



**ORIGINAL**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

APR 18 2016

**SC Court of Appeals**

Appeal from Florence County

William H. Seals, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHRISTOPHER MAYHUE PETERSON,

APPELLANT

APPELLATE CASE NO. 2015-001359

ANDERS BRIEF OF APPELLANT

TIFFANY L. BUTLER  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
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ATTORNEY FOR APPELLANT

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## STATEMENT OF ISSUES ON APPEAL

I. Did the trial judge err by refusing to direct a verdict of acquittal as to the murder charge where the State failed to present any direct or substantial circumstantial evidence that Appellant unlawfully killed Luther Lisbon with malice aforethought, either express or implied?

II. Did the trial judge err by refusing to direct a verdict of acquittal as to the armed robbery charge where the State failed to present any direct or substantial circumstantial evidence that Appellant took any money from Luther Lisbon's apartment, in his immediate presence, and while armed with a deadly weapon?

III. Did the trial judge err by refusing to direct a verdict of acquittal as to the attempted murder charge where the State failed to present any direct or substantial circumstantial evidence that Appellant attempted to kill David Lunn with malice aforethought, either express or implied?

## STATEMENT OF THE CASE

On August 29, 2013, Appellant was indicted for murder, attempted murder, and conspiracy. R. 611. On April 2, 2015, Appellant was also indicted for armed robbery from the same set of allegations. R. 609. On June 15, 2005, Appellant's case proceeded to a jury trial before the Honorable William H. Seals. R. 1. Steven Deberry represented Appellant. Todd Tucker represented the State. R. 1.

After a three-day trial, Appellant was found guilty as charged. R. 601, ll. 4 – 23. Judge Seals sentenced Appellant to life imprisonment for the murder, thirty years' imprisonment for the attempted murder, and thirty years' imprisonment for the armed robbery. R. 605, ll. 20 – 23. Appellant was also sentenced to five years for the conspiracy charge. R. 605, ll. 24 – 25. Appellant's sentences were to run concurrently. R. 606, l. 1.

Appellant appealed his convictions and sentences. This brief follows.

## STATEMENT OF FACTS

According to Marcus Lisbon, on the evening of January 6, 2013, he and his brother, Luther Lisbon, and David Lunn were watching Sunday night football at Luther's second floor apartment in Florence County, South Carolina. R. 292, l. 1 – R. 293, l. 8. At about 7:00 p.m., there was a knock on the front door. R. 294, ll. 1 – 5. As Lisbon opened the door, "a guy tried to walk in." R. 297, l. 15. Lisbon had never seen the man before. R. 297, ll. 20 – 21. Lisbon would later give officers a physical description of the assailant. R. 316, l. 20 – R. 317, l. 6.

The man pulled out a gun after he walked through the doorway. R. 298, ll. 18 -19. Lisbon then "grabbed his arms and pushed the gun towards him." R. 298, ll. 18 – 19. The gun went off, but Lisbon continued to struggle with the man for the gun. R. 298, ll. 20 – 21. Lisbon stated that he observed a second person standing behind the man with the gun during the struggle. R. 298, l. 22 – R. 299, l. 1.

Lisbon and the armed man struggled out of the front door and onto the balcony, where the gun went off a second time. R. 300, ll. 6 – 24. Lisbon pushed the man off of him and jumped off the balcony. R. 300, ll. 6 – 24.

Lisbon said he heard "around five or six" shots as he left the apartment. R. 303, ll. 4 – 7. He returned to Luther's apartment "between three and five minutes" later to find Luther on his knees with a gunshot wound in his abdomen. R. 303, ll. 21 – 24. Luther Lisbon died from the gunshot wound later that night. R. 394, l. 1 – R. 395, l. 1.

David Lunn, Lisbon's friend, described the incident as "pandemonium". R. 329, ll. 21 – 23. Lunn stated he was sitting on the couch in the living room when the struggle and shooting commenced. R. 329, ll. 1 – 5. Lunn asserted the gunshot came from the first man

at the door with whom Lisbon was struggling. R. 328, ll. 22 – 25. Lunn also maintained that he had a brief look at the first man and also observed a second man at the door. R. 330, ll. 330, ll. 23 – 25.

According to Lunn, after Lisbon and the first man left the apartment during the struggle, one of the men came back into the apartment and shot Lunn in his stomach and upper chest. R. 332, ll. 2 – 20. However, Lunn did not know whether it was the first assailant with whom Lisbon struggled or whether it was the second person that he saw at the door. R. 342, l. 21 – R. 343, l. 4.

When Florence County police officers responded, Lisbon gave a physical description of the man who shot him as a “light-skinned black male . . . wearing all black.” R. 316, l. 20 – R. 317, l. 6. Police drew a composite sketch based on Lisbon’s description. R. 307, l. 21 – R. 308, l. 8. However, neither Lisbon nor Lunn was able to pick anyone out of photographic lineup as the shooter or the second person at door of the apartment. R. 308, ll. 4 – 24; R. 339, ll. 20 – 23. Police also spoke to witnesses at the apartment complex who said they observed someone running across the parking lot with a gun in his left hand. R. 276, l. 23 – R. 277, l. 3. However, neither of those witnesses was present at trial.

Police recovered five nine millimeter shell casings from the scene. R. 118, ll. 12 – 14. SLED tested the shell casings and discovered that they were two different brands. R. 354, l. 12 – R. 355, l. 11. However, SLED could not ascertain whether the shells were fired from the same weapon or different weapons. R. 359, ll. 18 – 21.

In addition to finding the shell casings, police discovered twenty-dollar bills on the ground beside the fence near the woods. R. 260, l. 14 – R. 261, l. 10. Lunn testified that as he fell down the steps while leaving the apartment after getting shot, he was “pretty sure”

money fell from his pockets onto the ground. R. 345, l. 18 – R. 346, l. 4. He often carried “thousands of dollars . . . at any given time.” R. 345, ll. 21 – 22.

After posting the composite sketch which was generated based on Marcus Lisbon’s description of the shooter, the police received anonymous tips that Appellant was the person in the sketch. R. 207, l. 22 – R. 208, l. 3. Appellant spoke with police in April of 2013. R. 493, ll. 1- 6.

Appellant explained to police that Reginald Johnson had called him during the afternoon of January 6, 2013. R. 493, ll. 1 – 6. Johnson asked Appellant to go with him to pick up drugs from Luther Lisbon, the deceased. R. 493, ll. 1 – 6. Luther and Johnson’s brother, “Gangster Fred,” were both drug dealers. R. 493, ll. 12 – 18. Luther was not giving “Gangster Fred” his supply of drugs which prevented Johnson from getting his supply of drugs. R. 493, ll. 12 – 18. Consequently, Johnson wanted to “talk to the man to see can he get everything straight.” R. 493, ll. 12 – 18.

Appellant admitted to being the first person to knock on the door of the apartment. However, Luther opened the door, not his brother Marcus. R. 495, ll. 12 – 23. As Appellant stretched out his hand to shake Luther’s hand, Luther grabbed Appellant and the two men began to struggle. R. 495, ll. 17 – 24. At that point, Johnson began shooting over Appellant’s shoulder. R. 495, ll. 23 – 24. Both Luther Lisbon and Appellant were shot – Luther, in the abdomen, and Appellant, in the right leg. R. 495, l. 25 – R. 496, l. 14. The bullet went through Luther’s abdomen into Appellant’s leg. R. 496, ll. 1 – 7.

Appellant explained that right after he was shot in his leg, he ran out of the doorway. R. 503, ll. 3 – 12. He made his way across the parking lot to the white SUV that Johnson drove that evening, not through the woods and to the nearby lake where the police dog

tracked. R. 503, l. 8 – R. 504, l. 9. As Appellant ran out, he saw “Reggie . . . still standing right there with the gun pointed.” R. 500, l. 24 – R. 501, l. 1.

Appellant did not know Luther Lisbon, Marcus Lisbon, or David Lunn. R. 497, ll. 22 – 24. Appellant did not have a gun, nor was he wearing a mask. R. 498, ll. 2 – 13. Appellant did not take money from the apartment. R. 505, ll. 17 – 18. Further, Appellant is right-handed. R. 501, ll. 20 – 23.

Reginald Johnson was charged and arrested following Appellant’s cooperation with police. R. 230, l. 23 – R. 231, l. 1. However, Johnson claimed that it was Appellant’s idea to rob Luther Lisbon. R. 408, ll. 15 – 18. Johnson stated that he was beside Appellant but did not see who opened the apartment door. R. 409, ll. 11 – 13. Johnson also contended that there were three people inside the apartment – “more than who had supposed to been in there.” R. 409, ll. 18 – 21. Johnson said that Appellant pulled a gun out as soon as the door opened, stepped into the doorway of the apartment, and shot. R. 410, ll. 7 – 10. However, Johnson denied seeing Appellant struggle with anyone in the doorway. R. 410, ll. 11 – 13.

According to Johnson, after he “heard a couple of shots and people ran out,” he ran down the stairs. R. 411, ll. 4 – 12. Johnson denied ever going into the apartment. Johnson asserted that Appellant was still inside the apartment when he ran. R. 412, l. 24 – R. 413, l. 4. Johnson did not see Appellant with any money when Appellant returned to the car. R. 413, ll. 12 – 14. However, Johnson claimed that Appellant had two or three thousand dollars on him when he dropped Appellant off at his mother’s house. R. 414, l. 10 – 415, l. 7.

Johnson and Appellant were both indicted for murder, attempted murder, conspiracy, and possession of a weapon during a violent crime on August 29, 2013. R. 611.

Only Appellant was indicted for armed robbery on April 2, 2015, over two years after the alleged incident and two months before his jury trial on June 15, 2015. R. 609.

Johnson testified against Appellant at trial. Johnson was given a plea offer in exchange for his testimony against Appellant. R. 429, l. 22 – R. 430, l. 5. The State allowed Johnson to plead guilty to accessory after the fact with a sentencing cap of eight years' imprisonment. R. 429, l. 22 – R. 430, l. 5. Johnson was neither charged nor indicted for armed robbery. R. 426, ll. 20 – 23.

Appellant testified on his own behalf. R. 488.

### **Motion for Directed Verdict of Acquittal**

The State rested following Reginald Johnson's testimony. Defense counsel then moved for a directed verdict of acquittal. R. 448, l. 23 – R. 449, l. 3. Counsel argued:

“I'd also like to make a motion for a directed verdict based on the fact that we don't believe there's any evidence in the – in the record that could tend to prove my client guilty beyond a reasonable doubt. We just don't believe it's there, especially not for an armed robbery, Your Honor, and likewise with all charges.”

R. 448, l. 23 – R. 449, l. 3. The trial judge denied counsel's motion. R. 449, ll. 4 – 5.

After Appellant's testimony, the defense rested. R. 532, ll. 3 – 4. Defense counsel then renewed his motion for a directed verdict of acquittal. R. 532, ll. 18 – 21. Again, the trial judge denied counsel's motion. R. 532, ll. 22 – 23.

## ARGUMENTS

I. The trial judge erred by refusing to direct a verdict of acquittal as to the murder charge where the State failed to present any direct or substantial circumstantial evidence that Appellant unlawfully killed Luther Lisbon with malice aforethought, either express or implied.

Appellant was entitled to a directed verdict of acquittal as to the murder charge. The State failed to present any direct or substantial circumstantial evidence that Appellant killed Luther Lisbon.

### **The Charge of Murder**

Murder is the unlawful killing of another person with malice aforethought, either express or implied. S.C. Code Ann. § 16-3-10 (2003). Malice “is the wrongful intent to injure another and indicates a wicked or depraved spirit intent on doing wrong.” Tate v. State, 351 S.C. 418, 426, 570 S.E.2d 522, 527 (2002) (quoting State v. Kelsey, 331 S.C. 50, 502 S.E.2d 63 (1998)). “Express malice is when there is a deliberate intention to unlawfully take the life of another.” State v. Wilds, 355 S.C. 269, 276, 584 S.E.2d 138, 142 (Ct. App. 2003). Implied malice is when circumstances demonstrate a wanton or reckless disregard for human life. Id.

A criminal defendant is entitled to a directed verdict when the State fails to present evidence of the offense charged. State v. McCombs, 368 S.C. 489, 493, 629 S.E.2d 361, 362-63 (2006); State v. Cherry, 361 S.C. 588, 593, 606 S.E.2d 475, 478 (2004); State v. McHoney, 344 S.C. 85, 97, 544 S.E.2d 30, 36 (2001). When reviewing the trial judge’s denial of a directed verdict, an appellate court must review the evidence presented at trial in

the light most favorable to the State. State v. Weston, 367 S.C. 279, 292, 625 S.E.2d 641, 648 (2006); State v. Buckmon, 347 S.C. 316, 321, 555 S.E.2d 402, 404 (2001).

Where the State relies “exclusively” on circumstantial evidence, such evidence must be “substantial” before the judge submits the case to a jury. State v. Mitchell, 341 S.C. 406, 409, 535 S.E.2d 126, 127 (2001). When the evidence merely raises a suspicion that the defendant is guilty, the trial judge should grant a directed verdict motion. State v. Lollis, 343 S.C. 580, 584, 541 S.E.2d 254, 256 (2001). The trial judge should grant a directed verdict motion where the jury would be speculating as to the guilt of the defendant or where the State’s evidence only raises a “mere suspicion” of guilt. State v. Ballenger, 322 S.C. 196, 470 S.E.2d 851 (1996). “‘Suspicion’ implies a belief or opinion as to guilt based upon facts or circumstances which do not amount to proof.” State v. Buckmon, 347 S.C. at 322, 555 S.E.2d at 404 – 405 (2001).

Here, the State failed to present any direct or substantial circumstantial evidence that Appellant killed Luther Lisbon. There is no direct or substantial circumstantial that Appellant was armed with and used a deadly weapon. See Sellers v. State, 362, S.C. 182, 189, 607 S.E.2d 82, 85 (2005) (recognizing malice may be implied from the use of a deadly weapon).

Neither Marcus Lisbon nor David Lunn ever positively identified Appellant as the shooter. Appellant denied having a weapon and shooting into Luther Lisbon’s apartment in his statement to police and during his testimony at trial. Appellant did not know either Luther Lisbon, Marcus Lisbon, or David Lunn.

While officers located five shell casings, there were no weapons recovered at the scene or during the investigation to which SLED could match the shell casings. Further,

witnesses saw a person running with a gun in his left hand – Appellant is right-handed. In fact, Reginald Johnson was charged **and** indicted for possession of a weapon during a violent crime – not Appellant. R. 611.

II. The trial judge erred by refusing to direct a verdict of acquittal as to the armed robbery charge where the State failed to present any direct or substantial circumstantial evidence that Appellant took money from Luther Lisbon's apartment, in his immediate presence, and while armed with a deadly weapon.

Appellant was entitled to a directed verdict of acquittal as to the armed robbery charge. The State failed to present any direct or substantial circumstantial evidence that Appellant took any money from Luther Lisbon's apartment while armed with a deadly weapon.

### **The Charge of Armed Robbery**

Robbery is “the felonious or **unlawful taking** of money, goods, or other personal property of any value from the person of another in his presence by violence or by putting such person in fear.” State v. Bland, 318 S.C. 315, 317, 457 S.E.2d 611, 612 (1995) (emphasis added). Armed robbery is “when a person commits a robbery while armed with a deadly weapon.” S.C. Code Ann. § 16-11-330 (a) (2008); State v. Gourdine, 322 S.C. 396, 398, 472 S.E.2d 241, 241 (1996). See Broome v. State, 351 S.C. 219, 221, 569 S.E.2d 336, 337 (2002) (“[T]he intent to permanently deprive is . . . implicit in the definition of armed robbery.”).

A criminal defendant is entitled to a directed verdict when the State fails to present evidence of the offense charged. State v. McCombs, 368 S.C. 489, 493, 629 S.E.2d 361, 362-63 (2006); State v. Cherry, 361 S.C. 588, 593, 606 S.E.2d 475, 478 (2004); State v. McHoney, 344 S.C. 85, 97, 544 S.E.2d 30, 36 (2001). When reviewing the trial judge's denial of a directed verdict, an appellate court must review the evidence presented at trial in

the light most favorable to the State. State v. Weston, 367 S.C. 279, 292, 625 S.E.2d 641, 648 (2006); State v. Buckmon, 347 S.C. 316, 321, 555 S.E.2d 402, 404 (2001).

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Here, the State presented absolutely no direct or substantial circumstantial evidence that Appellant took money from Luther Lisbon’s apartment. Police officers testified that they located twenty-dollar bills near the fence near the woods of the apartment complex. However, David Lunn admitted that he often carried thousands of dollars on his person and he was pretty sure money fell out of his pockets as he fell down the stairs and crawled to seek help.

Lunn and Marcus Lisbon both testified that there was cash on the table in the living room while they were all watching the football game before the knock on the front door. Officers testified that there was a large amount of cash in the living room of the apartment when they processed and photographed the crime scene. There was no evidence that any money was missing from the pile of money in the living room.

Although Reginald Johnson claimed that Appellant wanted to rob Luther, there was no evidence presented that Johnson saw Appellant go into the apartment and leave out with cash. In fact, Johnson stated that he did not see Appellant with any money or large amounts of cash when Appellant returned to the car. Neither Marcus Lisbon nor David Lunn testified that they saw the two men at the door take money from the apartment or even demand money. See State v. Keith, 283 S.C. 597, 598, 325 S.E.2d 325, 326 (1985) (“[A]sportation is an element of robbery and armed robbery.”).

Appellant denied having a gun and taking money from the apartment in his statement to police and during his testimony. In fact, Johnson was charged **and** indicted for possession of a weapon during a violent crime – not Appellant. R. 611. Appellant was **not** charged with armed robbery at the time of his arrest for the January 6, 2013 incident, which showed law enforcement had no evidence that Appellant committed an armed robbery. The State did not indict Appellant for armed robbery until April of 2015 – over two years **after** the alleged incident took place. Reginald Johnson was never indicted for armed robbery.

Because the State failed to present any direct and substantial circumstantial evidence that Appellant took any money from Luther Lisbon’s apartment while armed, the trial judge erred by refusing to direct a verdict of acquittal as to the armed robbery charge.

III. The trial judge erred by refusing to direct a verdict of acquittal as to the attempted murder charge where the State failed to present any direct or substantial circumstantial evidence that Appellant attempted to kill David Lunn with malice aforethought, either express or implied.

Appellant was entitled to a directed verdict of acquittal as to the attempted murder charge. The State failed to present any direct or substantial circumstantial evidence that Appellant was armed and attempted to kill David Lunn with malice.

#### **The Charge of Attempted Murder**

Under S.C. Code Ann. Section 16-3-29, “[a] person who, with intent to kill, attempts to kill another person with malice aforethought, either expressed or implied, commits the offense of attempted murder.” “[S]pecific intent to commit murder [is] an element of attempted murder.” State v. King, 412 S.C. 403, 411, 772 S.E.2d 189, 193 (Ct. App. 2015).

A criminal defendant is entitled to a directed verdict when the State fails to present evidence of the offense charged. State v. McCombs, 368 S.C. 489, 493, 629 S.E.2d 361, 362-63 (2006); State v. Cherry, 361 S.C. 588, 593, 606 S.E.2d 475, 478 (2004); State v. McHoney, 344 S.C. 85, 97, 544 S.E.2d 30, 36 (2001). When reviewing the trial judge’s denial of a directed verdict, an appellate court must review the evidence presented at trial in the light most favorable to the State. State v. Weston, 367 S.C. 279, 292, 625 S.E.2d 641, 648 (2006); State v. Buckmon, 347 S.C. 316, 321, 555 S.E.2d 402, 404 (2001).

Where the State relies “exclusively” on circumstantial evidence, such evidence must be “substantial” before the judge submits the case to a jury. State v. Mitchell, 341 S.C. 406, 409, 535 S.E.2d 126, 127 (2001). When the evidence merely raises a suspicion that the defendant is guilty, the trial judge should grant a directed verdict motion. State v. Lollis,

343 S.C. 580, 584, 541 S.E.2d 254, 256 (2001). The trial judge should grant a directed verdict motion where the jury would be speculating as to the guilt of the defendant or where the State's evidence only raises a "mere suspicion" of guilt. State v. Ballenger, 322 S.C. 196, 470 S.E.2d 851 (1996). "'Suspicion' implies a belief or opinion as to guilt based upon facts or circumstances which do not amount to proof." State v. Buckmon, 347 S.C. at 322, 555 S.E.2d at 404 – 405 (2001).

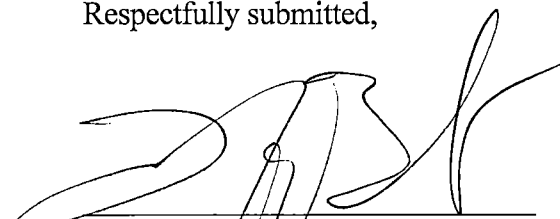
Here, the State failed to present any direct or substantial circumstantial evidence that Appellant attempted to kill David Lunn with either express or implied malice. Lunn testified that one of the two men he observed in the doorway of the apartment came into the apartment and shot him. Although Reginald Johnson claimed Appellant was armed and shot into the apartment, Lunn did not positively identify Appellant as the person who shot him.

Further, Appellant denied having a gun in his statement to police and during his testimony at trial. In fact, Johnson was originally indicted for possession of a weapon during commission of a violent crime – not Appellant. R. 611.

CONCLUSION

For the reasons argued above, Appellant Christopher Peterson respectfully requests this Court to direct a verdict of acquittal as to the murder, the armed robbery, and the attempted murder charges in Appellant's case.

Respectfully submitted,



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Tiffany L. Butler  
Appellate Defender

ATTORNEY FOR APPELLANT

This 18th day of April, 2016.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Florence County  
William H. Seals, Jr., Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

CHRISTOPHER M. PETERSON,

APPELLANT

APPELLATE CASE NO. 2015-001359

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PETITION TO BE RELIEVED AS COUNSEL

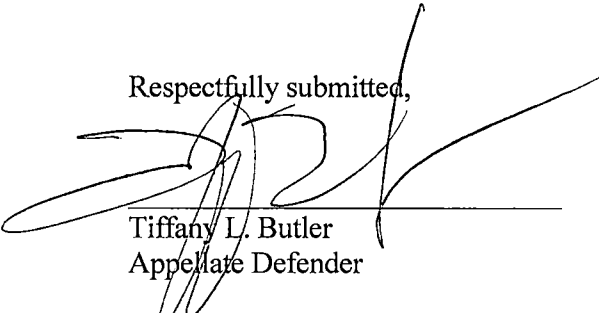
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Counsel for Christopher M. Peterson states:

1. She is 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 Judge William H. Seals, Jr., which was held on June 18, 2015, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, she asks the Court to relieve her as counsel for Christopher M. Peterson.

Respectfully submitted,



---

Tiffany L. Butler  
Appellate Defender

ATTORNEY FOR APPELLANT

This 18th day of April, 2016.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Florence County

William H. Seals, Jr., Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

CHRISTOPHER M. PETERSON,

APPELLANT

APPELLATE CASE NO. 2015-001359

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

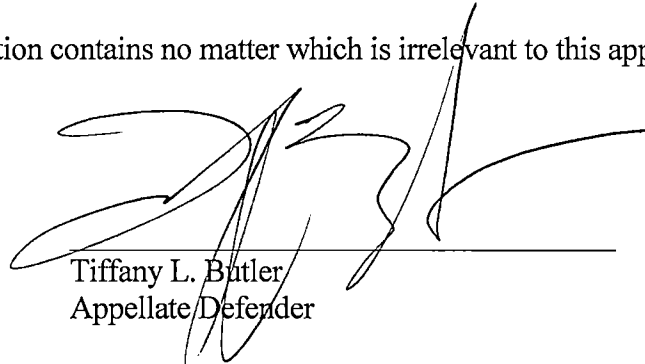
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Appellant proposes the following be included in the Record on Appeal:

- (1) Trial Transcript;
- (2) True-billed indictments

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

April 18th, 2016



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Tiffany L. Butler  
Appellate Defender

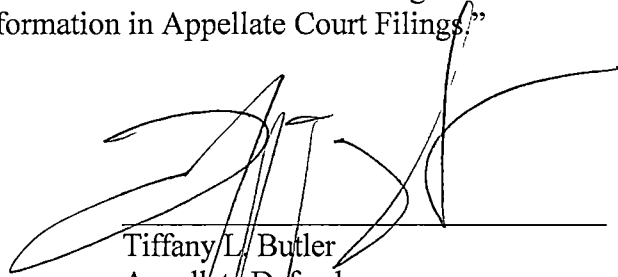
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Attorney for Appellant

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?"

April 18, 2016

A handwritten signature in black ink, appearing to read 'Tiffany L. Butler', is written over a horizontal line. The signature is stylized and somewhat abstract.

Tiffany L. Butler  
Appellate Defender

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STATE OF SOUTH CAROLINA

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THE STATE,

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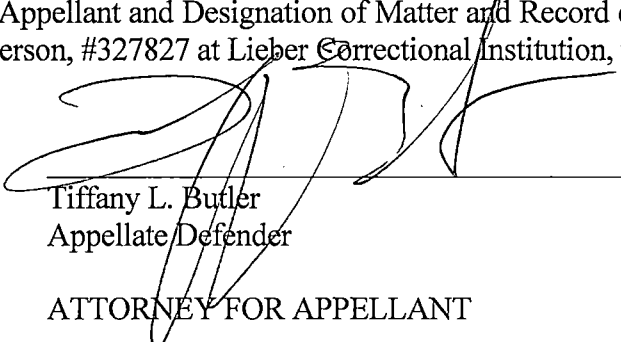
APPELLATE CASE NO. 2015-001359

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CERTIFICATE OF SERVICE

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The undersigned attorney hereby certifies that a true copy of the Anders 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 a copy of the Anders Brief of Appellant and Designation of Matter and Record on Appeal have been served on Christopher M. Peterson, #327827 at Lieber Correctional Institution, this 18th day of April, 2016.

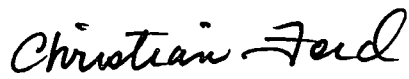


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Tiffany L. Butler  
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 18th day of April, 2016.

 (L.S.)

Notary Public for South Carolina  
My Commission Expires: March 1, 2026.