STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Pickens County

Honorable Perry H. Gravely, Circuit Court Judge

LAROLD MORRIS,

PETITIONER,

V.

THE STATE,

RESPONDENT

APPELLATE CASE NO 2016-000197

PETITION FOR WRIT OF CERTIORARI

LANELLE CANTEY DURANT
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR PETITIONER

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ISSUE PRESENTED

Did the PCR court err in not finding trial counsel ineffective for failing to renew his objection when evidence from the search warrant was introduced at trial which was prejudicial to Petitioner because he was denied an appellate review of this issue since trial counsel had argued in a pretrial motion that the evidence should be suppressed because the search warrant and affidavit were insufficient and thus a violation of the Fourth Amendment as the affidavit did not state specific facts and provided only conclusory statements?

STATEMENT

On February 3, 2011, college student Kyle Whitaker was playing video games in the apartment he shared with three other students—Apartment 190H in University Village in Central, South Carolina—when he heard a knock at the door. When he opened the door, there were two individuals, one of whom was wearing a hoodie and mask with black mesh covering the eyes. One of the individuals called the other one "Junior." One of the individuals had a black gun. They forced Whitaker to lie on the ground while they ransacked the apartment and took various items, including some electronic items and his roommate Michael Capo's Xbox. Whitaker could not describe the masked individual, except to say he "thought" he was African-American "just by the voice." The entire incident last "15, maybe 20 minutes." .App. 145, ll. 16 – App. 146, ll. 21; App. 148, ll. 19 – App. 154, ll. 9.

The roommate Capo testified that a short time after the robbery, he was playing Xbox online and saw his "gamer tag," "Capo Almighty," online. When he clicked on his gamer tag, someone had changed the motto to "Flight Risk," "North Carolina Get Money," and the avatar was changed to an African-American male. Later, Capo saw that the gamer tag was changed also, to "Lil Abbel." App. 166, ll. 9 – App. 171, ll. 1. He reported this to the police. App. 171, ll. 2 – 23. The court admitted pictures of the Xbox screen showing the gamer tags and avatars, without objection from defense counsel, which pictures were taken by the police after they recovered the Xbox. App. 168, ll. 8 – App. 170, ll. 2.

On March 8, 2011, a third roommate, Zeke Quinn, was returning to University Village when he saw three African-American individuals wearing hoods standing outside the door at what was, at this point, his old apartment, Apartment 190H. App. 177, ll. 13 – 25; App. 183, ll. 2 – 24. Quinn called his roommates and the police, had his other roommate Derek Mahaney block one exit of the

parking lot with his truck, and reported to the police that the individuals were leaving in a silver Impala. App. 186, ll. 20 – App. 187, ll. 24. Quinn testified that he had observed no criminal activity, just that the individuals had a "suspicious demeanor." App. 189, ll. 21 – App. 190, ll. 3; App. 196, ll. 22 – App. 197, ll. 25; App. 198, ll. 16 – App. 199, ll. 25.

Police Officer Kevin Peppers pulled the Impala over shortly after it left University Village. App. 218, ll. 8 – App. 219, ll. 10. D'Andre Draper was driving the car, Appellant was in the front passenger seat, and Ernest Cade was in the back seat. App. 220, ll. 6 – 25. Draper consented to a search of the car. App. 221, ll. 1 – 25.

Officer Peppers found the following items in the car: a box of latex gloves located on the floor at Appellant's feet; a black-and-green handgun in a backpack in the rear passenger compartment; a silver handgun with the serial number obliterated in a backpack in the rear passenger compartment; and a black mask on the floor in the rear passenger compartment. The photographs of these items were admitted into evidence without objection by defense counsel. App. 221, ll. 13 – App. 223, ll. 25.

Morris and his two codefendants were arrested March 8, 2011. App. 276, ll. 14 – App. 277, ll. 9. On February 19, 2013, the Pickens County Grand Jury indicted Morris on the charges of burglary first degree, armed robbery, possession of a pistol with an obliterated serial number, and conspiracy. App. 467 - App. 474.

On March 18-20, 2013, Morris proceeded to trial before the Honorable Edward W. Miller and a jury. Morris was represented by David D. Cantrell, and the state was represented by John Baker Cleveland, III, and Samuel Barton Tooker. App. 44.

At trial, Draper testified that on March 8, 2011, he was giving Appellant and his brother a ride to University Village because he was going there himself. They were leaving when Officer Peppers pulled them over App. 243, ll. 14 – 21; App. 244, ll. 8 – App. 245, ll. 2; App. 247, ll. 20.

The next day following his arrest, Draper gave a statement to Police Investigator Khristy Justice after she told him that the other passengers in his car attributed the guns to him. He showed her a text message from Appellant that said, "let's get Zikee." App. 247, ll. 21 – App. 248, ll. 13; App. 251, ll. 1 – App. 252, ll. 15. However, Draper testified the text message was not from the night they were arrested. App. 257, ll. 4 – 25; App. 263, ll. 15 – App. 264, ll. 9. Draper testified that the latex gloves belonged to his mother. He never saw Morris with any gloves on, and he denied telling Detective Justice that the gloves belonged to Morris. App. 266, ll. 24 – App. 268, ll. 3.

Investigator Justice testified about Capo reporting someone else using his Xbox gamer tag and changing it to "Little Abe." App. 275, ll. 5 – App. 276, ll. 3. When the detective talked with Morris, he freely said that he was playing the Xbox at his sister's just before his arrest. Morris reported to Detective Justice that his gamer tag was "Little Abe." App. 275, ll. 5 – App. 276, ll. 3; App. 282, ll. 12 – App. 283, ll. 13.

Officer Justice sought and obtained a search warrant for the residence of Appellant's sister, where he lived. App. 287, ll. 14 – 25

Defense counsel argued in a pretrial motion that the affidavit for the search warrant was defective because it set forth no specific facts but had mere "conclusory statements." Specific points were not explained in her affidavit in support of the warrant, and there was no evidence that she relayed this information to the magistrate outside of the affidavit. Counsel argued that an

"exploratory" search warrant was a violation of the Fourth Amendment. Counsel asked that the evidence from the search warrant be suppressed App. 118, ll. 18 - App. 120, ll. 15.

Officer Justice wrote in her affidavit:

DESCRIPTION OF PROPERTY SOUGHT

> Ipods, X-box game systems/games, laptops, luggage, backpacks, masks, televisions, cell phones or any other electronic devices.

. . .

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

> Larold Lee Morris, a tenant in the above referenced apartment, is suspected in several armed robberies in the City of Central. During the course of the robberies items such as IPODS, laptops, Televisions, Xbox game Systems/games, cell phones and other electronics were taken from the victim's homes. The suspect(s) in these cases used a handgun, latex gloves, masks and dressed in all black driving a silver Chevy Impalla. This vehicle was stopped on 3/8/2011 in the Town limits of Central and once I began interviewing the subjects and locating the firearms it is believed that the stolen property is located in said apartment.

App. 454.

The trial judge agreed that the affidavit had "some conclusory statements." He said that the affidavit should have been more specific. However, he ruled that "it did not fall to a level that I feel requires your motion to be granted." App. 120, ll. 21 – App. 121, ll. 7.

In trial, Investigator Justice explained that her basis for seeking the warrant was the use of Appellant's nickname "Junior" during the February 3 robbery, Appellant's use of the gamer tag "Little Abe," and that Appellant told her he was playing Xbox the night of March 8. App. 286, ll. 17 – App. 287, ll. 16.

During execution of the search warrant, Investigator Justice found Capo's Xbox, and when she turned it on she saw and took pictures of the "Little Abe" avatar and gamer tag. App. 289, ll. 1 – 11. State's Exhibits 76 – 96 , which were photographs of the items taken during the execution of

the search warrant, were admitted into evidence through Investigator Justice. There was no objection by defense counsel. App. 289, ll. 12 – App. 290, ll. 17. Defense counsel stipulated that the Xbox taken during the search of Morris' home was the one taken during the February 3, 2011 incident. App. 289, ll. 18.

Investigator Justice also executed a search warrant on the Impala and found two more masks. App. 292, ll. 5 – 25. When the photographs of the items taken from the Impala were admitted into evidence, there was no objection from defense counsel. App. 294, ll. 1 – App. 297, ll. 10.

The jury returned a verdict of guilty on each of the charges as indicted. App. 377, ll. 12 – 21. Judge Miller sentenced Morris to twenty-five years each on the burglary first degree and the armed robbery. He sentenced Morris to five years each on the gun charge and conspiracy to run concurrent to the burglary and armed robbery. App. 382, ll. 7 – 16.

Morris filed a notice of appeal. The South Carolina Court of Appeals affirmed Morris' convictions and sentences on November 26, 2014. State v. Morris, Op. No. 2014-UP-420 (Ct. App. Filed November 26, 2014). The Court of Appeals held that due to there being no objection to the evidence found during the execution of the search warrant, nor to the photographs of the evidence taken, the issue was not preserved for appellate review. App. 465- App. 466.

On January 8, 2015, Morris filed an application for post-conviction relief (PCR). The state filed a return on May 29, 2015. App. 384 – App. 390; App. 391 – App. 395. An evidentiary hearing was held on December 14, 2015 before the Honorable Perry H. Gravely. Morris was represented by Mills Arial, and the state was represented by Karen Ratigan. App. 396.

Petitioner Morris testified at his PCR hearing that trial counsel was appointed to represent him. App. 399, ll. 23. Morris said trial counsel was ineffective because he did not do the things

Morris wanted him to do. Morris told him that his co-defendant Cade gave a statement claiming ownership of the gun. Morris wanted counsel to subpoena Cade to testify to that, but counsel did not. Morris said Cade pled guilty to the gun charge. App. 402, ll. 7 – App. 403, ll. 3.

Morris then testified that trial counsel was ineffective because he did not argue to the trial court that the search warrant violated Morris' Fourth Amendment rights because the search warrant was insufficient. Morris argued that the detective did not have probable cause for the search warrant. Counsel did argue a motion in pretrial to suppress the evidence from the search warrant, and the solicitor admitted there was an error with the search warrant. Morris said that although the trial judge observed that the search warrant contained conclusory statements and should have been more specific, he said it was not at the level to grant Morris' motion to suppress. App. 404, ll. 8 – App. 405, ll. 20.

Morris then reported that trial counsel did not renew his objections to the search warrant and the evidence during trial which meant that the issue was not preserved for appellate review. Morris reported that the Court of Appeals held that they could not rule on the search warrant issue because it was not preserved for review because trial counsel did not renew his objection when the evidence form the search warrant was admitted. Trial counsel did not object to the evidence from the search warrant of the car either. When asked how this affected his case, Morris explained that if the evidence had been suppressed, there would have been no trial because the evidence from the search warrant was all the state had to "show his guilt." Without the gun charge, he would not have the armed robbery charge and could "have gotten a lighter sentence." App. 406, ll. 1 – App. 410, ll. 12.

Morris summarized how trial counsel was ineffective and violated his Sixth Amendment due process rights. He claimed that trial counsel failed to object and challenge unconstitutional evidence, and failed to preserve Morris' right to appellate review. App. 414, ll. 1- App. 415, ll. 14.

Morris asked the PCR court for a new trial. App. 424, ll. 24 – App. 425, ll. 6.

Trial counsel testified at the PCR hearing. App. 431, ll. 11 – 23. He said that the state decided not to proceed against the co-defendant Cade which counsel learned the day before or shortly before trial. He did not remember if Morris asked him to subpoena Cade. There was a statement after the verdict concerning the gun charge where the solicitor said there was an in-car tape where Morris asked Cade to take the gun charge because Cade had no priors, and Morris was on parole. App. 381, ll. 23- App. 382, ll. 6; App. 433, ll. 22 – App. 434, ll. 21.

Trial counsel's defense at trial was that Morris did not commit this crime and there was not sufficient evidence to prove him guilty. App. 435, ll. 9 – 14. Counsel testified that he saw no reason to object to the pictures of the items because the trial judge had ruled that the evidence (from the search warrant) was going to be admitted after counsel had a "lengthy and detailed suppression hearing." Counsel stated that since the X-box was admitted, he saw no basis to object to a picture of the x-box. App. 439, ll. 11 – App. 440, ll. 15.

Trial counsel did admit that it would have made a difference in Morris' case if counsel had objected and preserved the issue for appeal. App. 439, ll. 11 – 22. He admitted it would have made a "huge difference" in the outcome if he had been successful on his motion to suppress. App. 438, ll. 10 – 16.

Counsel explained there were three versions of the search warrant as well. One had the signature of the judge with no notary signature; one had a notary but no judge signature; and then was a third one. Counsel argued to the judge that there were too many versions and the warrant should have been suppressed for that reason also. App. 436, ll. 23 –App. 438, ll. 9.

As far as the gun issue, counsel said the gun was in arm's reach in the car of all three co-defendants. App. 442, ll. 25 – App. 443, ll. 2.

PCR counsel argued that there was a "likelihood" that Morris would have been found not guilty if the objections had been preserved. Counsel argued that usually the Court of Appeals in a decision where the issue was not preserved would rule that it was not prejudicial. However, that was not in Morris' decision. App. 444, ll. 11 – App. 445, ll. 20.

The PCR judge ruled that Morris had not met his burden of proof that trial counsel was ineffective in not "properly challenging the search warrants." The judge found that trial counsel "thoroughly attacked the search warrants" in his motion to suppress. App. 459. The PCR judge's order provided that no evidence was presented at the PCR hearing "to show how additional preparation would have had any possible effect on the result at trial." App. 460.

Concerning the admission of the photographs taken during the execution of the search warrant, the PCR judge wrote that because the trial judge found the search warrant to be proper, the photographs were properly admitted as evidence from the search warrant. The judge wrote in the order that Morris "failed to articulate how the introduction of the photographs into evidence was improper or what legal arguments trial counsel could have made in order to prevent their introduction." App. 461.

The PCR order provided that Morris failed to prove that trial counsel failed to render reasonably effective assistance under prevailing professional norms. App. 462. The judge denied Morris' PCR application and dismissed it with prejudice. App. 463. Morris filed a notice of appeal. This petition for a writ of certiorari follows.

ARGUMENT

The PCR court erred in not finding trial counsel ineffective for failing to renew his objection when evidence from the search warrant was introduced which was prejudicial to Petitioner because he was denied an appellate review of this issue since trial counsel had argued in a pretrial motion that the evidence should be suppressed because the search warrant and affidavit were insufficient and thus a violation of the Fourth Amendment as the affidavit did not state specific facts and provided only conclusory statements.

Where ineffective assistance of counsel is alleged as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

A two pronged test is used in evaluating allegations of ineffective assistance of counsel. The applicant must prove that counsel's performance was deficient and fell below reasonable professional norms; and there is a reasonable probability that, but for counsel's unprofessional errors, the result would have been different. Cherry v. State, 300 S.C. 117-118, 386 S.E.2d 624 (1989). A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997).

The PCR judge erred when he overlooked the opinion from the Court of Appeals which held that because trial counsel did not renew his objection to the evidence from the execution of the search warrant being admitted, the issue was not preserved for appellate review. The Court of

Appeals did not have the opportunity to review the validity of the affidavit and search warrant. This was prejudicial to Petitioner Morris as he very likely would have been granted a new trial.

Instead, the PCR judge focused on what other argument trial counsel could have made to the evidence. The legal argument was in the pretrial motion for the evidence to be suppressed. Trial counsel needed to object when the evidence was admitted at trial in order to preserve the issue for appellate review. In State v. Johnson, 324 S.C. 38, 476 S.E.2d 681 (1996), the Supreme Court ruled that a contemporaneous objection was required to properly preserve an error for appellate review.

The PCR judge then ruled regarding the admission of the photographs of the evidence from the execution of the search warrant, that Morris did not show what other legal argument trial counsel could have made to keep the evidence out. The PCR judge misapprehended that at that point of the trial, the issue was to preserve the trial court's admission of the evidence and search for appellate review. All trial counsel had to do was to object to the admission based on his pretrial motion. The PCR judge totally ignored the finding by the Court of Appeals that the issue was not preserved for their review.

Trial counsel failed to object to the evidence and the photographs of the evidence taken during the execution of the search warrant when the evidence as admitted at trial. See App. 289, ll. 1 - App. 290, ll. 25; App. 228, ll. 1 – App. 231, ll. 25; App. 297, ll. 1-25.

The Fourth Amendment of the United States Constitution and Article 1, Section 10 of the South Carolina Constitution guarantee "[t]he right of the people to be secure [from] unreasonable searches and seizures." Evidence obtained in violation of these provisions is inadmissible. E.g., State v. Forrester, 343 S.C. 637, 643, 541 S.E.2d 837, 840 (2001). A search warrant violates the Fourth Amendment and Article 1, Section 10 if there was an insufficient basis for a finding of probable cause to support the warrant. State v. Baccus, 367 S.C. 41, 50, 625 S.E.2d 216, 221

(2006), cert. denied 129 S. Ct. 733, 172 L. Ed. 2d 735 (2008). The reviewing court must ensure that the issuing magistrate had a substantial basis upon which to conclude that probable cause existed. Id. Whether probable cause existed is based on a "totality-of-the-circumstances":

> The task of the issuing magistrate is simply to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, including the "veracity" and "basis of knowledge" of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place.

Id. (quoting Illinois v. Gates, 462 U.S. 213, 238, 103 S. Ct. 2317, 76 L. Ed. 2d 527 (1983)). Search warrants may be issued "only upon affidavit sworn to before the magistrate . . . establishing the grounds for the warrant," S.C. Code Ann. § 17-13-140 (2003), and the affidavit "must set forth particular facts and circumstances underlying the existence of probable cause to allow the magistrate to make an independent evaluation of the matter," Baccus, 367 S.C. at 50-51, 625 S.E.2d at 221 (emphasis added) (citing Franks v. Delaware, 438 U.S. 154, 98 S. Ct. 2674, 57 L. Ed. 2d 667 (1978)).

In Baccus, the Supreme Court of South Carolina held that the trial court erred in admitting evidence seized pursuant to a warrant based on a police officer affidavit. Baccus, 367 S.C. at 52, 625 S.E.2d at 222. The defendant was accused of murdering his former girlfriend. The victim was on the phone with a friend when she was shot, and the friend told the police that the victim said defendant was there and that she heard the defendant say "I'm gonna kill your ass," followed by gunshots. The investigating officer relayed this information to another officer, who went to defendant's residence and arrested him after finding a smoldering pile of clothes in the back yard and a red substance on defendant's car parked a quarter mile from the house. Id. at 46, 625 S.E.2d at 218-19. The investigating officer then relayed these facts to a third officer, who completed an affidavit stating:

DESCRIPTION OF PROPERTY SOUGHT

> Any evidence such as: clothing, shoes, weapons, or forensics evidence such as blood. Which maybe connected with the Homicide of Brenda K. Godbolt which occurred in Marion County
>
> . . . .

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

> At the time of the suspects (sic) arrest at 2616 Alligator Rd. in Florence County, by Investigators Barry Prosser and Von Dean Turbeville with Florence and Marion County Sheriff's Office. A pile of what appeared to be clothing was lying on the ground beside the residence smoldering in plain view, and a vehicle the suspect was apparently driving was located approximately 1/4 of a mile from this residence with blood stains on the inside and outside of the vehicle.

Id. at 51-52, 625 S.E.2d at 221-22. Because the affidavit "fail[ed] to set forth any facts as to why police believed Appellant committed the crime," and because its language "lack[ed] specificity and contain[ed] conclusory statements," the Court held that the trial court erred in admitting clothing, shoes, and a vehicle key into evidence at the trial. Id. at 47, 52, 625 S.E.2d at 219, 222.

The Court in State v. Smith, 302 S.C. 371, 392 S.E.2d 182 (1990), similarly found an affidavit defective because it failed to explain why police believed the defendant committed a crime. The defendant moved to suppress the knife he allegedly used in a robbery. The prosecution obtained the knife in a search of defendant's hotel room. The affidavit supporting the search warrant stated:

> That on May 12th at approximately 11:45 p.m. Reginald Jerome Smith went into the Master Inn located at 1468 Savannah Hwy., Charleston, S. C. and he then robbed the manager at knife point. Smith has been staying at The Host of America Room 216 since Jan. 1, 1988 and there is every reason to believe the weapon and clothes used in the robbery will be located in the room. This information was confirmed in person by Sgt. Sherman on 05/13/88.

Id. at 372, 392 S.E.2d at 183. The Court held that the affidavit was "defective on its face" because it provided insufficient factual assertions for the magistrate to make a determination as to probable cause. Although the record showed that the police relied on an informant, there was no indication that this was made known to the magistrate. Thus, the affidavit failed to state why the police

believed the defendant committed the robbery. Id. at 373, 392 S.E.2d at 183; see also State v. Weston, 329 S.C. 287, 494 S.E.2d 801 (1997) (holding that an affidavit supporting a search warrant could not have provided a substantial basis for finding probable cause to search the defendant's car because it failed to set forth any facts as to why police believed he committed the crime and the first three sentences of the affidavit contained conclusory statements); State v. Jenkins, 398 S.C. 215, 727 S.E.2d 761 (Ct.App.2012) (holding that a search warrant affidavit did not meet the requirements of Baccus because it did not show why the police believed the defendant committed the crime charged); State v. Gentile, 373 S.C. 506, 646 S.E.2d 171 (Ct.App.2007) (holding that the affidavit and supplemental oral testimony to the magistrate did not support a finding of probable cause).

Investigator Justice's affidavit failed to explain why she believed Appellant committed the crimes charged. She simply wrote that Appellant was suspected in several armed robberies. App. 454. She stated that certain items were used in the robberies, and that the perpetrators were driving a silver impala. She then stated that this vehicle was stopped, and that once she began "interviewing the subjects and locating the firearms" she came to believe that the stolen property was located at Appellant's apartment. She did not, however, explain in her affidavit why she believed that Appellant committed the crimes charged, only "I believe he did it." App. 454. The affidavit fails to support a finding of probable cause. See, e.g., Baccus, *supra*; Smith, *supra.*

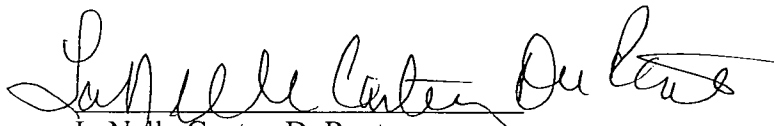
The only way the trial court could have concluded that the magistrate was presented with information sufficient to establish probable cause was for it to assume inferences on the part of the magistrate: that the "subjects" were in the car, and that they implicated Appellant in the crimes. Jenkins prohibits the trial court from making such assumptions. See Jenkins, 398 S.C. at 223, 727 S.E.2d at 765.

The affidavit in support of the search warrant for the apartment was insufficient for a finding of probable cause. Therefore, the warrant was invalid and the results of the search should have been suppressed.

The failure of trial counsel to make a contemporaneous objection to the evidence from the search warrant was highly prejudicial to Morris as it denied him the opportunity for an appellate court to review the issue of the validity of the affidavit and search warrant pursuant to the Fourth Amendment.

CONCLUSION

Based on the above, certiorari should be granted and the order of the PCR court reversed and the case remanded for a new trial.



LaNelle Cantey DuRant
Appellate Defender

ATTORNEY FOR PETITIONER

This 20th day of October, 2016.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Pickens County

Honorable Perry H. Gravely, Circuit Court Judge

LAROLD MORRIS,

PETITIONER,

V.

THE STATE,

RESPONDENT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Petition for Writ of Certiorari and a copy of the Appendix in the above referenced case has been served upon Karen Ratigan, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Petition for Writ of Certiorari and a copy of the Appendix have been served on Larold Lee Morris, #336461, at Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472, this 20th day of October, 2016.

LaNelle Cantey DuRant
Appellate Defender

ATTORNEY FOR PETITIONER

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

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