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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Williamsburg County

Honorable R. Knox McMahon, Circuit Court Judge

Opinion No. 2018-UP-176 (S.C. Ct. App. Filed May 2, 2018)

2014-GS-45-0001

THE STATE,

RESPONDENT,

V.

TERRY WILLIAMS,

PETITIONER

APPELLATE CASE NO 2015-001727

APPENDIX

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INDEX

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

The State, Respondent,

v.

Terry Williams, Appellant.

Appellate Case No. 2015-001727

Appeal From Williamsburg County
R. Knox McMahon, Circuit Court Judge

Unpublished Opinion No. 2018-UP-176
Submitted March 1, 2018 – Filed May 2, 2018

AFFIRMED

Appellate Defender Kathrine Haggard Hudgins, of Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Senior Assistant Deputy Attorney General Megan Harrigan Jameson, both of Columbia; and Solicitor Ernest Adolphus Finney, III, of Sumter, all for Respondent.

PER CURIAM: Terry Williams appeals his convictions for voluntary manslaughter, assault and battery of a high and aggravated nature (ABHAN), and possession of a firearm during the commission of a violent crime. On appeal,

Williams argues the trial court abused its discretion by allowing the State to question his wife on re-direct examination about two prior instances of domestic violence because (1) his wife's testimony on cross-examination that he had never been in a confrontation did not open the door to character evidence pursuant to Rule 404(a)(1), SCRE; (2) his wife's testimony on cross-examination did not open the door to prior bad act evidence pursuant to 404(b), SCRE; and (3) the State's use of the prior instances of domestic violence as impeachment evidence against his wife should have ended when his wife admitted she and Williams had engaged in confrontations. We affirm[1] pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether the trial court abused its discretion by allowing the State to question Williams's wife about the two prior instances of domestic violence pursuant to Rule 404(a)(1), SCRE: *State v. Douglas*, 369 S.C. 424, 429, 632 S.E.2d 845, 847-48 (2006) ("The admission or exclusion of evidence is a matter addressed to the sound discretion of the trial court and its ruling will not be disturbed in the absence of a manifest abuse of discretion accompanied by probable prejudice."); *State v. Page*, 378 S.C. 476, 483, 663 S.E.2d 357, 360 (Ct. App. 2008) ("Whether a person opens the door to the admission of otherwise inadmissible evidence during the course of a trial is addressed to the sound discretion of the trial [court]."); *Douglas*, 369 S.C. at 429-30, 632 S.E.2d at 848 ("An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law."); Rule 404(a), SCRE ("Evidence of a person's character or a trait of character is not admissible for the purpose of proving action in conformity therewith on a particular occasion, except . . . [e]vidence of a pertinent trait of character offered by an accused, or by the prosecution to rebut the same."); *State v. Young*, 364 S.C. 476, 484, 613 S.E.2d 386, 390 (Ct. App. 2005), *aff'd as modified*, 378 S.C. 101, 661 S.E.2d 387 (2008) ("Generally, evidence of a defendant's character is not admissible to show a propensity to act in conformity therewith; however, it is well settled that if a defendant places his character in issue, the State may offer evidence of the defendant's bad character."); *State v. Robinson*, 305 S.C. 469, 474, 409 S.E.2d 404, 408 (1991) (providing a party who opens the door to evidence "cannot complain of prejudice from its admission").

2. As to the remaining issues: *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (ruling an appellate court need not

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[1] We decide this case without oral argument pursuant to Rule 215, SCACR.

review remaining issues when its determination of a prior issue is dispositive of the appeal).

AFFIRMED.

SHORT, THOMAS, and HILL, JJ., concur.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

TERRY WILLIAMS,

PETITIONER

APPELLATE CASE NO. 2015-001727

Appeal from Williamsburg County

Honorable R. Knox McMahon, Circuit Court Judge

Opinion No. 2018-UP-176

PETITION FOR REHEARING

Pursuant to Rule 221(a), SCACR, counsel for Terry Williams petitions the Court for rehearing and respectfully submits that this Court misapprehended the requirement of Rule 404(a)(1), SCRE, that the defendant place his character in issue before the State may attack character. In the present case, Petitioner did not place his character is issue. Defense counsel's questioning of Petitioner's wife, Reva McFadden, on cross examination, about whether Petitioner was scared on the night of the shooting did not open the door for the admission of character evidence in the form of details about two prior instances of domestic violence between Petitioner and McFadden that had previously been ruled inadmissible. Petitioner's cross-examination of

McFadden was not designed to illicit character trait evidence. Rather, the questioning was designed to show that Petitioner was scared, an important factor where Petitioner asserted self-defense in the fatal shooting of his wife's boyfriend. McFadden's response to the question was not evidence of a pertinent trait of character offered by Petitioner. McFadden's response did not open the door to allow the State to rebut any character evidence pursuant to Rule 404(a)(1) as Petitioner did not place his character in issue. Instead, McFadden's testimony allowed traditional impeachment, by the State, pursuant to Rule 607, SCRE. Pursuant to Rule 613(b), SCRE, once McFadden admitted that she and Petitioner had been in confrontations, the questioning by the State should have ended. The trial court erred in allowing testimony in regard to the details of two prior instances of domestic violence between McFadden and Petitioner involving a gun.

On November 10, 2013, Larry Moore was fatally shot outside Viola's Place, a nightclub in Greeleyville. The club is also known as Celestine's. (R. p. 227, lines 21-25). Larry Moore was Reva McFadden's boyfriend. (R. p. 322, lines 18-25). Reva McFadden is Petitioner's wife. (R. p. 321, line 22 – p. 322, lines 1-14). On the night of the shooting Moore and McFadden went to Celestine's to shoot pool. (R. p. 351, lines 11-19). At some point in time Petitioner came inside the club. (R. p. 352, lines 5-7). McFadden testified that she saw Moore's expression change and when she looked up she saw Petitioner walking out of the club. (R. p. 352, lines 10-25). McFadden testified that Moore stated that he was tired of Petitioner "mean mugging" him. (R. p. 353, lines 1-25). McFadden then testified, "And I said, '[D]on't worry about that, he done gone. He going out the door. He didn't say nothing to you, leave it alone.' He said, '[N]o,I'm going outside, I'm tired of him, I'm gonna ask him what's up, what do you want to do." That's when the altercation and argument came among us." (R. p. 354, lines 1-6).

McFadden argued with Moore and tried to convince him to stay inside the club. (R. p. 354, lines 8-17; p. 239, lines 7-15).

Despite McFadden's plea to stay inside the club, Moore went outside after Petitioner. (R. p. 391, lines 3-23). Tabitha Greene, a witness who was outside of the club on the night of the shooting testified, "And Terry [Petitioner] was sitting there drinking his beer. I think if I'm not mistaken I may have had a beer then too. Larry came out the club. Maybe about three minutes after him and Reva left, went to the truck, went back in the club, it was probably about three minutes when he came back outside and he just stood there." (R. p. 503, lines 19-25). Greene then testified, "And then that's when Mr. Williams asked him, what the fuck are you looking at; and Terry told him, Larry told him, these are my fucking eyes, I can look where I want to look." (R. p. 505, lines 8-11). At this point Petitioner dropped his head and walked off." (R. p. 505, lines 22-24). Moore then told McFadden to go back inside the club. (R. p. 506, lines 17-24). Greene decided, after Moore told McFadden a third time to go back inside the club, that she would go back inside the club. (R. p. 506, lines 24-25). Three minutes after going inside, Greene heard gun shots. (R. p. 508, lines 1-5).

McFadden testified, "Well, when I walked out I heard, like I said, Larry was saying, what you want to do, I'm tired of you, I'm tired of seeing you everywhere I go, I'm tired, what you want to do. But my husband was standing in the driver's door with the door open saying, you know, back up, just back up, don't come close to me, back up." (R. p. 367, lines 3-9). McFadden testified that she saw Petitioner with a gun and tried to walk in front of Moore. (R. p. 368, line 14 – p. 369, lines 1-18). According to McFadden, however, Petitioner began shooting. (R. p. 370, line 21- p. 371, lines 1-4). Moore was fatally shot and McFadden was shot in the foot. (R. p. 377, lines 21-25).

During the Duncan[1] hearing, outside the presence of the jury, where the judge ultimately found that Petitioner was not entitled to immunity from prosecution pursuant to S.C. Code §16-1-440(c), (R. p. 168, line 9- 169, 170, lines 1-2), counsel for Petitioner asked McFadden, "Talk to me about Terry [Petitioner] now." (R. p. 34, lines 11-12). McFadden responded, "Terry is a nice person, you know, quiet person, real quiet person, a self-person, don't bother nobody really." (R. p. 34, lines 13-15). On cross-examination during the Duncan hearing the State asked McFadden about a May 2013, domestic violence incident in which McFadden told the police that Petitioner pointed a gun at her. (R. p. 46, line 2 – p. 47, lines 1-12).

After the hearing, counsel for Petitioner specifically objected to the State making reference, before the jury, to domestic violence incidents that had been referenced in the prior Duncan hearing. (R. pp. 177-178). Counsel stated, "I understand the State's position was potentially that I may have opened the door when I asked the witness about the, about the defendant's character, whether or not he has a character for violence or anything of that nature." (R. p. 177, lines 17-22). Counsel indicated that he had no intention of opening the door at trial. (R. p. 178, lines 2-3). Counsel also object to the evidence as inadmissible prior bad act evidence. (R. p. 179, lines 9-25).

The trial judge noted that the State should request an in camera hearing before attempting to introduce Lyle evidence. (R. p. 179, lines 1-6). During trial the State asked McFadden on direct examination, "And was there an incident that occurred between you and the defendant a week before Mr. Moore was killed?" (R. p. 335, lines 10-12). Petitioner objected. (R. p. 335, lines13-14). Outside of the presence of the jury the State explained that the question was designed to address the fact that Petitioner was weak and obsessed with McFadden and had

[1] State v. Duncan, 392 S.C. 404, 709 S.E.2d 662 (2011).

nothing to do with criminal domestic violence. (R. p. 337, lines 6-11). The State told the judge, "Judge, it's not my intent to get to any, to do direct examination with regard to this witness and any domestic violence incidents between her and the defendant." (R. p. 337, lines 20-23).

Still outside of the presence of the jury the judge then noted, "I think it's a different slice of cake as far as a gun is concerned." (R. p. 337, lines 24-25). The judge then excused witness McFadden from the courtroom. (R. p. 340, lines 10-17). The State then explained, "Yes, sir, judge. I only, I only intend to question the witness about a statement as to whether or not she told a doctor that her husband with whom she separated shot her boyfriend with an AK-47. I would only bring up the notion about her prior knowledge of an AK-47 because at one point she owned one, and so she had have the ability to know what an AK-47 looks like." (R. p. 340, line 20 – p. 341, lines 1-2).

Petitioner then asked, "Just to make sure, just the ruling for the record, we are not going to be getting into criminal domestic violence or Lyle type evidence just for the record so I got that covered." (R. p. 343, line 24 –p. 344, lines 1-3). The State agreed and the judge stated, "And I think that is correct and I think not only based on my ruling, but based on the Solicitor's statement as far as its case in chief will not get into criminal domestic violence." (R. p. 344, lines 6-9). When the jury returned the State asked McFadden, "While you and your husband Mr. Williams were living together as man and wife did you ever purchase an AK-47 assault rifle?" (R. p. 345, lines 3-5). McFadden answered, "Yes." (R. p. 345, line 6). No weapons were recovered in this case.

During the cross examination of McFadden counsel for Petitioner asked her why Petitioner was scared prior to the shooting. This was very different from the question asked during the Duncan hearing that counsel acknowledged might have opened the door by placing

Petitioner's character in issue. Counsel asked, "He [Petitioner] was scared. Tell me why he [Petitioner] was scared based upon the person, you know, for 15 years, knowing when he's happy, when he's sad, things of that nature." (R. p. 396, lines 10-12). McFadden answered, "Because he, he really never been in a confrontation in his whole entire life with anyone in an argument. He tries to stay away from people 'cause he's scared, and that's why when I say he always take his gun because he be scared." (R. p. 396, lines 13-17). On re-direct examination the following took place between the State and McFadden:

> Q. Now you said that your husband was not known to get into any confrontations, right?
>
> A. Not that I know of, no.
>
> Q. Is that your sworn testimony that's he's not known to get into any confrontations that you know of?
>
> A. Yes.
>
> Q. That's your testimony?
>
> A. Yes.

(R. p. 414, line 24 – p. 450, lines 1-8). The State then sought, outside of the presence of the jury, to introduce evidence of prior domestic violence incidents between Petitioner and McFadden. (R. pp. 415-428).

Counsel for Petitioner objected stating:

> I do not want the witness to have an opportunity to basically purger [sic] herself or mislead the jury in an effort to whatever her effort was to try to do. That being said, my objection would still be for the record that Mr. Williams is the only one prejudiced in this situation 'cause the state will then be allowed to bring in a criminal charge, one of which was – he had two prior CDV charges, one of which was dismissed. My understanding was this witness herself had a conviction for CDV against Mr. Williams, and then there was one which he pled guilty to. That being said, that in light of the fact that it was a 30 day misdemeanor, in light of the fact that there is an allegation that a gun charge was used in those – I think you heard that bit of testimony—that they would not be subject if he chose to take

> the stand, one because a 30 day misdemeanor is not a crime of dishonesty; and more importantly, because it's nexus and relationship with this being a gun case.

(R. p. 422, line 13 – p. 423, lines 1-8). Earlier, counsel, as a possible explanation for McFadden's answer, noted that McFadden had been present in the courtroom when the trial judge ruled that the prior domestic violence incidents were not admissible. (R. p. 419, lines 15-21). Counsel for Petitioner asked the judge to limit the questioning of McFadden. Counsel noted, "It's not to punish Mr. Williams. And so the questioning should be tailored just to impeach this witness for telling something that was not true. (R. p. 423, lines 12-22). Counsel for Petitioner further argued that the underlying facts and circumstances of the CDV incidents should not be admitted. (R. p. 424, line 19 – p. 425, lines 1-9).

The judge ruled, "Well, I take it also as 404(b) testimony where the Solicitor's required to show clear and convincing standard of clear and convincing as to purpose, motive, intent, common plan and scheme. It could be a common plan or scheme when you take assault weapons and point it at an individual when has a, when he as a confrontation with them." (R. p. 425, lines 10-17). Counsel for Petitioner objected to the admission of the domestic violence incidents pursuant to Rule 404(b), SCRE, because McFadden's testimony opened the door to impeachment evidence **not** 404(b) evidence. (R. p. 425, line 18 – p. 426, lines 1-6).

The State then argued that the criminal domestic violence incidents should come in pursuant to Rule 404(a)(1), SCRE. (R. p. 426, line 16 – p. 427, lines 1-6). Counsel for Petitioner objected to the admission of the domestic violence incidents pursuant to Rule 404(a)(1), based on the fact that Petitioner had not offered evidence of a pertinent character trait. (R. p. 427, lines 7-13). McFadden was called as a witness by the State and the cross examination was not designed to illicit character trait evidence. Rather, the questioning was designed to show that Petitioner was scared. The judge ruled that evidence of the domestic violence incidents was

admissible pursuant to Rule 404(a)(1) and 404(b). (R. p. 427, line 14 – p 428, lines 1-22). The trial judge erred.

When the jury returned the following took place between the State and McFadden:

Q. Ms. McFadden, when we left off I asked you was it your sworn testimony that your husband was never known to get in any kind of confrontation with another person during his entire life in your response to me. Was that your testimony, correct?

A. When I said that I was meaning with someone else otherwise me.

Q. Oh, okay. So you want to clarify that again. We want to make further clarification.

A. Can I?

Q. Yeah. In fact, he got into a confrontation with you about six months before the shooting, right? Didn't your husband –

A. Most likely, we always stayed in confrontation, me and him.

Q. May the 13th of 2013 you got into a confrontation with your husband, correct?

A. Could have.

Q. Okay. If I showed you a statement would that help your memory as far as dates?

A. Yes.

Q. May 13th, 2013, you got into a confrontation with your husband?

A. Yes.

Q. You called the police as a result of that confrontation, correct?

A. Yes.

Q. Your – you told the police at that time that your husband presented a weapon, a firearm to you, correct?

A. We had a firearm. We were fighting over it, both of us.

Q. I am not talking about that one. I am talking about this one.

A. (Reads document.) Yes.

Q. Okay. And that wasn't an incident where ya'll were fighting over a firearm, was it? That was something else.

A. This was, this is something else.

(R. p. 439, line 13 – p . 430, 431, lines 1-3). The State then asked about a separate incident in December of 2012, when McFadden told the police that Petitioner presented a firearm. (R. p. 431, lines 17-23). Counsel for Petitioner asked to approach the bench and a bench conference was held off the record. (R. p. 431, line 25 – p. 432, lines 1-5). McFadden confirmed the December 2012, incident involving a firearm. (R. p. 432, lines 7-16).

Outside of the presence of the jury, counsel for Petitioner placed the objections made at the bench conference on the record. (R. p. 478, line 18 – p. 479, 480, lines 1-12). Counsel argued:

> Once Ms. McFadden came back in to testify I think immediately what she had said, of course, nobody was there to talk to her, she clearly said, oh, yes, I do remember what you're talking about, something of that nature. I remember what you're talking about, I thought you were talking about other people, but me, and me and Terry Williams had had problems with one another. Nobody was there to interrupt her. Nobody was there to talk to her so that was something she said on her own. At that point in time I wanted to renew my objection to more specifically as that my understanding is now that the witness has given a specific answer, yes, and does not deny what she had said earlier – and I don't know if it's denial what she said earlier – just make sure I don't say it incorrectly – I don't think it would be proper under the rules to use extrinsic evidence at that point in time to attempt to impeach.

(R. p. 478, lines 23 – p,. 479, lines 1-17).

The judge again overruled the objection. (R. p. 482, line 4 – p. 483, lines 1-8). The trial judge erred. When asked on cross examination why Petitioner was scared, witness McFadden answered, "Because he, he really never been in a confrontation in his whole entire life with anyone in an argument. He tries to stay away from people 'cause he's scared, and that's why

when I say he always take his gun because he be scared." (R. p. 396, lines 13-17). This response did not open the door to allow the State to introduce prior bad act evidence pursuant to Rule 404(b) and did not open the door to allow the State to rebut any character evidence pursuant to Rule 404(a)(1) as Petitioner did not place his character in issue. Instead, McFadden's testimony allowed traditional impeachment, by the State, pursuant to Rule 607, SCRE. Pursuant to Rule 613(b), SCRE, once McFadden admitted that she and Petitioner had been in confrontations, the questioning by the State should have ended. The error in allowing the prior incidents of domestic violence involving a firearm between Petitioner and McFadden was not harmless, especially in light of the fact that McFadden was the victim of the ABHAN charge, the deceased was dating McFadden and there was evidence in the record that Petitioner acted in self-defense.

First, McFadden's response did not open the door to Rule 404(b) evidence. In State v. Pagan, 369 S.C. 201, 211, 631 S.E.2d 262, 267 (2006), the South Carolina Supreme court wrote:

> Evidence of other crimes, wrongs, or acts is generally not admissible to prove the defendant's guilt for the crime charged. Such evidence is, however, admissible to show motive, identity, the existence of a common scheme or plan, the absence of mistake or accident, or intent. Rule 404(b), SCRE; State v. Lyle, 125 S.C. 406, 118 S.E. 803 (1923). To be admissible, the bad act must logically relate to the crime with which the defendant has been charged. If the defendant was not convicted of the prior crime, evidence of the prior bad act must be clear and convincing. State v. Beck, 342 S.C. 129, 135–36, 536 S.E.2d 679, 682–83 (2000). Even if prior bad act evidence is clear and convincing and falls within an exception, it must be excluded if its probative value is substantially outweighed by the danger of unfair prejudice to the defendant. State v. Braxton, 343 S.C. 629, 541 S.E.2d 833 (2001).

The State did not seek to admit the prior incidents of domestic violence to show common scheme or plan or absence of mistake or accident until after McFadden testified on cross-examination and the State was seeking to impeach her testimony. As a result there was not a hearing in regard to admitting the evidence pursuant to Rule 404(b). The admission of the prior incidents of domestic violence under Rule 404(b), without a hearing, was error. While there was

The trial judge erred in relying on Rules 404(b) and 404(a)(1) to admit details about two prior domestic violence incidents between Petitioner and his wife. McFadden's testimony on cross examination simply allowed traditional impeachment by the State pursuant to Rules 607 and 613(b). Rule 607, SCRE, provides that the credibility of a witness may be attacked by any party, including the party calling the witness. Rule 613(b), SCRE, provides in pertinent part:

> Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is advised of the substance of the statement, the time and place it was allegedly made, and the person to whom it was made, and is given the opportunity to explain or deny the statement. If a witness does not admit that he has made the prior inconsistent statement, extrinsic evidence of such statement is admissible.

In State v. McLeod, 362 S.C. 73, 81, 606 S.E.2d 215, 219 (Ct. App. 2004), the South Carolina Court of Appeals discussed Rule 613(b), SCRE, writing:

> The South Carolina rule differs from the federal rule in that a proper foundation must be laid before admitting a prior inconsistent statement. It is mandatory that a witness be permitted to admit, deny, or explain a prior inconsistent statement. Under Rule 613(b), extrinsic evidence of the statement is not admissible unless the witness is advised of the substance of the statement, the time and place it was allegedly made, and the person to whom it was made. Rule 613(b) explicates the procedure for impeachment by a prior inconsistent statement and requires laying the foundation. See State v. Sierra, 337 S.C. 368, 523 S.E.2d 187 (Ct.App.1999).

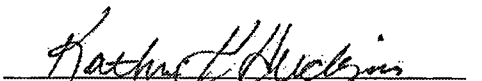
Based on McFadden's response that Petitioner had never been in a confrontation with anyone, the State could properly question McFadden about prior confrontations with Petitioner. Pursuant to Rule 613(b), however, once McFadden admitted that she and Petitioner had been in confrontations, the questioning by the State should have ended. The State should not have been able to ask about the police being called or the fact that a weapon was involved. The admission of prior incidents of domestic violence, including information that the police were called and firearms were involved constitutes a prejudicial abuse of discretion requiring reversal.

In affirming the conviction this Court wrote:

> As to whether the trial court abused its discretion by allowing the State to question Williams's wife about the two prior instances of domestic violence pursuant to Rule 404(a)(1), SCRE: State v. Douglas, 369 S.C. 424, 429, 632 S.E.2d 845, 847-48 (2006) ("The admission or exclusion of evidence is a matter addressed to the sound discretion of the trial court and its ruling will not be disturbed in the absence of a manifest abuse of discretion accompanied by probable prejudice."); State v. Page, 378 S.C. 476, 483, 663 S.E.2d 357, 360 (Ct. App. 2008) ("Whether a person opens the door to the admission of otherwise inadmissible evidence during the course of a trial is addressed to the sound discretion of the trial [court]."); Douglas, 369 S.C. at 429-30, 632 S.E.2d at 848 ("An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law."); Rule 404(a), SCRE ("Evidence of a person's character or a trait of character is not admissible for the purpose of proving action in conformity therewith on a particular occasion, except . . . [e]vidence of a pertinent trait of character offered by an accused, or by the prosecution to rebut the same."); State v. Young, 364 S.C. 476, 484, 613 S.E.2d 386, 390 (Ct. App. 2005), aff'd as modified, 378 S.C. 101, 661 S.E.2d 387 (2008) ("Generally, evidence of a defendant's character is not admissible to show a propensity to act in conformity therewith; however, it is well settled that if a defendant places his character in issue, the State may offer evidence of the defendant's bad character."); State v. Robinson, 305 S.C. 469, 474, 409 S.E.2d 404, 408 (1991) (providing a party who opens the door to evidence "cannot complain of prejudice from its admission").

Counsel respectfully submits that this Court erred in finding that details of two prior instances of domestic violence were admissible pursuant to Rule 404(a)(1), when the Petitioner did not place his character in issue. Petitioner seeks rehearing on these grounds and asks the Court to reverse the conviction and sentence based on the erroneous, prejudicial admission of the details of two prior instances of domestic violence.

Respectfully Submitted,



KATHRINE H. HUDGINS
Appellate Defender

This 17th day of May, 2018.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Williamsburg County

Honorable R. Knox McMahon, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TERRY WILLIAMS,

PETITIONER

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 Megan Harrigan Jameson, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and Terry Williams, #364898, at Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472, this 17th day of May, 2018.

Kathrine H. Hudgins
Appellate Defender
ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO BEFORE
ME this 17th day of May, 2018.

(L.S)
Notary Public for South Carolina
My Commission Expires: May 2, 2027.

The South Carolina Court of Appeals

The State, Respondent,

v.

Terry Williams, Appellant.

Appellate Case No. 2015-001727

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.

J.

J.

Columbia, South Carolina

June 21, 2018

cc:
Alan McCrory Wilson, Esquire
Kathrine Haggard Hudgins, Esquire
Megan Harrigan Jameson, Esquire
Ernest Adolphus Finney, III, Esquire