

# The Supreme Court of South Carolina

The State, Respondent,

v.

Clarence Logan, Appellant.

Appellate Case No. 2011-194406

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## ORDER

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Pursuant to Rule 204(b) of the South Carolina Appellate Court Rules, this appeal is hereby certified for review by the South Carolina Supreme Court.

Upon receipt of this order, the Court of Appeals is hereby directed to forward the case file, all records and briefs and any exhibits on file to this Court.

  
C.J.  
FOR THE COURT

Columbia, South Carolina

December 28, 2012

cc:

LaNelle Cantey DuRant

Mark Reynolds Farthing

The Honorable Jenny Kitchings

# The South Carolina Court of Appeals

The State, Respondent

v.

Clarence Logan, Appellant.

Appellate Case No. 2011-194406

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## ORDER

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The supplemental record on appeal has been received, accepted, and filed by the Court.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina

cc:

LaNelle Cantey DuRant

Mark Reynolds Farthing

FILED  
JRS 11/19/12

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Charleston County  
Honorable Roger M. Young, Sr., Circuit Court Judge  
Appellate Case No. 2011-194406

THE STATE,

Respondent,

vs.

CLARENCE LOGAN, JR.,

Appellant.

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NOV 02 2012

SC Court of Appeals

**MOTION TO ALLOW FILING OF  
SUPPLEMENTAL RECORD ON APPEAL**

Respondent ("the State"), through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

On September 28, 2012, the State filed and served its Initial Brief of Respondent and Designation of Matter. In its Designation of Matter, the State properly designated the sentencing sheet, both indictments, and numerous pages from the trial transcript, including page 197, for inclusion in the Record on Appeal.

**II.**

On October 29, 2012, Appellant Clarence Logan, Jr., filed the Record on Appeal. However, Appellant inadvertently failed to include page 197 of the trial transcript and one of the indictments in the Record the Appeal as filed.

**III.**

Because properly designated matter was inadvertently omitted from the Record on Appeal, the State believes it is necessary to file a Supplemental Record on Appeal containing the inadvertently omitted matter. See Rule 210(c), SCACR (“The Record on Appeal shall include all matter designated to be included by any party under Rule 209[.]”). Counsel for Appellant has indicated to the undersigned counsel for the State that she has no objection to the request. For the foregoing reasons, the State asks this Court to permit and accept the filing of a Supplemental Record on Appeal containing the designated matter inadvertently omitted from the Record on Appeal.

**WHEREFORE**, Respondent prays that this Court will allow the State to file a Supplemental Record on Appeal; accept the filing of the State’s Supplemental Record on Appeal; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Assistant Attorney General

By:   
Mark R. Farthing

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
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November 2, 2012

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Charleston County  
Honorable Roger M. Young, Sr., Circuit Court Judge  
Appellate Case No. 2011-194406

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RECORDED  
NOV 02 2012  
SC COURT OF APPEALS

THE STATE,

Respondent,

vs.

CLARENCE LOGAN, JR.,

Appellant.

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**PROOF OF SERVICE**

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I, Ellen R. DuBois, certify that I have served the within Motion to Allow Filing of Supplemental Record on Appeal and the Supplemental Record on Appeal on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

LaNelle Cantey DuRant, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.  
This 2nd day of November, 2012.

*Ellen R. DuBois*

---

ELLEN R. DuBOIS  
Legal Assistant

Office of the Attorney General  
Post Office Box 11549  
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ALAN WILSON  
ATTORNEY GENERAL

November 2, 2012

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

RE: State v. Clarence Logan, Jr. – Appellate Case No. 2011-194406

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion to Allow Filing of Supplemental Record on Appeal and the original and nine copies of the Supplemental Record on Appeal, along with proof of service, for filing in the above-referenced criminal appeal.

Sincerely,

Mark R. Farthing  
Assistant Attorney General  
Bar Number 76901

MRF/erd  
Enclosures

cc: LaNelle Cantey DuRant, Esq.  
Victim Services

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NOV 02 2012

SC COURT OF APPEALS

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Charleston County  
Honorable Roger M. Young, Sr., Circuit Court Judge  
Appellate Case No. 2011-194406

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THE STATE,

Respondent,

vs.

CLARENCE LOGAN, JR.,

Appellant.

---

**INITIAL BRIEF OF RESPONDENT**

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ATTORNEYS FOR RESPONDENT

**RECEIVED**

SEP 28 2012

**SC Court of Appeals**

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## **STATEMENT OF ISSUE ON APPEAL**

The trial judge committed no error in instructing the jury in Appellant's case because the jury instructions as given included the exact instruction on circumstantial evidence that has expressly been adopted by the South Carolina Supreme Court as the only appropriate jury instruction to be given in cases involving circumstantial evidence and the jury instructions as a whole fully explained to the jury the correct reasonable doubt standard to be used in deciding the case.

## **STATEMENT OF THE CASE**

In February of 2010, Appellant Clarence Logan, Jr. was arrested following an investigation into a robbery and an assault. In May of 2010, the Charleston County grand jury indicted Appellant for one count of attempted first-degree criminal sexual conduct and one count of strong arm robbery. On June 8, 2011, a jury trial was commenced in the Charleston County court of general sessions with the Honorable Roger M. Young, Sr., circuit court judge, presiding. At the conclusion of trial, the jury convicted Appellant of attempted first-degree criminal sexual conduct and acquitted him of the other indicted offense. Following the verdict, the trial judge sentenced Appellant to a term of imprisonment of ten years. Subsequently, Appellant filed a timely notice of appeal.

## STATEMENT OF FACTS

On February 4, 2010, Aaron Green, the manager of a social club called Lovey Dovey, was conducting a seafood event when he observed Jarvia O'Neal ("Victim") enter the club. (Tr. p. 155; p. 157). After Victim arrived, Green saw Appellant Clarence Logan, Jr., who Green knew as "Blackout," speaking with Victim. (Tr. p. 160; p. 166). Appellant, who was drunk, repeatedly approached Victim, but she told him to leave her alone. (Tr. p. 67; p. 86). However, Appellant continued to harass Victim and leaned over her in a "disgusting" manner. (Tr. pp. 67-68).

Thereafter, Victim went to the bathroom, which was located in an isolated area at the rear of the club, and was followed by Appellant. (Tr. pp. 68-71). When she tried to close the door to the bathroom, Appellant forced his way inside, grabbed her by the neck, and lifted her off of her feet. (Tr. pp. 71-72). Appellant then choked her, beat her, stole \$20 in cash and a driver's license out of her purse, loosened his pants and her pants, and told her: "Bitch, you think you all that, but I'm going to fuck you tonight." (Tr. pp. 71-74). Terrified, Victim fought back, and Appellant responded by punching her, turning her around, and choking her from behind. (Tr. p. 74). However, Victim was able to kick Appellant between the legs, and he released her. (Tr. p. 74).

After Appellant released Victim, both of them exited the bathroom.<sup>1</sup> (Tr. pp. 76-77; p. 103). After exiting the bathroom, Appellant approached Green, advised him that he was looking for his cell phone, and quickly left the club. (Tr. pp. 164-165). Green then spoke with Victim, and she told him that she got into a confrontation and wanted to

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<sup>1</sup> Green testified during trial that he observed Victim and Appellant come out of the bathroom together. (Tr. pp. 163-165). Victim's friend, Andrea Bell, testified she saw a "young dude" come out of the bathroom and pull up his pants before she found Victim, who was hysterical, upset, and injured, inside of the bathroom. (Tr. pp. 134-136). Virgil Washington, a friend of Green's, testified he saw a crowd gathering at the bathroom door, went to see what was happening, and observed Victim come out of the bathroom with blood on her face. (Tr. p. 142; p. 146; pp. 149-150; p. 167).

go home. (Tr. p. 78; p. 164). Green noticed Victim's face was bruised and bleeding and Victim's hair looked "pretty wild," and he asked her if she wanted him to call the police. (Tr. p. 75; pp. 163-165). Victim declined Green's offer and left with Virgil Washington. (Tr. pp. 164-165; p. 167). Victim chose not to contact the police that night because she was frightened by the incident and by the fact that Appellant was in possession of her address from her driver's license. (Tr. p. 79).

The next day, Victim went to the hospital to receive medical attention for the injuries she sustained during the confrontation that occurred at the club. (Tr. p. 80). Hospital staff alerted the authorities of Victim's injuries, and Officer Alex Gray of the North Charleston Police Department responded to the hospital to speak with Victim. (Tr. p. 81; pp. 174-175). Victim informed the officer that she was assaulted in the women's restroom at Lovey Dovey on the preceding night and described her assailant as a black male known as "Blackout." (Tr. pp. 81-82; p. 177). During their conversation, Officer Gray noticed Victim was visibly upset and was suffering from a black eye, lacerations on the bridge of her nose and the side of her face, cuts on the inside of her mouth, and a knot on the side of her head. (Tr. pp. 175-176).

Thereafter, Victim spoke with Green and informed him that someone tried to sexually assault her in the bathroom at Lovey Dovey. (Tr. p. 82; pp. 167-168). In response, Green spoke with a friend, discovered Appellant drove a blue Ford Thunderbird, and provided that information to Victim. (Tr. pp. 82-83; pp 166-168). Subsequently, over the course of the next few days, Victim saw Appellant's car at a bus station and outside of her home. (Tr. p. 84). Victim called the authorities after seeing Appellant's vehicle, and Officer Craig McAlhaney of the North Charleston Police Department responded to Victim's home. (Tr. p. 87; p. 196). After meeting with the

officer, Victim advised him that the man who drove by her home in the blue Thunderbird was the man who assaulted her. (Tr. pp. 196-197). She then provided the vehicle's tag number to the officer and stated the driver made an inappropriate hand gesture towards her before driving away.<sup>2</sup> (Tr. pp. 196-198).

Subsequently, on February 9, 2010, officers contacted Victim and asked her to come to the police department to view a photographic line-up. (Tr. p. 87; p. 203). Detective Omar Faison of the North Charleston Police Department showed six photographs to Victim, and she selected Appellant from the line-up without any hesitation.<sup>3</sup> (Tr. p. 88; pp. 202-205). Thereafter, Appellant was arrested and indicted for attempted first-degree criminal sexual conduct and strong-arm robbery, and he proceeded to trial. (Tr. pp. 6-7; Indictments).

At the conclusion of the evidentiary phase of trial, the trial judge discussed the instructions he intended to present to the jury, and Appellant objected to the inclusion of a "standard" circumstantial evidence charge indicating to the jury that "the law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence." (Tr. p. 209). Appellant argued that such an instruction was no longer valid in light of recent appellate court decisions addressing circumstantial evidence in the context of directed verdict motions. (Tr. pp. 209-210). The trial judge overruled Appellant's objection. (Tr. p. 210).

Thereafter, the trial judge charged the jury on the applicable law. (Tr. pp. 245-255). Specifically, the trial judge instructed the jury that Appellant was presumed to be

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<sup>2</sup> Victim's sister, Rhonda Deveaux, and nephew, Marquise O'Neal, were present when Appellant drove by Victim's home on February 6, 2010. (Tr. pp. 183-185; p. 190; pp. 192-193). Deveaux testified she saw a young man drive by the home repeatedly while "shooting the birdie" with his hand. (Tr. pp. 192-193).

<sup>3</sup> Victim also identified Appellant as her attacker in the courtroom during trial. (Tr. p. 86).

innocent and had no burden of proving his innocence, the State was required to prove Appellant's guilt beyond a reasonable doubt, and the jury was tasked with assessing the credibility of the witnesses and weighing the evidence. (Tr. pp. 247-249; pp. 250-251).

In instructing the jury on the State's burden of proof, the trial judge explained:

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases, the law does not require proof that overcomes every possible doubt. If, based on your consideration of the evidence you are firmly convinced that the defendant is guilty of the crime charged, then you must find the defendant guilty. If, on the other hand, you think there is a real possibility that the defendant is not guilty, then you must give the defendant the benefit of the doubt and find him not guilty.

(Tr. pp. 248-249). Furthermore, regarding circumstantial evidence, the trial judge instructed:

There are two types of evidence generally presented in a trial. There is direct evidence and circumstantial evidence. Direct evidence is testimony of a person who claims to have actual knowledge of a fact, such as an eyewitness, and this is evidence which immediately establishes the main fact to be proved. Circumstantial evidence is proof of a chain of facts and circumstances which indicate the existence of a fact, and this is evidence which immediately establishes collateral facts from which a main fact may be inferred. Circumstantial evidence is based on inference and not on personal knowledge or observation. The law makes absolutely no distinction between the weight or value to be given either direct or circumstantial evidence, nor is a greater degree of certainty required of circumstantial evidence than direct evidence. You should weigh all the evidence in this case, and, after weighing the testimony, if you are not convinced of defendant's guilt beyond a reasonable doubt, you must find the defendant not guilty.

(Tr. p. 249). Subsequently, at the conclusion of trial, the jury convicted Appellant of attempted first-degree criminal sexual conduct and acquitted him of strong-arm robbery.

(Tr. p. 257). The trial judge then sentenced Appellant to a term of imprisonment of ten years. (Tr. p. 264).

## ARGUMENT

**The trial judge committed no error in instructing the jury in Appellant's case because the jury instructions as given included the exact instruction on circumstantial evidence that has expressly been adopted by the South Carolina Supreme Court as the only appropriate jury instruction to be given in cases involving circumstantial evidence and the jury instructions as a whole fully explained to the jury the correct reasonable doubt standard to be used in deciding the case.**

Appellant contends the trial judge erred in instructing the jury on the law regarding circumstantial evidence. Appellant maintains the standard circumstantial evidence jury charge from State v. Grippon, 327 S.C. 79, 489 S.E.2d 462 (1997), which was the charge presented to the jury in Appellant's case, is no longer an appropriate jury instruction in light of several recent decisions of our Supreme Court. Appellant further asserts instructing the jury in accordance with the traditional circumstantial evidence jury charge from State v. Edwards, 298 S.C. 272, 379 S.E.2d 888 (1989), would have demonstrated the lack of evidence establishing his guilt for attempted first-degree criminal sexual conduct because the only evidence establishing his guilt was allegedly the word of the victim. Contrary to Appellant's contentions, the trial judge properly instructed the jury on the law regarding circumstantial evidence because he used the exact jury instruction expressly adopted by our Supreme Court as the only appropriate instruction to be given in cases involving circumstantial evidence. However, even if the trial judge somehow erred in instructing the jury on circumstantial evidence despite the fact that he did so in the manner approved by the Supreme Court, there is no basis to reverse Appellant's convictions based on the jury instructions because the trial judge's jury instructions as a whole properly explained the State's burden of proof to the jury and correctly defined reasonable doubt. Accordingly, the trial judge committed no error in instructing the jury in Appellant's case. Appellant's convictions should be affirmed.

## STANDARD OF REVIEW

In reviewing a trial judge's jury instructions, the appellate court must view the jury charge as a whole and in light of the evidence and issues from trial. State v. Simmons, 384 S.C. 145, 178, 682 S.E.2d 19, 36 (Ct. App. 2009). When reviewing the trial judge's jury instructions, the appropriate test involves determining what a reasonable juror would have understood the charge to mean. Sheppard v. State, 357 S.C. 646, 664, 594 S.E.2d 462, 474 (2004). "A trial court's decision regarding jury charges will not be reversed where the charges, as a whole, properly charged the law to be applied." State v. Rye, 375 S.C. 119, 123, 651 S.E.2d 321, 323 (2007). A jury charge is appropriate if it is substantially correct and adequately covers the law applicable to the case. State v. Foust, 325 S.C. 12, 16, 479 S.E.2d 50, 52 (1996). So long as the jury instructions presented are substantially correct and cover the applicable law, reversal is not warranted. See State v. Ezell, 321 S.C. 421, 425, 468 S.E.2d 679, 681 (Ct. App. 1996) ("A jury charge which is substantially correct and covers the law does not require reversal.").

## ANALYSIS

Over fifty years ago, in State v. Littlejohn, 228 S.C. 324, 328, 89 S.E.2d 924, 926 (1955), the South Carolina Supreme Court addressed the distinction between a trial judge's consideration of circumstantial evidence at the directed verdict stage of a trial and a jury's consideration of circumstantial evidence during deliberations. Regarding the jury's consideration of circumstantial evidence, the Court instructed:

[I]t is necessary that every circumstance relied upon by the state be proven beyond a reasonable doubt; and that all of the circumstances so proven be consistent with each other and, taken together, point conclusively to the guilt of the accused **to the exclusion of every other reasonable hypothesis**. It is not sufficient that they create a probability, though a strong one; and if, assuming them to be true, they may be accounted for

upon any reasonable hypothesis which does not include the guilt of the accused, the proof has failed.

Id. (emphasis added). Regarding the trial judge's consideration of circumstantial evidence at the directed verdict stage, the Court explained:

But on a motion for direction of verdict, the trial judge is concerned with the existence or non-existence of evidence, not with its weight; and, although he should not refuse to grant the motion where the evidence merely raises a suspicion that the accused is guilty, it is his duty to submit the case to the jury if there be any substantial evidence which reasonably tends to prove the guilt of the accused, or from which his guilt may be fairly and logically deduced.

Id. at 329, 89 S.E.2d at 926. Thereafter, in State v. Edwards, 298 S.C. 272, 275, 379 S.E.2d 888, 889 (1989), the Supreme Court adopted the "reasonable hypothesis" language from Littlejohn as the appropriate standard to be charged to juries in cases involving circumstantial evidence.

Subsequent to the decision in Edwards, the Supreme Court considered the question of whether a trial judge committed reversible error in omitting the "reasonable hypothesis" language from a circumstantial evidence jury instruction in State v. Grippon, 327 S.C. 79, 81, 489 S.E.2d 462, 462-463 (1997). During Grippon's trial, the trial judge refused Grippon's request to instruct to the jury on the "reasonable hypothesis" language because he interpreted that language as shifting the burden of proof from the prosecution to Grippon. Id. at 81, 489 S.E.2d at 463. On appeal, the Court concluded the trial judge erroneously determined he was required to omit the "reasonable hypothesis" language from his jury charge and noted that it had recently approved the use of such language in instructing a jury. Id. However, the Court ruled the trial judge did not err in instructing the jury in Grippon's case because the jury instructions as a whole adequately apprised the jury of the proper legal standard to be applied in deciding the case. Id. at 83, 489

S.E.2d at 463. The Court further determined the omission of the “reasonable hypothesis” language did not affect the burden of proof. Id. at 83, 489 S.E.2d at 463-464.

Significantly, the Court then addressed the propriety of the “reasonable hypothesis” language itself and concluded the charge was unnecessary in cases where the jury had been properly instructed on the reasonable doubt standard. Id. at 83, 489 S.E.2d at 464.

Thereafter, the Court recommended the following jury charge for use in cases where circumstantial evidence was presented and the jury was properly instructed on reasonable doubt:

There are two types of evidence which are generally presented during a trial – direct evidence and circumstantial evidence. Direct evidence is the testimony of a person who asserts or claims to have actual knowledge of a fact, such as an eyewitness. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence. Nor is a greater degree of certainty required of circumstantial evidence than of direct evidence. You should weigh all the evidence in the case. After weighing all the evidence, if you are not convinced of the guilt of the defendant beyond a reasonable doubt, you must find [the defendant] not guilty.

Id. at 83-84, 489 S.E.2d at 464.

Subsequently, following the decision in Grippon, the Supreme Court again considered the issue of the propriety of a trial judge’s jury charge on circumstantial evidence in State v. Cherry, 361 S.C. 588, 606 S.E.2d 475 (2004). In that case, the trial judge instructed the jury on circumstantial evidence in a manner consistent with the recommended charge from Grippon and denied Cherry’s request to instruct the jury on the “reasonable hypothesis” language from Littlejohn and Edwards. Cherry, 361 S.C. at 591-592, 606 S.E.2d at 476-477. On appeal, the Court noted that the decision in Grippon clearly determined the “reasonable hypothesis” language was not a **required** jury instruction on circumstantial evidence. Cherry, 361 S.C. at 597, 606 S.E.2d at 480. The

Court then determined the charge from “Grippon is the sole remaining charge to be utilized by the courts of [South Carolina] in instructing juries in cases relying, in whole or in part, on circumstantial evidence.” Id. In reaching that conclusion, a majority of the Court concluded “the reasonable hypothesis charge merely serves to confuse juries by leading them to believe that the standard for measuring circumstantial evidence is different than that for measuring direct evidence when, in fact, it is not.” Id. at 601, 606 S.E.2d at 482; see also Holland v. United States, 348 U.S. 121, 139-140 (1954) (“The petitioners assail the refusal of the trial judge to instruct that where the Government’s evidence is circumstantial it must be such as to exclude every reasonable hypothesis other than that of guilt. There is some support for this type of instruction in the lower court decisions, but the better rule is that where the jury is properly instructed on the standards for reasonable doubt, such an additional instruction on circumstantial evidence is confusing and incorrect[.]” (citations omitted)); see, e.g., State v. Adcock, 310 N.C. 1, 36, 310 S.E.2d 587, 607 (N.C. 1984) (“We are of the opinion that the reasonable doubt instruction and the ‘moral certainty’ circumstantial evidence instruction encompass the same measure of proof. Therefore, recognizing that the purpose of a charge to the jury is to clarify the issues and apply the law to the evidence, we conclude that the giving of the ‘moral certainty’ or the ‘reasonable hypothesis’ instruction in addition to the reasonable doubt instruction would tend to confuse the jury by requiring them to engage in an unnecessary and repetitious application of the same measures of proof to the evidence in the case. We hold that an instruction on circumstantial evidence to the effect that a conviction may not be based upon it unless the circumstances point to guilt and exclude to moral certainty every reasonable hypothesis except that of guilt is unnecessary when a correct instruction on reasonable doubt is given.”).

In the case sub judice, the trial judge committed no error in charging the jury on the applicable law. In instructing the jury on circumstantial evidence, the trial judge explained the relevant law to the jury in the manner specifically recommended by our Supreme Court in Grippon and expressly adopted as the only appropriate charge on circumstantial evidence by our Supreme Court in Cherry. See Cherry, 361 S.C. at 601, 606 S.E.2d at 482 (“[W]e hold that the recommended language in Grippon is the sole and exclusive charge to be given in circumstantial evidence cases in this state, along with a proper reasonable doubt instruction.”). Therefore, by instructing the jury in the only manner expressly recognized by our Supreme Court as an appropriate statement of the law, the trial judge properly instructed the jury in regards to the law on circumstantial evidence. See Sheppard, 357 S.C. at 665, 594 S.E.2d at 472 (“[T]he trial court is required to charge only the current and correct law of South Carolina.”).

Furthermore, even if the trial judge somehow erred in instructing the jury on circumstantial evidence, the trial judge fully and completely instructed the jury on the State’s burden of proving Appellant’s guilt beyond a reasonable doubt. Specifically, the trial judge instructed the jury that Appellant was presumed to be innocent, explained that the burden of proof resided solely with the State, and thoroughly defined reasonable doubt for the jury. See Grippon, 327 S.C. at 82-83, 489 S.E.2d at 463-464 (“[T]he instruction actually given by the trial judge, as a whole, adequately conveyed the level of proof required to find appellant guilty. The trial court repeatedly charged the State had the burden of proving the defendant guilty beyond a reasonable doubt, and reasonable doubt was correctly defined. Therefore, the jury was adequately apprised of the proper legal standard, and the omission of this ‘reasonable hypothesis’ phrase from the circumstantial evidence charge did not affect the burden of proof.”). Accordingly, the

trial judge properly instructed the jury in Appellant's case, and there is no basis to reverse Appellant's convictions based on the trial judge's jury instructions. See State v. Adkins, 353 S.C. 312, 318, 577 S.E.2d 460, 464 (Ct. App. 2003) ("A jury charge is correct if, when the charge is read as a whole, it contains the correct definition and adequately covers the law.").

In challenging the propriety of the trial judge's jury instructions, Appellant contends that the portion of the circumstantial evidence charge from Grippon instructing the jury that the law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence is no longer a valid statement of the law in light of the Supreme Court's decisions in State v. Bostick, 392 S.C. 134, 708 S.E.2d 774 (2011), and several other recent cases. However, in each of the cases relied upon by Appellant in challenging the trial judge's jury charge, the Supreme Court addressed a challenge to the trial judge's denial of a directed verdict motion as opposed to a challenge to the trial judge's jury instructions on circumstantial evidence.<sup>4</sup> See State v. Odems, 395 S.C. 582, 582, 720 S.E.2d 48, 53 (2011) (reversing Odems' convictions after finding the evidence warranted the granting of a directed verdict); State v. Bostick, 392 S.C. 134, 142, 708 S.E.2d 774, 778 (2011) (finding the trial judge erred in failing to direct a verdict in favor of Bostick due to the insufficiency of the circumstantial evidence of Bostick's guilt); State v. Hernandez, 382 S.C. 620, 625-626, 677 S.E.2d 603, 605-606 (2009) (reversing the convictions of Hernandez and his co-defendant after determining the trial judge should have granted a directed verdict due to the insufficiency of the circumstantial evidence of guilt). Critically, in those cases, the Supreme Court did not overrule its

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<sup>4</sup> During trial, Appellant moved for a directed verdict without stating any specific grounds in support of the motion. (R. p. 206). Thereafter, Appellant did not appeal the denial of his directed verdict motion. See State v. Sampson, 317 S.C. 423, 427, 454 S.E.2d 721, 723 (Ct. App. 1995) (finding unchallenged and unappealed rulings are the law of the case).

earlier decisions in Cherry or Grippon and did not address the merits of the trial judges' jury charges on circumstantial evidence. See Hutto v. S. Farm Bureau Life Ins. Co., 259 S.C. 170, 173, 191 S.E.2d 7, 8-9 (1972) ("It is, of course, settled law that 'a case cannot be considered as a binding precedent on a legal point that was not argued in the case and not mentioned in the opinion.' " (citations omitted)). In fact, the Supreme Court readily acknowledged in several of the cases that the "reasonable hypothesis" language from Edwards had expressly been rejected as an appropriate charge on circumstantial evidence. See Odems, 395 S.C. at 590, 720 S.E.2d at 52 ("Despite the Court's abandonment of the use of [the 'reasonable hypothesis'] definition as a jury charge in State v. Cherry, the definition illustrates the lack of evidence against Petitioner."); Hernandez, 382 S.C. at 620, n. 2, 677 S.E.2d at 606 (acknowledging the Court abandoned the "reasonable hypothesis" language in State v. Cherry while noting it illustrated the lack of evidence against Hernandez and his co-defendant). Accordingly, the decisions in the cases relied upon by Appellant did **not** establish the circumstantial evidence jury instruction from Grippon was no longer a valid statement of the law, and the trial judge committed no error in overruling Appellant's objection to that instruction.

Furthermore, Appellant maintains that the trial judge should have included the "reasonable hypothesis" language in his jury instructions because such a charge would have illustrated the lack of evidence of Appellant's guilt. However, Appellant did not request an instruction on the "reasonable hypothesis" language during trial and, instead, only objected to the inclusion of language indicating the law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial

evidence.<sup>5</sup> Because Appellant did not request an instruction on the “reasonable hypothesis” language, any issue with the trial judge’s failure to give such an instruction is not preserved for appellate review. See State v. Williams, 266 S.C. 325, 335, 223 S.E.2d 38, 43 (1976) (“The rule in this State is firmly established that failure to object to a charge, **or failure to request an additional charge when the opportunity is afforded**, constitutes a waiver of any right to complain on appeal of an alleged error in the charge.” (emphasis added)). However, even if the issue was somehow preserved, the trial judge correctly chose not to instruct the jury on the “reasonable hypothesis” language due to the clear requirements of the Supreme Court’s decision in Cherry. See Cherry, 361 S.C. at 601, 606 S.E.2d at 482 (“[W]e hold that the recommended language in Grippon is the sole and exclusive charge to be given in circumstantial evidence cases in this state, along with a proper reasonable doubt instruction.”). Moreover, the evidence presented by the State, which consisted primarily of **direct** evidence, was not lacking and did establish Appellant’s guilt to the exclusion of any reasonable hypothesis, particularly in light of the direct testimony of Victim identifying Appellant as the perpetrator of the crimes and the testimony clearly establishing Appellant’s criminal intent based on his stated intentions and actions. See State v. Fletcher, 379 S.C. 17, 25, 664 S.E.2d 480, 484 (2008) (“Error is harmless beyond a reasonable doubt where it did not contribute to the verdict obtained.”).

---

<sup>5</sup> To the extent Appellant is suggesting the language in the trial judge’s charge stating the law makes no distinction between the weight or value to be given to direct or circumstantial evidence was erroneous, that portion of the instruction was unquestionably a correct statement of the law. See Grippon, 327 S.C. at 88, 489 S.E.2d at 466 (Toal, J., concurring) (“The question is not whether circumstantial evidence carries the same probative weight as direct evidence; of course it does.”); see also Holland, 348 U.S. at 140 (“Admittedly, circumstantial evidence may in some cases point to a wholly incorrect result. Yet this is equally true of testimonial evidence. In both instances, a jury is asked to weigh the chances that the evidence correctly points to guilt against the possibility of inaccuracy or ambiguous inference. In both, the jury must use its experience with people and events in weighing the probabilities. If the jury is convinced beyond a reasonable doubt, we can require no more.”).

In Appellant's case, the trial judge properly and completely instructed the jury on the applicable law. See Rye, 375 S.C. at 123, 651 S.E.2d at 323 (2007) ("A trial court's decision regarding jury charges will not be reversed where the charges, as a whole, properly charged the law to be applied."). In doing so, the trial judge charged the jury on the law regarding circumstantial evidence in a manner consistent with the instructions of our Supreme Court and correctly defined reasonable doubt for the jury. Nothing more was required of the trial judge. See State v. Rayfield, 357 S.C. 497, 505, 593 S.E.2d 486, 490 (Ct. App. 2004) ("The trial court is required to charge the correct law of South Carolina."). For the foregoing reasons, the jury instructions presented in Appellant's case do not warrant a reversal of Appellant's convictions. See Ezell, 321 S.C. at 425, 468 S.E.2d at 681 ("A jury charge which is substantially correct and covers the law does not require reversal."). Accordingly, Appellant's convictions should be affirmed.

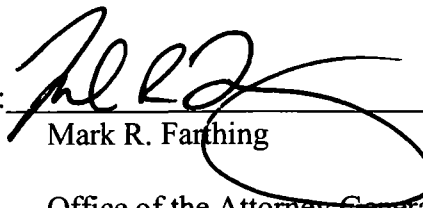
**CONCLUSION**

For all the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Assistant Attorney General

BY:   
Mark R. Farthing

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

September 28, 2012

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Charleston County  
Honorable Roger M. Young, Sr., Circuit Court Judge  
Appellate Case No. 2011-194406

---

THE STATE,

Respondent,

vs.

CLARENCE LOGAN, JR.,

Appellant.

---

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

---

In addition to the matter designated by Appellant, Respondent proposes the following to be included in the Record on Appeal:

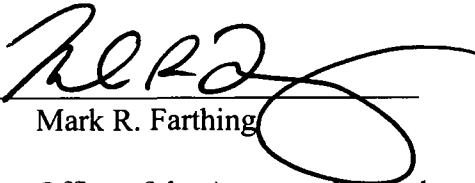
- (1) Trial Transcript, Pages 6-7, 42-50, 61-213, and 245-264;**
- (2) Both Indictments; and**
- (3) Sentencing Sheet.**

To facilitate the preparation of the Final Brief, Respondent requests that counsel for Appellant retain the page numbers of the trial transcript in the Record on Appeal, in addition to the new page numbers.

The undersigned hereby certifies this Designation contains no matter which is irrelevant to this appeal.

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Assistant Attorney General

BY:   
Mark R. Farthing

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

September 28, 2012

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Charleston County  
Honorable Roger M. Young, Sr., Circuit Court Judge  
Appellate Case No. 2011-194406

---

THE STATE,

Respondent,

vs.

CLARENCE LOGAN, JR.,

Appellant.

---


**PROOF OF SERVICE**

---

I, Ellen R. DuBois, certify that I have served the within Initial Brief of Respondent and Designation of Matter on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

LaNelle Cantey DuRant, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.  
This 28th day of September, 2012.



ELLEN R. DuBOIS  
Legal Assistant

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

# The South Carolina Court of Appeals

The State, Respondent

v.

Clarence Logan, Appellant.

Appellate Case No. 2011-194406

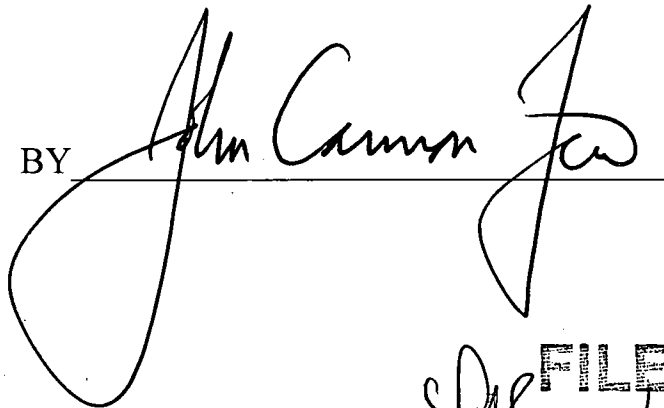
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## ORDER

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The respondent requests an extension to serve and file the initial brief of respondent and designation of matter and alleges there are extraordinary circumstances justifying this extension. The extension is granted until October 1, 2012. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 ([www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01](http://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01)), any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

BY

A large, stylized handwritten signature in black ink, appearing to read "Alan Cannon". The signature is written over a horizontal line.

Columbia, South Carolina

cc:

LaNelle Cantey DuRant  
Mark Reynolds Farthing

**FILED**  
JKS 9/20/12

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Charleston County  
Honorable Roger M. Young, Circuit Court Judge  
Appellate Case No. 2011-194406

RECEIVED  
AUG 29 2012  
SC Court of Appeals

THE STATE,

Respondent,

vs.

CLARENCE LOGAN,

A 4th ext.

**MOTION FOR FOURTH EXTENSION OF TIME W  
TO SERVE AND FILE INITIAL BRIEF OF RES  
AND DESIGNATION OF MATTER**

Respondent, through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on August 29, 2012.

**II.**

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the Respondent moves for a fourth extension in the above-referenced criminal appeal. Due to work required in other cases pending before this Court and the South Carolina Supreme Court, I am unable to complete this Brief on time. In the past few weeks, the undersigned has

participated in oral argument at this Court in State v. David Lee Meggett and State v. Demetrius Undreus Price, has submitted Initial Briefs to this Court in State v. Dawson, State v. Brown, State v. Hickson, State v. Hickson, State v. Moore, State v. Keeling, and State v. Walshaw, has filed a Brief of Petitioner in the Supreme Court in State v. Brown, has filed a Petition for Rehearing in this Court in State v. Jenkins, State v. Eaglin, and State v. Blackmon, has filed a Return to Petition for Rehearing in this Court in State v. Salley, has filed a Petition for Certiorari in the Supreme Court in State v. Jamison, State v. Coaxum, and State v. Eaglin, and has filed a Return to Petition for Certiorari in the Supreme Court in State v. Morris, State v. Jamison, State v. Garris, State v. Nicholson, State v. Nash, State v. Massey, and State v. Salley.

### III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. The Initial Brief of Respondent in the above case has required extensive research because Appellant presents a significant jury charge issue on appeal. The undersigned is currently working on the Initial Brief in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

**WHEREFORE**, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

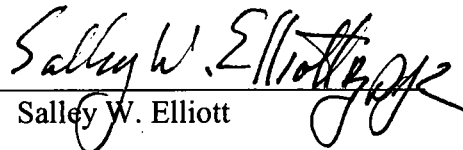
ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Assistant Deputy Attorney General

MARK R. FARTHING  
Assistant Attorney General

By:   
Mark R. Farthing

By:   
Salley W. Elliott

By:   
John W. McIntosh

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

August 29, 2012

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Charleston County  
Honorable Roger M. Young, Circuit Court Judge  
Appellate Case No. 2011-194406

---

THE STATE,

Respondent,

vs.

CLARENCE LOGAN,

Appellant.

---

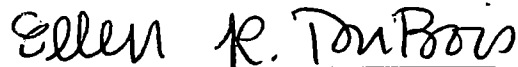
**PROOF OF SERVICE**

---

I, Ellen R. DuBois, certify that I have served the within Motion for Fourth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

LaNelle Cantey DuRant, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.  
This 29th day of August, 2012.



ELLEN R. DuBOIS  
Legal Assistant

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

August 29, 2012

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: State v. Clarence Logan - Appellate Case No. 2011-194406

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the Motion for Fourth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing  
Assistant Attorney General  
Bar No. 76901

MRF/erd  
Enclosures

cc: LaNelle Cantey DuRant, Esquire  
Victim Services

**RECEIVED**  
AUG 29 2012  
SC COURT OF APPEALS



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

August 07, 2012

Mr. Mark Reynolds Farthing  
PO Box 11549  
Columbia SC 29211-1549

Re: The State v. Logan, Clarence  
Appellate Case No. 2011-194406

Dear Counsel:

The following order has been endorsed on your motion for third extension of time within which to serve and file the initial brief of respondent and designation of matter in the above matter.

"Granted.

John Cannon Few, C.J.  
For the Court

By: Jenny Abbott Kitchings  
Clerk

August 07, 2012."

For good cause shown, the request for an extension to serve and file the initial brief of respondent and designation of matter is granted and extended until August 30, 2012. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 ([www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01](http://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01)), any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: LaNelle Cantey DuRant

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Charleston County  
Honorable Roger M. Young, Circuit Court Judge  
Appellate Case No. 2011-194406

---

THE STATE,

Respondent,

vs.

CLARENCE LOGAN,

Appellant.

---

**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT  
AND DESIGNATION OF MATTER**

---

Respondent, through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on July 30, 2012.

**II.**

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the Respondent moves for a third extension in the above-referenced criminal appeal. Due to work required in other cases pending before this Court and the South Carolina Supreme Court, I am unable to complete this Brief on time. In the past few weeks, the undersigned has

participated in oral argument at the Supreme Court in State v. Lucius Simuel, Jr., participated in oral argument at this Court in State v. Otis Lamar Bland, Jr., State v. Kevin Tijuan Hardy, State v. Jeffery Wesley, and State v. Demetrius Undreus Price, has submitted Initial Briefs to this Court in State v. Jackson, State v. McFarland, State v. Parker, State v. Poole, State v. Aiken, State v. Dawson, State v. Brown, State v. Hickson, State v. Hickson, and State v. Moore, has filed a Brief of Petition in the Supreme Court in State v. Brown, has filed a Petition for Rehearing in this Court in State v. Jamison, State v. Jenkins, and State v. Eaglin, has filed a Return to Petition for Rehearing in this Court in State v. Salley, has filed a Petition for Certiorari in the Supreme Court in State v. Hill, State v. Jamison, State v. Coaxum, and State v. Eaglin, and has filed a Return to Petition for Certiorari in the Supreme Court in State v. Butler, State v. Johnson, State v. Morris, State v. Jamison, State v. Garris, State v. Nicholson, State v. Nash, and State v. Massey.

### III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. The Initial Brief of Respondent in the above case has required extensive research because Appellant presents a significant jury charge issue on appeal. The undersigned is currently working on the Initial Brief in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

**WHEREFORE**, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

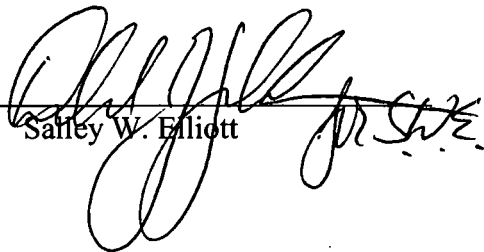
ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Assistant Deputy Attorney General

MARK R. FARTHING  
Assistant Attorney General

By:   
Mark R. Farthing

By:   
Salley W. Elliott

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

July 30, 2012

**GRANTED**  
**JOHN CANNON FEW, C.J.**  
**FOR THE COURT**

By:   
(Clerk) (Deputy Clerk)

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Charleston County  
Honorable Roger M. Young, Circuit Court Judge  
Appellate Case No. 2011-194406

---

THE STATE,

Respondent,

vs.

CLARENCE LOGAN,

Appellant.

---

**PROOF OF SERVICE**

---

I, Ellen R. DuBois, certify that I have served the within Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

LaNelle Cantey DuRant, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.  
This 30th day of July, 2012.



ELLEN R. DuBOIS  
Legal Assistant

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

July 30, 2012

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: State v. Clarence Logan - Appellate Case No. 2011-194406

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing  
Assistant Attorney General  
Bar No. 76901

MRF/erd  
Enclosures

cc: LaNelle Cantey DuRant, Esquire  
Victim Services

# The South Carolina Court of Appeals

The State, Respondent

v.

Clarence Logan, Appellant.

Appellate Case No. 2011-194406

The Honorable Roger M. Young  
Charleston County  
Trial Court Case No. 2010GS1003060

---

## ORDER

---

For good cause shown, the request for an extension to serve and file the initial brief of respondent and designation of matter is granted and extended until July 30, 2012. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 ([www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01](http://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01)), any further extension request must be based on a showing of good cause and must be signed by the appropriate attorneys.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina  
cc: LaNelle Cantey DuRant  
Mark R. Farthing

FILED  
JA 6/29/12

**Bellamy, Latrea**

---

**From:** COA Extensions  
**Sent:** Tuesday, June 05, 2012 8:36 AM  
**To:** Bellamy, Latrea  
**Subject:** FW: State v. Clarence Logan



---

**From:** Mark Farthing [mailto:MFarthing@scag.gov]  
**Sent:** Monday, June 04, 2012 11:13 AM  
**To:** COA Extensions  
**Cc:** Ellen DuBois; dsimons@sccid.sc.gov; ldurant@sccid.sc.gov  
**Subject:** State v. Clarence Logan

Clerk's Office  
South Carolina Court of Appeals

RE: State v. Clarence Logan

The Initial Brief of Respondent and Designation of Matter in the above appeal are due to be served June 4, 2012. However, due to a heavy workload, I am requesting a 30 day extension.

This is the **second** extension request in this case, and it is not intended for the purpose of delay. By copy of this email, I am asking that counsel for Appellant, LaNelle C. DuRant, Esquire, consent to this extension request.

Sincerely,  
Mark R. Farthing  
Assistant Attorney General

MRF/

Mark R. Farthing  
Assistant Attorney General  
Office of the Attorney General  
Post Office Box 11549  
Columbia, S.C. 29211  
(803) 734-3727  
[MFarthing@scag.gov](mailto:MFarthing@scag.gov)

# The South Carolina Court of Appeals

The State, Respondent

v.

Clarence Logan, Appellant.

Appellate Case No. 2011-194406

---

## ORDER

---

The request for an extension to serve and file the Initial Brief of Respondent and Designation of Matter is granted and extended until June 4, 2012. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 ([www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01](http://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01)), any further extension request must be based on a showing of good cause.

FOR THE COURT

BY *V. Claire Allen, Deputy*  
CLERK

Columbia, South Carolina

cc: Appellate Defender LaNelle C. DuRant  
Assistant Attorney General Mark. R. Farthing

**Bellamy, Latrea**

---

**From:** COA Extensions  
**Sent:** Thursday, May 03, 2012 3:42 PM  
**To:** Bellamy, Latrea  
**Subject:** FW: State v. Clarence Logan

*1st ext  
due 6/4/12*

---

**From:** Ellen DuBois [mailto:EDuBois@scag.gov]  
**Sent:** Thursday, May 03, 2012 3:35 PM  
**To:** COA Extensions  
**Cc:** Mark Farthing; dsimons@sccid.sc.gov; Idurant@sccid.sc.gov  
**Subject:** State v. Clarence Logan

Clerk's Office  
South Carolina Court of Appeals

RE: State v. Clarence Logan

The Initial Brief of Respondent and Designation of Matter in the above appeal are due to be served May 3, 2012. However, due to a heavy workload, I am requesting a 30 day extension.

This is the **first** extension request in this case, and it is not intended for the purpose of delay. By copy of this email, I am asking that counsel for Appellant, LaNelle C. DuRant, Esquire, consent to this extension request.

Sincerely,  
Mark R. Farthing  
Assistant Attorney General

MRF/erd

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

---

Appeal from Charleston County

Roger M. Young, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

CLARENCE LOGAN,

APPELLANT

---

INITIAL BRIEF OF APPELLANT

---

LANELLE CANTEY DURANT  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1343

ATTORNEY FOR APPELLANT

**RECEIVED**

MAR 19 2012

**SC Court of Appeals**

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State v. Odems, 395 S.C. 582, 720 S.E.2d 48 (2011).....3, 5, 9

STATEMENT OF ISSUE ON APPEAL

Did the trial court err in giving the charge on circumstantial evidence as stated in State v. Grippon, 327 S.C. 79, 489 S.E.2d 462 (1997) when in light of the recent Supreme Court decision in State v. Bostick, 392 S.C. 134, 708 S.E.2d 774 (2011) and State v. Odems, 395 S.C. 582, 720 S.E.2d 48 (2011), the Grippon charge is no longer valid, and the traditional charge as provided in State v. Hernandez, 382 S.C. 620, 677 S.E.2d 603 (2009) should apply<sup>1</sup> when the only evidence of rape was the word of the adult victim?

---

<sup>1</sup> Should oral argument be granted, counsel will move to argue against precedent.

## STATEMENT OF THE CASE

On May 10, 2010, the Charleston County Grand Jury indicted Clarence Logan, Jr., on the charges of attempted criminal sexual conduct first degree (CSC) and strong armed robbery (SAR). On June 8-9, 2011, Logan proceeded to trial before the Honorable Roger M. Young and a jury. Logan was represented by Beattie Butler and Reese Stidham, and the state was represented by Timmy Finch and Rutledge DuRant, Assistant Solicitors. The jury returned a verdict of guilty on the attempted CSC first degree, and a verdict of not guilty on the strong armed robbery. Tr. 257, ll. 1 – 12. Judge Young sentenced Logan to ten years to run concurrent with Logan's federal sentence of six years for a federal drug charge. Tr. 260, ll. 12 – 25; Tr. 261, ll. 1 – 25; Tr. 262, ll. 1. Logan's attorney filed a notice of appeal. This appeal follows.

## ARGUMENT

The trial court erred in giving the charge on circumstantial evidence as stated in State v. Grippon, 327 S.C. 79, 489 S.E.2d 462 (1997) when in light of the recent Supreme Court decision in State v. Bostick, 392 S.C. 134, 708 S.E.2d 774 (2011) and State v. Odems, 395 S.C. 582, 720 S.E.2d 48 (2011), the Grippon charge is no longer valid, and the traditional charge as provided in State v. Hernandez, 382 S.C. 620, 677 S.E.2d 603 (2009) should apply when the only evidence of rape was the word of the adult victim?

On the evening of February 3, 2010, Jarvia O’Neal went to the Lovey Dovey Bar in Charleston to eat crabs. Tr. 61, ll. 4 – 25; Tr. 62, ll. 1 – 25; Tr. 63, ll. 1 – 25; Tr. 64, ll. 1 – 25. While she was there, her testimony was that Clarence Logan kept trying to talk to her, and she kept telling him no. Tr. 67, ll. 1 – 25.

Jarvia finally decided to go to the bathroom to “get her self together.” Tr. 68, ll. 1 – 25; Tr. 60, ll. 1 – 25; Tr. 70, ll. 1 – 25. As she approached the bathroom to enter, this man Logan, forced himself into the bathroom with her. She put her purse on the counter top in the bathroom. The bathroom was “really, really small.” Tr. 69, ll. 19 – 25; Tr. 71, ll. 1 – 25.

Once they were inside the bathroom, Logan allegedly started assaulting her saying: “Bitch.....I’m going to fuck you tonight.” He allegedly beat her and choked her when she started fighting him. Tr. 72, ll. 1 – 25. She finally kicked him between the legs, and when he went down, she got out. He allegedly took her driver’s license and twenty dollars from her purse. Tr. 73, ll. 1 – 20; Tr. 74, ll. 1 – 25; Tr. 75, ll. 1 – 24.

When she left the bathroom, people started coming towards her to see if she were okay. Tr. 77, ll. 1 – 25; Tr. 78, ll. 1. Andrea Bell, who went to the club with Jarvia, testified that Jarvia was upset when she came out of the bathroom. Her face, eyes, and lips were

swollen. However, Andrea could not identify Logan as the perpetrator. Tr. 135, ll. 1 – 24; Tr. 136, 1 – 9.

Aaron Green, who was the manager of the Lovey Dovey, was there during that incident which occurred in the early hours of February 4, 2010. Tr. 63, ll. 11 – 21; Tr. 155, ll. 13 – 25; Tr. 157, ll. 1 -25. He saw Jarvia and Logan come out of the bathroom. He said that Logan was just looking for his cell phone as he wanted to leave. Jarvia had a bruise on her face, and her hair was wild. He asked Jarvia if she wanted him to call the police, but she said no. And then she left. Tr. 163, ll. 1 – 25; Tr. 164, ll. 1 – 25.

Jarvia admitted that she did not call the police then because she was scared. Logan allegedly had her driver's license and knew where she lived. She was afraid he would come after her. She went to a friend's house that night. Tr. 79, ll. 1 – 25.

The next night, she went to the hospital because her friends told her she needed to get medical treatment. She finally agreed to call the police because her family and friends told her she needed to report this because "she shouldn't let this happen to her." She did not need any stitches, but had a cut on her nose. Tr. 80, ll. 1 – 25; Tr. 81, ll. 1 – 25; Tr. 82, ll. 1 – 4.

Officer Alexa Gray was dispatched to Roper Hospital to see Jarvia. She testified that Jarvia had a black eye, lacerations across her nose, and a knot on the side of her head as well as other minor cuts. Tr. 175, ll. 1 – 25; Tr. 176, ll. 1 – 25.

Jarvia learned from Aaron Green the kind of car Logan drove and the tag number. She gave that information to the police. Tr. 82, ll. 6 – 25; Tr. 83, ll. 1 – 24. During the next few days, she saw the car several times. The car finally came by her house. Tr. 84, ll. 1 –25; Tr. 85, ll. 1 – 6.

Jarvia admitted that a similar incident happened a few years before. That incident involved three male friends who assaulted her. She cut one of them with a box cutter, and was convicted of assault and battery with intent to kill (ABWIK). She served time in prison for that charge. Tr. 90, ll. 1 – 25; Tr. 91, ll. 1 -23.

Detective Omar Faison investigated the incident at Lovey Dovey. The only evidence against Logan of a rape was the word of Jarvia as there was no DNA, and no forensic evidence. Tr. 221, ll. 1 – 12. Defense counsel stated in his opening that Jarvia and Logan did get into a confrontation, and he hit her. However, there was no rape. Tr. 56, ll. 1 – 25; Tr. 57, ll. 25.

At the close of the state's case, the judge asked for any jury charges from the attorneys. Defense counsel objected to the standard jury charge on direct or circumstantial that provided that "the law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence." Tr. 209, ll. 1 – 8.

Counsel argued that after the Supreme Court decision in State v. Bostick, 392 S.C. 134, 708 S.E.2d 774 (2011), where the Court held that the trial court should have granted a directed verdict because the case was entirely circumstantial, he thinks the now standard jury charge from State v. Grippon, 327 S.C. 79, 489 S.E.2d 462 (1997), was no longer valid. Counsel asked to argue against precedent set in Grippon which held that direct and circumstantial evidence were treated equally. Tr. 209, ll. 9 – 22. Tr. 209, ll. 9 – 25; Tr. 210, ll. 1 – 12,. The judge denied counsel's motion. Tr. 210, ll. 13 – 17.

The judge gave the standard jury charge by charging:

the law makes absolutely no distinction between the weight or value to be given either direct or circumstantial evidence,

nor is a greater degree of certainty required of circumstantial evidence than direct evidence.

Tr. 249, ll. 5 – 21.

Following the jury instructions, defense counsel renewed his previous objections. Tr. 256, ll. 5 – 9.

In State v. Cherry, 348 S.C. 281, 559 S.E.2d 297 (2001), the trial judge issued the jury instruction on circumstantial evidence which had recently been recommended by the supreme court in State v. Grippon, *supra*. Defense counsel requested the model charge on circumstantial evidence written by Judge Tom Ervin. The Supreme Court cited the charge as stated in State v. Edwards, 298 S.C. 272, 379 S.E.2d 888 (1989) which the Court described as the “traditional” charge. This charge provided: “Every circumstance relied upon by the state must be proven beyond a reasonable doubt; and ...all of the circumstances so proven be consistent with each other and taken together, point conclusively to the guilt of the accused to the exclusion of every reasonable hypothesis.” State v. Cherry, *supra*, citing State v. Edwards, *supra*. The Supreme Court held that the trial court in Cherry’s case correctly instructed the jury with the Grippon charge.

In State v. Bostick, *supra*, the Supreme Court held that the state presented insufficient evidence to submit the murder charge to the jury. The Court held that the trial court should have granted a directed verdict because the state’s evidence only raised a “suspicion of guilt.” Bostick was charged with the murder of his neighbor, who was an older woman. The evidence against Bostick consisted of items (car keys, calculator) belonging to the victim which were found in the Bostick family’s burn pile; the fire accelerant in the burn pile was one not used by Bostick’s mother; Bostick had a pattern on his shoes that matched

the accelerant which was gasoline; the blood found on Bostick's jeans did not match the victim's.

In State v. Odems, *supra*, the Supreme Court held that the circumstantial evidence did not tend to prove the defendant's guilt, and the defendant was entitled to a directed verdict because the state failed to produce evidence of the offense charged. The evidence against Odems consisted of his location in the getaway car in this burglary case ninety minutes after the burglary; the defendant fled from law enforcement; and Odems asked an uninvolved person to lie for him to the police. The Supreme Court cited the traditional circumstantial evidence definition to illustrate the "deficiency in the state's evidence against Odems." The Court wrote that this definition provided that if the state relied on circumstantial evidence, the jury could not convict unless:

Every circumstance relied upon by the state be proven beyond a reasonable doubt and ...all of the circumstances proven be consistent with each other and taken together, point conclusively to the guilt of the accused to the exclusion of every other reasonable hypothesis.

State v. Odems, *supra*, citing State v. Hernandez, 382 S.C. 620, 677 S.E.2d 603 (2009).

The Court continued by writing:

Despite the Court's abandonment of the use of this particular definition as a jury charge in State v. Cherry, the definition illustrates the lack of evidence against Petitioner.

State v. Odems, *supra*.

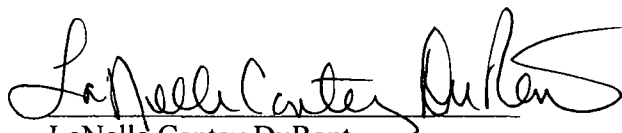
The trial court in Logan's case should have given the traditional jury charge on circumstantial evidence because it, too, would have illustrated the lack of evidence by the state of an attempted CSC first degree by Logan. The only evidence was the word of the victim who did not want to call the police, and did so only because her friends told her she

should. She had a prior incident where she injured her assailant, which did not happen in Logan's case.

CONCLUSION

Based on the above, Logan's conviction and sentence should be reversed, and the case remanded for a new trial.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "LaNelle Cantey DuRant". The signature is written in a cursive style with a large, sweeping flourish at the end.

LaNelle Cantey DuRant  
Appellate Defender

ATTORNEY FOR APPELLANT

This 19th day of March, 2012.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Charleston County

Roger M. Young, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

CLARENCE LOGAN,

APPELLANT

---

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

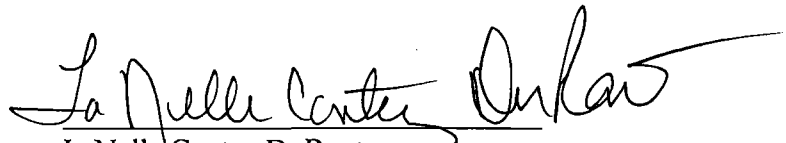
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Appellant proposes the following be included in the Record on Appeal:

- (1) True-billed indictment(s);
- (2) Sentencing Sheet
- (3) Trial Transcript Pages 1, 2, 3, 56, 57, 60 – 64, 67- 75, 77 – 85, 90, 91, 135, 136, 155, 157, 163, 164, 175, 176, 209, 210, 221, 249, 256, 257, 260, 261, 262.

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

March 19th, 2012.



LaNelle Cantey DuRant  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1343

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Roger M. Young, Circuit Court Judge

THE STATE,

RESPONDENT,

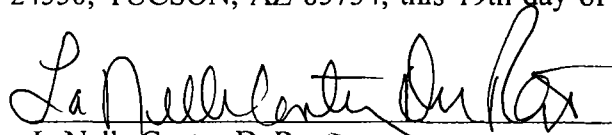
V.

CLARENCE LOGAN,

APPELLANT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Initial Brief of Appellant and Designation of Matter in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and upon Mr. Clarence Logan, Jr. 17442-171 at USP TUCSON - U.S. PENITENTIARY, P.O. BOX 24550, TUCSON, AZ 85734, this 19th day of March, 2012.

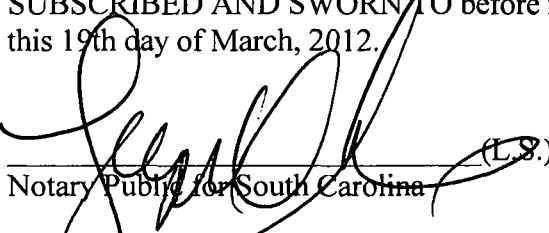


LaNelle Cantey DuRant

Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 19th day of March, 2012.



Notary Public for South Carolina (L.S.)

My Commission Expires: December 4, 2017.



## The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29211  
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March 5, 2012

Appellate Defender Lanelle Durant  
South Carolina Commission on Indigent Defense  
P O Box 11589  
Columbia, SC 29211

Re: The State v. Logan, Clarence

Dear Counsel:

The following Order has been endorsed on your Motion For an Extension of Time in Which to File the Initial Brief of Appellant and Designation of Matter in the above entitled case on appeal.

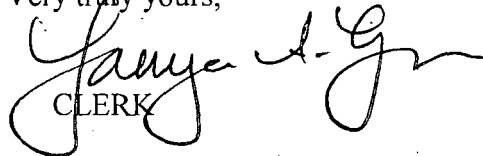
“Granted.

John Cannon Few, C.J.  
For the Court

By s/ V. Claire Allen  
Deputy Clerk

The Appellant's Initial Brief and Designation of Matter are now due on March 19, 2012. Pursuant to the Supreme Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

Very truly yours,

  
CLERK

TAG/lb

cc: Senior Assistant Deputy Attorney General Salley W. Elliott

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
\_\_\_\_\_  
Appeal from Charleston County  
Roger M. Young, Circuit Court Judge  
\_\_\_\_\_

ORIGINAL

5th ext  
Due  
3/19/12

RECEIVED

FEB 16 2012

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CLARENCE LOGAN,

APPELLANT

\_\_\_\_\_  
MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER  
\_\_\_\_\_

Counsel for Clarence Logan respectfully requests a **final extension of thirty (30) days until March 19, 2012**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a final request for an extension of time in this case. In support of this request, counsel shows:

In support of this request, counsel shows:

- (1) The initial brief of appellant and designation of matter are due to be served and filed today. This Court has granted four previous extensions in this case.
- (2) Counsel for Mr. Logan respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions

previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

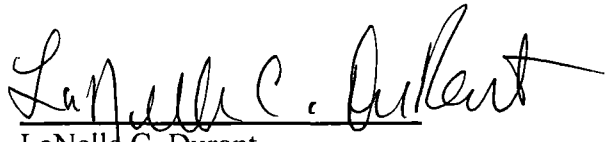
(3) On February 15, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Daniel Rogers. On February 14, 2012, counsel had an oral argument in the case of State v. Jaymes Wood in this Court and filed the initial brief of appellant and designation of matter in the case of State v. Alonza Dennis. On February 13, 2012, counsel had an oral argument in the case of State v. Kevin Epting in this Court. On February 10, 2012, counsel filed the petition for writ of certiorari and appendix in the case of Mario Hunter v. State and the return to petition for writ of certiorari to the Court of Appeals in the case of State v. Phillip Sawyer. On January 27, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Anthony Tilmon. On January 25, 2012, counsel filed the return to petition for writ of certiorari to the Court of Appeals in the case of In the Matter of the Care and Treatment of Vincent Way and the petition for writ of certiorari and appendix in the case of Andre Methelus v. State. On January 19, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Shawn Reaves and the petition for rehearing in the case of In the Matter of the Care and Treatment of Gilbert Gonzalez. On January 17, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Bobby Barton. On January 3, 2012, counsel filed the petition for writ of certiorari, the brief of appellant pursuant to White v. State and appendix in the case of Clarence Robinson v. State.

(4) Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

(5) Counsel for the Attorney General's office consents to this request as shown by signature.

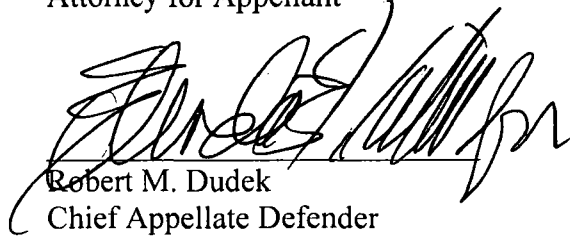
WHEREFORE, the undersigned counsel would respectfully request a **final extension of thirty (30) days until March 19, 2012** in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

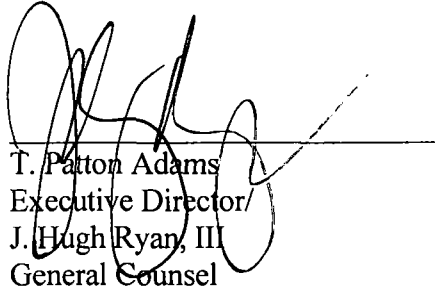


LaNelle C. Durant  
Appellate Defender

Attorney for Appellant



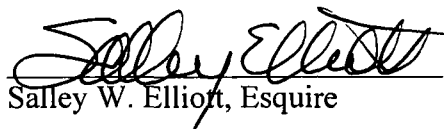
Robert M. Dudek  
Chief Appellate Defender



T. Patton Adams  
Executive Director/  
J. Hugh Ryan, III  
General Counsel

This 16<sup>th</sup> day of February, 2012.

I consent:



Salley W. Elliott, Esquire

GRANTED  
JOHN CANNON FEW, C.J.  
FOR THE COURT

By: V. Claire Allen  
(Clerk) (Deputy Clerk)



# The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29211  
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February 1, 2012

Appellate Defender Lanelle Durant  
South Carolina Commission on Indigent Defense  
P O Box 11589  
Columbia, SC 29211

Re: The State v. Logan, Clarence

Dear Counsel:

The following Order has been endorsed on your Motion For Extension of Time in Which to File the Initial Brief of Appellant and Designation of Matter in the above entitled case on appeal.

"Granted.

John Cannon Few, C.J.  
For the Court

By s/ V. Claire Allen  
Deputy Clerk

The Appellant's Initial Brief and Designation of Matter are now due on February 16, 2012. Pursuant to the Supreme Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

TAG/lb

cc: Senior Assistant Deputy Attorney General Salley W. Elliott

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Charleston County

Roger M. Young, Circuit Court Judge  
\_\_\_\_\_

*4th ext.*  
*Due 2/16/12*  
**ORIGINAL**  
**RECEIVED**  
JAN 17 2012  
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

CLARENCE LOGAN,

APPELLANT

\_\_\_\_\_  
MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER  
\_\_\_\_\_

Counsel for Clarence Logan respectfully requests an additional extension of thirty days, in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension of time in this case. In support of this request, counsel shows:

In support of this request, counsel shows:

(1) The initial brief of appellant and designation of matter are due to be served and filed today, January 17, 2012. This Court has granted three previous extensions in this case.

(2) Counsel for Mr. Logan respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions

previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.


(3) Counsel is preparing to file the initial brief of appellant and designation of matter in the case of State v. Bobby Barton today, January 17, 2012. On January 3, 2012, counsel filed the petition for writ of certiorari, the brief of appellant pursuant to White v. State and appendix in the case of Clarence Robinson v. State. On December 22, 2011, counsel filed the petition for rehearing in the case of State v. Tarus Henry. On December 21, 2011, counsel filed the initial brief of appellant and designation of matter in the case of State v. Kevin Burgess. On December 7, 2011, counsel filed the petition for writ of certiorari and appendix in the case of James Abercrombie v. State and had an oral argument in the case of In the Matter of the Care and Treatment of Orlando Williams in the Court of Appeals. On December 6, 2011, counsel had an oral argument in the case of State v. James Nash in the Court of Appeals.

(4) Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

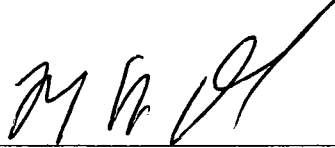
(5) Counsel for the Attorney General's office consents to this request as shown by signature.

WHEREFORE, the undersigned counsel would respectfully request an extension of thirty days in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



LaNelle C. Durant  
Appellate Defender



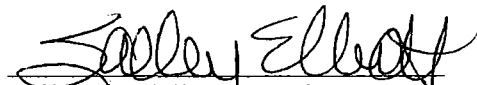
Robert M. Dudek  
Chief Appellate Defender



T. Patton Adams  
Executive Director/  
J. Hugh Ryan, III  
General Counsel

January 17, 2012.

I consent:

  
Salley W. Elliott, Esquire

**GRANTED**  
**JOHN CANNON FEW, C.J.**  
**FOR THE COURT**

By:   
(Clerk) (Deputy Clerk)



# The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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January 4, 2012

Appellate Defender Lanelle Durant  
South Carolina Commission on Indigent Defense  
P O Box 11589  
Columbia, SC 29211

Re: The State v. Logan, Clarence

Dear Counsel:

The following Order has been endorsed on your Motion For Extension of Time in Which to File the Initial Brief of Appellant and Designation of Matter in the above entitled case on appeal.

“Granted.

John Cannon Few, C.J.  
For the Court

By s/ V. Claire Allen  
Deputy Clerk

For good cause shown, the request for an extension to serve and file the Initial Brief of Appellant and Designation of Matter on January 17, 2012 is granted. Pursuant to the Supreme Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

Very truly yours,

*V. Claire Allen, Deputy*  
CLERK

TAG/lb

cc: Assistant Deputy Attorney General Salley W. Elliott

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Charleston County  
Roger M. Young, Circuit Court Judge

3rd ext  
Due 1/17/12  
ORIGINAL

RECEIVED  
DEC 16 2011  
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

CLARENCE LOGAN,

APPELLANT

MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

Counsel for Clarence Logan respectfully requests an additional extension of thirty days, in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third request for an extension of time in this case. In support of this request, counsel shows:

In support of this request, counsel shows:

- (1) The initial brief of appellant and designation of matter are due to be served and filed today, December 16, 2011. This Court has granted two previous extensions in this case.
- (2) Counsel for Mr. Logan respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions

previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

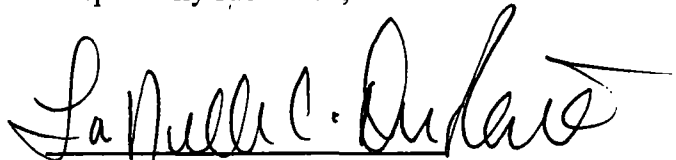
(3) On December 7, 2011, counsel filed the petition for writ of certiorari and appendix in the case of James Abercrombie v. State and had an oral argument in the case of In the Matter of the Care and Treatment of Orlando Williams in this Court. On December 6, 2011, counsel had an oral argument in the case of State v. James Nash in this Court. On November 30, 2011, counsel filed a motion for reconstruction of the record in the case of Willie Richardson v. State. On November 28, 2011, counsel filed the initial brief of appellant and designation of matter in the case of State v. Timothy Lemacks. On November 23, 2011, counsel filed the petition for writ of certiorari to the Court of Appeals and appendix in the case of State v. Lloyd Wright. On November 21, 2011, counsel filed the initial brief of appellant and designation of matter in the case of State v. Andrew Harrelson. On November 18, 2011, counsel filed the petition for writ of certiorari, the brief of appellant pursuant to White v. State and appendix in the case of Bryant James v. State. On November 16, 2011, counsel had an oral argument in the case of The State v. Reginald Latimore in the Supreme Court. On November 10, 2011, counsel filed a motion to remand for ruling on 59(e) motion in the case of Jerry Galbreath v. State. On November 2, 2011, counsel had an oral argument in the case of State v. Tarus Henry in this Court and filed the initial brief of appellant and designation of matter in the case of State v. Marcus Evans.

(4) Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

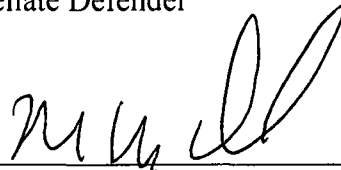
(5) Counsel for the Attorney General's office consents to this request as shown by signature.

WHEREFORE, the undersigned counsel would respectfully request an extension of thirty days in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



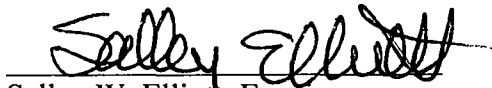
LaNelle C. Durant  
Appellate Defender



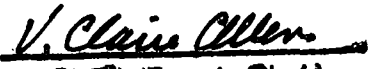
Robert M. Dudek  
Chief Appellate Defender

December 16, 2011.

I consent:

  
Salley W. Elliott, Esquire

GRANTED  
JOHN CANNON FEW, C.J.  
FOR THE COURT

By:   
(Clerk) (Deputy Clerk)

**FILED**  


# The South Carolina Court of Appeals

The State,

Respondent

v.

Clarence Logan,

Appellant.

The Honorable Roger M. Young  
Charleston County  
Trial Court Case No. 2010-GS-10-03060

---

## ORDER

---

For good cause shown, the request for an extension to serve and file the Initial Brief of Appellant and Designation of Matter on December 16, 2011 is granted. Pursuant to the Supreme Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause and must be signed by the appropriate attorneys.

JOHN CANNON FEW, CHIEF JUDGE

BY *V. Claire Allen, Deputy*  
CLERK

Columbia, South Carolina

cc: Appellate Defender Lanelle Durant  
Assistant Deputy Attorney General Salley W. Elliott

**Bellamy, Latrea**

---

**From:** COA Extensions  
**Sent:** Wednesday, November 16, 2011 9:19 AM  
**To:** Bellamy, Latrea  
**Subject:** FW: Clarence Logan

---

**From:** Peggy D. Simons [mailto:dsimons@sccid.sc.gov]  
**Sent:** Wednesday, November 16, 2011 8:53 AM  
**To:** COA Extensions  
**Cc:** Salley Elliott; Angela Bennett; LaNelle C. DuRant; Sharon A. Graham  
**Subject:** Clarence Logan

Clerk's Office  
South Carolina Court of Appeals

Re: The State v. Clarence Logan

Dear Ms. Gee:

The Initial Brief of Appellant and Designation of Matter in the above case are due to be served and filed with the Court November 16, 2011. However, due to my heavy work-load, I am requesting a thirty day extension in which to serve and file this brief.

By copy of this email, I am informing Salley Elliott, Esquire, of my request.

Sincerely,

LaNelle C. Durant  
Appellate Defender

***CONFIDENTIALITY NOTICE:*** *This e-mail and any files transmitted with it are confidential and may contain information which is legally privileged or otherwise exempt from disclosure. They are intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please immediately notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.*

---

# The South Carolina Court of Appeals

The State,

Respondent

v.

Clarence Logan,

Appellant.

The Honorable Roger M. Young  
Charleston County  
Trial Court Case No. 2010-GS-10-03060

---

## ORDER

---

The request for an extension to serve and file the Initial Brief of Appellant and Designation of Matter on November 16, 2011 is granted. Pursuant to the Supreme Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause.

JOHN CANNON FEW, CHIEF JUDGE

BY

  
CLERK

Columbia, South Carolina

cc: Appellate Defender Lanelle Durant  
Assistant Deputy Attorney General Salley W. Elliott

**FILED**

10/24/11 

**Bellamy, Latrea**

---

**From:** COA Extensions  
**Sent:** Wednesday, October 19, 2011 9:52 AM  
**To:** Bellamy, Latrea  
**Subject:** FW: Clarence Logan

1st ext  
Due 11/16/11

---

**From:** Angela Bennett [mailto:ABennett@scag.gov]  
**Sent:** Tuesday, October 18, 2011 4:11 PM  
**To:** Simons, Peggy D.; COA Extensions  
**Cc:** DuRant, LaNelle C.; Elliott, Salley; Graham, Sharon A.  
**Subject:** Re: Clarence Logan

we consent

>>> "Peggy D. Simons" <[dsimons@sccid.sc.gov](mailto:dsimons@sccid.sc.gov)> 10/17/2011 9:43 AM >>>  
Clerk's Office  
South Carolina Court of Appeals

Re: The State v. Clarence Logan, Jr.

Dear Ms. Gee:

The Initial Brief of Appellant and Designation of Matter in the above case are due to be served and filed with the Court October 17, 2011. However, due to my heavy work-load, I am requesting a thirty day extension in which to serve and file this brief.

By copy of this email, I am informing Salley Elliott, Esquire, of my request.

Sincerely,

LaNelle C. Durant  
Appellate Defender

**CONFIDENTIALITY NOTICE:** *This e-mail and any files transmitted with it are confidential and may contain information which is legally privileged or otherwise exempt from disclosure. They are intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please immediately notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.*

---

--- Scanned by M+ Guardian Messaging Firewall ---



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

August 18, 2011

The Honorable Tanya A. Gee  
Clerk, S.C. Court of Appeals  
PO Box 11629  
Columbia, SC 29211

**RECEIVED**

AUG 18 2011

**SC Court of Appeals**

Dear Ms. Gee:

The following case falls under the 60 day rule for appeals, and the date we received the transcript is listed to the side.

The State v. Clarence Logan, Jr.

8/18/2011

I would appreciate you beginning our time limits from the above date, and if you need additional information, or have any questions please contact me.

Thank you for your assistance in this matter.

Sincerely,

Sharon A. Graham  
Administrative Coordinator



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

June 28, 2011

Ms. Amanda K. Haffenden  
Circuit Court Reporter  
P O Box 424  
Summerville, SC 29484

Dear Ms. Haffenden:

Please provide us with the following transcript:

The State v. Clarence Logan, Jr.

Case #:

10-GS-10-03060

County: Charleston

Date of Trial: June 9, 2011

Presiding Judge: Roger M. Young

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

Please number the lines on the paper from 1-25, and include any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments.

If you are aware of any co-defendants or if the Attorney General's Office has already requested a transcript, please let us know.

Sincerely,

Sharon A. Graham  
Administrative Coordinator

cc: S.C. Court of Appeals  
Attorney General's Office

**RECEIVED**  
JUN 28 2011  
SC Court of Appeals



# The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

June 29, 2011

Beattie Inglis Butler, Esquire  
Charleston Cnty. Public Defender's Office  
O.T. Wallace Bldg., 5th Floor  
101 Meeting St.  
Charleston, SC 29401

Re: The State v. Logan, Clarence

Dear Mr. Butler:

We have received your Notice of Appeal in the case noted above. This case will be docketed in the Court of Appeals and all communications concerning this case, including motions and petitions, initial and final briefs, and the Record on Appeal, should be directed to and filed in this Court. For all filings, please note the requirements of Rule 267(a) of the South Carolina Appellate Court Rules, and be further advised that Court of Appeals policy requires the firm name of any counsel shown must be included in his or her address.

Please be advised that pursuant to Rule 602, SCACR and the order of the Chief Justice dated December 12, 1997, if you expect the Office of Indigent Defense to pursue this appeal, you must provide that office with all information required to proceed with this appeal, failing which, this office will consider you counsel of record.

We suggest that large parcels such as copies of final briefs and the Record On Appeal be sent directly to the Court via the street address: 1015 Sumter Street, Columbia, S.C. 29201. Thank you for your attention to this. Failure to file in the proper court may result in the dismissal of your appeal.

PLEASE BE ADVISED that, pursuant to Rule 207 of the South Carolina Appellate Court Rules, the transcript must be ordered within thirty (30) days of the proof of service of the Notice of Appeal and you must provide this Court, opposing counsel, and the Office of Court Administration with all correspondence regarding the transcript. It is also Appellant's responsibility to make satisfactory arrangements (including agreement regarding payment for the transcript) with the Court Reporter for furnishing the transcript. You are reminded of the notification requirements of Rule 207(a)(5), SCACR, also, please advise the Court in writing upon receipt of the transcript.

NOTE: If you believe this case has been improperly filed in the Court of Appeals, by reason of the limitations set forth in S.C. Code Ann. Section 14-8-200(b)(1998), as amended June 1, 1999, notify the Clerk's office of the Court of Appeals immediately. The cited Code Section prohibits the Court of Appeals from hearing appeals in seven classes of cases:

- 1) any final judgment from the circuit court which includes a sentence of death;
- 2) any final judgment from the circuit court setting public utility rates pursuant to Title 58;
- 3) any final judgment involving a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance where the principal issue is the constitutionality of the law or ordinance;
- 4) any final judgment from the circuit court involving the authorization, issuance, or proposed issuance of general obligation debt, revenue, institutional, industrial, or hospital bonds of the state, its agencies, political subdivisions, public service districts, counties, and municipalities or any other indebtedness now or hereafter authorized by Article X of the Constitution of this state;
- 5) any final judgment from the circuit court pertaining to elections and election procedure;
- 6) any order limiting an investigation by a State Grand Jury under S.C. Code Ann. Section 14-7-1630;
- 7) any order of the family court relating to an abortion by a minor under S.C. Code Ann. Section 44-41-33.

Very truly yours,  
Tanya A. Gee  
CLERK

*vet*  
TAG/lb

cc: Chief Appellate Defender Robert M. Dudek  
Assistant Deputy Attorney General Salley W. Elliott



# The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

June 29, 2011

Beattie Inglis Butler, Esquire  
Charleston Cnty. Public Defender's Office  
O.T. Wallace Bldg., 5th Floor  
101 Meeting St.  
Charleston, SC 29401

Re: The State v. Logan, Clarence  
Case No. 2011194406

Dear Mr. Butler:

This office has received your Notice of Appeal in the above matter. It has been assigned the Case Tracking Number that appears above. Please use this number on all future correspondence relating to this matter.

I do wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,

*V. Claire Allen, Deputy*  
CLERK

TAG/lb

cc: Chief Appellate Defender Robert M. Dudek  
Assistant Deputy Attorney General Salley W. Elliott



# The South Carolina Court of Appeals

TANYA A. GEE  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
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FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

June 29, 2011  
MEMORANDUM

To: Loriene French/Sharon Graham/Angela Bennett

From: Latrea Bellamy

Re: Notice of Filing of Notice of Appeal

Case Name: The State v. Logan, Clarence

Case Number: 2010-GS-10-03060

County: Charleston

Date of Filing: June 17, 2011

Proof of Service: June 15, 2011

Filed by: Attorney Beattie Butler

Judge: The Honorable Roger M. Young

Hearing Date: June 9, 2011

Guilty plea: No

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

---

POS - 8/15/11  
PM - 6/17/11

**APPEAL FROM CHARLESTON COUNTY  
Court of General Sessions**

**The Honorable Roger Young, Presiding Judge**

---

**CASE NO.: 2010-GS-10-03060**

**Warrant Numbers: K610895**

**Charges: Assault w/Intent to Commit CSC 1<sup>st</sup> Degree**

---

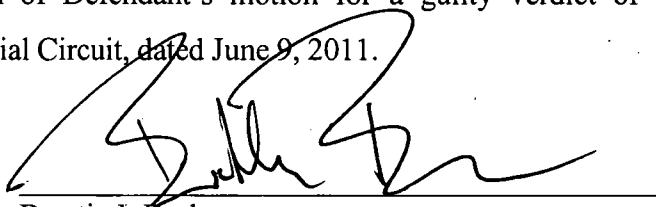
**STATE OF SOUTH CAROLINA, RESPONDENT**

**VS.**

**CLARENCE LOGAN JR., APPELLANT**

**NOTICE OF APPEAL**

Defendant appeals from the denial of Defendant's motion for a guilty verdict of the Honorable Roger Young, Judge, Ninth Judicial Circuit, dated June 9, 2011.



---

Beattie I. Butler  
Attorney for Appellant  
Charleston County Public Defender  
O. T. Wallace County Office Building  
101 Meeting Street, 5<sup>th</sup> Floor  
Charleston, SC 29401  
(843) 958-1850

Other counsel of record are:  
Timmy Finch, Solicitor  
Office of the Solicitor, Ninth Judicial Circuit  
O.T. Wallace County Office Building  
101 Meeting Street  
Charleston, SC 29401  
(843) 958-1900

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

---

**APPEAL FROM CHARLESTON COUNTY  
Court of General Sessions**

**The Honorable Roger Young, Presiding Judge**

---

**CASE NO.: 2010-GS10-03060**

**Warrant Numbers: K610895**

**Charges: Assault w/Intent to Commit CSC 1<sup>st</sup> Degree**

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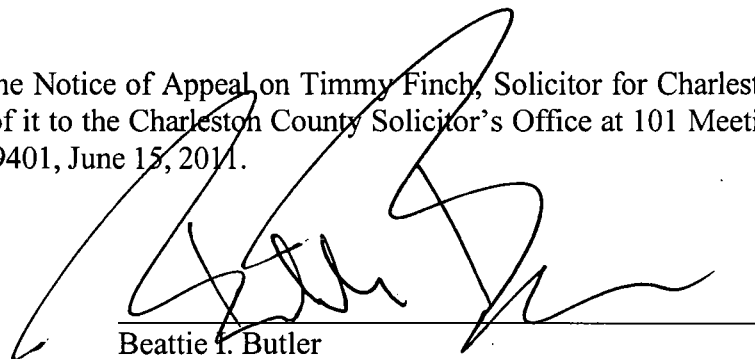
**STATE OF SOUTH CAROLINA, RESPONDENT**

**VS.**

**CLARENCE LOGAN JR., APPELLANT**

**PROOF OF SERVICE**

I certify that I have served the Notice of Appeal on Timmy Finch, Solicitor for Charleston County, by hand delivering a copy of it to the Charleston County Solicitor's Office at 101 Meeting Street, Charleston, South Carolina 29401, June 15, 2011.



---

Beattie I. Butler  
Attorney for Appellant  
Charleston County Public Defender  
O. T. Wallace County Office Building  
101 Meeting Street  
Charleston, SC 29401  
(843) 958-1850

Dated: 6/15/11

STATE OF SOUTH CAROLINA ) **IN THE SOUTH CAROLINA COURT OF APPEALS**  
 )  
COUNTY OF CHARLESTON ) Case No(s): 2010-GS-10-03060  
 ) Warrant No(s): K610895  
 ) Charge(s): Assault w/Intent to Commit CSC 1<sup>st</sup> Degree

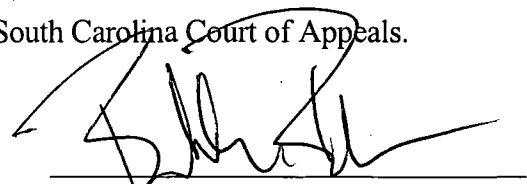
STATE OF SOUTH CAROLINA )  
 )  
 vs. )  
 )  
CLARENCE LOGAN JR. )  
 )  
 Defendant )  
 )

**REQUEST FOR REPRESENTATION  
ON APPEAL**

On behalf of the request of the above-named Defendant, to be represented by the South Carolina Commission of Appellate Defense, the undersigned attorney would show unto this Honorable Court that:

1. He is the attorney for the defendant-appellant in the above captioned case. The defendant-appellant was placed in custody immediately following the denial of Defendant's motion for a directed verdict and was not available to personally sign this Request.
2. The defendant-appellant was represented by the Charleston County Public Defender's Office as an indigent, pursuant to the Defense of Indigent Act.
3. The defendant-appellant has been informed that he may request assistance from the South Carolina Commission of Appellate Defense in perfecting his appeal.
4. A timely Notice of Intention to Appeal has been filed on the defendant's-appellant behalf.
5. The defendant-appellant has been informed that nothing requires that office to pursue this appeal unless that office's Chief Attorney is satisfied that there is arguable merit to this appeal and that he cannot afford to hire an attorney.

At this time, the defendant-appellant requests the aid of the South Carolina Commission of Appellate Defense in perfecting his appeal to the South Carolina Court of Appeals.

  
Beattie I. Butler  
Public Defender for Charleston County

Charleston, South Carolina

Dated: 6-15, 2011.

**RECEIVED**  
JUN 20 2011  
SC Court of Appeals



**CHARLESTON COUNTY PUBLIC DEFENDER  
O. T. WALLACE COUNTY OFFICE BUILDING  
101 MEETING STREET  
CHARLESTON, SOUTH CAROLINA 29401**

(843) 958-1850

FAX (843) 958-1860

June 15, 2011

South Carolina Appellate Defense Commission  
1330 Lady Street, 4<sup>th</sup> Floor  
Columbia, South Carolina 29211

Re: State of South Carolina vs. Clarence Logan Jr.  
Case# 2010GS1003060  
Warrant No(s): K610895  
Charge(s): Assault w/Intent to Commit CSC 1<sup>st</sup> Degree

Dear Sir/Madam:

Enclosed herein is a duplicate set of the Appeal papers which I have forwarded to the Clerk of the South Carolina Court of Appeals concerning the above-subject defendant. This defendant was represented by our office as an indigent, pursuant to the Defense of Indigents Act. It is requested that your office assume the Appeal of this case.

The name of the Court Reporter is Amanda K. Haffenden and her address is PO Box 424, Summerville, South Carolina 29484. I have enclosed documents usually requested by your office. Documents listed but not applicable to this particular case have been marked "N/A". If I can be of assistance by discussing this case with you, please do not hesitate to call.

Sincerely,



Beattie I. Butler  
Attorney for Clarence Logan Jr.

Enclosures as stated above

**RECEIVED**

JUN 20 2011

**SC Court of Appeals**

**CHARLESTON COUNTY PUBLIC DEFENDER**  
**O. T. WALLACE COUNTY OFFICE BUILDING**  
**101 MEETING STREET**  
**CHARLESTON, SOUTH CAROLINA 29401**

**(843) 958-1850**

**FAX (843) 958-1860**

June 15, 2011

The Honorable Kenneth A. Richstad  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**Re:** State of South Carolina vs. Clarence Logan Jr.  
Case# 2010GS1003060  
Warrant No(s): K610895  
Charge(s): Assault w/Intent to Commit CSC 1<sup>st</sup> Degree

Dear Mr. Richstad:

Enclosed is the Notice of Intent to Appeal in the above-referenced case, together with appropriate Proof of Service upon the Circuit Solicitor and Proof of Filing with the local Clerk of Court. Also enclosed is a Request for Representation on Appeal. The Defendant-Appellant was represented by our office as an indigent, pursuant to the Defense of Indigents Act. By copy of this letter, I am forwarding a duplicate set of these documents to the South Carolina Commission of Appellate Defense.

The Request for Representation on Appeal, and the Affidavit in support thereof, have been signed by me as attorney for the Defendant-Appellant.

As proof of filing for my records, I would appreciate it if one of your Clerks would clock the enclosed copy of this letter and return it to me in the envelope I have provided. Thank you.

Sincerely,



Beattie I. Butler  
Attorney for Clarence Logan Jr.

Enclosures as stated above

cc: South Carolina Commission of Appellate Defense

**RECEIVED**

JUN 20 2011

**SC Court of Appeals**

ARREST WARRANT

K-610895

STATE OF SOUTH CAROLINA

County/ Municipality of CHARLESTON

THE STATE against

CLARANCE LOGAN JR

Address: 2344 ELEGANS DR NORTH CHARLESTON SC 29406

Phone: SSN: 249-61-9509 Sex: B Race: M Height: 511 Weight: 200 DL State: SC DL#: 11548214 DOB: 07-18-1983 Agency ORI#: NCPD Prosecuting Agency: Prosecuting Officer: ATT. CSC FIRST DEGREE Offense: Offense Code: Code/Ordinance Sec: 16-3-632

This Warrant is CERTIFIED FOR SERVICE in the County/ Municipality of The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge (L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Clarence Logan on 2-11-10

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA County/ Municipality of CHARLESTON

AFFIDAVIT

Form Approved by S.C. Attorney General April 21, 2003 SCCA 618

Personally appeared before me the affiant DET. J SCHMIDT who being duly sworn deposes and says that defendant CLARANCE LOGAN JR did within this county and state on 02-04-2010 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of CHARLESTON) in the following particulars:

DESCRIPTION OF OFFENSE: ATT. CSC FIRST DEGREE 16-3-652

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

2010 005272

SEE ATTACHED AFFIDAVIT

Handwritten notes: SCC IN 2-9-10 OPR 868 NCIC 2-9-10 OPR 868 NCIC 458142556

Signature of Affiant

STATE OF SOUTH CAROLINA County/ Municipality of CHARLESTON

Affiant's Address: 2500 CITY HALL LANE NORTH CHARLESTON, SC 29406 Affiant's Telephone: 843-554-5700

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 02-04-2010 defendant CLARANCE LOGAN JR did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of CHARLESTON) as set forth below:

DESCRIPTION OF OFFENSE:

ATT. CSC FIRST DEGREE

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on February 9, 2010 Signature of Issuing Judge Judge Code 5536/HRC

Judge's Address: 3870 LEEDS AVENUE, SUITE 106 N. CHARLESTON, SC 29405 Judge's Telephone: 843-746-9822 Issuing Court: Magistrate

ORIGINAL

BAIL set by

WITNESSES

Judge Pasley  
 on FEB 11 2010  
 Type and Amount: No Bond  
 Name of Surety: CHARLESTON

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

PRELIMINARY HEARING held by

Judge \_\_\_\_\_  
 on \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Defense Attorney: \_\_\_\_\_

Name: \_\_\_\_\_

Decision: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Judge \_\_\_\_\_

Name: \_\_\_\_\_

on \_\_\_\_\_

Address: \_\_\_\_\_

by \_\_\_\_\_

Telephone: \_\_\_\_\_

(Indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: \_\_\_\_\_

Name: \_\_\_\_\_

Sentence: \_\_\_\_\_

Address: \_\_\_\_\_

JURORS

Telephone: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

SECRET

\_\_\_\_\_

Name: \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

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CHARLESTON

CLARENCE LOGAN JR  
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 NORTH CHARLESTON SC 29408  
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07-18-1982  
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ALL CSC FIRST DEGREE

10-3-93

FILED  
 2010 FEB 12 2 51 PM '10  
 JULIE J. ARMSTRONG  
 CLERK OF COURT  
 815-221-2200  
 5200 CANTON HWY  
 NORTH CHARLESTON SC 29405  
 DISPOSED IN before

DEFENDANTS, 2010

22041RC

**STATE OF SOUTH CAROLINA**

**COUNTY OF CHARLESTON  
CITY OF NORTH CHARLESTON**

**AFFIDAVIT**

**OCA# 201005272  
INV: Det. Schmidt**

Personally appeared before me, a magistrate of this County, one **Det. J. Schmidt** who, first being duly sworn, Deposits and says that (name of the defendant)

**CLARANCE LOGAN JR**

did within this County and State on the 4<sup>th</sup> day of February, 2010 violate the criminal laws of the State of South Carolina in the following particulars:

**DESCRIPTION OF OFFENSE  
ATTEMPTED CRIMINAL SEXUAL CONDUCT, FIRST DEGREE  
VIOLATION OF SECTION 16-3-652**

The affiant states there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That on February 4, 2010 at approximately 0146 hours, while at 2721 Carner Avenue The (Lovely Dovey Social Club) located in the City of North Charleston, County of Charleston State of South Carolina one **CLARANCE LOGAN JR**, did commit the offense of **ATTEMPTED CRIMINAL SEXUAL CONDUCT, FIRST DEGREE**, in violation of Section 16-3-652 of the South Carolina Code of Laws of 1976, as amended. In that the defendant did willfully, unlawfully and feloniously attempt to force the victim (Jarvia Oneal) to have sexual intercourse with him against her will. Facts to establish the aforesaid is that while at 2721 Carner Avenue the (Lovely Dovey Social Club). The Defendant **CLARANCE LOGAN JR** followed behind the victim (Jarvia Oneal) into the women's restroom locked the door behind him and said "I'm going to fuck you". The defendant grabbed the victim around the neck in a choking motion and dropped his pants. The defendant attempted to take off the victims pants with the hand that wasn't around her neck. The victim started screaming "NO" repeatedly and kicked the defendant in an attempt to get free. The defendant then began to hit the victim about the face and body with a closed fist. The victim was able to unlock the door for an escape. The victim ran out of the restroom to safety. The defendant fled the scene in an unknown direction. This information is based on an investigation of Detective Schmidt and witnesses to be named to the court are witnesses to prove the same. All done against the form of the Statute and against the peace and dignity of the State of South Carolina

Sworn to and Subscribed before me

This 4<sup>th</sup> day of February  
2010.

Signature of Judge



**AFFIANT**

Address: 2500 CITY HALL LANE  
NORTH CHARLESTON SC 29406  
Phone: (843) 740-2864

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
STATE VS.

INDICTMENT/CASE#: 2010GSI003060

CLARENCE LOGAN JR

A/W#: K610895

AKA:

Date of Offense: 2/4/2010

Race: BLACK Sex: M Age: 25

S.C. Code §: 16-03-0656, 0652(2)

DOB: 07-18-1985 SS#: 249-61-9509

CDR Code #: 0253

Address: 2344 ELEGANS DRIVE

City, State, Zip: NORTH CHARLES, SC 294060000

DL#: 11548214 SID#: SC01453269

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was TO: Assault w/ Intent to Commit CSC 1st Degree

in violation of § 16-03-0656, 0652(2) of the S.C. Code of Laws, bearing CDR Code # 0253

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Finch, Timmy Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 16 months

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP Total: \$ plus 20% fee: \$ Payment Terms: Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$3.90, TOTAL \$133.90

Clerk of Court/ Deputy Clerk Court Reporter: SCCA/217 (03/2011)

days/hours Public Service Employment Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund Other: 10 years concurrent to any Federal sentence and SCDC is NOT to take the Defendant into custody until the Federal sentence is served if there is any more time remaining on the State sentence. Appointed PD or appointed other counsel, § 47-12 requires \$500 be paid to Clerk during probation.

Presiding Judge Judge Code: Sentence Date:

FCH20100200848

WITNESSES

JEREMY SCHMIDT  
North Charleston Police Department

AGENCY CASE NUMBER

2010005272

ARREST WARRANT NUMBER

K610895

DATE OF ARREST

February 10, 2010

ACTION OF GRAND JURY

**TRUE BILL**

*Dan Williams*  
Foreperson of Grand Jury  
Date:

VERDICT

*Guilty*

*Dan Williams*  
Foreperson of Petit Jury

*6/9/11*  
Date:

INDICT

DOCKET NO. 2010GS1003060

The State of South Carolina  
County of Charleston

COURT OF GENERAL SESSIONS

May Term 2010

THE STATE

vs.

CLARENCE LOGAN JR  
DOB: 1985-07-18  
B/M

Indictment for

Attempted Criminal Sexual Conduct  
1st Degree

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

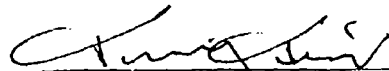
INDICTMENT

At a Court of General Sessions, convened on May 10, 2010 the Grand Jurors of Charleston County present upon their oath:

**Attempted Criminal Sexual Conduct 1st Degree**

That in Charleston County, South Carolina, on or about February 4, 2010, the Defendant, CLARENCE LOGAN JR, did attempt to commit a sexual battery upon the victim, Jarvia O'Neal, without her consent, and with the use of aggravated force, to wit: the defendant grabbed the victim around the neck, choking her, and struck her with a closed fist about the face and body; all in violation of Section 16-3-652, Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



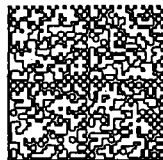
TIMMY FINCH  
ASSISTANT SOLICITOR

CHARLESTON COUNTY PUBLIC DEFENDER

O.T. WALLACE COUNTY OFFICE BLDG.

101 MEETING STREET, 5TH FLOOR

CHARLESTON, SC 29401-2214



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\$ 001.28<sup>0</sup>

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SC Court of Appeals

The Honorable Kenneth A. Richstad Clerk

Post Office Box 11629

Columbia, SC 29211

29211@1629 BO12

