STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Beaufort County

Honorable Thomas A. Russo, Circuit Court Judge

ERIC WRIGHT,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2017-002529

PETITION FOR WRIT OF CERTIORARI

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INDEX

ISSUE PRESENTED

Whether trial counsel was ineffective for failing to timely object to Alexus Green's testimony that "Bo" was the shooter since her testimony was based on what other individuals said about the shooter, making it inadmissible hearsay, and extremely prejudicial since Petitioner's middle name was Bo?

STATEMENT

Police officers investigating how Troy Jinks came to be shot in the legs on Pinckney Hill in Bluffton on July 28, 2008, faced a particularly difficult task because: "On Pinckney Hill, the majority of the time, people do not like law enforcement to be there." App. 7, ll. 2-5; App. 735; App. 407, ll. 12-13; App. 141, ll. 10-12. Pinckney Hill got its name "[b]ecause nothing but a family stay up there, nothing but Pinckneys." App. 149, ll. 15-17. Petitioner was from Savannah, and was not connected with the Pinckneys. App. 707, ll. 4-8; App. 318, ll. 13-15.

Troy Jinks said he was on Pinckney Hill that day because: "My cousin and them stays up there." App. 206, ll. 18-20. Jinks said his cousin Ismel Fraiser and others who live on Pinckney Hill are "all family" "somewhere down the line." App. 238, ll. 20-25. At the time he was shot in the legs, Jinks had pending charges from 2005 of "trafficking in crack and possession with intent to distribute crack in a school zone;" pending charges from 2007 of ABHAN, possession with intent to distribute marijuana, and "failure to stop for a blue light;" and convictions for autobreaking and unlawful carrying of a weapon. App. 233, ll. 1-3; App. 234, ll. 9-19; App. 233, ll. 4-7; App. 233, ll. 21-23; App. 234, l. 20 – 235, l. 1.

On July 28, Jinks was on Pinckney Hill "just chilling, hanging out," when Latarsha Monique Johnson (Monique) drove up and began arguing with Jinks "over him owing her $10 because she asked him to buy h[er] some marijuana, and he never gave her the marijuana. She wanted her $10 back." App. 144, ll. 1-3; App. 207, l. 1; App. 108, ll. 18-23. Octavia Scott was in the car with Monique, and had "associates" on Pinckney Hill. App. 321, ll. 5-16.

Octavia claimed at trial that Monique stopped the car, jumped out, began yelling at Jinks, and started taking off her jewelry in preparation for a physical fight. App. 346, ll. 3-25. Octavia alleged Petitioner was in the car with the women, and claimed that he inexplicably got out of the

car and shot at Jinks, who ran off. App. 320, ll. 2-12. Octavia claimed at trial that "Bo Wright" shot Jinks. App. 316, ll. 23-25.

Octavia could not provide a reason Petitioner would shoot Jinks, and there was no history of problems between Petitioner and Jinks. App. 331, ll. 13-15; App. 412, ll. 9-17.

Although she had known Jinks since seventh grade, Octavia said she did not "stick around" to check on him: "Because me, personally, I had other warrants and stuff I was running from like that breach of trust charge." App. 330, ll. 14-15; App. 330, ll. 18-21. Octavia was, in fact, convicted of a breach of trust in 2008. App. 315, ll. 14-25. "I committed a breach of trust. It was a lying charge, yes, but that doesn't make me a liar." App. 343, ll. 15-16.

Petitioner's given name is Joseph Bo Derrick Wright. App. 702, ll. 22-24. In July of 2008, he had a job and lived in Savannah, Georgia, with his aunt and cousin. App. 706, ll. 14-17; App. 707, ll. 4-12. His mother was deceased. App. 540, l. 4. Petitioner was dating Octavia Scott and would come to South Carolina to see Octavia, but had no other connections to the state. App. 318, ll. 13-22.

Sergeant Anthony Cotton of the Bluffton Police Department was first to arrive on the scene, and saw "Jinks in the back of the white pickup truck, laying on his back. He had a gunshot wound to the back of his leg, right leg." App. 140, l. 13 – 141, l. 7; App. 141, ll. 10-12. Cotton's testimony was brief: he testified that based on what was said by a witness at the scene: "I let the investigators know of the name that I heard as a possible suspect. App. 141, l. 17 – 142, l. 13.

Cotton also learned the suspects left in a burgundy Monte Carlo with a South Carolina tag, and he ran the tag number. App. 143, ll. 23-25. The tag "came back to a 1993 Cadillac De Ville" owned by Latarsha Monique Johnson. 143, l. 25 – 144, l. 3.

Police set up a "tip line," and gave the media information on Monique Johnson, Octavia Scott, and Petitioner. App. 395, ll. 5-10; App. 398, ll. 6-10. Petitioner said: "my aunt called me in the room and showed me my face on the news. That was the first time I ever even knew anything about this charge." App. 707, ll. 13-15. Petitioner called the tip line and said: "[I]t wasn't me." App. 395, ll. 20-24. Petitioner explained: "I made a phone call to let these folks know, ma'am, that I didn't have nothing to do with it." App. 549, ll. 4-6.

According to Sergeant Kelly Heany of the Bluffton Police Department, a second call was placed to the tip line by "a gentleman that called in saying that he had seen Monique Johnson or Latarsha Johnson and Octavia Scott . . ." and that "they were walking around like they own the world." App. 417, l. 14 – 418, l. 7.

Petitioner was tried before the Honorable Carmen T. Mullen and a jury on October 24 – 27, 2011. App. 1; App. 126, l. 18. Petitioner was represented by Ian Deysach and Gene Hood; the state was represented by Dawn Burke and James Bannon. App. 1. Petitioner was convicted and sentenced to eighteen years' imprisonment for assault and battery with intent to kill, and five years' imprisonment for possession of a weapon during a violent crime, with sentences to be served concurrently. App. 738 – 739.

After he was convicted at trial, Petitioner explained that he did not turn himself in upon seeing the media release because he did not have money for bond. App. 550, ll. 20-21. Petitioner was also worried about facing the charges because he felt that Octavia "put [the charge] on me because she know I ain't—I don't have no one." App. 550, ll. 16-17. "I ain't from [South Carolina]. I can't call nobody." App. 549, ll. 18-19. "I don't even know where Pinckney Hill is located . . . I don't know a Latarsha Johnson." App. 549, ll. 9-12.

Octavia Scott was arrested and charged in the shooting of Jinks. App. 312, ll. 16-17; App. 312, l. 25 – 313, l. 2. Octavia testified for the state at trial, after they had given her a plea offer to dismiss all her pending charges if she testified "truthfully" against Petitioner. App. 89, l. 20 – 90, l. 5.

Octavia was interviewed by police officers, and said she lied to them at first, but contended she later told the truth. App. 338, ll. 6-18. The first story Octavia told police was that the shooter was a man she and Monique picked up "on the side of the road after he flagged the car down . . ." and she recognized from her job as a rapper. App. 345, ll. 3-21. She said this man was Petitioner. App. 316, ll. 22-25.

Octavia told the officers that after the shooting occurred, Monique "did not let him get back—back in her car." App. 350, l. 22 – 351, l. 1. Octavia said that after she left Monique, she offered a "white girl" "$20 if you give me a ride to Georgia." App. 353, ll. 2-7. She said the woman had a light, four-door car, blonde hair in a bob, and a "little white tank top, with little spaghetti straps and some khaki capris . . ." and that the girl talked about her aunt Lily Ann. App. 353, l. 12 – 354, l. 8. Octavia later said all of these details she gave to police officers were lies. App. 353, ll. 12-23.

After recanting her first story, Octavia gave a second story, substantially similar to that which she told at trial. Instead of picking him up off the side of the road, Octavia said she knew Petitioner because: "We was sex partners." App. 317, ll. 15-18. Although Octavia labeled Petitioner her mere "sex partner" at his trial, she said she cried when police accused her of lying to them because of how much she truly loved Petitioner. App. 361, l. 22 – 362, l. 10.

The night before Octavia and Monique were arrested, they stayed in a hotel room in Hardeeville paid for by Monique's boyfriend. App. 355, ll. 14-20. That night they worked on the story they intended to tell the police. App. 356, l. 17 – 357, l. 5.

> Q And so the understanding that you had was that when you guys turned yourselves in, you're going to tell the same story, correct?
>
> A Yes.
>
> Q So you guys agreed together to lie to the police?
>
> A Yes.

App. 357, ll. 6-12.

Octavia and Jinks disputed the existence and identity of a third woman in the car when Jinks was shot in the legs. Jinks said there were four people in the car, initially referred to the third woman as "the passenger," and lied to police officers, telling Sergeant Heany he did not know this third woman. App 207, ll. 19-20; App. 218, l. 2; App. 413, ll. 4-10. At trial, however, Jinks said that he had a prior sexual encounter with this woman, and called her Kim. App. 219, ll. 10-22. Octavia did not tell police officers there was a third woman in the car in any of her stories to them, and claimed that was because: "I did not know her." App. 340, ll. 12-17. However, Octavia said at trial that there was a third woman in the car: "They say her name is Trish." App. 321, ll. 5-8.

Sergeant Kelly Heany arrived at the hospital and met with Jinks about two and a half hours after the shooting. App. 384, l. 18 – 385, l. 3. Jinks said "Bo" shot him. App. 222, ll. 10-18; App. 393, ll. 11-13. At trial, Jinks denied that he told his treating physician he did not know who shot him, despite the doctor's written report that: "**The patient says he does not know who shot him.**" App. 243, l. 7 – 244, l. 8 (emphasis added).

Sergeant Heany wanted to talk to Jinks after his release from the hospital to get a written statement and show him a photo lineup. App. 387, ll. 1-5. Heany said she: "tried to meet up with him the day after I had met with him at the hospital." App. 386, ll. 8-9. "I couldn't get in touch with him." App. 386, ll. 9-10. Heany "left messages for him at residences," and Jinks met with her two days after the shooting. App. 386, ll. 13-25. Jinks picked Petitioner out of the lineup. App. 391, ll. 3-7.

When Sergeant Heany was first dispatched to the dirt drive on Pinckney Hill regarding the shooting, "[p]robably somewhere around a dozen" possible witnesses were on the scene. App. 378, l. 25 – 379, l. 9; App. 407, ll. 4-10. "[Y]ou had people who did not want to talk to law enforcement and you had people that did." App. 407, ll. 15-16. Sixteen-year-old Alexus Green spoke with officers and helpfully provided the license plate number of the car the shooter fled in, leading police to Monique Johnson. App. 407, l. 17 – 408, l. 112; App. 465, l. 25. Alexus provided the officers written statements about what she witnessed. App. 148, ll. 3-17.

Alexus Green was eighteen years old and beginning a nursing major when she testified at Petitioner's trial. App. 147, ll. 14-25. She did not live on Pinckney Hill, but was there that day visiting her grandmother who lived at the back, in "a nice blue house." App. 149, l. 24 – 150, l. 1; App. 151, l. 23-25. Alexus was on the porch and saw a burgundy car drive around and come "back up. And that's when we s[aw] [Jinks] and some girl arguing." App. 148, l. 21 – 149, l. 1. She testified four people were in the car, including Monique and Octavia. App. 154, l. 25 – 155, l. 6.

During pretrial, defense counsel moved testimony by Alexus Green about the shooter that "I don't know the guy, but they call him Bo," be excluded as inadmissible hearsay. App. 93, ll. 1-7. Defense counsel argued that based on discovery: "I don't know the person, but I've heard

that his name is Bo, essentially is what [Alexus'] testimony might be." App. 93, ll. 9-11. The court ruled pretrial that this testimony was inadmissible hearsay unless the witness could identify "him and say this is him." App. 93, ll. 12-24. "I would agree that if they don't know [the defendant's] name is Bo and they can't look at [the defendant] and say, that's Bo, by their acknowledgement, they can't say it." App. 93, l. 24 – 94, l. 2. Defense counsel reiterated he wanted to be sure the state did "not elicit[ ] any hearsay just to bolster that somebody may have said the word 'Bo' and that be it." App. 94, ll. 12-14.

Alexus did not know the shooter, and told the police so. App. 163, ll. 14-16. **She was never shown a photo lineup.** App. 251, l. 23 – 252, l. 19. **She did not identify Petitioner as the shooter in court.** The witnesses were sequestered and it is not clear from the record whether Alexus was even aware that Petitioner, who was dressed in a "tie and a white collared shirt," was the alleged shooter on trial. App. 118, ll. 6-16; App. 216, ll. 18-19.

Nevertheless, Alexus testified: "Bo got out the car, and pointed a gun, was like, 'what you said,' you know." App. 149, ll. 2-3. Counsel did not object to this testimony.

"I saw the man get out the car and he was like, 'what you say," and he pulled out his gun and then he shot twice." App. 156, ll. 16-18. The solicitor asked Alexus if she knew the shooter's name, and Alexus said: "I don't know his real name, but **I know they call him Bo**." App. 158, l. 25 – 159, l. 3 (emphasis added).

Counsel then objected to hearsay and the court sustained the objection. App. 159, ll. 4-7. The court instructed: "Ma'am you can only say what you do know, what you know by your own independent knowledge." App. 159, ll. 7-9. "Ladies and gentlemen, that last question you are to strike and also her answer wasn't appropriate. She can only testify to what she knows." App. 159, ll. 9-12.

Defense counsel argued the solicitor elicited the "they call him Bo" statement despite the court's pretrial ruling this testimony was inadmissible. App. 167, ll. 1-25. The court asked: "**Did [Alexus Green] identify the defendant as the person that shot?**" App. 168, ll. 22-23 (emphasis added). The solicitor said: "**[N]o, she did not.** And today was the first day [Alexus] had seen him. And I did ask that question." App. 168, l. 22 – 169, l. 4 (emphasis added). However, the court ruled any prejudice was cured by its instruction to the jury it disregard the improper testimony. App. 170, ll. 9-12.

There was no physical evidence connecting Petitioner to the crime. Shell casings were found at the scene, but no gun was recovered in connection with the shooting. App. 381, ll. 14-20. The burgundy Monte Carlo was never located. App. 425, l. 16 – 426, l. 2. Petitioner did not confess to wrongdoing, and maintained he was in Savannah when Jinks was shot. App. 707, ll. 2-4. In closing, defense counsel argued that this was a Pinckney Hill beef, and Pinckney Hill was "protecting their own." App. 503, l. 18 – 504, l. 1.

During the jury's deliberations, the court received a note from the jury requesting to rehear "the testimony of Alexus Green, the first officer on the scene, Officer Cotton, and also the definition of reasonable doubt." App. 528, ll. 18-22. The testimony of Alexus Green and that of Sergeant Cotton was replayed for the jury. App. 529, ll. 15-16. After rehearing the testimony and being re-charged on the definition of reasonable doubt, the jury left the courtroom at 3:10 p.m. and returned with a verdict of guilt at 3:17 p.m. App. 529, l. 19 – 531, l. 6; App. 531, ll. 13-14; App. 533, ll. 4-5.

In affirming Petitioner's conviction on direct appeal,[1] the Court of Appeals found that assuming Alexus' testimony "I don't know his real name, but I know they call him Bo," was hearsay, the admission was harmless and cumulative because defense counsel did not object to Alexus' earlier testimony that "Bo got out of the car . . ." App. 608. The Court of Appeals also found the trial court's instruction to strike the question and answer cured any possible error. App. 608.

Petitioner filed a timely application for post-conviction relief (PCR), and a hearing was held before the Honorable Thomas A. Russo on October 12, 2017. App. 657 – 665; App. 674. James Falk represented Petitioner and Ruston Neely represented the state. App. 675. Defense counsel Ian Deysach testified he objected to Alexus Green's testimony: "I don't know his real name, but they call him Bo." App. 690, ll. 14-23. Although the trial judge had sustained the objection, PCR counsel asked defense counsel if he allowed the jury to hear the testimony again, without objection. App. 692, ll. 16-18; App. 692, ll. 3-5. Defense counsel confirmed that he did.

Defense counsel testified that after the jury asked to rehear Alexus' testimony: "I neglected to say something ahead of time to make it so that they didn't hear this, you know, testimony about the hearsay statement. I didn't do anything to keep them from hearing the hearsay statement again." App. 692, ll. 10-15.

Defense counsel testified that Alexus did not identify Petitioner as the shooter, instead she just said, "the shooter was somebody they called Bo." App. 693, ll. 4-10. Petitioner testified that he wished defense counsel had asked Alexus Green if she recognized him during cross-examination. App. 704, ll. 11-18.

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[1] Both the state's return and the order of dismissal incorrectly reflect that Petitioner's conviction was affirmed pursuant to *Anders v. California*; however, Petitioner's conviction was affirmed after merits briefing and oral argument in *State v. Wright*, Op. No. 2014-UP-091 (filed March 5, 2014).

The PCR court made credibility findings that Petitioner's testimony lacked credibility, and that defense counsel's testimony was credible. App.727. The court found no deficiency and no prejudice as to each of Petitioner's allegations of ineffective assistance of counsel, and denied Petitioner relief. App. 738 – 733.

The PCR court found defense counsel was not ineffective in failing to cross-examine Alexus Green on whether she had any independent knowledge the defendant was known as Bo, saying that Alexus' statement: "I don't know his real name, but I know they call him Bo," "merely shows how she came to know Applicant as Bo." App. 733; App. 729 – 730.

The PCR court found counsel was not ineffective in failing to object to Alexus' earlier statement: "We saw Bo got out of the car," as the statement was not prejudicial "because of the testimony of other witnesses. Jinks and Octavia both testified Applicant got out of the vehicle. Further, this statement is a mere colloquialism for what Green saw while with a group of people." App. 730.

The PCR court found counsel was not ineffective in failing to have Alexus' testimony redacted to prevent the jury from hearing inadmissible hearsay a second time when it was replayed during deliberations, because the judge's curative instruction was also replayed. App. 731.

This petition for writ of certiorari follows.

ARGUMENT

Trial counsel was ineffective for failing to timely object to Alexus Green's testimony that "Bo" was the shooter since her testimony was based on what other individuals said about the shooter, making it inadmissible hearsay, and extremely prejudicial since Petitioner's middle name was Bo.

Alexus witnessed the shooting and did not recognize Petitioner as the shooter. Because she did not know Petitioner as Bo, and had only heard others say "Bo" was the name of the man she saw shoot Jinks, her testimony naming "Bo" as the shooter was inadmissible hearsay.

The Sixth Amendment to the United States Constitution guarantees an accused the right to effective assistance of counsel. U.S. CONST. amend. VI; *Strickland v. Washington*, 466 U.S. 668 (1984). To establish a claim of ineffective assistance of trial counsel, a PCR applicant must show that: (1) counsel's representation fell below an objective standard of reasonableness and, (2) but for counsel's errors, there is a reasonable probability the result at trial would have been different. *Gilchrist v. State*, 350 S.C. 221, 226, 565 S.E.2d 281, 284 (2002) (citing *Strickland*, 466 U.S. at 687). A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial. *Id.*

Rule 801(c), SCRE provides: "'Hearsay'" is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." Rule 802, SCRE continues: "Hearsay is not admissible except as provided by these rules or by other rules prescribed by the Supreme Court of this State or by statute."

The state used Alexus Green's testimony that "Bo" was the shooter to prove the truth of the matter asserted—that Joseph Bo Derrick Wright was the shooter. Counsel was deficient in allowing the jury to twice hear Alexus' testimony that the shooter was "Bo" when she could not

identify the shooter as Petitioner. The witnesses were sequestered, and it is not clear whether Alexus even realized that Petitioner, who was wearing court attire, was the alleged shooter on trial. Because Alexus did not recognize Petitioner, did not know him as Bo, and had only heard others say "Bo" was the name of the man she saw shoot Jinks, her testimony naming "Bo" as the shooter was inadmissible hearsay and extremely prejudicial.

Alexus Green was the only witness out of a "dozen" people on Pinckney Hill who was forthright and willing to assist law enforcement officers in their investigation. She testified she saw the shooting, and the person she'd heard was "Bo" did the shooting. This hearsay bolstered the otherwise deceitful and unreliable prosecution witnesses' testimony—that of Jinks and Octavia. Octavia lied repeatedly to the police officers, admitted cooking up a false story with Monique, had a conviction for breach of trust, and testified against Petitioner in exchange for the state's promise to dismiss her charges in the shooting. Jinks was related to the Pinckneys, had pending charges, waited two days to meet with Sergeant Heany to view the photo lineup and give a written statement, and told the emergency room doctor that he did not know who shot him.

"Erroneously admitted corroboration testimony is not harmless merely because it is cumulative. On the contrary, it is precisely this cumulative effect which enhances the devastating impact of improper corroboration." *State v. Saltz*, 346 S.C. 114, 124, 551 S.E.2d 240, 246 (2001) (internal quotations omitted) (quoting *Jolly v. State*, 314 S.C. 17, 443 S.E.2d 566 (1994)). Alexus' erroneously admitted testimony was devastating, as she was the only disinterested, objective witness, and had been immediately cooperative with law enforcement.

In *Rutland v. State*, 415 S.C. 570, 578, 785 S.E.2d 350, 354 (2016), this Court found it proper to look at questions posed by the jury in deliberation when analyzing prejudice. The

defense in *Rutland* was one of self-defense, and the jury's question regarding whose fingerprints were on the gun alleged to have been pulled by the decedent showed the jury was "focusing critical attention" on this issue. *Id.* at 579, 785 S.E.2d at 354. In *State v. Blassingame*, 271 S.C. 44, 46, 244 S.E.2d 528, 529-30 (1978), this Court reasoned the jury's request for additional instructions on the definitions of murder and manslaughter showed it had focused "critical attention" on the meaning of these two offenses.

The record demonstrates the jury focused its critical attention on Alexus' testimony when it asked to rehear her testimony during deliberation, along with the testimony of Sergeant Cotton, and asked to be re-instructed on reasonable doubt. App. 528, ll. 18-22.

The jury reheard Sergeant Cotton's testimony that based on what was said by **a witness** at the scene, he told the investigators the name he heard as a possible suspect. The jury had heard that Alexus Green was the **only witness** on Pinckney Hill willing to cooperate with police. Then the jury reheard Alexus' testimony that "Bo" was the shooter. The jury returned with a verdict of guilt seven minutes later.

Alexus witnessed the shooting, but was never shown a photo lineup containing Petitioner's image. She did not identify Petitioner as the shooter in court, and did not know Petitioner as "Bo." App. 163, ll. 14-16; App. 168, l. 22 – 169, l. 4. Alexus was merely repeating what she heard others say—that "Bo" was the shooter. This was inadmissible hearsay and very prejudicial. In the context of this record, it had the spurious impermissible tendency to lead the jury to believe that Alexus knew Petitioner was "Bo," the shooter, when she did not.

Defense counsel did object to Alexus' testimony that "I don't know his real name, but I know they call him Bo;" the objection was sustained and the judge ordered the testimony stricken and the jury to disregard it. Although counsel correctly objected to this hearsay on one

occasion, the Court of Appeals properly found the error was cumulative because counsel did not object on another occasion when Alexus said the same thing. The Court of Appeals noted that the error was cumulative because defense counsel had previously failed to timely object to Alexus' testimony that "Bo got out of the car." App. 608.

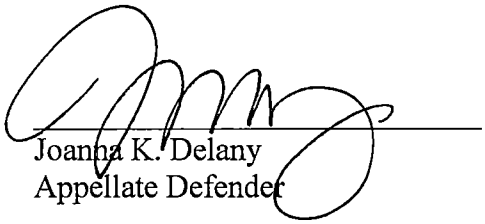
Additionally, defense counsel failed to request Alexus' testimony "Bo" was the shooter actually be stricken—removed from the recording—before it was replayed for the jury. The hearsay was therefore heard over again by the jury during deliberations.

In *Cherry v. State*, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989), this Court found counsel was not ineffective in failing to object to the state's use of Cherry's nickname "Doc Holliday," where "no negative connotations arose at trial from use of the nickname." Here, counsel's failure to timely object to inadmissible hearsay testimony by Alexus that the shooter was called "Bo" by others, when Petitioner's middle name was Bo, resulted in extremely negative implications. It led them to incorrectly believe that according to Alexus, the "Bo" on trial was the "Bo" she saw shoot Jinks.

Defense counsel's performance was deficient, and had the jury not heard Alexus' testimony that "Bo" was the shooter, there is a reasonable probability it would have found him not guilty. *Strickland v. Washington*, 466 U.S. at 687; *Cherry v. State*, 300 S.C. at 118, 386 S.E.2d at 625.

CONCLUSION

By reason of the foregoing argument, Petitioner respectfully requests that a writ of certiorari be granted to allow full briefing on this issue.



Joanna K. Delany
Appellate Defender

ATTORNEY FOR PETITIONER

This 2nd day of July, 2018.

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of her ability this Petition for Writ of Certiorari complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Joanna K. Delany
Appellate Defender

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RESPONDENT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Petition for Writ of Certiorari and a copy of the Appendix in the above referenced case has been served upon Christian Saville, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Petition for Writ of Certiorari and a copy of the Appendix have been served on Eric Wright, #348455, at Ridgeland Correctional Institution, PO Box 2039, Ridgeland, SC 29936, this 2nd day of July, 2018.

Joanna K. Delany
Appellate Defender
ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 2nd day of July, 2018.

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