

STATE OF SOUTH CAROLINA

ORIGINAL

IN THE COURT OF APPEALS

Appeal from Marion County

Michael G. Nettles, Circuit Court Judge

RECEIVED

JAN 08 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MALCOLM ANTWON WILLIAMS,

APPELLANT

APPELLATE CASE NO 2017-001175

ANDERS BRIEF OF APPELLANT

SUSAN B. HACKETT
Appellate Defender

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

ATTORNEY FOR APPELLANT

TABLE OF CONTENTS

TABLE OF CONTENTS..... i

TABLE OF AUTHORITIES ii

STATEMENT OF ISSUE ON APPEAL.....1

STATEMENT OF THE CASE.....2

ARGUMENT

The trial judge erred when he permitted the state to introduce evidence of an alleged threat made by Appellant to a witness almost two weeks prior to the charged offenses where the danger of unfair prejudice substantially outweighed its probative value where the state’s case depended entirely upon the jury believing the witness and the threat injected emotion into the jury’s calculus.....3

CONCLUSION.....13

PETITION TO BE RELIEVED AS COUNSEL14

TABLE OF AUTHORITIES

Cases

Old Chief v. United States, 519 U.S. 172 (1997) 10

State v. Alexander, 303 S.C. 377, 401 S.E.2d 146 (1991)..... 10

State v. Cheeseboro, 346 S.C. 526, 552 S.E.2d 300 (2001) 10

State v. Dial, 405 S.C. 247, 746 S.E.2d 495 (Ct. App. 2013)..... 10

State v. Gilchrist, 329 S.C. 621, 496 S.E.2d 424 (Ct. App. 1998)..... 9

State v. Gray, 408 S.C. 601, 759 S.E.2d 160 (Ct. App. 2014)..... 9

State v. Lee, 399 S.C. 521, 732 S.E.2d 225 (Ct. App. 2012)..... 9

State v. Lyles, 379 S.C. 328, 665 S.E.2d 201 (Ct. App. 2008)..... 10

State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (Ct. App. 2011)..... 10

State v. Preslar, 364 S.C. 466, 613 S.E.2d 381 (Ct. App. 2005) 8

State v. Schmidt, 288 S.C. 301, 342 S.E.2d 401 (1986)..... 9

State v. Sweat, 362 S.C. 117, 606 S.E.2d 508 (Ct. App. 2004)..... 8

State v. Wilson, 345 S.C. 1, 545 S.E.2d 827 (2001)..... 9

Toole v. Salter, 249 S.C. 354, 154 S.E.2d 434 (1967)..... 9

United States v. Bonds, 12 F.3d 540 (6th Cir. 1993)..... 9

United States v. Mohr, 318 F.3d 613 (4th Cir. 2003)..... 10

Rules

Rule 211(b), SCACR 16

Rule 401, SCRE..... 8

Rule 402, SCRE..... 8

Rule 403, SCRE..... 8, 9, 10

STATEMENT OF ISSUE ON APPEAL

Did the trial judge err when he permitted the state to introduce evidence of an alleged threat made by Appellant to a witness almost two weeks prior to the charged offenses where the danger of unfair prejudice substantially outweighed its probative value where the state's case depended entirely upon the jury believing the witness and the threat injected emotion into the jury's calculus?

STATEMENT OF THE CASE

On November 3, 2016, a Marion County grand jury indicted Appellant for kidnapping, possession of a weapon during the commission of a violent crime, criminal sexual conduct in the first degree, burglary in the first degree, and resisting arrest. R. 259-261. The state, represented by John Holt and Patty Parker, called the case to trial before the Honorable Michael G. Nettles and a jury on May 8, 11-12, 2017. R. 1. Scott Floyd represented Appellant. R. 1. The jury found Appellant not guilty of kidnapping and criminal sexual conduct. R. 248, ll. 8-12. The jury found Appellant guilty of burglary in the first degree, possession of a weapon, and resisting arrest. R. 248, ll. 13-19. Judge Nettles sentenced Appellant to seventeen years imprisonment for burglary, 493 days for possession of a weapon, and 300 days for resisting arrest. R. 254, l. 22 – R. 255, l. 10; R. 262-264. He ordered Appellant to receive credit for 493 days and for all sentences to be served concurrently. R. 254, l. 22 – R. 255, l. 10; R. 262-264.

On May 15, 2017, Appellant served his notice of appeal. The notice contained a scrivener's error in that it referred to the date the sentence was imposed as May 12, 2016. Alerted to this error, trial counsel filed and served an amended notice of appeal. This brief of appellant follows.

ARGUMENT

The trial judge erred when he permitted the state to introduce evidence of an alleged threat made by Appellant to a witness almost two weeks prior to the charged offenses where the danger of unfair prejudice substantially outweighed its probative value where the state's case depended entirely upon the jury believing the witness and the threat injected emotion into the jury's calculus.

Relevant facts

Prior to trial, the state made the court aware of a matter concerning an allegation that "there was another confrontation where the victim was threatened by the defendant." R. 46, ll. 8-12. The state anticipated the defense was "probably going to have a motion in that regard." R. 46, ll. 12-13. Defense counsel explained there was "an incident that occurred on December the 26th" that the state intended to introduce into evidence. R. 47, ll. 18-21. He requested the state proffer the testimony prior to attempting to introduce it in front of the jury. R. 47, ll. 22-24.

The state called Aisha Graves to testify in camera. She explained that she and Appellant had been dating. R. 67, ll. 1-4. Although she initially stated that she did not see Appellant between the dates they broke up and January 8, 2016, she later claimed she saw Appellant at a store on December 26, 2015. R. 67, ll. 8-16. Graves claimed that as she was pulling up to the store, she saw a truck pull in behind her. R. 68, ll. 1-2. She then saw Appellant get out of the truck and walk to the store. R. 68, ll. 3-4. She and Appellant entered the store around the same time. R. 68, l. 4. When she approached the clerk to order a particular brand of cigarettes, Appellant finished her sentence for her. R. 68, ll. 5-7. Graves paid for the cigarettes and turned around to walk out of the store. R. 68, ll. 7-8. Thereafter, Appellant "walked [her] out" of the store. R. 68, ll. 8-9. Appellant said he wanted to talk to her. R. 68, l. 10. Graves claimed that

when she tried to walk away, Appellant grabbed her arm and reiterated that he wanted to talk. R. 68, ll. 10-12. Graves started to cry. R. 68, ll. 12-14.

An individual sitting in the truck in which Appellant arrived at the store jumped out of the truck and approached Appellant. R. 68, ll. 15-16. The individual told Appellant to let go of Graves. R. 68, ll. 15-16. Graves claimed this “guy” “had to pry [Appellant] off of [her].” R. 68, ll. 17-18. Although Graves “power walked” to the car, Appellant “ended up meeting [her] back at the car.” R. 68, ll. 18-19. She claimed Appellant grabbed the door before she could close it. R. 68, ll. 19-20. Then, she alleged, Appellant “looked [her] in [her]face and said he was - - that’s when he threatened [her] and said that he was going to kill [her] and [her] kids.” R. 68, ll. 20-23.

“A week or two” later, Appellant appeared at her house with a gun. App. 69, ll. 1-4. It was for the conduct that allegedly occurred when Appellant was at her house for which he stood trial. In fact, Appellant was never charged with any criminal offenses related to the alleged threat. R. 69, ll. 21-24. Defense counsel moved to exclude the testimony because “the probative value of anything related to this incident is certainly outweighed by the prejudicial effect of it.” R. 69, l. 25 – R. 70, l. 2.

The state argued “it’s highly relevant.” R. 70, l. 6. The solicitor thought it was “sad that we live in a world where the vast majority of people hear the crime of rape and they think if they don’t see a female with two black eyes and a man [with] scratch marks that possibly a rape didn’t happen.” R. 70, ll. 7-11. After this pronouncement, the solicitor posited that “a threat several days before to kill somebody and their children, followed that up with showing up in their house with a gun” was “highly relevant” so that the jury would know “exactly why [Graves] did not fight back with her fist, but instead with her mind.” R. 70, ll. 11-15. According to the state, this was “a major point to the case.” R. 70, ll. 15-16.

The judge ruled the evidence admissible finding, “this is all a course of conduct and it’s closely related in time to the event and there are a number of cases that talk about bad blood that exists between an alleged defendant and the victim.” R. 69, ll. 12-17; R. 70, ll. 18-20.

Immediately thereafter, Graves testified before the jury. Graves and Appellant began talking via Facebook in 2015 shortly after Graves and her husband separated. R. 73, l. 24 – R. 74, l. 1. Appellant was stationed in Texas while in the military at the time. R. 74, ll. 4-5. While on leave, Appellant visited Graves in South Carolina, which was his home state as well. R. 74, ll. 5-8. The two spent every day together. R. 74, ll. 8-9. Appellant “was a great person” and even impressed her mom. R. 74, ll. 10-11. When Appellant returned to Texas, the two continued to talk, even expressing their love for each other. R. 74, ll. 13-22.

Eventually in October 2015, Appellant moved back home to Marion County, which was where Graves was too. R. 75, ll. 8-11. Then, on December 24, 2015, Graves broke up with Appellant. R. 75, ll. 19-23. Although the two had been dating since June, the two had broken up a couple of times, but resumed dating. R. 75, ll. 12-15. However, Graves considered the break-up on Christmas Eve to be the break up “for good.” R. 75, ll. 16-18.

Graves then told the jury about seeing Appellant on December 26, 2015. R. 76, ll. 2-3. She described driving to the store for cigarettes and seeing a truck behind her. R. 76, ll. 13-18. She told the jurors how Appellant got out of the truck and walked into the store with her. R. 76, ll. 17-20. Graves claimed Appellant told the clerk the type of cigarettes she wanted – he had purchased cigarettes for her in the past as well. R. 77, ll. 3-7. She and Appellant then walked out together. R. 77, l. 8.

According to Graves, Appellant grabbed her and said he wanted to talk about things. R. 77, ll. 9-11. She did not want to talk and started crying. R. 77, ll. 9-14. The guy driving the

truck “intervene[d]” and told Appellant to let go of her. R. 77, ll. 15-17. The guy “kind of pried him off of” her and she “power walked to [her] mom’s car.” R. 77, ll. 19-20. Appellant caught up to her. R. 77, l. 21. Before she could close the door, Appellant “looked [her] in [her] face and said he was going to kill [her] and [her] kids.” R. 77, ll. 22-23. She claimed Appellant threatened her because she “didn’t want to talk to him.” R. 77, ll. 24-25.

Graves went home and called 911. R. 78, ll. 1-3. She and her mother met with Officer Robert Page to report the incident. R. 78, ll. 3-4.

On January 8, 2016, Graves took her older daughter to school and then picked up her formerly-estranged husband, Marcus Graves. R. 79, ll. 1-2. The two returned to her house and took a nap together. R. 79, ll. 2-3. She claimed she first heard a knock on the side of the house. R. 79, l. 13. She thought Appellant was the knocker so she told her husband to stay in the bed and be quiet. R. 79, ll. 17-19. Then, she heard the knock on the inside – on her bedroom door. R. 79, ll. 20-21. When she cracked open the door, she saw that it was Appellant. R. 79, ll. 24-25. She claimed he had a gun. R. 80, l. 1. When Appellant told her they were going for a ride, she agreed. R. 80, ll. 2-3. She grabbed some shoes and walked out with Appellant. R. 80, ll. 4-10.

She claimed that when she and Appellant got into the car, he took her phone from her. R. 81, ll. 1-2. During the car ride, Appellant was talking about how much he loved her. R. 81, l. 21 – R. 82, l. 2. When Appellant indicated he was going to commit suicide in his mother’s house, she convinced him to remain with her in the car and to continue talking. R. 83, ll. 13-19. Eventually, Appellant backed off his claims of suicide and the pair got out of the car. R. 84, ll. 5-8. Graves hugged him and told him everything was going to be okay. R. 84, ll. 8-9. Appellant wanted to have sex, and Graves agreed. R. 84, l. 9 – R. 85, l. 7. She claimed she did not want to

have sex with him but did so because she thought it was better to have sex than for Appellant to get upset again. R. 85, ll. 8-11. After sex, Appellant indicated he was going to take Graves home. R. 85, ll. 12-15. Graves convinced Appellant to leave the gun in the woods where the two had driven. R. 86, ll. 3-5.

While driving to Graves' home, Graves' phone began to ring – a number she did not recognize. R. 86, ll. 10-13. Appellant agreed that Graves could answer her phone. R. 86, ll. 15-17. When she answered, it was Officer Page. R. 86, ll. 18-21. She told Officer Page that she was with Appellant and then the two men began to speak. R. 87, ll. 3-8. Malcolm told Page where the two were, and Page, along with other officers, pulled them over. R. 87, ll. 15-24.

The police arrested Appellant, and she drove away with Page. R. 88, ll. 13-24. Graves took Page to the location where she claimed Appellant buried the gun. R. 88, l. 24 – R. 89, l. 3. Page dug in the dirt and then called someone to take photographs of the area. R. 89, ll. 4-10. Page then took Graves with him while he went to Appellant's mother's house. R. 89, ll. 11-17. Finally, Page took Graves to the hospital where she was examined. R. 89, ll. 19-23.

During closing argument, the state reminded the jury of the alleged interaction between Appellant and Graves on December 26, 2015. He explained that Appellant had tried to tell Graves how she had broken his heart on December 26. R. 207, ll. 19-20. According to the solicitor, Graves "didn't want to hear it." R. 207, ll. 20-21. He also claimed "[t]he person that brought [Appellant] there just weeks prior pulled him off of her. Not her friend, but his friend. We've got to go." R. 207, ll. 21-23. The solicitor claimed Appellant said, "[Y]ou're going to hear me or I'm going to kill you and I'm going to kill your two kids." R. 207, ll. 24-25.

According to the solicitor, this threat on December 26 explained why she did not "scream and holler" on January 8 when Appellant showed up at her house. R. 208, ll. 3-4. He admitted

“[s]he doesn’t act how most people would think somebody would act” and uses the prior threat to explain her unusual conduct. R. 208, ll. 4-7. He uses this alleged prior threat to explain why Graves gave Appellant her phone, why Graves did not try to make a phone call, why Graves did not try to escape, and why Graves “let[] him on top of her” and “let[] him inside of her.” R. 208, ll. 8-18.

In concluding his argument, he told the jurors to “remember this” – “[o]n December 26th, he told her he was going to kill her and her two kids if she didn’t do what he said. On January 8th, he walked in that home with three shells. Okay?” R. 218, ll. 16-19.

Discussion

Pursuant to the South Carolina Rules of Evidence, all relevant evidence is generally admissible; however, even relevant evidence must be excluded if its probative value is substantially outweighed by the danger of unfair prejudice. Rule 402, SCRE; Rule 403, SCRE. A determination on the admissibility of relevant evidence requires consideration of the evidence’s probative value, the danger of unfair prejudice posed by the evidence, and the balancing of those two.

“‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Rule 401, SCRE. “Under Rule 401, evidence is relevant if it has a direct bearing upon and tends to establish or make more or less probable the matter in controversy.” State v. Preslar, 364 S.C. 466, 476, 613 S.E.2d 381, 386 (Ct. App. 2005). “Evidence is relevant if it tends to establish or make more or less probable some matter in issue upon which it directly or indirectly bears, and it is not required that the inference sought should necessarily follow from the fact proved.” State v. Sweat, 362 S.C. 117, 126-127, 606 S.E.2d 508, 513 (Ct. App. 2004).

“Evidence which assists a jury at arriving at the truth of an issue is relevant and admissible unless otherwise incompetent.” State v. Schmidt, 288 S.C. 301, 303, 342 S.E.2d 401, 403 (1986)(citing Toole v. Salter, 249 S.C. 354, 361, 154 S.E.2d 434, 437 (1967)).

Probative value

When looking at Rule 403, SCRE, the starting point for analyzing evidence under Rule 403 is determining the probative value of the evidence offered. “‘Probative’ means ‘[t]ending to prove or disprove.’” State v. Gray, 408 S.C. 601, 609, 759 S.E.2d 160, 165 (Ct. App. 2014). According to this Court, “‘[p]robative value’ is the measure of the importance of that tendency to the outcome of a case.” Id. at 610, 759 S.E.2d at 165. While relevant evidence and probative evidence are not synonymous, the two share many similarities as demonstrated through their definitions. The probative value of evidence is directly related to the how important that evidence is in assisting the jury in rendering a verdict. Id. Thus, when analyzing the probative value of evidence, the court must consider the importance of the evidence as it relates to the issues presented in the case. State v. Lee, 399 S.C. 521, 528, 732 S.E.2d 225, 228 (Ct. App. 2012).

Danger of unfair prejudice

After determining the probative value of the evidence, the court must next evaluate the danger of unfair prejudice presented by the evidence. “The determination of prejudice must be based on the entire record and the result will generally turn on the facts of each case.” State v. Wilson, 345 S.C. 1, 7, 545 S.E.2d 827, 830 (2001). “‘Unfair prejudice does not mean the damage to a defendant’s case that results from the legitimate probative force of the evidence; rather it refers to evidence which tends to suggest [a] decision on an improper basis.’” State v. Gilchrist, 329 S.C. 621, 630, 496 S.E.2d 424, 429 (Ct. App. 1998)(quoting United States v. Bonds, 12 F.3d 540, 567 (6th Cir. 1993)). According to the United States Supreme Court, “[t]he term ‘unfair prejudice,’ as to

a criminal defendant, speaks to the capacity of some concededly relevant evidence to lure the factfinder into declaring guilt on a ground different from proof specific to the offense charged.” Old Chief v. United States, 519 U.S. 172, 180 (1997). “Rule 403 only requires suppression of evidence that results in unfair prejudice – prejudice that damages an opponent for reasons other than its probative value, for instance, an appeal to emotion.” United States v. Mohr, 318 F.3d 613, 619-620 (4th Cir. 2003). Unfair prejudice means an undue tendency to suggestion a decision on an improper basis, commonly, but not necessarily, an emotional one. State v. Orozco, 392 S.C. 212, 218, 708 S.E.2d 227, 230 (Ct. App. 2011)(citing State v. Cheeseboro, 346 S.C. 526, 547, 552 S.E.2d 300, 311 (2001)); see also State v. Alexander, 303 S.C. 377, 382, 401 S.E.2d 146, 149 (1991)(providing that “[e]vidence is unfairly prejudicial if it has an undue tendency to suggest a decision on an improper basis, such as an emotional one”).

Balancing act

Once a court has determined the probative value and the danger of unfair prejudice of the evidence, the court must balance the two. State v. Dial, 405 S.C. 247, 260, 746 S.E.2d 495, 502 (Ct. App. 2013): “When juxtaposing the prejudicial effect against the probative value, the determination must be based on the entire record and will turn on the facts of each case.” State v. Lyles, 379 S.C. 328, 338, 665 S.E.2d 201, 206 (Ct. App. 2008). Only after balancing the probative value and the danger of unfair prejudice may the court determine if the danger of unfair prejudice outweighs the probative value of the proffered evidence as required by Rule 403, SCRE.

Analysis

Applying this analytical framework to the present case reveals that balancing of the low probative value of the alleged threat to Graves against the extreme danger of unfair prejudice posed by the evidence necessitated the exclusion of the testimony. The starting point for determining the

relevancy, probative value, and danger of unfair prejudice is with the ultimate issue before the jury. The question before the jury was: Was Appellant guilty of burglary, criminal sexual conduct, kidnapping, possession of a weapon, and resisting arrest? The alleged prior threat was not probative of whether Appellant committed the charged offenses as the alleged threat was unrelated to the crimes for which Appellant stood trial. The threat allegedly occurred almost two weeks prior to the January 2016 incident. The threat allegedly occurred a mere two days after the emotional and heartbreaking break-up. The threat allegedly occurred in a public parking lot – not in Graves' home or a secluded area as the January 2016 incident. The prior threat did not involve sex or riding in a car or seclusion. Most importantly, the prior alleged threat was not accompanied by a weapon of any kind.

The danger of unfair prejudice from testimony was high as it portrayed Appellant as a killer, and more disturbingly as a killer of innocent children. That was the image the solicitor hoped to evoke by introducing the testimony. And it was the image he specifically conjured in his closing argument when he counted the shotgun shells for the jury and informed them that Graves had two children. Allowing the jurors to hear about the alleged prior threat injected an element of horror, fear, sympathy, and vengeance into the case. Thus, the danger the jury would base its decision on these emotions, which would result from hearing about an alleged death threat, was high. Including the children as part of the death threat increased this danger exponentially.

After balancing the extreme danger of unfair prejudice resulting from the admission of the Graves' testimony regarding an alleged prior threat against its low probative value, it is clear that any probative value of testimony was substantially outweighed by the danger of unfair prejudice. The state's case against Appellant rested entirely upon Graves. No one in the house could identify Appellant as the person in the house. No one heard Graves scream or indicate in any way that she

had been taken from the home against her will. Unfortunately, Bryant was a weak witness for the state as shown by the state's closing argument when he tried to convince the jury to believe her:


Now, you may say to yourself I might not like the way she looked on the stand. I might not like the way she comported herself or that it took a long time for that evidence to come out. That's why we don't put children on a jury. There's not a bunch of middle schoolers up here. There's adults, 18. Each and every one of y'all should have common sense in how you deal with people across all age groups.

A 55-year-old victim who is a CEO of some major company will come up here with an attaché case and an attitude and look you in the face and tell you every single thing that happened. But a 22 - - 23-year-old girl from Scott's Branch, who has been there her whole life, might not do that. Her story might come out in sobs. It might come out unsteadily, but I want you to remember that since January 8th, 2016, her story has come out the same. Other things might've come up, other parts, when you ask questions, you get different stuff, but never forget it didn't change.

R. 209, l. 21 – R. 210, l. 12. Most convincing of the state's weak case was the jury's verdict – an acquittal on the criminal sexual conduct and kidnaping charges. Clearly, the jury did not believe everything Graves had to say. Allowing the jury to hear about an alleged prior threat permitted the jury to base its verdict on emotion, instead of the evidence presented. The danger of unfair prejudice substantially outweighed any probative value of the alleged prior threat in this case.

CONCLUSION

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


Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT

This 8th day of January, 2018.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Marion County
Michael G. Nettles, Circuit Court Judge

RECEIVED

JAN 08 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MALCOLM ANTWON WILLIAMS,

APPELLANT

PETITION TO BE RELIEVED AS COUNSEL

Counsel for Malcolm Antwon Williams states:

1. She is an Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent Appellant.
2. She has reviewed the record of Appellant's trial before Judge Michael G. Nettles, which was held on May 8, 11-12, 2017, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. Pursuant to Anders v. California, 386 U.S. 738 (1967), she has briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, she asks the Court to relieve her as counsel for Malcolm Antwon Williams.

Respectfully Submitted,



Susan B. Hackett

Appellate Defender

ATTORNEY FOR APPELLANT

This 8th day of January, 2018.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

JAN 08 2018

SC Court of Appeals

Appeal from Marion County
Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MALCOLM ANTWON WILLIAMS,

APPELLANT

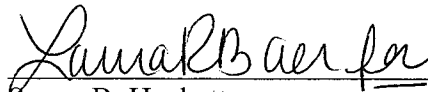
**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

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

- (1) Entire trial transcript dated May 8, 11-12, 2017;
- (2) Court's Exhibit #1 (jury note);
- (3) True-billed indictment; and
- (4) Sentence sheets.

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

January 8, 2018



Susan B. Hackett
Appellate Defender
S.C. Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

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."

January 8, 2018.



Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED

JAN 08 2018

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
JAN 08 2018
SC Court of Appeals

Appeal from Marion County
Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

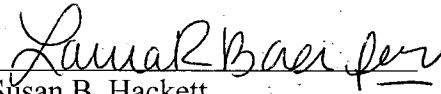
V.

MALCOLM ANTWON WILLIAMS,

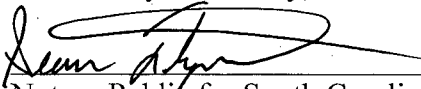
APPELLANT

CERTIFICATE OF SERVICE

The undersigned 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 J. Benjamin Aplin, 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 have been served on Malcolm Antwon Williams, 372578, at Broad River Correctional Institution, 4460 Broad River Road, Columbia, SC 29210, this 8th day of January, 2018.


Susan B. Hackett
Appellate Defender
ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 8th day of January, 2018.

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