

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Florence County

Honorable D. Craig Brown, Circuit Court Judge

Opinion No. 5554 (S.C.Ct. App. filed 4/25/2018)

2014-GS-21-005252

THE STATE,

RESPONDENT,

V.

ANTWAN JAMAL JETT

PETITIONER

APPELLATE CASE NO 2015-001042

APPENDIX

LANELLE CANTEY DURANT
Appellate Defender

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

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

MARK FARTHING
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

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S.C. SUPREME COURT

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

The State, Respondent,

v.

Antwan Jamal Jett, Appellant.

Appellate Case No. 2015-001042

Appeal From Florence County
D. Craig Brown, Circuit Court Judge

Opinion No. Op. 5554
Heard November 7, 2017 – Filed April 25, 2018

AFFIRMED

Appellate Defender LaNelle Cantey DuRant, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Assistant
Attorney General Mark Reynolds Farthing, both of
Columbia, and Solicitor Edgar Lewis Clements, III, of
Florence, all for Respondent.

SHORT, J.: Antwan Jett appeals his convictions and sentences for burglary first degree, armed robbery, criminal conspiracy, and possession of a weapon during a crime of violence, arguing the trial court erred in admitting his recorded statement because it was obtained in violation of his *Miranda*¹ rights. We affirm.

¹ *Miranda v. Arizona*, 384 U.S. 436 (1966).

FACTS

At approximately 3:30 a.m. on December 31, 2013, Michael Barr was awoken by a knock at his door. When he asked who was there, a person replied saying it was BJ, who was a friend of Barr's. When Barr opened the door, three males with their faces covered entered through the door and began assaulting him while demanding money. One male in a green hoodie had "a small Derringer," which he pointed at Barr. Another male grabbed Barr's hunting knife from the floor. The male in a green hoodie and a third male went upstairs and entered Barr's bedroom, as well as Barr's female roommate's bedroom. Barr's roommate began screaming, and the three males ran out the back door.

Officer William Blackmon responded to the scene and saw two males running away from Barr's house, one of whom was wearing a green hoodie. Officer Blackmon chased the suspects, but he was unable to apprehend them. While retracing the path of the chase, he found a hunting knife on the ground.

Officer Thomas Herman arrived at the scene and observed two males running from Barr's house with Officer Blackmon in pursuit. He testified one of the males was wearing "a green or a gray hoodie." Officer Herman followed the path of the chase and found "a small caliber handgun, a small revolver style Derringer."

Corporal Legrande Gowdy and Officer Lacey Allen both responded to the scene and began walking through the area. Officers Gowdy and Allen found a green hoodie, a gray pullover, pill bottles, and two masks that "matched the description of the one the suspect was wearing." While searching with her flashlight, Officer Allen observed someone lying underneath a vehicle that was about half a block from Barr's house. Officer Allen shouted "he's under the car, he's under the car" and drew her weapon while ordering the individual to get out from underneath the vehicle. The individual began to move from under the car but hesitated after Corporal Gowdy appeared. Corporal Gowdy instructed the individual to get out from under the car, and when the individual instead began backing up, Corporal Gowdy tased, detained, and handcuffed him. Corporal Gowdy testified the individual was wearing gloves and a t-shirt, and the temperature was in the low 30s, "which would not make sense to have gloves on and no coat and no nothing or anything." Corporal Gowdy asked him about the clothing they found, and the individual said it did not belong to him. The individual told Corporal Gowdy he

had been out drinking and was tired, so he crawled up under the car to go to sleep.² As Corporal Gowdy read the individual his *Miranda* rights, the individual said "I don't know anything about a gun." Gowdy then placed the individual into a patrol vehicle and called an investigator to question him. The individual was later identified as Jett.

Detective Felicia Jones met with Jett while he was detained in the patrol vehicle. Upon introducing herself as a police officer, Jett immediately said, "Where my lawyer at?" Detective Jones said, "I'm going to read you your rights, okay." Jett continued, "I already read my rights three times. I don't know why they reading me rights for." Detective Jones then read Jett his *Miranda* rights and asked Jett if he wanted to talk to her. Jett responded, "About what? About me being intoxicated? Finding me under a car? Man tase me, put a knee back of my head. What did I do? What did I do?" When Detective Jones asked Jett why he told the officer he did not have anything to do with a gun, Jett responded, "What gun?" She asked him why he was under the car, and Jett said he had been drinking and wanted to go to sleep, so he laid down. He said he did not know he was under a car. When Detective Jones asked Jett where he lived, he recited his address and said, "Anything else, ask my lawyer." Detective Jones then asked Jett if he did not want to talk to her anymore. Jett responded, "What happened?" and continued to say he did not know why he was tased. Detective Jones did not ask Jett any more questions.

In a pretrial motion following a *Jackson v. Denno*³ hearing, Jett made a motion to suppress his statement to Detective Jones as the statement was taken in violation of his *Miranda* rights. Jett argued his statement — Where my lawyer at? — was unambiguous, and he affirmatively asserted his right to an attorney. The State contended Jett's statement to Detective Jones was admissible because it was ambiguous. The trial court denied the motion, finding the statement to Detective Jones was ambiguous and thus, the questioning was not in violation of Jett's *Miranda* rights. This appeal followed.

STANDARD OF REVIEW

"In criminal cases, the appellate court sits to review errors of law only." *State v. Banda*, 371 S.C. 245, 251, 639 S.E.2d 36, 39 (2006). Thus, "an appellate court is

² Corporal Gowdy noted in his report that he did not smell any alcohol on the individual.

³ 378 U.S. 368 (1964).

bound by the trial court's factual findings unless they are clearly erroneous." *Id.* "The same standard of review applies to preliminary factual findings in determining the admissibility of certain evidence in criminal cases." *Id.* "The appellate courts are 'bound by fact findings in response to motions preliminary to trial when the findings are supported by the evidence and not clearly wrong or controlled by error of law.'" *State v. Miller*, 375 S.C. 370, 378, 652 S.E.2d 444, 448 (Ct. App. 2007) (quoting *State v. Amerson*, 311 S.C. 316, 320, 428 S.E.2d 871, 873 (1993)).

LAW/ANALYSIS

Jett maintains the trial court erred in admitting the recorded statement to Detective Jones. He asserts the questioning was in violation of his *Miranda* rights because he unambiguously asked for his lawyer twice during the interview and Detective Jones continued to question him. We disagree.

"When analyzing a criminal defendant's invocation of his or her right to counsel, a trial court must make two separate inquiries." *State v. Johnson*, 413 S.C. 458, 466, 776 S.E.2d 367, 371 (2015). "First, courts must determine whether the accused actually invoked his right to counsel." *Id.* "Second, if the accused invoked his right to counsel, courts may admit his responses to further questioning only on finding that he (a) initiated further discussions with the police, and (b) knowingly and intelligently waived the right he had invoked." *Id.* "If the suspect effectively waives his right to counsel after receiving the *Miranda* warnings, law enforcement officers are free to question him." *Davis v. United States*, 512 U.S. 452, 458 (1994). "But if a suspect requests counsel at any time during the interview, he is not subject to further questioning until a lawyer has been made available or the suspect himself reinitiates conversation." *Id.* "Invocation of the *Miranda* right to counsel requires, at a minimum, some statement that can reasonably be construed to be an expression of a desire for the assistance of an attorney." *Id.* at 459.

In *Davis*, the United States Supreme Court held a suspect must unambiguously request counsel. "[I]f a suspect makes a reference to an attorney that is ambiguous or equivocal in that a reasonable officer in light of the circumstances would have understood only that the suspect *might* be invoking the right to counsel, our precedents do not require the cessation of questioning." *Id.* "[A] statement either is such an assertion of the right to counsel or it is not." *Id.* (quoting *Smith v. Illinois*, 469 U.S. 91, 97-98 (1984) (brackets omitted)). The *Davis* court found Davis' statement to the investigator, "Maybe I should talk to a lawyer," was not a

request for counsel and the investigator was not required to stop questioning Davis. *Id.* at 462.

Here, Jett merely made the vague statement — Where my lawyer at? — and did not expand upon the statement before continuing to talk to the police. We find Jett's statement to Detective Jones, prior to her reading Jett his *Miranda* rights, was ambiguous and equivocal enough so that a reasonable officer could have decided it was not an invocation of counsel.⁴ It was not necessary for Detective Jones to make any further inquiries and ask Jett to clarify his statement. Therefore, because Jett's *Miranda* rights were not violated, the trial court did not err in admitting Jett's statement to Detective Jones.

CONCLUSION

Accordingly, the decision of the trial court is

AFFIRMED.

GEATHERS, J., concurs.

KONDUROS, J., dissenting: I respectfully dissent from the majority opinion and would hold Jett's statement to be an unequivocal and unambiguous invocation of his right to counsel.

The present case is distinguishable from *Davis v. United States*, 512 U.S. 452 (1994). In this case, Jett asked "[w]here my lawyer at?" after being read his *Miranda* rights. Jett was not questioning whether he needed a lawyer as in *Davis*. The only two conclusions to be drawn from his utterance are that he is either (1) stating he already has a lawyer and seeks his or her presence or (2) asking for the lawyer referenced in his *Miranda* rights, as opposed to Davis's pondering whether he needed a lawyer.

In *Atlantic Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 333, 730 S.E.2d 282, 287 (2012) (Toal, C.J., concurring in part and dissenting in part), then Chief Justice Toal advised against playing a "gotcha" game with attorneys over procedural matters at the expense of their clients. She surmised that "[t]his practice ignores the fact that behind every party name on a caption is a life-blood

⁴ After reviewing the audiotape, we find it is hard to understand Jett's comments to the officer, and at the least, they were ambiguous and equivocal.

litigant or criminal defendant that depends on the court system to protect their . . . liberty interests." *Id.* at 333, 730 S.E.2d at 287.

However inarticulate, after being pulled from underneath a car in the early morning hours, Jett declared "[w]here my lawyer at?" To my reading, Jett has made a request for a lawyer, and I would reverse the trial court's denial of his motion to suppress his statement.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

ANTWAN J. JETT

APPELLANT

APPELLATE CASE NO 2015-001042

Appeal from Florence County

Honorable D. Craig Brown, Circuit Court Judge

Opinion No. 5554

PETITION FOR REHEARING

The Court of Appeals affirmed the above named appellant's convictions and sentences on April 25, 2018. In support of this petition for rehearing, which is being submitted on today's date pursuant to Rules 221 and 224 of the South Carolina Appellate Court Rules, Appellant submits the following:

Appellant Jett raised one issue on appeal: The trial court erred in admitting the recorded statement by Appellant Jett to Investigator Felicia Jones in the back of the patrol car which was a violation of Miranda v. Arizona, 384 U.S. 436 (1966) because Appellant Jett unambiguously asked for his lawyer initially when he said: "Where is my lawyer at?" and Investigator Jones continued to

question him and he again said later that Investigator Jones would have to ask his attorney any further questions, and the investigator continued to ask a question.

The Court of Appeals found, with two judges concurring, that Jett's statement to Detective Jones, prior to her reading Jett his *Miranda* rights, was ambiguous and equivocal enough so that a reasonable officer could have decided it was not an invocation of counsel.

Judge Kondúros wrote a dissent where she would hold that Jett's statement was an unequivocal and unambiguous invocation of his right to counsel. She found that Jett's case was distinguished from Davis where Davis' statement to police was : "Maybe I should talk to a lawyer."

The Court of Appeals respectfully misapprehended the issue.

The Court of Appeals relied on the case of Davis v. United States, 512 U.S. 452 (1994), which held that a suspect must unambiguously request counsel. The United States Supreme Court held in Davis that: "Invocation of the *Miranda* right to counsel requires, at a minimum, some statement that can reasonably be construed to be an expression of a desire for the assistance of an attorney."

In Davis, the suspect who was a member of the United States Navy, was being questioned about the murder of a sailor. Initially, Davis waived his right to counsel. However, about an hour and half into the interview, Davis said to the investigator: "Maybe I should talk to a lawyer." When the investigator asked if he were asking for a lawyer, Davis said he was not. Following a break, the investigator reminded Davis of his rights again. Later, Davis asked to have a lawyer present. The Supreme Court found that Davis' remark: "Maybe I should talk to a lawyer" was not a request for counsel; therefore, the investigator was not required to stop questioning him. The Supreme Court also held that when a suspect makes an ambiguous or equivocal statement as to counsel, it would be

good police practice for the interviewer to clarify whether the suspect actually wants an attorney but is not required.

Jett's case is distinguished from both Davis and Wannamaker. Jett's statement was not ambiguous in that he did not say he may need to talk to an attorney. He clearly asked for his attorney when he said: "Where is my lawyer at?" Any reasonable law enforcement officer would have seen that as a request for an attorney. At the least, the request was sufficient enough for the officer to ask for clarification. That did not happen. Instead, Investigator Jones continued to talk to him and ask questions which Jett did not initiate. Later, it was very clear when Jett told Investigator Jones that she would have to talk to his attorney if she wanted any more information. That second request did show that the first request was an unambiguous request for an attorney.

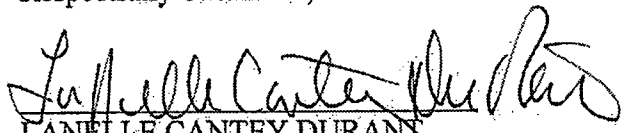
Jett's speech may have been inarticulate and may have been the incorrect use of grammar, he was clearly asking for an attorney.

If the suspect requests counsel at any time during the interview, he is not subject to further questioning until a lawyer has been made available or the suspect himself reinitiates conversation.

Edwards v. Arizona, 451 U.S. 477 (1981).

WHEREFORE, we respectfully request this Court to reconsider its ruling, and remand Jett's case for a new trial.

Respectfully Submitted,


LANELLE CANTEY DURAN
Appellate Defender

This 4th day of May, 2018.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Florence County

Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

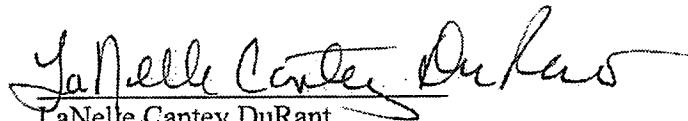
V.

ANTWAN J. JETT

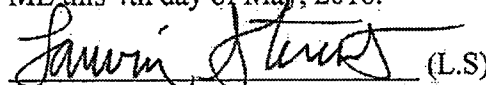
APPELLANT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the Petition for Rehearing in the above-entitled case has been served upon Mark Farthing, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and Antwan J. Jett, #358650, at McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899, this 4th day of May, 2018.


LaNelle Cantey DuRant
Appellate Defender
ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO BEFORE
ME this 4th day of May, 2018.

 (L.S)
Notary Public for South Carolina
My Commission Expires: July 5, 2027.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County
Honorable D. Craig Brown, Circuit Court Judge
Appellate Case No. 2015-001042

THE STATE,

Respondent,

vs.

ANTWAN JAMAL JETT,

Appellant.

RESPONDENT'S RETURN TO PETITION FOR REHEARING

On April 25, 2018, this Court issued a published opinion in which a two-judge majority affirmed Appellant Antwan Jamal Jett's convictions and sentences after finding the trial judge properly denied Jett's motion to suppress the statement he made to Investigator Felicia Jones of the Florence Police Department on the date of the incident. State v. Jett, Op. No. 5554 (S.C. Ct. App. filed Apr. 25, 2018). Pursuant to Rule 221(a), SCACR, Jett petitioned this Court for rehearing, and this Court asked Respondent ("the State") to file a return to Jett's petition. For the following reasons, Jett's petition for rehearing should be denied.

Propriety of the Trial Judge's Decision to Admit Jett's Statement to Law Enforcement in Light of the Fact Jett Did Not Unequivocally Invoke His Right to Counsel

The lone issue involved in Jett's case was whether the question Jett asked of Investigator Jones—"Where's my lawyer at?"—constituted an unambiguous and unequivocal invocation of his right to counsel. If Jett's question was an unambiguous and unequivocal invocation, any

custodial interrogation had to immediately cease, and any further statements Jett made would have been inadmissible unless counsel was first made available to Jett or Jett himself initiated any further conversations with law enforcement. See Edwards v. Arizona, 451 U.S. 477, 484-485 (1981) (“[A]n accused . . . having expressed his desire to deal with the police only through counsel, is not subject to further interrogation by the authorities until counsel has been made available to him, unless the accused himself initiates further communication, exchanges, or conversations with the police.”). Meanwhile, if Jett’s question was *not* an unambiguous and unequivocal invocation, custodial interrogation could continue unless and until Jett actually invoked his rights in an unambiguous and unequivocal manner. See Davis v. United States, 512 U.S. 452, 461 (1994) (“[A]fter a knowing and voluntary waiver of the Miranda rights, law enforcement officers may continue questioning until and unless the suspect *clearly* requests an attorney.” (emphasis added)); see also State v. Wannamaker, 346 S.C. 495, 499, 552 S.E.2d 284, 286 (2001) (“[P]olice officers are not required to cease questioning a suspect unless her request for counsel is unambiguous.”).

Significantly, in order to actually invoke his right to counsel, Jett was not required to “‘speak with the discrimination of an Oxford don[.]’ ” Davis, 512 U.S. at 459 (citation omitted). However, he *was* required to articulate his desire for counsel in a sufficiently clear, unequivocal, and unambiguous manner such that a reasonable police officer would have understood his statement to be an actual request for an attorney. Id.; see State v. Kennedy, 333 S.C. 426, 430, 510 S.E.2d 714, 715 (1998) (“If the desire for counsel is presented ‘sufficiently clearly that a reasonable police officer in the circumstances would understand the statement to be a request for an attorney,’ no ambiguity or equivocation exists[.]” (citation omitted)); see also Berghuis v. Thompkins, 560 U.S. 370, 381 (2010) (explaining “good reason” exists to require a suspect to

invoke his rights in an unambiguous manner). If the best that could be said was Jett *might* have been requesting an attorney through his statement, that possibility would not have been enough to constitute a valid invocation of his right to counsel. See Davis, 512 U.S. at 462 (“[W]e are unwilling to create a third layer of prophylaxis to prevent police questioning when the suspect *might* want a lawyer. Unless the suspect actually requests an attorney, questioning may continue.”).

In the case sub judice, if Jett wanted a lawyer present before speaking with the officers, all he had to do was say so. See McNeil v. Wisconsin, 501 U.S. 171, 180 (1991) (“If a suspect does not wish to communicate with the police except through an attorney, he can simply tell them that when they give him the Miranda warnings.”). However, Jett—who personally confirmed he had been informed of his rights multiple times—did *not* simply ask for a lawyer while speaking with Investigator Jones. Instead, he posed a question—“Where’s my lawyer at?”—to the officer. Cf. State v. Ash, 169 N.C. App. 715, 723, 611 S.E.2d 855, 860-861 (N.C. Ct. App. 2005) (holding the trial judge committed no error in finding Ash’s act of asking where his lawyer was at after being informed of his rights during custodial interrogation was *not* an unambiguous and unequivocal request for counsel); State v. Raber, 189 Ohio App. 3d 396, 406-407, 938 N.E.2d 1060, 1067-1068 (Ohio Ct. App. 2010) (analyzing whether Raber unequivocally invoked her right to counsel during interrogation and identifying various statements—including “Where’s my lawyer?”—that have been determined *not* to constitute unequivocal invocations of that right).

By its very nature, Jett’s inquiry was a request for information about his attorney’s location, which did not necessarily imply a clear, unambiguous, and unequivocal desire to have

counsel present.¹ See Paulino v. Castro, 371 F.3d 1083, 1088 (9th Cir. 2004) (“Paulino’s queries, ‘Where’s the attorney?’ and ‘You mean it’s gonna take him long to come?’, could be construed as inquiries into the location and availability of an attorney, rather than the assertion of Paulino’s subjective desire for a lawyer at that time.”). While it was *possible* Jett intended his inquiry to communicate a desire for the assistance of counsel, it did *not*, in fact, clearly communicate such a desire as it reasonably could have been interpreted as a genuine request for information or as a defiant expression of Jett’s displeasure with his circumstances at the time.² See Cooper v. State, 961 S.W.2d 222, 226 (Tex. App. 1997) (concluding Cooper’s act of repeatedly asking where his lawyer was did not constitute an unequivocal invocation of his right to counsel that required interrogation to cease and, instead, “was a facetious expression of defiance”); cf. State v. Aleksey, 343 S.C. 20, 31, 538 S.E.2d 248, 253-254 (2000) (“We conclude [Aleksey]’s statement, ‘That’s all I’ve got to say,’ was not an unequivocal invocation of his right to discontinue questioning. In context, the statement was ambiguous, indicating either a desire to discontinue questioning or simply the end of his story.” (footnote omitted)). Therefore, just as a majority of this Court recognized, Jett’s inquiry did not constitute a valid invocation of the right to counsel as it simply was not clear, unambiguous, and unequivocal, and the fact it *might* have been an attempt at an invocation did not require Investigator Jones to discontinue her

¹ Supporting a conclusion Jett’s question was not an unequivocal request for counsel, Jett himself appears to acknowledge its inherently ambiguous nature by maintaining “[a]t the least” it was “sufficient enough” to warrant a request for clarification on the part of the officer. (Pet. for Reh. p. 3).

² Importantly, the burden was on Jett to unequivocally invoke his right to counsel, and the officer had no duty to seek clarification of what Jett actually intended by posing his question. See Davis, 512 U.S. at 461-462 (“[W]e decline to adopt a rule requiring officers to ask clarifying questions. If the suspect’s statement is not an unambiguous or unequivocal request for counsel, the officers have no obligation to stop questioning him.”).

conversation with Jett.³ See Davis, 512 U.S. at 461 (“[I]f we were to require questioning to cease if a suspect makes a statement that *might* be a request for an attorney, this clarity and ease of application would be lost. Police officers would be forced to make difficult judgment calls about whether the suspect in fact wants a lawyer even though he has not said so, with the threat of suppression if they guess wrong.”); see also Matthews v. State, 106 Md. App. 725, 737-738, 666 A.2d 912, 917-918 (Md. Ct. Spec. App. 1995) (“Appellant complains that he did, in fact, request an attorney by asking two or three times, ‘Where’s my lawyer?’ The trial court ruled that this interrogative was not tantamount to a request for counsel. We agree. . . . Even if we were to concede that Matthews’s questions, ‘Where’s my lawyer?,’ might have indicated that he wanted the assistance of counsel, as we read the language of Davis, that is not enough to require the immediate cessation of interrogation. While we can speculate that it *might* have been such a request *in appellant’s mind*, the statement *to the officers* was not unambiguous and unequivocal. As the Davis Court held, ‘might,’ in terms of Miranda, is not enough.” (footnote omitted)). Accordingly, the trial judge did not abuse his discretion by denying Jett’s motion to suppress his statement, and a majority of this Court correctly affirmed the trial judge’s decision. See Wannamaker, 346 S.C. at 500, 552 S.E.2d at 287 (finding the trial judge did not abuse his discretion by admitting Wannamaker’s statement after concluding she did not unequivocally invoke her right to counsel before making it). Jett’s petition for rehearing should be denied.

³ Notably, the fact reasonable minds can disagree on whether Jett’s inquiry was an invocation of his right to counsel is, at a minimum, strong evidence the inquiry was *not* unequivocal and unambiguous such that interrogation should have immediately ceased in response to it. See Bradley v. Com., 327 S.W.3d 512, 516 (Ky. 2010) (“Stated another way, ‘[i]f reasonable minds could differ on whether a request for an attorney had been made, the language is perforce ambiguous or equivocal.’ ” (brackets in original and footnote omitted)).

Conclusion

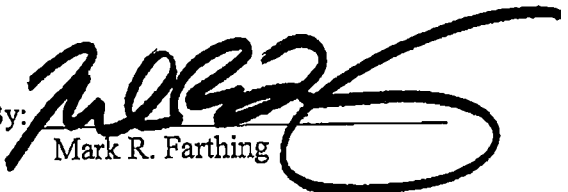
Based on the foregoing coupled with the arguments raised in the Final Brief of Respondent and during oral argument before this Court, the State respectfully submits Jett's petition for rehearing should be denied.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Assistant Attorney General

EDGAR LEWIS CLEMENTS, III
Solicitor, Twelfth Judicial Circuit

By: 

Mark R. Farthing

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

May 30, 2018

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County
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THE STATE,

Respondent,

vs.

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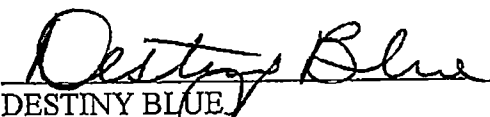
Appellant.

PROOF OF SERVICE

I, Destiny Blue, certify I have served the within Respondent's Return to Petition for Rehearing on Appellant by sending two copies of the same 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 May, 2018.


DESTINY BLUE
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.

Antwan Jamal Jett, Appellant.

Appellate Case No. 2015-001042

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

Paul E. Short, Jr.

J.

John D. Besten

J.

Judge Konduros adheres to her dissent.

U. Ke

J.

Columbia, South Carolina

FILED

June 21, 2018

cc:

Alan McCrory Wilson, Esquire
LaNelle Cantey DuRant, Esquire
Edgar Lewis Clements, III, Esquire
Mark Reynolds Farthing, Esquire

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APPELLATE DEFENSE