The Supreme Court of South Carolina

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August 24, 2018

The Honorable Wanda C. Miles
PO Box 529
Chesterfield SC 29709-0529

REMITTITUR

Re: William Outlaw v. State
Lower Court Case No. 2012CP1300113
Appellate Case No. 2017-000811

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

cc:
Johnny Ellis James, Jr., Esquire
Susan Barber Hackett, Esquire

THE STATE OF SOUTH CAROLINA
In The Supreme Court

William Outlaw, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-000811
Lower Court Case No. 2012-CP-13-00113

Appeal From Chesterfield County
The Honorable Paul M. Burch, Trial Judge
The Honorable G. Thomas Cooper, Jr., Post-Conviction Relief Judge

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Memorandum Opinion No. 2018-MO-028
Submitted July 6, 2018 – Filed August 8, 2018

AFFIRMED

Appellate Defender Susan B. Hackett, of Columbia, for Petitioner.

Attorney General Alan McCrory Wilson and Assistant Attorney General Johnny Ellis James, Jr., of Columbia, for Respondent.

PER CURIAM: Petitioner seeks a writ of certiorari from the denial of his application for post-conviction relief (PCR).

Because there is sufficient evidence to support the PCR judge's finding that petitioner did not knowingly and intelligently waive his right to a direct appeal, we grant certiorari and proceed with a review of the direct appeal issue pursuant to *Davis v. State*, 288 S.C. 290, 342 S.E.2d 60 (1986).

Petitioner's conviction and sentence are affirmed pursuant to Rule 220(b)(1), SCACR, and the following authorities: *State v. Burriss*, 334 S.C. 256, 262, 513 S.E.2d 104, 108 (1999) (the law to be charged is determined from the evidence presented at trial); *Douglas v. State*, 332 S.C. 67, 74, 504 S.E.2d 307, 310–11 (1998) (involuntary manslaughter is at its core an unintentional killing; therefore, a defendant who intentionally armed himself and shot into a crowd was not entitled to an involuntary manslaughter charge); *State v. Smith*, 315 S.C. 547, 550, 446 S.E.2d 411, 413 (1994) (a defendant who acted intentionally in wielding a knife in self-defense was not entitled to an involuntary manslaughter charge); *Bozeman v. State*, 307 S.C. 172, 177, 414 S.E.2d 144, 147 (1992) (an involuntary manslaughter charge was not warranted where there was no evidence of mere criminal negligence in the use of a dangerous instrumentality because the defendant admitted he intend to shoot the gun); *State v. Craig*, 267 S.C. 262, 269, 227 S.E.2d 306, 310 (1976) (no error in failing to charge involuntary manslaughter where the defendant intentionally fired a gun but claimed he was only firing above the victim's head); *Sullivan v. State*, 407 S.C. 241, 245, 754 S.E.2d 885, 887 (Ct.App. 2014) (when the victim was killed by a gunshot, and no evidence was presented showing the defendant fired the gun unintentionally, the defendant was not entitled to a charge of involuntary manslaughter); *State v. Morris*, 307 S.C. 480, 415 S.E.2d 819 (Ct.App. 1991) (an involuntary manslaughter charge was not warranted because the evidence showed an intentional shooting).

AFFIRMED.

BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.