

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Richland County

Honorable G. Thomas Cooper, Circuit Court Judge

TYRIS B. GLOVER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-000900

PETITION FOR WRIT OF CERTIORARI

JOHN H. STROM
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

ORIGINAL

RECEIVED

JAN 12 2017

S.C. SUPREME COURT

INDEX

INDEX.....i

ISSUE PRESENTED 2

STATEMENT 3

ARGUMENT 11

CONCLUSION 18

ISSUE PRESENTED

The PCR court erred in denying Petitioner's ineffective assistance of counsel claim on the grounds that defense counsel had no basis for objecting to a lay witness' identification of Petitioner as the burglar depicted on a bar's surveillance video; where the witness, the bar's manager, had never seen Petitioner prior trial. Thus, his identification was an inadmissible lay witness opinion on an ultimate issue of fact in violation of South Carolina Rules of Evidence 701 and 704.

STATEMENT

Introduction

At around 9:30 a.m. on June 28, 2011, Ron Hubbard arrived at Sharky's, a bar located in Five Points, Columbia. App. 102, l. 14 - 105, l. 22. Upon opening the bar, Hubbard, the bar's manager, noticed liquor bottles strewn around the bar area and that the cigarette case located behind the bar was empty. *Id.* The machine normally held forty-five packs of cigarettes.

Hubbard also saw that one of the "French Quarter style" doors leading onto Harden Street was ajar. The cash register was damaged, but no money was missing. An inventory check revealed that no liquor or beer had been stolen. Hubbard called police as, "it became obvious that someone had, in fact, been in there that shouldn't have been." *Id.*

Columbia Police Officers Kevin Schmidt, Damian White, and Zack Jackson responded to Hubbard's call. When he arrived at Sharky's, Officers Schmidt reviewed the bar's video surveillance footage with Hubbard. App. 138, l. 1 - 149, l. 18. Neither Jackson nor White would testify at trial. The poor quality video, which transitioned randomly in and out of night vision, showed a black man in jeans and a white tee shirt riding a bicycle past Sharky's at 7:08 a.m. *Id.*; *see also State's Exhibit #30.*¹

The man stopped, got off his bicycle, and pushed open one of the French doors. App. 142, ll. 1-23. Schmidt claimed that the individual in the video had a "distinguished limp" and appeared to be wearing a New York Yankees hat. Once in the bar, the man grabbed a cleaning bucket and began to fill it with beers and bottles of liquor from behind the bar. *Id.*

The man briefly stood facing the cigarette case before unsuccessfully attempting to access the cash register. App. 145, l. 16 - 147, l. 20. As the man started to leave the bar,

¹ State's Exhibit #30 was the video surveillance footage from Sharky's Bar and is on file with this Court.

someone walking a dog down Harden Street noticed that one of the bar's French doors was ajar and stopped. To avoid being seen the man ran back into the bar and hid behind a low interior wall until the dog-walker continued on.

Once the dog-walker left, the man quickly slid through the French door, but - in his rush to get away - left behind the cleaning bucket of liquor bottles and beer that he had collected. App. 112, l. 19 - 113, l. 15. After viewing the video, Schmidt began driving around the surrounding area looking for the burglar. App. 148, l. 7 - 149, l. 20.

Approximately fifteen minutes into his search, Schmidt drove past Petitioner pushing his bicycle down Millwood Avenue. Schmidt stopped and interrogated Petitioner. *Id.* To Schmidt, Petitioner appeared to have similar limp and clothes as the man in the video. Petitioner allowed Schmidt to search his backpack.

Schmidt found four packs of cigarettes. App. 366, l. 3 - 367, l. 24. One pack was empty, two were open, and was unused. The brands of the **four cigarette packs** - Newport and Camel - matched some of the brands of **the forty-five packs** of cigarettes stolen from Sharky's approximately two hours earlier.

Schmidt asked Petitioner if he had a receipt for the cigarettes. App. 149, ll. 3-20. Petitioner stated that he did not have a receipt and expressed surprised that the office expected him to have one for such a small purchase. App. 366, l. 3 - 367, l. 24. Schmidt arrested Petitioner. Officer White and Investigator J.P. Williams were with Schmidt when he arrested Petitioner.

Indictment and Trial

Petitioner was indicted during the February 2012 term of the Richland County Grand Jury for burglary second degree (violent) and property crime, 3rd or subsequent offense. App. 412 - 415.

Petitioner proceeded to trial on April 26-27, 2012 before the Honorable R. Know McMahan and a jury. App. 1 - 346. Public Defenders Jeremy MacNealy and James D. Cooper, III, represented Petitioner. Assistant Solicitors Britton All and Dolly J. Garfield represented the State.

The State's case against Petitioner relied on the police officers and Hubbard identifying Petitioner as the man appearing on the bar's poor quality surveillance video. The only other evidence linking Petitioner to the burglary was testimony from the City of Columbia's crime lab technician Kermit Scott claiming that a single fingerprint taken off of a liquor bottle matched Petitioner's right ring finger and the four packs of cigarettes in Petitioner's backpack. App. 172, 1. 3 - 182 1. 25.

Trial Testimony of Ron Hubbard

Hubbard testified in great detail about Sharky's inventory system and video surveillance equipment. When prompted by the solicitor he expounded at length about his experience and skill in using the surveillance system:

A: In our, in our bars, we have a total of almost 32 cameras throughout outside and inside. And I'm the chief operating of the cameras. I spend many of times -- many hours in there watching film on our employees that they're doing anything suspicious and I've also been responsible for several cases with CPD helping them using our cameras.

Q: You're like the great eye in the sky?

A: Yes, ma'am. That's what it feels like but it takes -- it's very strenuous because usually it takes around 30 minutes to three hours to actually watch everything because I go back from the last know -- when something happened and watch it the entire time

App. 109, l. 17 - 110, l. 4 (*verbatim*). Without objection from defense counsel, Hubbard narrated what he believed was occurring in the video while it played for the jury. App. 112, l. 12 - 115, l. 16.

When asked by the State, **Hubbard admitted that he did not recognize the man shown in the video as anyone he personally knew or had seen before**, "I did not know who he was before this trial." App. 114, ll. 9-24. Despite admitting to not knowing the man in the video and to having never seen Petitioner before, Hubbard - again without objection - claimed that he was seventy-five to eighty percent certain that Petitioner was the man in the video. *Id.*

In a brief cross-examination, defense counsel repeatedly asked Hubbard if he was "really" able to identify Petitioner on the surveillance footage. App. 124, l. 14 - 125, l. 6. Hubbard answered each time that he was and pointed to specific camera angles that he claimed helped him identify Petitioner. *Id.*

Taking advantage of defense counsel's cross-examination, the solicitor began referring to the man in the video as Petitioner when asking Hubbard if he was certain of his identification. App. 125, l. 15 - 126, l. 13. She also used Hubbard's re-direct testimony to repeat his identification to the jury. *Id.*

Testimony by Columbia Police Officers

Officer Schmidt testified that Petitioner "matched the description [of the burglar] to a T." App. 149, ll. 19-20. Schmidt's identification was based on his belief that Petitioner and the burglar had the same limp. However, there was no evidence presented by the State suggesting

Petitioner had a limp as Schmidt could not produce video footage from his police car's cameras of his interactions with Petitioner.

Schmidt also stressed that the four packs of cigarettes found in Petitioner's back pack, were some of the same brands - Newport and Camel - as the forty-five packs of cigarettes stolen from Sharky's. App. 153, l. 15 - 155, l. 14. Schmidt was forced to admit on cross-examination that he had never completed an incident report for Petitioner's arrest and that he wrongly believed that he had responded to Sharky's at 8:30 a.m. when, in fact, Hubbard did not call police until 9:30 p.m. App. 306, ll. 14 - 307, l. 10.

Sergeant J.P. Williams testified that he had reviewed the video surveillance footage from Sharky's and concluded that Petitioner was the burglar. App. 215, l. 6 - 225, l. 3. Williams explained the circumstances surrounding his "identification":

Various different officers viewed the video. I was told by my sergeant through my investigation and I also learned through my investigation that they had observed an individual on the video that was identifiable and that they thought they had gotten out with that individual at Millwood and Shore which is where my then sergeant sent me to the location where Mr. Glove, the defendant, was at and where the officers who actually observed him and thought he was the person in the video were at.

App. 216, ll. 15-24. Williams averred that he first saw Petitioner as he was being arrested on Millwood Avenue. At the time of Petitioner's arrest, Williams had not seen the surveillance footage. App. 222, l. 10 - 223, l. 25. Williams' identification went unchallenged by defense counsel.

He then held forth without objection from defense counsel on which of Petitioner's features, ranging from his "mannerism [and] demeanor" to the "portion of [Petitioner's] head . . . right below the eyebrow", that led Williams to conclude that Petitioner was the man on the video. App. 220, l. 12 - 223, l. 17.

Following deliberations the jury found Petitioner guilty as charged. App. 330, ll. 3-13. Judge McMahon sentenced Petitioner to concurrent terms of twelve years for burglary second and ten years for the property crime enhancement. App. 344, ll. 5-22.

PCR Application

On March 10, 2014, Petitioner filed an application for post-conviction relief alleging that trial counsels were ineffective. App. 347 - 353. On June 30, 2014, the State filed a Return. App. 354 - 358.

Evidentiary Hearing

An evidentiary hearing was held on July 15, 2015 before the Honorable G. Thomas Cooper. Jonathan D. Waller represented Petitioner. Assistant Attorney General J. Clayton Mitchell represented the State. App. 359. Petitioner and lead defense counsel Jeremy MacNealy both testified at the hearing.

Hearing Testimony of Petitioner

Petitioner testified that he asked defense counsel to subpoena all of the available video footage from the Sharky's. Petitioner recalled that the State only produced footage from four of the thirty-two cameras in the bar. App. 369, l. 8 - 370, l. 8. Petitioner stated defense counsels did not share any trial strategies with him and that he was surprised when counsel challenged Schmidt's search of Petitioner's book bag as Petitioner had given Schmidt permission to search it. App. 372, l. 12 - 373, l. 20.

Hearing Testimony of Petitioner

Defense counsel testified that the State provided him with video footage from four to five of the bar's cameras. App. 386, l. 4 - 387, l. 17. Counsel did not believe it was necessary to try

and obtain video footage from the other thirty or so cameras as the videos provided showed all relevant angles. *Id.*

Defense counsel was then asked whether there was a reason he did not object to Hubbard “narrating the video and speculating and giving opinion as to what is going on” inside the bar. App. 390, ll. 5-8. Counsel candidly admitted that he had no strategic reason for failing to object to the testimony. *Id.*

Defense counsel conceded that he failed to object to Hubbard identifying Petitioner as the man in the video. App. 391, l. 2 - 392, l. 7. When asked to reflect on whether Hubbard’s identification was admissible, counsel stated that the state had not laid a proper foundation for Hubbard’s identification and that it should not have been made in front of the jury. *Id.*

Defense counsel noted ruefully that “I think I caught up to” Hubbard’s inadmissible identification when objecting to the solicitor referring to the man in the video as “Mr. Glover” when questioning Hubbard on re-direct. *Id.* Defense counsel’s objection came only after Hubbard made his identification. Defense counsel did not request a curative instruction or move to strike the identification. *Id.*

Order of Dismissal

Judge Cooper denied Petitioner’s application for post-conviction relief in a written order issued on December 22, 2015. App. 404 - 411. In denying Petitioner relief, the Court ruled that defense counsel was not ineffective for failing to contemporaneously object to Hubbard’s identification of Petitioner. App. 407.

Petitioner argued at the evidentiary hearing that the State failed to establish the necessary foundation for Hubbard to identify Petitioner to the jury. App. 390, l. 5 - 393, l. 16. The court rejected this argument, holding that no foundation was needed for Hubbard’s identification

because “the remedy for any suggestiveness of an in-court identification is cross-examination and argument.” *Id.*

While defense counsel admitted - in testimony the court found credible - that he had no strategic reason for failing to object to Hubbard’s identification, the court disagreed. The PCR court discerned that defense counsel - without knowing it - actually had a valid strategy behind allowing Hubbard to identify Petitioner:

Here, Counsel's strategy in cross examining Hubbard was to highlight the fact that the responding officer, Officer White's report contained inaccuracies. This was also argued in closing by Counsel. As to Hubbard's identification of Applicant, Counsel questioned him in a manner to let the jury know that they will be watching the video themselves and will be able to judge the reliability of the identification.

Id. (internal citations omitted).

Citing to defense counsel’s closing argument, the court further believed that “[c]ounsel made the strategic decision not to object to Hubbard’s in-court identification because he wanted to use the identification to impeach [Hubbard’s] credibility. This was certainly a reasonable strategy in handling the issue.” App. 408.

This petition follows.

ARGUMENT

The PCR court erred in denying Petitioner's ineffective assistance of counsel claim on the grounds that defense counsel had no basis for objecting to a lay witness' identification of Petitioner as the burglar depicted on a bar's surveillance video where the witness, the bar's manger, had never seen Petitioner prior trial. Thus, his identification was an inadmissible lay witness opinion on an ultimate issue of fact in violation of South Carolina Rules of Evidence 701 and 704.

Ineffective Assistance of Counsel

To establish ineffective assistance of counsel, the Petitioner must satisfy the two-prong test set forth in *Strickland v. Washington*, 466 U.S. 668 (1984). "First, a defendant must show that counsel's performance was deficient. Under this prong, [t]he proper measure of attorney performance remains simply reasonableness under prevailing professional norms." *Cherry v. State*, 300 S.C. 115, 386 S.E.2d 624 (1989) (internal citations omitted).

"The second prong of the *Strickland* test requires a showing that the deficient performance prejudiced the defendant to the extent that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. The defendant is required to overcome the presumption that counsel was effective in order to receive relief." *Id.* at 118, 386 S.E.2d at 625 (internal citations omitted).

Thus, where ineffective assistance of counsel is alleged as a ground for PCR 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." *Butler v. State*, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (quoting *Strickland*, 466 U.S. at 692).

Deficient Performance

Here, defense counsel's performance was deficient. As an initial matter, the PCR court's determination that defense counsel "made a strategic decision not object to Hubbard's in-court identification because he wanted to use the identification to impeach his credibility," contradicted

defense counsel's testimony - which the PCR court found credible - that counsel did not have a strategic reason for failing to object to Hubbard's identification. App. 390, l. 5 - 393, l. 16. In addition, defense counsel acknowledged that the State had not laid a proper foundation for admitting Hubbard's identification, but that he had failed to lodge a timely objection. *Id.*

Moreover, the PCR court committed an error of law by evaluating counsel's failure to object to Hubbard's identification as the failure to object to an in-court first time eye-witness identification. App. 407 - 408. The PCR court concluded, citing to case law on eye-witness identifications, that counsel could not have been ineffective for failing to object to Hubbard's identification of Petitioner because the identification was not objectionable and the "remedy for any suggestiveness of an in-court identification is cross examination and argument." *Id.*

However, Hubbard was not an eye-witness to the burglary. Case law addressing the reliability of eye-witness identifications was inapplicable to Petitioner's case and had no relevance to whether defense counsel provided constitutionally sufficient representation. *See Earley v. State*, 418 S.C. 255, 792 S.E.2d 226 (2016) (reversing PCR court where grant of PCR relief was based on incorrect application of *Strickland* analysis). Rather, the prosecution asked Hubbard if - in his opinion - Petitioner was the man depicted on the bar's video surveillance footage. App. 112, l. 18 - 114, l. 24.

South Carolina rules and case law make it clear that Hubbard's identification would not have been admissible and defense counsel should have objected to prevent the identification from being made in front of the jury. Hubbard was never qualified as an expert. He admitted that he had never seen Petitioner before trial. There was no foundation for his identification.

The South Carolina Rules of Evidence allow a party to present opinion or inference testimony regarding "an ultimate issue to be decided by the trier of fact" if a proper foundation

for admitting the testimony has been established. Rule 704, SCRE; *see also State v. Ellis*, 345 S.C. 175, 547 S.E.2d 490 (2001) (holding that opinion may be offered on ultimate issue only where witness is otherwise qualified).

Lay witness opinion testimony is only admissible when:

[T]he witness' testimony in the form of opinions or inferences is limited to those opinions or inferences *which (a) are rationally based on the perception of the witness, (b) are helpful to a clear understanding of the witness' testimony or the determination of a fact in issue*, and (c) do not require special knowledge, skill, experience or training.

Rule 701, SCRE (*emphasis added*). The "perception" of a lay witness is limited to that witness' first hand observations and personal knowledge regarding the subject of his testimony. *State v. Williams*, 321 S.C. 455, 469 S.E.2d 49 (1996) (holding that lay witness' opinion that murder victim may have stolen defendant's crack cocaine prior to being killed was admissible because it was rationally related to events that she witnessed and to her knowledge of the two men.).

An example of admissible lay witness identifications can be found in *State v. Fripp*, 396 S.C. 434, 721 S.E.2d 465 (Ct. App. 2012). On appeal, Fripp challenged the trial court's admission of testimony from two store employees identifying him as the burglar in the store's surveillance footage. The Court of Appeals affirmed the trial court's admission of the employees' testimony reasoning that the requirements of Rule 701, SCRE, had been satisfied.

Unlike Hubbard, both employees testified that they "knew Fripp 'very well' and "saw him all the time." 396 S.C. at 438-39, 721 S.E.2d at 467. One of the employees also knew Fripp through his family. Both recognized a very distinctive blue shirt that they frequently saw Fripp wear when he patronized the store he was convicted of burglarizing. Furthermore, the Court held that the identifications were "helpful in determining a key fact in issue - whether Fripp was the person depicted on the videotape." *Id.*

In upholding the admission of the employee's identification, the Court of Appeals approvingly quoted the Fourth Circuit:

[T]estimony by those who knew defendants over a period of time and in a variety of circumstances offers to the jury a perspective it could not acquire in its limited exposure to defendants. Human features develop in the mind's eye over time. These witnesses had interacted with defendants in a way the jury could not, and in natural settings that gave them a greater appreciation of defendants' normal appearance. Thus, their testimony provided the jury with the opinion of those whose exposure was not limited to three days in a sterile courtroom setting.

This fuller perspective is especially helpful where, as here, the photographs used for identification are less than clear.

Fripp, 396 S.C. at 440, 721 S.E.2d at 468 quoting *U.S. v. Allen*, 787 F.2d 933, 936 (4th Cir. 1986) *vacated on other grounds*, 479 U.S. 1077, 107 S. Ct. 1271(1987) (quotations omitted).

Here, Hubbard did not know Petitioner, but was allowed - without objection from defense counsel - to repeatedly opine that Petitioner was the man depicted on the bar's surveillance camera. App.112, l. 18 - 114, l. 24; see *In re Thomas S.*, 402 S.C. 373, 741 S.E.2d 27 (2013) (holding that the trial court erred in allowing social worker to give improper lay witness testimony where she had not personally observed petitioner abuse his victim and lacked personal knowledge of the reasons why petitioner committed offenses.).

The PCR court committed an error of law in analyzing defense counsel's conduct as a failure to object to an in-court identification by an eye-witness. App. 407 - 408. The PCR court also erred by erroneously categorizing counsel's actions as part of an objectively reasonable, strategic trial decision when defense counsel admitted that he had no strategic reason for failing to object to Hubbard's improper identification. *Id.*; see *Strickland*, 466 U.S. at 687-88. See *Roseboro*, 317 S.C. at 294, 454 S.E.2d at 313.

Hubbard's identification of Petitioner was an unqualified lay opinion on the ultimate issue of whether Petitioner committed the burglary and was inadmissible under both Rule 701 and Rule 704, SCRE. Counsel rendered deficient performance by failing to object.

Prejudice

Petitioner was prejudiced by defense counsel's failure to object to Hubbard's inadmissible identification because the identification bolstered the dubious identifications of Petitioner made by the investigating officers and was a vital piece of evidence in the State's case against Petitioner. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814 (holding that the test for prejudice in ineffective assistance of counsel cases is whether counsel's deficient performance "so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result.") *quoting Strickland*, 466 U.S. at 692.

The only other evidence tending to prove Petitioner's guilt was a single fingerprint and the four packs of cigarettes in his bag pack. Petitioner's case turned on whether jurors found beyond a reasonable doubt that Petitioner was the man depicted in the bar's surveillance video. To that end, the prosecution had Hubbard and the responding police officers testify that they could identify Petitioner as the man in the video with near total certainty.

Hubbard, seeing Petitioner in person for the first time at trial, claimed he was between 75% and 80% certain Petitioner was the man in the video. App. 112, l. 18 - 115, l. 16. Hubbard easily withstood defense counsel's brief cross-examination and continued to identify Petitioner as the man in the video; compounding the prejudicial impact of his inadmissible identification. App. 124, l. 14 - 125, l. 6. Defense counsel's ineffectual attack on the identification allowed the prosecution to re-emphasize it on re-direct by repeatedly referring to the man in the video as "Mr. Glover", without drawing an objection. App. 125, l. 15 - 126, l. 13.

Jurors were likely to give Hubbard's identification significant weight. Hubbard testified authoritatively on the operation of the bar's camera system, his use of the camera system to assist to law enforcement in past cases, and the bar's rigorous inventory recording keeping. App. 109, l. 15 - 11, l. 9; App. 119, l. 19 - 123, l. 20. The police investigation, and by extension the police officers' credibility as witnesses, fared poorly by comparison.

The only incident report was written by an officer fired from the police force and never testified. App. 167, l. 7 - 168, l. 3. More problematically, the fired officer's report contained false and contradictory statements about response times and the items stolen from the bar. *Id.*; *see also* App. 122, l. 5 - 124, l. 13. None of the other officers documented their investigation. Lead Investigator Williams never spoke with Hubbard and never even went to Sharky's. App. 252, l. 4 - 271, l. 18. There was no video of Officer White's investigative stop of Petitioner. There was no evidence - beyond Officer White's uncorroborated testimony - that Petitioner walked with a limp.

The defense's theory of the case was that the quality of the video prevented anyone from accurately identifying the burglar and that the police simply stopped the first black man they found on a bicycle. App. 307, l. 11 - 316, l. 7. Hubbard's identification with his appearance of competence and relative disinterest was critical to the State's case. Defense counsel even conceded in closing argument that Hubbard "is a likeable guy. . . . [I]f I ever have the opportunity to drink at Sharky's I hope he won't turn me down to drink." App. 306, ll. 16-20.

Cross-examining Hubbard on the circumstances of his identification was not an adequate substitute for preventing his identification from reaching the jury. Therefore, the PCR court erred in finding trial counsel provided effective assistance of counsel because "there is a reasonable probability that, but for [trial] counsel's unprofessional errors, the result of the proceeding would

have been different.” App. 440 - 441; *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625 (internal citations omitted); *see Strickland*, 466 U.S. 668.

CONCLUSION

Based on the foregoing reason, Petitioner Tyris Glover respectfully requests that this Court grant his Petition for Writ of Certiorari to allow a full briefing on this issue.



John H. Strom
Appellate Defender

ATTORNEY FOR PETITIONER

This 12th day of January, 2017.

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED
JAN 12 2017
S.C. SUPREME COURT

Certiorari to Richland County

Honorable G. Thomas Cooper, Circuit Court Judge

TYRIS B. GLOVER,

PETITIONER


V.

STATE OF SOUTH CAROLINA,

RESPONDENT

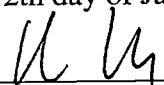
CERTIFICATE OF SERVICE

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 Jessica Kinard, 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 Tyris B. Glover, #157418, at Turbeville Correctional Institution, PO Box 252, Turbeville, SC 29162, this 12th day of January, 2017.


John H. Strom
Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 12th day of January, 2017.



Notary Public for South Carolina
My Commission Expires: 5/12/2025