2d at 377. At the time of trial, the defendant was not prepared for a

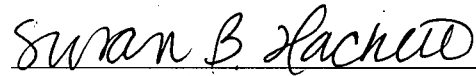
hearing concerning the scientific reliability of the test and asked to think about it overnight. The next day, the defendant informed the court that he had decided to ask the witness only whether the defendant had agreed to take a polygraph and whether one was administered. On appeal, the defendant argued that while the issue concerning scientific reliability was waived, the issue of rebuttal was preserved. The Court disagreed, finding Appellant's acquiescence the next morning waived any issue concerning introducing evidence of the polygraph test results in rebuttal. *Id.* at 335-336, 613 S.E.2d at 377.

Here, whether Geathers took a polygraph was relevant because it was part of the proffer agreement, which had been admitted without objection. Further, it was relevant because Geathers was testifying in compliance with the agreement, which included the polygraph provision. Importantly, Geathers' proffer agreement would be rendered null and void if a polygraph indicated deception or if he testified at Appellant's trial in a way that the state deemed untruthful. Thus, the terms of the proffer agreement were relevant to Appellant's trial. Asking whether Geathers took a polygraph and learning that he had not would not have been misleading to the jury. Such information would not have been susceptible to more than one inference – it was simply a fact that Geathers had not submitted to a polygraph. The trial judge erred in curtailing Appellant's cross-examination of Geathers because the evidence was relevant and not misleading and Geathers was one of the few witnesses who placed Appellant at the scene of the home invasion and no physical evidence linked Appellant to the crimes. Geathers' credibility was critical for the state's case and Appellant should have been permitted to test his credibility in order for the jury to make the ultimate determination as to the truth of the facts presented.

CONCLUSION

Appellant respectfully requests this Court reverse his convictions and sentences and remand for a new trial.

Respectfully submitted,



Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT

This 20th day of July, 2016.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
JUL 20 2016
SC Court of Appeals

Appeal from Georgetown County
R. Knox McMahon, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAMONTE RIVERA,

APPELLANT


PETITION TO BE RELIEVED AS COUNSEL

Counsel for Damonte Rivera states:

1. She is an Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent Appellant.
2. She has reviewed the record of Appellant's trial before the Honorable R. Knox McMahon which was held on October 26, 2015, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. Pursuant to Anders v. California, 386 U.S. 738 (1967), she has briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, she asks the Court to relieve her as counsel for Damonte Rivera.

Respectfully submitted,


Susan B. Hackett
Appellate Defender
ATTORNEY FOR APPELLANT

This 20th day of July, 2016.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

JUL 20 2016

SC Court of Appeals

Appeal from Georgetown County
R. Knox McMahon, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAMONTE RIVERA,

APPELLANT

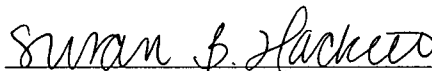
**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- (1) Entire trial transcript dated October 26, 2015;
- (2) Defendant's Exhibit #1 (proffer agreement);
- (3) True-billed indictments: 2012-GS-22-0955, 2012-GS-22-0956,
2012-GS-22-957, 2013-GS-22-0854;
- (4) Sentence sheets.

I certify that this designation contains no matter which is irrelevant to this appeal.

July 20, 2016



Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1343
Attorney for Appellant

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Anders Brief of Appellant 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."

July 20, 2016

Susan B. Hackett

Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1343

Attorney for Appellant

RECEIVED

JUL 20 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Appeal from Georgetown County
R. Knox McMahon, Circuit Court Judge

JUL 20 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

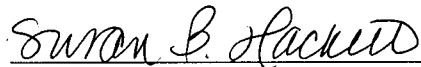
V.

DAMONTE RIVERA,

APPELLANT

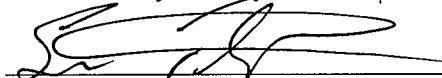
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Anders Brief of Appellant and Designation of Matter and Record on Appeal 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 a copy of the Anders Brief of Appellant and Designation of Matter and Record on Appeal have been served on Damonte Rivera, #345876 at Lieber Correctional Institution, PO Box 205, Ridgeville, SC, 29472, this 20th day of July, 2016.



Susan B. Hackett
Appellate Defender
ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 20th day of July, 2016.

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