STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to the Court of Appeals
Appeal from Aiken County
Honorable R. Knox McMahon, Circuit Court Judge

Opinion No. 2017-UP-025 (S.C. Ct. App. filed Jan. 11, 20167)

Indictment Nos. 2014-GS-02-01253, -01254

THE STATE,

RESPONDENT,

V.

DAVID GLOVER,

PETITIONER

APPELLATE CASE NO. 2015-001144

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS

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CERTIFICATE OF COUNSEL

Counsel for petitioner certifies that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on February 23, 2017. App. 12.

QUESTION PRESENTED

Whether the trial court erred in failing to recharge the jury on self-defense where the jury was charged on both attempted murder and assault and battery of a high and aggravated nature three times during the course of the trial court's original jury charge and re-charges, such that, under the totality of the circumstances, the jury charge was unbalanced and prejudicial to the defendant?

STATEMENT OF THE CASE

On September 4, 2014, the Aiken County grand jury indicted Appellant David Glover for attempted murder, first degree burglary, and possession of a firearm during the commission of a violent crime. R. 355.

On May 13-14, 2015, Glover appeared for trial before the Honorable R. Knox McMahon and a jury. Glover was represented by C. David Hayes and Michael Routzong, and the state was represented by assistant solicitors Jeffrey Slocum, Jr. and Cassie Hall. R. 1. The jury found Glover not guilty of first degree burglary but guilty of attempted murder and possession of a firearm during the commission of a violent crime. R. 341, l. 9 – 342, l. 4. On May 18, 2015, Glover was sentenced by Judge McMahon to concurrent sentences of twenty-five years for attempted murder and five years for the weapons offense. R. 352.

On May 21, 2015, Glover filed and served a timely notice of appeal. Undersigned counsel perfected his appeal. On January 11, 2017, a three-judge panel of the Court of Appeals affirmed Glover's convictions and sentences in an unpublished, *per curiam* opinion. State v. Glover, Op. No. 2017-UP-025 (S.C. Ct. App. filed Jan. 11, 20167); App. 1-2. On January 24, 2017, Glover filed a petition for rehearing. App. 3-11. By order filed February 23, 2017, the Court denied the petition for rehearing. App. 12.

This petition for writ of certiorari follows.

ARGUMENT

The trial court erred in failing to recharge the jury on self-defense where the jury was charged on both attempted murder and assault and battery of a high and aggravated nature three times during the course of the trial court's original jury charge and re-charges, such that, under the totality of the circumstances, the jury charge was unbalanced and prejudicial to the defendant.

Introduction

Glover's charges arose from an incident with his long-time girlfriend, Vernell Weaver, on May 10, 2014. The two were in a relationship for thirteen years, ten of which were "steady" and the more recent of which were "off and on." R. 49, ll. 6-17; R. 253, ll. 17-20. Glover admitted that he shot Weaver but testified that he did so in self-defense after she attacked him with a hammer. R. 255, l. 4 – 259, l. 21. The trial judge denied the defense's request to recharge the jury on self-defense such that the jury was charged on both attempted murder and assault and battery of a high and aggravated nature three times during the course of the trial court's original jury charge and re-charges but charged only once on self-defense. R. 327, l. 24 – 339, l. 23.

It is ordinarily sufficient for a judge to recharge only the law necessary to answer the question of the jury. State v. Anderson, 322 S.C. 89, 94, 470 S.E.2d 103, 106 (1996). However, **the present case involved three recharges – one at the request of the defense due to an error in the judge's original charge and two more in response to jury questions.** R. 327, l. 24 – 330, l. 12 (recharge on attempted murder and specific intent); R. 332, l. 24 – 335, l. 19 (recharge on attempted murder and ABHAN); R. 339, ll. 5-23 (recharge on ABHAN statute). Thus, this is an *exceptional* case where the repeated recharging of the elements of two of the offenses, without any additional reference to the defense properly raised at trial, resulted in an unbalanced jury charge prejudicial to the defendant. See United States v. Meadows, 598 F.2d 984, 990 (5th Cir. 1979) ("It is well-

established that in giving additional instructions to a jury; particularly in response to inquiries from the jury, a court must be especially careful not to give an unbalanced charge.").

Relevant Facts

Evidence at Trial

The night prior to the incident, Weaver stayed the night with her boyfriend, George Mackey. R. 50, ll. 5-22. On the morning of the incident, Mackey went out of town and Weaver called Glover and asked him to give her a ride. R. 50, l. 24 – 51, l. 17; R. 250, l. 19 – 251, l. 9. Despite the ambiguous status of their relationship, Glover and Weaver shared a residence and Weaver kept clothing there. R. 253, ll. 5-20. They had discussed going to eat at a local church but instead made several stops, including one for Weaver to purchase crack cocaine. R. 250, l. 19 – 252, l. 20. They eventually arrived at their shared residence, where Weaver smoked a portion of the cocaine. R. 252, l. 21 – 254, l. 4. After twenty to thirty minutes, they left and went back to Mackey's house. They parked down the road because Weaver did not want Mackey's "neighbors in her business." R. 254, ll. 7-24. Glover was invited in by Weaver. He sat down and talked to her while she went in another room and smoked the rest of her cocaine. R. 255, ll. 2-18. Weaver asked Glover for money so she could buy more drugs but he did not have any money to give her. The two got into an argument, which turned physical. R. 255, l. 19 – 256, l. 12.

Weaver picked up a hammer and swung it at Glover. R. 256, ll. 13-25. The two fought over the hammer, causing Glover to fall into and break a portion of the sheet rock wall. Glover described Weaver as "in a rage." They continued to fight and both fell through the front door onto the porch, breaking the glass. R. 257, l. 1 – 258, l. 6. As they fell through the door, Glover pulled out his handgun. As he tried to get up from the porch, he fired two shots while Weaver

continued to swing the hammer. R. 258, l. 7 – 259, l. 14. One of the bullets hit Weaver. According to the treating physician, Dr. Bradford Huffman, the bullet that struck Weaver either came upward from a lower area or she was turned and braced against something when she was shot. R. 235, ll. 9-23. Notably, Weaver did not claim that she was turned away at the time she was shot. Rather, she said: "[W]hen I saw the gun go up, that's when I felt the bullet. I felt it. Then I turned, and I ran." R. 56, ll. 8-9.

After being struck by a bullet, Weaver ran into the bedroom and leaned up against the door. Glover climbed through the hole made in the wall during the fight so that he could see if Weaver was alright. He was unsure at that point if she was injured. R. 259, l. 15 – 261, l. 14. Weaver dialed 911 on her cell phone. On the recording of the call, Weaver is heard screaming and says: "I won't hit you no more." R. 290, ll. 3-15; State's Ex. 3 (CD of 911 call), on file with this Court. Weaver ran out of the house to the neighbors' house, followed by Glover. Glover attempted to get Weaver to let go of the hammer, but she would not. When the neighbors called the police, Glover left and hid in the woods. R. 261, l. 15 – 263, l. 25. However, Glover later turned himself in and was interviewed by police on May 11, 2014. R. 263, ll. 24-25; see also R. 33, l. 15 – 43, l. 16.

Weaver told a different story to the jury. She claimed that she could not recall who called who, but that Glover offered to pick her up from near Mackey's house so that she could get some fresh clothing. R. 50, l. 24 – 51, l. 17. When they got to their shared home, Weaver said that she and Glover talked about their relationship and whether they would try to "work things out." Glover asked her where Mackey was and she told him that he was away with his niece. Weaver then got her clothes together and Glover dropped her off back on a nearby street. According to Weaver, she declined Glover's offer to drive her up to the house itself. R. 51, l. 18 – 52, l. 8.

Weaver claimed that she was in the bedroom at Mackey's house when she heard banging and saw Glover "standing at the screen door." She said that she saw a gun go up and felt the bullet. She turned and ran into the bedroom. R. 55, l. 24 – 56, l. 11. Weaver claimed that Glover then broke through the wall and came into the bedroom as she was dialing 911. R. 56, ll. 12-19. She grabbed his arm and they tussled across the bed while she tried to get the gun from him. She then tried to throw the gun out the window but Glover pulled her back. R. 56, l. 21 – 57, l. 3. Weaver further alleged that Glover attempted to shoot her twice more in the stomach but that the gun would not fire. R. 57, ll. 4-10. She then ran through the living room, picked up the hammer, tripped and fell on some glass, and ran to the neighbors' house. R. 118, l. 20 – 119, l. 12. She admitted that she tested positive for cocaine at the hospital but denied having purchased any cocaine on the day of the incident. R. 72, ll. 12-16.

Weaver also had gunshot residue on her back right hand and her left palm, which the solicitor implied could have come from her efforts to take the gun from Glover. R. 196, l. 2 – 197, l. 4; R. 201, ll. 20-24. However, Weaver testified that she is right handed. R. 82, ll. 16-18. Thus, defense counsel argued that it was doubtful that Weaver would grab for the gun with her left hand. He argued that the gunshot residue contradicted Weaver's claim that she was shot from far away and through the door. Rather, Weaver was more likely shot in the midst of the struggle while clenching the hammer in a fist made by her right hand. R. 200, l. 13 – 201, l. 13; R. 290, l. 24 – 291, l. 19. Defense counsel also noted the testimony and photograph that showed that the glass in the door was primarily on the front porch and that the chain was still latched. Thus, it appeared that the door was broken from the inside, as indicated by Glover. R. 128, ll. 2-17; R. 289, ll. 5-23; State's Ex. 29, 30, 31 (photographs of door), on file with this Court.

Jury Charges and Recharges

In addition to the standard criminal jury instructions and instructions on the indicted offenses, the jury was initially charged on assault and battery of a high and aggravated nature ("ABHAN"), first degree assault, and self-defense. R. 272 – 282 (charge conference); R. 302 – 324 (original jury charge). The jury was subsequently recharged three times, once at the request of defense counsel and twice in response to jury questions. R. 327, l. 24 – 330, l. 12 (recharge on attempted murder); R. 332, l. 24 – 335, l. 19 (recharge on attempted murder and ABHAN); R. 339, ll. 5-23 (recharge on ABHAN). The first recharge was on attempted murder. It occurred after defense counsel pointed out the then recent opinion in State v. King, 412 S.C. 403, 772 S.E.2d 189 (Ct. App. 2015) (holding that specific intent to commit murder is an element of attempted murder), *cert granted*, S.C. Sup. Ct. Order dated Mar. 28, 2016.[1] R. 324 – 330. The jury began its deliberations at 5:28 p.m. R. 331, l. 11.

The jury submitted a written question to the court, asking: "What is the difference between guilty of attempted murder and guilty of assault and battery of a high and aggravated nature." R. 331, ll. 14-18; R. 353. At 6:22 p.m., the jury entered the courtroom, at which time the trial judge recharged the jury on both attempted murder and assault and battery of a high and aggravated nature. R. 332, l. 24 – 335, l. 19. The judge then asked the solicitor and defense counsel if they had any objections. Defense counsel responded: "We would just ask the Court to consider re-instructing on self-defense as well." R. 336, ll. 13-17. The trial court denied Appellant's request to recharge the jury on self-defense based on State v. Anderson, 322 S.C. 89, 470 S.E.2d 103 (1996). R. 337, ll. 1-20.

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[1] The trial judge originally charged the jury: "The specific intent to kill is not an element of attempted murder. There must be a general intent to commit serious bodily injury." R. 315, ll. 23-25.

The jury later sent a second question, asking "Can you give an example of guilty of assault and battery of a high and aggravated nature without reading the law?" R. 337, l. 24 – 338, l. 2; R. 353. At 8:01 p.m. the jury returned to the courtroom and the judge told them that the "short answer to that is no" and explained the jury's role as the finder of facts. He further explained that it is impermissible for him to give an example, as such would be a comment on the facts. R. 338, l. 10 – 339, l. 4; R. 339, ll. 9-14. However, the judge provided an abbreviated definition of ABHAN, saying: "I can tell you the statute is, of course, one person unlawfully injures another person and either great bodily injury as defined by the statute is also present or the act was accomplished by means likely to present death or great bodily injury." R. 339, ll. 5-9. He then repeated:

> If you find that the State has proved those elements or has not proved those elements beyond a reasonable doubt, based on your facts and the law as I told you, you would find the defendant not guilty. If you find the State has met its burden of proof and you compare those facts to the standard of the law and you found the State has proven its case beyond a reasonable doubt as to that charge or whatever charge, you would find the defendant guilty.

R. 339, ll. 15-23.

The jury was *never* recharged on the elements of self-defense or that the State has the burden of disproving self-defense by proof beyond a reasonable doubt.[2] See R. 318, l. 19 – 320, l. 19. At 8:18 p.m., the jury reported that it had reached a verdict. R. 340, ll. 15-16. The jury convicted Glover of attempted murder and the weapons offense but acquitted him of the burglary charge. R. 341, ll. 9-21.

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[2] Though defense counsel did not again request a recharge on self-defense after the third recharge of the jury, such a request would have been futile based on the trial court's ruling upon his prior request for a recharge on self-defense. See Staubes v. City of Folly Beach, 339 S.C. 406, 415, 529 S.E.2d 543, 547 (2000) ("This Court does not require parties to engage in futile actions in order to preserve issues for appellate review.").

Discussion

A bright-line rule that a trial judge need never grant a defendant's request for additional recharges, even where repeated recharges on other matters have resulted in an unbalanced charge prejudicial to the defendant, is inconsistent with the fundamental right to due process. See United States v. Sutherland, 428 F.2d 1152, 1157 (5th Cir. 1970) ("In giving additional instructions to a jury — particularly in response to inquiries from the jury — the court should be especially careful not to give an unbalanced charge."). Both the trial court and Court of Appeals relied upon this Court's holding that "[i]t is well established in South Carolina that '[w]hen a jury requests an additional charge, it is sufficient for the court to charge only those matters necessary to answer the jury's request.'" State v. Anderson, 322 S.C. 89, 94, 470 S.E.2d 103, 106 (1996) (quoting State v. Barksdale, 311 SC 210, 216, 428 S.E.2d 498, 502 (Ct. App. 1993)). However, neither Anderson nor Barksdale involved **repeated recharges** on the elements of the offenses.

In Anderson, this Court found no error in the trial court's refusal to give a second King[3] charge where a King charge was given in the original instructions and the jury only asked to be recharged on the definitions of murder, malice, and involuntary manslaughter. 322 S.C. at 94, 470 S.E2d at 106. This Court ruled that "the recharge was properly limited to answering the jury's question." Id. Glover's case is distinguishable in that Anderson did not deal with repeated recharges or a request to recharge the affirmative defense of self-defense. This Court has long recognized that a charge on self-defense has a special status, separate from a King charge or charges on lesser-included offenses, in part because of an individual's right to defend himself. See, e.g. State v. Dickey, 394 S.C. 491, 499, 716 S.E.2d 97, 101 (2011) ("[W]hen a defendant claims self-

[3] State v. King, 158 S.C. 251, 155 S.E.409 (1930) (holding that trial court should instruct the jury that if they had any reasonable doubt as to whether unlawful killing was murder or manslaughter, it was jury's duty to convict defendant of the lesser offense, manslaughter).

defense, the State is required to disprove the elements of self-defense beyond a reasonable doubt."); State v. Hendrix, 270 S.C. 653, 660-61, 244 S.E.2d 503, 507 (1978) ("Once the appellant's right to fire in self-defense arose, he was not required to wait until his adversary was on equal terms or until he fired or aimed his weapon."); State v. McGee, 185 S.C. 184, 193 S.E. 303, 305 (1937) ("Self defense is a plea that any person charged with murder may plead. It is a right that has come to us from time immemorial to defend yourself against serious bodily harm or death."); State v. Fuller, 297 S.C. 440, 443, 377 S.E.2d 328, 330 (1989) ("In charging self-defense, we instruct the trial court to consider the facts and circumstances of the case at bar in order to fashion an appropriate charge."). In a case like this, where Glover admitted that he fired the weapon that shot Weaver, his assertion of self-defense was of paramount importance. Considering the original charge and three additional recharges as a whole, the trial court overemphasized the offenses of attempted murder and ABHAN by charging them both three times, creating an unbalanced charge prejudicial to Glover.

In Barksdale, after the trial court charged the jury and it began deliberations, the jury requested a recharge on lynching and self-defense. 311 SC at 216, 428 S.E.2d at 502. The court recharged the statutory definition of lynching and asked the jury if it needed to be read the statutory definition of a mob. Id. The jury replied in the negative. Id. The appellants claimed that the failure to recharge the definition of a mob placed emphasis on the act of violence without emphasizing that the act had to be done by an assemblage with the premeditated purpose and premeditated intent of committing the act. Id. The Barksdale Court found no error in the refusal to recharge the definition of "mob," holding "[w]hen a jury requests an additional charge, it is sufficient for the court to charge only those matters necessary to answer the jury's request." Id.

One of Barksdale's co-defendants, McKinney, whose case was consolidated on appeal, argued that the trial judge also erred in its charge on self-defense because it did not instruct the jury "that any reasonable doubt as to whether the defense had been established should be resolved in his favor." 311 SC at 216-17, 428 S.E.2d at 502. The Barksdale Court again found no error because the court recharged the elements of self-defense when requested by the jury and had already charged the jury on reasonable doubt. Id. Thus, unlike the present case, the jury in Barksdale was recharged on self-defense. Moreover, like Anderson, the Barksdale case did not involve multiple recharges and the danger of an unbalanced charge.

Similar to the South Carolina courts, the Fifth Circuit Court of Appeals has held that "a trial court ***generally*** may limit a supplemental charge to the specific instruction requested by the jury." United States v. Ehrlich, 902 F.2d 327, 330 (5th Cir.1990), *cert. denied*, 498 U.S. 1069, 111 S.Ct. 788 (1991) (emphasis added). However, the Fifth Circuit has advised the lower courts:

> **In giving additional instructions to a jury— particularly in response to inquiries from the jury— the court should be especially careful not to give an unbalanced charge.** If the Judge chooses to give any additional charge and elects not to repeat the entire original charge, he should remind the jury of the burden and quantum of proof and presumption of innocence or remind them that all instructions must be considered as a whole or take other appropriate steps to avoid any possibility of prejudice to the defendant.

United States v. Sutherland, 428 F.2d 1152, 1157-58 (5th Cir. 1970) (emphasis added).

In Ehrlich, the jury was initially charged orally but was later given a partial written recharge in response to a request for a recharge. 902 F.2d at 330. In such a circumstance, the Ehrlich Court found "there is no error unless, under the totality of the circumstances, the court's written response creates an unbalanced charge prejudicial to the defendant." Id. There is a concern that giving supplemental, partial written instructions to the jury "creates a risk that the jury will perceive the writing as embodying the more important instructions, inviting greater attention to the principles that are repeated in writing than those simply recited orally." Rickman

v. Georgia, 587 S.E.2d 596, 598 n. 5 (Ga. 2003); see also State v. Wright, 630 A.2d 772 (N.H. 1993) ("recogniz[ing] the potential for prejudice inherent in any charge in which some oral instructions are repeated to the jury in written form, while others are not."). This Court has gone further, holding that while it is within the trial judge's discretion to submit its instructions on the law to the jury in writing, "[i]t is **never** appropriate . . . to give only part of the [written] charge to the jury . . . ." State v. Covert, 382 S.C. 205, 210, 675 S.E.2d 740, 743 (2009) (emphasis added); see also State v. Turner, 373 S.C. 121, 129, 644 S.E.2d 693, 697–98 (2007).

Regardless of whether the supplemental instructions are given orally or in writing, the same risk of creating an unbalanced charge is present. In United States v. Meadows, 598 F.2d 984, 990 (5th Cir. 1979), the Fifth Circuit wrote that "the particular significance of a supplemental charge when a jury has been unable to reach a decision on the basis of all it has heard up until that time demands an exacting sensitivity on the part of the trial court to give an accurate and balanced instruction." In United States v. Carter, the Court wrote:

> When after an hour and 40 minutes of deliberation a jury returns, not with a verdict, but with a request for clarification of a particular point of law, it must be recognized that the jury has been unable to reach a decision on the basis of all it has heard up until that time. Under those circumstances a trial judge must be acutely sensitive to the probability that the jurors will listen to his additional instructions with particular interest and will rely more heavily on such instructions than on any single portion of the original charge. **Thus, the court must exercise special care to see that inaccuracy or imbalance in supplemental instructions do not poison an otherwise healthy trial.**

491 F.2d 625, 633 (5th Cir. 1974) (emphasis added); see also Bollenbach v. United States, 326 U.S. 607, 612, 66 S.Ct. 402 (1946) ("Particularly in a criminal trial, the judge's last word is apt to be the decisive word. If it is a specific ruling on a vital issue and misleading, the error is not cured by a prior unexceptional and unilluminating abstract charge.").

In the present case, the jury's first question to the Court was sent a little less than one hour they began deliberations. The jury was still requesting guidance from the court after approximately two and half hours of deliberation, such that there was a heightened potential that the supplemental charge could cause an imbalance in the jury charge. At the conclusion of the first recharge on attempted murder and specific intent, the trial judge said:

> So I've recharged you as to the charge of attempted murder. [E]ncapsulate that, of course, with my previous charge of attempted murder, assault and battery of a high and aggravated nature and assault and battery in the first-degree.
>
> With that being said, again if you would are return to your jury room momentarily. Do not discuss the case until you're instructed to do so.

R. 330, ll. 8-15. These remarks did not constitute a reminder "of the burden and quantum of proof and presumption of innocence" or "that *all* instructions must be considered as a whole." See Sutherland, 428 F.2d at 1157-58 (emphasis added).

In the second recharge, the trial judge mentioned "[a]s far as attempted murder -- and keep in mind my previous charge as to issue of intent" before recharging the jury on the elements of attempted murder and assault and battery of a high and aggravated nature. R. 333, ll. 2-3. It was after the second recharge that defense counsel asked the trial judge to recharge on self-defense. R. 336, ll. 16-17. The judge initially stated that he would bring the jury back out and "tell them the entire charge," which would include the self-defense charge but the state objected. R. 336, ll. 18-25. After reviewing case law, the trial judge said that he "answered the jury's question and rely on State versus Anderson." R. 337, ll. 1-18.

The third recharge of the jury was in response to its request for an example of guilty of assault and battery of a high and aggravated nature. The trial judge responded that he could not provide an example because to do so would be a comment on the facts. However, he told the jury that the ABHAN statute provides: "[O]ne person unlawfully injures another person and

either great bodily injury, as defined by the statute, is also present or the act was accomplished by means likely to present death or great bodily injury." R. 388, l. 11 – 339, l. 10. The trial judge concluded by telling the jury:

> You determine the facts as you, the jury, find them to be and you then compare that to the standards of the law, both the offense as listed in the indictments and of course the lesser-included offense or offenses.
>
> If you find that the State has proved those elements or has not proved those elements beyond a reasonable doubt, based on your facts and the law as I told you, you would find the defendant not guilty. If you find the State has met its burden of proof and you compare those facts to the standard of the law and you found the State has proven its case beyond a reasonable doubt as to that charge or whatever charge, you would find the defendant guilty.

R. 339, ll. 11-23. While this was a reminder of the state's burden of proof as to the offenses, it did not include any reference to the presumption of innocence. See Sutherland, 428 F.2d at 1157-58. Further, the judge made no mention of self-defense or the state's responsibility to disprove the elements of self-defense beyond a reasonable doubt in this final recharge to the jury. See State v. Dickey, 394 S.C. 491, 499, 716 S.E.2d 97, 101 (2011) ("[W] hen a defendant claims self-defense, the State is required to disprove the elements of self-defense beyond a reasonable doubt.").

This Court should analyze this case based on whether the trial court's oral recharges, none of which included a recharge on self-defense, "create[d] an unbalanced charge prejudicial to the defendant." Notably, a jury question does not necessarily present an inquiry from all twelve jurors. It could be only one juror whose inquiries resulted in the entire jury being charged on attempted murder and ABHAN a total of three times. Here, Glover admitted that he fired the bullet that struck Weaver such that intent and self-defense were the only contested matters before the jury. Thus, the failure to recharge self-defense, in light of the repeated recharges on

attempted murder and ABHAN, resulted in an unbalanced charge that was prejudicial to Glover under the totality of the circumstances.

CONCLUSION

Based on the foregoing, Petitioner David Glover respectfully request this Court grant the petition for writ of certiorari and order full briefing on the issue presented. In the event this Court grants the writ, but dispenses with further briefing, Petitioner respectfully requests this Court reverse his convictions and remand for a new trial.

Respectfully Submitted,

Laura R. Baer
Appellate Defender

ATTORNEY FOR PETITIONER

This 27th day of March, 2017.

RECEIVED

MAR 27 2017

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to the Court of Appeals
Appeal from Aiken County
Honorable R. Knox McMahon, Circuit Court Judge

Opinion No. 2017-UP-025 (S.C. Ct. App. filed Jan. 11, 20167)

Indictment Nos. 2014-GS-02-01253, -01254

THE STATE,

RESPONDENT,

V.

DAVID GLOVER,

PETITIONER

CERTIFICATE OF SERVICE

I certify that a copy of the Petition for Writ of Certiorari and a copy of the Appendix in this case has been served on Ranee Saunders, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and David Glover, at Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472, this 27th day of March, 2017.

Laura R. Baer
Appellate Defender
ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO BEFORE
ME this 27th day of March, 2017.

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