STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

Certiorari to the Court of Appeals
Appeal from Laurens County
Court of General Sessions

The Honorable Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No. 2018-000509

State of South Carolina, ...Respondent,

v.

Gregory Fielder, ...~~Appellant.~~ Petitioner

Unpublished Opinion No. 2018-UP-007 (S.C. Ct. App. filed January 10, 2018)

RETURN TO PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS

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II. The Court of Appeals correctly found the issue whether the trial judge unreasonably restricted Appellant's right to testify is not preserved for appellate review. Even if preserved, the trial judge did not abuse his discretion by refusing to further delay the trial to allow Appellant more time to organize his materials.

III. The Court of Appeals correctly found the trial judge did not abuse his discretion by refusing to sequester James Bryan.

STATEMENT OF THE CASE

Appellant was indicted at the August 2012 term of the Laurens County Grand Jury for exploitation of a vulnerable adult (2012-GS-30-1430) and breach of trust in an amount of $10,000 or more (2012-GS-30-1431). (R. pp. 248-51). Appellant proceed to trial before the Honorable Frank R. Addy, Jr. on November 2, 2015. Appellant represented himself at trial. Assistant Attorneys General David Fernandez and Johanna Valenzuela represented the State. Appellant was convicted as indicted and sentenced to concurrent terms of two (2) years' incarceration for exploitation of a vulnerable adult and ten (10) years' incarceration suspended upon completion of five (5) years of probation for breach of trust. (R. pp. 246-47; 252-53).

STATEMENT OF FACTS

Pre-Trial Hearing

The Honorable Eugene C. Griffith, Jr. addressed several matters prior to jury selection. Appellant requested a "continuance for medical reasons." Judge Griffith did not grant the request, noting the case had already been continued for this reason. (R. pp. 9-14). Appellant stated he had an appointment with a neurosurgeon that afternoon but admitted he had not notified anyone about the appointment until that morning. (R. pp. 14-19). Judge Griffith also noted Appellant had gotten "rid of" his defense counsel and told Appellant that a claimed medical ailment was no excuse to indefinitely delay the case. (R. p. 13). Judge Griffith stated Appellant should address this matter (as well as any pre-trial motions) with the trial judge that afternoon. (R. pp. 24-25).

Trial

The Honorable Frank R. Addy, Jr. reconvened court that afternoon and presided over Appellant's trial. Appellant again requested a continuance for medical reasons. (R. pp. 28-29). The trial judge found there was no doctor's note excusing Appellant from trial and noted he had reviewed prior transcripts, which indicated Appellant had been given adequate notice of the trial date. (R. pp. 29-31). The trial judge concluded Appellant was capable of proceeding to trial. (R. pp. 31-32; p. 37). The trial judge denied Appellant's numerous pre-trial motions. (R. pp. 36-42).

State's case

On February 1, 2011, Virginia Montgomery (hereinafter "Victim") signed a power of attorney designating Appellant. (R. p. 58; p. 77). On February 8, 2011, Appellant withdrew $87,379.72 from one of Victim's bank accounts leaving a zero balance. (R. pp. 56-58). On

February 14, 2011, both Appellant's and Victim's names appeared on a withdrawal slip that withdrew $50,000 from another of Victim's bank accounts leaving a negative $147 balance. (R. pp. 60-62). On November 2, 2011, the title of Victim's car was transferred to Appellant. (R. p. 54). On December 16, 2011, the deed to Victim's house was transferred to Appellant (and his signature was the only one authorizing the transfer). (R. p. 58; pp. 164-65). On December 20, 2011, Victim died of breast cancer at the age of 86. (R. p. 53).

Raymond Johnson – who is both Victim's nephew and Appellant's cousin – would have inherited Victim's estate and is the estate's personal representative. (R. pp. 121-22; p. 125; p. 126; p. 143). Johnson testified Appellant assisted Victim because "[s]he needed help" and Appellant offered to do so. (R. pp. 123-24; p. 126; p. 127). Johnson testified he left Victim's medical decisions to Appellant and noted Appellant did not offer to help Victim in exchange for money. (R. p. 126; pp. 141-42). Johnson communicated with Appellant about Victim on the telephone but was unaware they had executed a power of attorney. (R. p. 125; pp. 127-28). Johnson had told Appellant "do not bother the money, the money was already token [sic] care of because the money was already in [the victim]'s name, my mother's name, and my name." (R. p. 128). Johnson explained one of Victim's bank accounts had been opened in 1989 and listed himself, his mother, and Victim as the account holders. (R. pp. 128-29). Johnson believed Victim's possessions and funds would pass to he and his mother upon Victim's death. (R. p. 130; p. 144). Johnson testified he intended to give Appellant Victim's house and car because he had looked after her. (R. pp. 139-40). When Johnson came to South Carolina after Victim died, Appellant told him that he had moved Victim's money. (R. pp. 130-31). Appellant said he would return $30,000 he used for bond money for his son but did not do so. (R. pp. 132-33).

Appellant eventually gave Johnson (1) $6000 in cash; (2) a cashier's check for $6000; (3) a cashier's check for $9000; and (4) a personal check for $2000. (R. pp. 134-35; p. 136). When Johnson tried to talk to Appellant about other financial issues, Appellant "was talking crazy," so Johnson hired attorney James Bryan. (R. pp. 137-38).

Leann Riggot, an investigator for the Laurens Police Department, investigated the case. (R. pp. 49-50). Riggot was contacted by Attorney Bryan after he discovered her home and vehicle were in Appellant's name and "a large som [sic] of money [was] missing out of the bank." (R. p. 50). After reviewing bank records and deeds and speaking to Victim's doctor, Riggot arrested Appellant for breach of trust and exploitation of a vulnerable adult. (R. pp. 50-51; pp. 54-55). Riggot determined Appellant had contacted an attorney's office about a power of attorney, a power of attorney had been executed, and Victim had indicated at that time that she did not want her house deeded to Appellant. (R. p. 55). Riggot determined the total amount of fraud – including various bank accounts and the appraised value of Victim's home and vehicle – to be approximately $212,000. (R. p. 59).

Bryan first met with Johnson about this matter in early 2012. (R. pp. 155-58). Bryan represented Victim's estate (with Johnson as personal representative) both in probate court and in a civil action filed against Appellant. (R. p. 159). Bryan noted Victim died intestate, so Johnson, his sister, and their cousin Carol would inherit her estate. (R. pp. 162-63). Bryan corroborated Johnson's testimony that funds from Victim's accounts were used to pay a $30,000 check to bond court and cashier's checks to Johnson. (R. pp. 160-61). Appellant told Bryan in the summer of 2012 that he would give an itemized accounting of the funds and would return the house's deed and car's title to the estate. Bryan never received the accounting, did not receive

the signed deed to Victim's house until spring 2015, and noted the estate gained possession of Victim's car (but not the keys or title) in the spring of 2015. (R. pp. 166-67; p. 171; pp. 174-77). Bryan noted Appellant had been deposed on January 13, 2014 as part of the civil case related to Victim's estate. (R. p. 168). In this deposition, Appellant admitted the following: (1) that he had deeded Victim's house to himself (R. p. 169); (2) that he was holding the house in trust for the family and that the rightful owner of the house is Victim's family (R. pp. 169-70; p. 172); (3) that he would return the car to Victim's family if they asked him to do so (R. p. 173); and (4) that he used $12,000 of Victim's money to pay his son's bond. (R. pp. 179-80; p. 181). Bryan noted Appellant had not paid any money to Victim's estate between the January 2014 and the trial date. (R. p. 178). In sum, Bryan stated Appellant took $137,000 from Victim's bank accounts but paid $23,000 to Johnson and contributed $14,000 for Victim's funeral. (R. pp. 182-83).

Dr. Joanne Brownlee first saw Victim on March 23, 2009 – Victim had breast cancer and refused both treatment and hospice. (R. p. 146). Dr. Brownlee saw Victim again February 15, 2011 and sent her to the emergency room for a blood transfusion because she had extremely low hemoglobin. (R. pp. 147-49). Dr. Brownlee stated such a hemoglobin count could affect cognitive and mental ability. (R. p. 149). Dr. Brownlee saw Victim again April 25, 2011 and her hemoglobin was still extremely low. (R. p. 150). Dr. Brownlee noted Victim was under hospice care when she saw her on August 8, 2011 and September 28, 2011. (R. p. 150).

Chad Bowen, a hospice chaplain, interacted with Victim twice per month for 10 months. (R. pp. 117-18). Bowen would pre-arrange visits with Appellant, whom he described as "her caregiver." (R. p. 118; p. 120). Bowen stated Victim's confusion increased in the last 4-6 weeks of her life. (R. p.119).

Cindy McCarty, a former hospice nurse, treated Victim 1-3 times per week for 10 months. (R. pp. 92-94). McCarty noted Victim was often "very confused" during this time and had some memory loss. (R. pp. 97-98). McCarty stated severely low hemoglobin "can cause confusion, forgetfulness." (R. pp. 99-100). McCarty said Appellant requested she call him before she went to visit Victim. (R. pp. 100-01). McCarty called Appellant the day before Victim died because she did not answer the door (and he had a key). Appellant met McCarty at Victim's house and they found her on the floor. (R. pp. 101-02).

Appellant's case

Pam Pulley is Appellant's sister and Victim was her first cousin. (R. pp. 205-06). Pulley stated Victim was strong-willed and did not want to have chemotherapy or surgery when she became sick. (R. p. 207; pp. 213-14). Pulley stated Appellant became Victim's caregiver and that they were very close. (R. p. 208; p. 209; p.210; p.212). Pulley stated Appellant is not a thief. (R. p. 211).

Katherine Fielder is Appellant's mother and married Victim's uncle. (R. pp. 215-17; p.218). Fielder stated Appellant cared for Victim from 1999-2011. (R. pp. 219-20). Fielder stated Victim had a good relationship with Appellant, she was a priority in his life, and she wanted Appellant to take care of her. (R. pp. 221-22; pp. 223-24).

Allie Massey is Appellant's sister and cousin to Victim and Johnson. (R. pp. 225-29). Massey stated Appellant and Victim had a relationship "[l]ike a mother and a son." (R. p. 228). Massey stated Victim would only let Appellant assist her and trusted him with her health and wealth. (R. pp. 229-30; pp. 231-32; pp. 233-34). Massey stated Victim did not want to go to a nursing home. (R. p.235). Massey stated Victim was not vulnerable or mistreated. (R. p. 236).

Michael Taylor was Victim's neighbor and spoke to her every day. (R. p. 237). When asked Victim if he could do anything for her, "she always said now [Appellant] will do it, [Appellant] will do it." (R. p. 238). Taylor stated Appellant checked on Victim "just about every day." (R. p. 239).

Appellant initially stated he would testify. (R. p. 240). After a bench conference, however, the trial judge announced there would be no more testimony in the case and excused the jury for the charge conference. (R. p. 243). The trial judge noted for the record that there had been multiple bench conferences and Appellant had said he needed additional time to organize a large box of materials. The trial judge noted Appellant had three years to do so and that Appellant had made frequent attempts to delay the trial. The trial judge explained that "throughout the course of these proceedings, [Appellant] has attempted to delay, to push things back and has come up with every excuse in the world to drag this matter out and the Court is not having any more of it." (R. pp. 243-45). The trial judge explained that Appellant could testify but must do so at that point. Appellant did not testify.

ARGUMENT

I.

The Court of Appeals correctly found the issue whether the trial judge abused his discretion by failing to order an examination to determine if Appellant was fit to stand trial is not preserved for appellate review. Even if preserved, the issue has no merit because there is evidence in the record to support the court's implied ruling that Appellant was competent.

Appellant claims the trial judge abused his discretion because he did not sua sponte order Appellant to undergo a mental examination to determine if Appellant was fit to stand trial. The Court of Appeals correctly found this issue is not preserved for appellate review because it was not raised and ruled upon by the trial court. Even if this Court finds the issue preserved, the Court should affirm because the record supports the trial judge's implied ruling that no such evaluation was necessary.

"Issue preservation rules are designed to give the trial court a fair opportunity to rule on the issues, and thus provide us with a platform for meaningful appellate review." Herron v. Century BMW, 395 S.C. 461, 465, 719 S.E.2d 640, 642 (2011) (quoting Queen's Grant II Horizontal Prop. Regime v. Greenwood Dev. Corp., 368 S.C. 342, 373, 628 S.E.2d 902, 919 (Ct. App. 2006)). "It is well-settled that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial court to be preserved for appellate review." Staubes v. City of Folly Beach, 339 S.C. 406, 412, 529 S.E.2d 543, 546 (2000) (citation omitted). "A pro se litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law." State v. Burton, 356 S.C. 259, 266, 589 S.E.2d 6, 9 n. 5 (2003). A trial judge "is under no duty to provide personal instruction on courtroom procedure or to perform any legal 'chores' for the defendant that

counsel would normally carry out." Martinez v. Court of Appeal of California, Fourth Appellate Dist., 528 U.S. 152 (2000) (citation omitted). Accordingly, despite Appellant's status as a non-lawyer, he was still required to raise issues to the trial court in order for them to be preserved for appellate review. State v. Porter, 389 S.C. 27, 38, 698 S.E.2d 237, 243 (Ct. App. 2010) (holding issue not preserved where pro se defendant did not contemporaneously object); State v. Morrow, 86 P.3d 70, 72 (Or. App. 2004) (holding pro se defendant's waiver of jury trial valid because "pro se litigants are bound by the same preservation rules that bind all other parties.").

S.C. Code Ann. § 44-23-410 provides that when a trial judge "has reason to believe that a person on trial before him, charged with the commission of a criminal offense or civil contempt, is not fit to stand trial because the person lacks the capacity to understand the proceedings against him or to assist in his own defense as a result of a lack of mental capacity," the judge shall order a mental evaluation. The record is devoid of any indication that the judge had reason to believe Appellant was incompetent. Rather, both Judge Griffith and Judge Addy both believed Appellant was competent, and was merely trying to delay the proceedings by feigning a physical illness. If Appellant or his former attorney desired a mental evaluation, they should have brought this matter to the court's attention. The issue was never raised, and there is no evidence to support the contention that the court had reason to believe one was necessary. Considering the lengthy procedural history, the fact that Appellant had previously been represented by counsel, and the presiding judge's opinion that Appellant was attempting to delay the proceedings, the trial judge was not required to sua sponte order a mental evaluation in the eleventh hour before trial. Any defect in Appellant's former lawyer's assistance caused by his failure to request an evaluation is an issue properly addressed by a PCR court. Cf. State v. Rocheville, 310 S.C. 20,

24–25, 425 S.E.2d 32, 34–35 (1993) (holding review of waiver of right to address jury was issue is better left to a post conviction relief proceeding where the facts surrounding the trial can be fully explored). Because the issue whether an evaluation should have been ordered was not raised to or ruled upon by the trial judge, it is not preserved for review by this Court.

Regardless, this issue is without merit. This Court may affirm for any reason appearing in the record. SCACR 220(c). "The test for competency to stand trial or continue trial is whether the defendant has the sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and whether he has a rational, as well as factual, understanding of the proceedings against him." McLaughlin v. State, 352 S.C. 476, 481, 575 S.E.2d 841, 843 (2003). As long as the court is satisfied that a defendant's waiver of the right to counsel is knowing and intelligent, there is no higher test for competency where a criminal defendant chooses to represent himself. State v. Barnes, 407 S.C. 27, 35, 753 S.E.2d 545, 550 (2014). In determining whether further inquiry into a defendant's fitness to stand trial is warranted, the trial court should consider factors such as "evidence of his or her irrational behavior, his or her demeanor at trial, and any prior medical opinion on his or her competence to stand trial." State v. Burgess, 356 S.C. 572, 575, 590 S.E.2d 42, 44 (Ct. App. 2003). A trial judge's decision on a request for a competency evaluation is within the judge's discretion and will not be overturned absent a clear showing of an abuse of that discretion. State v. Locklair, 341 S.C. 352, 364, 535 S.E.2d 420, 426 (2000). On appellate review, "[g]reat deference is given to trial judge who sits in a better position to ascertain the defendant's faculties." State v. Colden, 372 S.C. 428, 441, 641 S.E.2d 912, 920 (Ct. App. 2007).

Appellant has failed to demonstrate the trial judge should have ordered a competency

evaluation in this case. Appellant represented himself at trial and – as is obvious after a review of the record – was extremely familiar with the facts and evidence. While Appellant often disagreed with the trial judge's rulings on issues regarding rules and procedures, the record is devoid of any indication Appellant did not understand the proceedings against him. Appellant's argument that a competency evaluation should have been ordered based on his pre-trial interactions with Judge Griffith is unpersuasive. While Judge Griffith commented Appellant looked "drowsy" and Appellant stated he was receiving medical care, there is no evidence in the record that Appellant was impaired in any way. (R. pp. 8-9). Further, though Appellant claimed that he did not understand what was going on, he engaged with Judge Griffith about his concerns and it appears he simply did not understand why the case was proceeding even though he claimed to have a doctor's appointment that day. (R. p. 10; p.12; p.19). Appellant's argument that an evaluation should have been ordered based on his interactions with the trial judge is similarly unpersuasive. Appellant presented a doctor's note and prescription bottle to the trial judge but did not indicate to either that he was suffering any psychiatric issues or that his purported medical ailments prevented him from understanding the proceedings. (R. pp. 29-30). The trial judge, in his interactions with Appellant prior to the commencement of trial, clearly believed Appellant's alleged medical issues (as well as the thirty-three motions filed by Appellant) were merely a delay tactic – and said so at the time. (R. p. 40).

"[T]he right of self-representation does not exist to be used as a tactic for delay, for disruption, for distortion of the system, or for manipulation of the trial process." City of Columbia v. Assa'ad-Faltas, 420 S.C. 28, 45, 800 S.E.2d 782, 790 (2017), reh'g denied (Aug. 17, 2017). Nor is it "a license not to comply with relevant rules of procedural and substantive law."

Faretta v. California, 422 U.S. 806, 834 (1975). Because the judge found no "reason to believe" Appellant was incompetent to stand trial, he was not required to sua sponte order a mental evaluation. The trial judge noted Appellant was capable of proceeding to trial and "seem[ed] totally lucid." (R. p. 31). The record contains no evidence Appellant did not understand the proceedings against him or lacked the capacity for rational thought. See McLaughlin, 352 S.C. at 481, 575 S.E.2d at 843; Burgess, 356 S.C. at 575, 590 S.E.2d at 44. The record strongly supports the court's finding that Appellant was competent; not only did he appropriately object to hearsay testimony at the earliest opportunity (R. p. 130), he cross-examined the State's witnesses and called witnesses of his own. Appellant failed to show the trial judge abused his discretion in failing to sua sponte order a competency evaluation. See Locklair, 341 S.C. at 364, 535 S.E.2d at 426.

II.

The Court of Appeals correctly found the issue whether the trial judge unreasonably restricted Appellant's right to testify is not preserved for appellate review. Even if preserved, the trial judge did not abuse his discretion by refusing to further delay the trial to allow Appellant more time to organize his materials.

Appellant next claims the trial court erred in unreasonably restricting Appellant's right to testify on his own behalf. The Court of Appeals correctly found this argument not preserved for appellate review because Appellant did not object on this basis at trial. See Staubes, 339 S.C. at 412, 529 S.E.2d at 546.

At the close of the defense case, the trial judge noted Appellant had said in a bench conference that he wanted to testify. (R. p. 240). Appellant stated he needed five minutes to get ready and there was a recess. (R. pp. 240-41). When court reconvened, Appellant said he was "a little bit disorganized" and the trial judge directed him to take the witness stand. (R. p. 242). Appellant asked to speak to the trial judge and there was a bench conference. (R. pp. 242-43). At the conclusion of the bench conference, the trial judge told the jury that "we've received all the testimony that we're going to have in this particular case" and excused them so the parties could have a charge conference. (R. p. 243). The trial judge then noted the substance of the bench conference for the record. The trial judge stated Appellant had brought a large box of materials to the witness stand and said he needed additional time to organize these materials. (R. p. 243). The trial judge stated he advised Appellant that he had "at least three years to get it organized" and asked if Appellant would testify. (R. p. 243). The trial judge noted Appellant had consistently sought to delay this case and he believed this request for additional time was "nothing more than an excuse for delay." (R. pp. 243-44). The trial judge stated he told

Appellant that if he wanted to testify he was free to do that, but he had to do it now. The judge explained: "I was not going to afford him another break to organize his materials and I was not going to further countenance any further delay. I explained to him at the stand that if he did not take the witness stand as he expressly stated he wanted to do at some point 15 minutes ago, I explained that the Court would consider him having rested. He said he could not take the stand, because his materials were not organized at which point, I dismissed him, asked him to return to his seat, gather his materials." (R. p. 244). The trial judge noted "throughout the course of these proceedings, [Appellant] has attempted to delay, to push things back and has come up with every excuse in the world to drag this matter out and the Court is not having any more of it." (R. pp. 244-45). Appellant made no objection.

Even if preserved, the issue is without merit. "Every criminal defendant is privileged to testify in his own defense, or to refuse to do so." State v. Rivera, 402 S.C. 225, 241, 741 S.E.2d 694, 702 (2013) (quoting Rock v. Arkansas, 483 U.S. 44, 53, 107 S. Ct. 2704, 2410 (1987)). "However, the right to present testimony is not without limitation." Id. at 242, 741 S.E.2d at 703. "The right may, in appropriate cases, bow to accommodate other legitimate interests in the criminal trial process." Id. (citation omitted). "The conduct of a criminal trial is left largely to the sound discretion of the trial judge, who will not be reversed in the absence of a prejudicial abuse of discretion." State v. Sheppard, 391 S.C. 415, 420, 706 S.E.2d 16, 18 (2011).

The trial judge did not deny Appellant his right to testify on his own behalf. Appellant was afforded the opportunity to testify and simply chose not to exercise it. Having one's materials organized in a specific manner is not a prerequisite to taking the witness stand. The trial judge informed Appellant he could testify at that time but that he could not delay the trial

any further. The trial judge articulated a legitimate interest in the criminal trial process and did not deny or restrict Appellant's ability to testify in his own defense at trial. This issue is without merit.

III.

The Court of Appeals correctly found the trial judge did not abuse his discretion by refusing to sequester James Bryan.

Lastly, Appellant argues the trial court abused its discretion by refusing to sequester the representative of the victim's estate, James Bryan. This argument is without merit because the decision whether to sequester witnesses is within the discretion of the trial court. The judge had legitimate reasons for declining to sequester Mr. Bryan and committed no error.

On the second day of trial, the State moved to sequester all witnesses except Raymond Johnson and James Bryan. The prosecutor asked that they be allowed to remain in the courtroom because Johnson was a victim and Bryan was the representative of Virginia Montgomery's estate. (R. pp. 44-45). Appellant objected to James Bryan being allowed to remain in the courtroom because he would be a testifying witness. (R. p. 46). The trial judge noted Appellant's objection but allowed Bryan to remain in the courtroom as representative of Montgomery's estate. (R. pp. 47-48).

Rule 615 of the South Carolina Rules of Evidence provides the trial judge "may" exclude witnesses from the courtroom to prevent them from hearing the testimony of other witnesses. SCRE 615. "[T]he decision to sequester witnesses is left to the sound discretion of the trial judge." State v. Singleton, 395 S.C. 6, 15, 716 S.E.2d 332, 337 (Ct. App. 2011) (quoting State v. Fulton, 333 S.C. 359, 375, 509 S.E.2d 819, 827 (Ct. App. 1998)). "Whether a witness should be exempted from a sequestration order is within the trial court's discretion." Id. (citation omitted).

Appellant's main contention appears to be that Bryan's testimony incorporated elements from previous witnesses' testimony. This Court has held, however, that "[t]he mere opportunity

for the State's witnesses to compare testimony is insufficient to compel sequestration." State v. Carmack, 388 S.C. 190, 197, 694 S.E.2d 224, 227 (Ct. App. 2010) (citation omitted). Though Bryan would also testify as a State witness, Appellant was able to thoroughly cross-examine Bryan if he perceived Bryan's testimony parroted testimony of another State witnesses. Appellant suffered no prejudice. See id. at 198, 694 S.E.2d at 227-28 (holding "the threat that exposure to other testimony would taint subsequent testimony was alleviated by affording [the defendant] the opportunity to impeach any witnesses who altered their accounts"). Appellant has failed to demonstrate the trial judge abused his discretion.

CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that this Court should deny the Petition for Writ of Certiorari to the Court of Appeals.

Respectfully submitted,

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April 30, 2018

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal From Laurens County
Court of General Sessions

The Honorable Frank P. Addy, Jr., Circuit Court Judge

Appellate Case No: 2018-000509

THE STATE, ...Respondent,

v.

GREGORY FIELDER,.....Petitioner.

PROOF OF SERVICE

I, Anne Mueller, certify that I have served the within Return To The Petition For Writ Of Certiorari To The Court Of Appeals on Petitioner by depositing one copy of the same in the United States mail, postage prepaid, addressed to his counsel of record:

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I further certify that all parties required by Rule to be served have been served.
This 30th day of April, 2018.

Anne Mueller

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