

# The South Carolina Court of Appeals

The State, Respondent,

v.

Arsenio D. Colclough, Appellant.

Appellate Case No. 2016-000724

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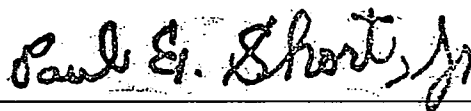
## ORDER

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Counsel has submitted a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and a motion to be relieved as counsel. We deny the motion to be relieved as counsel and direct the parties to brief the following issue and any other issue of arguable merit:

Did the trial court err by admitting the DNA evidence involving a hat found at the crime scene, since the risk of contamination of the hat was substantial where the decedent's mother took the hat home, she did not turn it over to the police for a substantial time, and the expert testimony that the DNA on the hat had a one in sixteen probability to "match" Appellant was likely to impermissibly confuse the jury under Rule 403, SCRE?

Appellant shall serve and file a brief on this issue within thirty days of the date of this order. Thereafter, respondent shall have thirty days to serve and file its brief.



J.

FOR THE COURT

Columbia, South Carolina

**FILED**

December 17, 2018

cc:

Robert Michael Dudek, Esquire

Alan McCrory Wilson, Esquire

John Benjamin Aplin, Esquire