ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Greenville County

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S.C. SUPREME COURT

Honorable Alex Kinlaw, Circuit Court Judge

SYLVESTER KEEJUAN KING,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-002278

PETITION FOR WRIT OF CERTIORARI

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ARGUMENT

The PCR court erred by ruling defense counsel had no duty to object to the improper jury charge that the jury abides by its oath when it returns a verdict that "speaks the truth," since this Court has repeatedly, including in State v. Aleksey, 343 S.C. 20, 26-27, 538 S.E.2d 248, 251 (2000), warned trial court's to avoid "seeking the truth" language because it can be interpreted as lessening the beyond a reasonable doubt burden of proof, a Due process violation, and the PCR court's conclusion that defense counsel had no duty to object to an invalid jury instruction was an untenable error of law 12

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ISSUE PRESENTED

Whether the PCR court erred by ruling defense counsel had no duty to object to the improper jury charge that the jury abides by its oath when it returns a verdict that "speaks the truth," since this Court has repeatedly, including in State v. Aleksey, 343 S.C. 20, 26-27, 538 S.E.2d 248, 251 (2000), warned trial court's to avoid "seeking the truth" language because it can be interpreted as lessening the beyond a reasonable doubt burden of proof, a Due process violation, and the PCR court's conclusion that defense counsel had no duty to object to an invalid jury instruction was an untenable error of law?

STATEMENT

Procedural history

Petitioner was indicted by the Greenville County Grand Jury for the offenses of murder, and possession of a weapon during the commission of a violent crime. App. 579-580. His case was called to trial on November 30, 2015 before the Honorable Victor C. Pyle, Jr. and a jury. Alex Kornfeld represented petitioner. Judith Munson and Brittany Scott were the assistant solicitors. App. 1.

On December 2, 2015 the jury found petitioner guilty on both counts. App. 418, ll. 4-12. Judge Pyle sentenced petitioner to life imprisonment for murder, and five years imprisonment for possession of a weapon during a violent crime. App. 423, ll. 11-20.

Petitioner's convictions were affirmed on direct appeal in State v. Sylvester Kejuan King, 2018-UP-195 (filed May 9, 2018). App. 425 – 427. Thereafter, petitioner filed an application for post-conviction relief on May 24, 2018, in the Greenville County Court of Common Pleas. App. 428 – 437. The state filed a return to this petition dated September 4, 2018. App. 438 – 472.

Petitioner, through PCR counsel Susannah Ross, filed a supplemental application for post-conviction relief dated October 11, 2018. App. 473 – 475. The post-conviction relief hearing was held on October 24, 2018, before the Honorable Alex Kinlaw, Jr. Susannah Ross represented petitioner. Deshawn Mitchell represented the state. App. 476 – 573.

An order of dismissal dated November 5, 2018, was issued. App. 538 – 574. A motion to alter or amend the judgement dated November 16, 2018, was filed. App. 575 – 576. An order denying the motion to alter or amend the judgement dated December 14, 2018, was then issued. App. 577 – 578.

Relevant facts

The decedent's minor son, sixteen or seventeen-year-old Raquan Lewers, became an instant suspect in his mother's murder. Lewers told the police he was home with his mother on the night of March 16, 2014, and that she was asleep. Lewers offered that his girlfriend, Quianna Fernandez, and her friend, Shakia Prease, came to his house that night. They did not come inside, they waited in the car, and Lewers left with them for what he maintained was only about ten to fifteen minutes. App. 104, l. 2 – 111, l. 18.

When he returned a short time later, everything seemed normal. However, when Lewers reentered the house he found his mother had been fatally and brutally stabbed. The house was a bloody mess. Lewers went outside and told Fernandez and Prease that his mother was dead. They thought by his demeanor that Lewers was "playing" or 'joking." App. 85, l. 6 – 86, l. 4.

The minor Lewers had received a financial settlement from UPS because one of their trucks apparently hit him. The settlement money was being held in trust for him by his mother until he "reached the age of majority." Tr. 119, l. 11 - 120, l. 15. As will be seen infra, Lewers tried to impress others on Facebook with his alleged access to money and cars.

The trial

Fernandez, his girlfriend was nineteen-years-old. As stated, she brought her friend, Prease, over to the home where Lewers lived with his mother that March 16, 2014 night. They stayed in the car, and did not go into the house. They drove with petitioner to the Citgo station to buy cigars to use as blunts. Fernandez then took petitioner by the Greenville Arms apartment complex so he could sell marijuana to a "Hispanic man" there. Again, all of this allegedly happened in about ten minutes to fifteen minutes before they returned to his mother's house. App. 104, l. 2 – 111, l. 18.

When they got back to his house, Lewers went inside. He saw "blood all over the door. I started calling my mom's name. I got scared. I thought it might have been [some juice] or something. I followed it into her room. I didn't know what to do. From there, I really don't remember half of the stuff that happened . . . [I] tried to shake her. I tried to wake her but she wouldn't [move]." She had been stabbed to death. App. 105, l. 24 - 106, l. 17.

Lewers had been incarcerated until about three weeks before the murder for armed robbery and simple possession of drugs. He was in drug court at the time his mother was murdered. Lewers admitted selling marijuana that night but he claimed he did not smoke marijuana or use drugs because "I was in drug court." App. 97, ll. 8-23. App. 105, l. 10 - 106, l. 5.

Lewers testified that petitioner was his mother's *prior boyfriend*, and Lewers admitted he liked petitioner a lot. He had known him since he was eleven-years-old. Lewers said petitioner was like a "step-daddy" to him. While his mother did not want to interfere with his relationship with petitioner, his mother no longer wished to see petitioner, according to Lewers. In fact, Lewers maintained that his mother did not even want petitioner to know where they lived. App. 93, l. 14 - 100, l. 1.

On cross-examination, Lewers denied he was a member of a gang. He maintained that the initials "PSC" stood for "Pinckney Street Child," and not "Pickney Street Crypts." Lewers confirmed he had been out of jail for about three weeks at the time his mother was murdered. App. 116, l. 2 – 117, l. 2.

Ms. Fernandez, the girlfriend, was nineteen years old at the time of the murder. She said Lewers was only sixteen-years-old. She recalled on the evening of October 16, 2014 that she went over to the house where petitioner and his mother lived. Petitioner agreed to take Fernandez's

phone inside to charge it while Fernandez and her friend, Prease, waited outside in the car. App. 73, l. 5 – 74, l. 5.

Feranandez drove them to the Citgo station, and then she took petitioner to the Greenville Arms Apartment complex to sell marijuana. Fernandez remembered petitioner selling the marijuana to a Hispanic man. App. 73, l. 5 - 76, l. 20.

Fernandez said that when Lewers discovered his mother's body stabbed to death inside the house that they both called 911. Fernandez denied that Lewers called his grandmother first, and then 911. App. 76, l. 3 - 77, l. 1.

Fernandez's friend, Ms. Prease, remembered after they took the trip to the apartment complex so Lewers could sell marijuana that she and Fernandez again waited outside in the car while Lewers went inside. Prease recalled Lewers came outside and told them: "My mom is dead." "We thought he was playing. He was, like, he wasn't kidding. We got out and followed behind him . . . when we first walked in it was blood immediately. When you first walked in the door, it was a trail of blood it was blood all on the wall." App. 85, l. 6 – 86, l. 4.

Investigator Michael Fortner testified he naturally considered Lewers to be a suspect.

Fortner explained:

> [T]he main reason why we, of course initially started feeling that he may have been our suspect was his story was that he told us that when he called his friends, *his friends come over and then he goes out to them instead of them coming in to him.* Then, they leave. At that time, they were saying maybe 10 *minutes or so they were gone. In that short amount of time, they get back and they find his mom in the condition that he found her in.* I was suspicious of that. It was a short time frame for something like that to happen."

App. 246, l. 17 - 247, l. 2. (emphasis added).

Petitioner 's whereabouts

Petitioner 's present girlfriend, Shelia Martin, had been dating petitioner for about one year at this time in March, 2014. She was living in Anderson, South Carolina. Petitioner would stay over at her house in Anderson at times, but he did not have a key to her house. App. 132, l. 10 – 133, l. 23.

Shelia remembered on March 16, 2014 that she telephoned petitioner earlier in the day because she was in Greenville. Petitioner told her he would come over to her house later in the day. App. 137, l. 23 - 138, l. 22.

Shelia testified that petitioner came to her house at about 2:00 in the morning. Petitioner was acting normally. However, he then went into her bedroom and lay face down on the floor. She asked petitioner "what was wrong?" Petitioner told her that he had "been in a fight." Shelia noticed that petitioner 's hand was bandaged underneath his shirt, and that he had a deep cut on his wrist. He was bleeding profusely. Shelia said petitioner told her he and his cousin had gotten into a fight with four other men at a liquor house "just off Whitehorse Road." Shelia, who had nursing training, then helped petitioner re-bandage his hand to put pressure on the wound. App. 139, l. 2 - 141, l. 23.

Shelia "took him to the emergency room" in Anderson County. Shelia had let petitioner drive her black Mazda that day, and she said petitioner told her: "He messed up my car . . . he said he had blood all in my front seat." App. 141, l. 13 - 143, l. 11.

Shelia identified the emergency room security camera which showed them entering early on the morning of March 17, 2014. Shelia remembered that petitioner was calm, and the nurses and doctor in the emergency room were able to re-bandage his hand more effectively. Petitioner was discharged with" pain medication and instructions to keep the bandage clean," and "he came back

the next day for surgery." Petitioner, Sheila said, also told the ER personnel about the fight at the liquor house. App. 144, l. 13 – 147, l. 24.

Investigator Michael Fortner also testified that at some point during the investigation petitioner told him the decedent had taken him over to her house that March 16, 2014 evening. While they were lying in bed an intruder entered and said: "Oh, hell no; and, at that time, produced a knife and started attacking them with a knife . . . and that's how he says he got cut, during the course of the fight with the individual." App. 260, ll. 2-20.

Shelia acknowledged she was later contacted by the Anderson Police Department. She said petitioner wanted nothing at all to do with the police. Shelia remembered returning to her house one day to see several police cars. Petitioner happened to be with her. Petitioner told her, as she was driving, to just let him out of the automobile down the road from her house. She slowed down, and petitioner got out of the car. App. 152, l. 5 – 153, l. 19.

Law enforcement testimony

Greenville investigator Shawnee Peeples testified that petitioner's name came up during the stabbing death murder investigation of the decedent in this case. Peeples was working in a different division than homicide at the time but she said *she tried to listen to what the homicide investigators were talking about in the case*. Peeples said she heard that petitioner had called into work "and he told his job that he was a victim of a home invasion where he was injured." Defense counsel immediately objected to this testimony on the ground of a lack of foundation, and the judge immediately overruled the objection. App. 207, l. 20 – 208, l. 7. This issue was raised on direct appeal as a hearsay issue, and it was procedurally barred by the Court of Appeals. App. 425-427.

Peeples said that as soon as she heard petitioner had allegedly called his place of business and said he had been a victim -- and that he was injured -- she started checking all of the local

hospitals for leads. App. 208, l. 1 - 209, l. 12. Peeples also testified she was able to view footage of petitioner entering the Anderson emergency room, and she drove to "Anderson and I obtained that information." App. 208, l. 10 - 209, l. 16.

Greenville County Sheriff's Deputy Ronald Suber responded to a call that an individual had been found dead inside the decedent's home. Suber remembered knocking on the door and that Lewers eventually answered the door. Lewers had two young women with him at the time. Lewers told Suber that he was the son of the murdered decedent. App. 303, l. 3 – 304, l. 20.

The solicitor then told the judge she was going to ask Suber a question. She maintained Suber's answer was admissible as an excited utterance. Defense counsel immediately objected and stated the statement the solicitor wished to elicit was not an excited utterance. Defense counsel also reminded the judge that Lewers had testified earlier (meaning the alleged statement to Suber, that was the subject of the objection, was not elicited from Lewers). The judge quickly ruled that he was going to allow this testimony over the defense objection. App. 304, l. 17 – 305, l. 6.

Suber said Lewers: "[k]ept saying that he believed his mother's boyfriend had done it because he kept saying they [his mother and Lewers] were hiding from him [petitioner]." Suber said Lewers then told him that Sylvester King was his mother's boyfriend. App. 306, ll. 8-20.

This was technically incorrect since his mother had a new boyfriend but the context of Lewers pointing the finger at petitioner as Suber investigated because of Lewers' alleged belief that petitioner was the murderer was inescapable.

The pathologist, Dr. Michael Ward, testified that an autopsy was performed on the decedent on March 17, 2014. She died of stab wounds to the head and neck. App. 319, ll. 4-8; app. 331, ll. 15-17. The state also presented evidence that the decedent's blood and petitioner's blood were found inside her house. App. 226, l. 7 – 228, l. 13. There was also evidence that a third person's

DNA was also found on the sole of a shoe. App. 235, ll. 4-19. None of petitioner 's DNA was found in the bedroom where the decedent's body was discovered. App. 235, l. 9 – 236, l. 15.

Jury charge

After charging the jury on determining the credibility of the witnesses, the judge charged the jury on the burden of proof. App. 409, l. 22 – 412, l. 15. The judge concluded by instructing the jury that "the word verdict, Ladies and Gentleman, is taken from the Latin word 'veredicto.' *It means to speak the truth.* You have no friends to reward or enemies to punish in this case. *I charge you to abide by your oath and return a verdict that speaks the truth.*" App. 413, ll. 14-20. (emphasis added). Defense counsel did not take exception to this instruction. App. 414, l. 23 – 414, l. 3.

The PCR issue

Petitioner testified during his PCR hearing that he was aware that at the end of the trial the judge instructed the jury to "abide by your oath and return a verdict that speaks the truth." App. 495, ll. 5-9. Defense counsel did not object or take exception to the "verdict that "speaks the truth" instruction. App. 495, ll. 5-25.

Defense counsel Alex Kornfeld testified he was aware the trial judge charged the jury to return a verdict "that speaks the truth." Kornfeld testified, "*I probably should have objected to that*, you know. That's not really -- it's beyond a reasonable doubt not necessarily the truth on that. *But, yeah, sure*. App. 519, ll. 15-23. (emphasis added).

On cross-examination by PCR counsel Ross, Kornfeld did not seem as sure that he deficiently failed to take exception to the "speaks the truth verdict" instruction. Counsel now testified he did not think at the time of petitioner's trial that the "verdict that speaks the truth" jury

instruction was disfavored. "I am familiar with it now. But I don't know if, at that time, I knew about the -- you know, the speak the truth issues." App. 527, ll. 20-25.

On redirect examination by the assistant attorney general, defense counsel maintained the judge correctly charged the jury on the burden of proof. "I guess what I would call standard charges, beyond a reasonable doubt, burden of proof, all those charges." App. 529, l. 10 – 530, l. 3. Kornfeld said he thought the jury instruction "as a whole" was correct. App. 530, ll. 1-3.

PCR counsel Ross then argued that the jury instruction on the jury seeking the truth was disfavored, given State v. Aleksey, this Court's decision which was issued in 2000. App. 531, ll. 1-11. "The jury should not seek anything, but, certainly, not seek the truth. It's burden shifting. The state has the burden of proof beyond a reasonable doubt. An instruction to seek the truth changes that burden, lessens that burden for the state, and was especially harmful for Mr. King's case." App. 531, ll. 1-11.

The assistant attorney general conceded, "There's no question that in terms of the verdict speaking the truth [instruction] is disfavored by the court." He then claimed, however, that the error in giving the jury instruction was harmless. App. 532, l. 18 – 533, l. 8.

The PCR judge reasoned "going forward, the judges have modified the instruction to the jury as it relates to seeking the truth." The judge ruled that the "verdict speaking the truth" instruction in this case "did not violate the defendant's due process rights. . ." App. 534, l. 11 – 535, l. 1.

In the written order of dismissal, the judge noted the trial judge's instruction: "I charge you to abide by your oath and return a verdict that speaks the truth . . . Trial counsel testified he should have objected to the trial judge's instruction about returning a verdict that speaks the truth but he believed the judge ultimately articulated the burden of proof properly." On this issue, our state

Supreme Court has cautioned, "[j]ury instructions on **reasonable doubt** which charge the jury to 'seek the truth' are disfavored because they '[run] the risk of unconstitutionally shifting the burden of proof to the defendant'" State v. Aleksey, 343 S.C. 20, 26-27, 538 S.E.2d 248, 251 (2000) (emphasis added by the court).

However, the order state, "[t]he Aleksey court went on to hold that because the 'truth-seeking' instruction that was given in that case was 'given in the context of the jury role in determining the credibility of the witnesses' there was 'not a reasonable likelihood the jury applied the challenged instruction in a manner inconsistent with a burden of proof beyond a reasonable doubt.' Id. at 28-29, 538 S.E.2d at 252. The Court cautioned the circuit courts to abandon the truth-seeking language in future charges, but held the instruction as a whole in that case was a correct statement of law and found no basis for reversal on that ground. Id."

Importantly, the PCR judge then wrote, "This Court finds that the jury instruction applicant alleged [does] not form the basis for the grant of post-conviction relief. *The limited nature of this phrase imparted no duty upon counsel to object in light of the Aleksey decision, which existed at the time of trial, and the failure to object to this limited phrase did not [render] trial counsel's performance deficient.* Further, the lack of objection to the charges excerpted above did not prejudice applicant because the trial court's issuance of any language pertaining to the jury's role at trial did not address the burden of proof the jury was to apply to its deliberations. The relevant case law makes it clear the instruction did not prejudice applicant because it spoke only generally to the jury's role as the factfinder. The instruction *was not anywhere near the burden of proof instruction* and did nothing to shift the burden from the state. There is no reasonable possibility of a different outcome had counsel made an objection to the instruction." App. 565 – 566. (emphasis added).

ARGUMENT

The PCR court erred by ruling defense counsel had no duty to object to the improper jury charge that the jury abides by its oath when it returns a verdict that "speaks the truth," since this Court has repeatedly, including in State v. Aleksey, 343 S.C. 20, 26-27, 538 S.E.2d 248, 251 (2000), warned trial court's to avoid "seeking the truth" language because it can be interpreted as lessening the beyond a reasonable doubt burden of proof, a Due process violation, and the PCR court's conclusion that defense counsel had no duty to object to an invalid jury instruction was an untenable error of law.

The jury instruction in this case that the jury should "abide by their oath and return a verdict that speaks the truth" could not have possibly further emphasized the "speaks the truth verdict error than it did in this case. The PCR court erred by ruling "the instruction "*was not anywhere near the burden of proof instruction.*" Indeed, after the burden of proof instruction, and at the end of his instructions, the judge instructed, "Under the oath that you took in this case, you swore to try this case based solely on the testimony and evidence presented in this courtroom. I charge you that it is your duty to lay aside all outside opinions, bias or prejudice or sympathy you may have in reaching your verdict. The word verdict, ladies and gentlemen, is taken from the Latin word 'veredicto'. *It means to speak the truth.* You have no friends to reward or enemies to punish in this case. *I charge you to abide by your oath and return a verdict that speaks the truth.*" App. 413, ll. 8-20 (emphasis added).

Thus, the jury charge ended with the jury being told that abiding by its oath meant returning a verdict that speaks the truth. Therefore, the PCR court erred by finding the timing of the jury instruction, such as in Aleksey, which came during the charge on the credibility of the witness, was a reason to discount the seriousness of the disfavored instruction error.

Here, again, the "speaks the truth verdict" instruction came at the end of the jury charge. It came after the instruction on the credibility of the witnesses. Further, it came almost immediately after the judge's instruction on a reasonable doubt charge to the jury that "proof beyond a reasonable doubt, ladies and gentlemen, is proof that leaves you firmly convinced that this defendant is guilty of the charges. There are very few things in this life that we know with absolute certainty. In criminal cases, our law does not require proof that overcomes every possible doubt. If, based on your consideration of the evidence in this case, you are firmly convinced that this defendant is guilty, then you must find him guilty. If, on the other hand, you think there is a real possibility that he is not guilty, you must give him the benefit of that doubt and find him not guilty." App. 412, ll. 2-5.

At a minimum, the "speaks the truth verdict" instruction -- which immediately followed this reasonable doubt instruction -- was going to be confusing to the jury. It was superimposing good law over bad law, again, at a minimum. Superimposing bad law over good law only fosters confusion and causes prejudice. See State v. Adams, 277 S.C. 115, 120, 283 S.E.2d 582, 585 (1981).[1]

Further, "the purpose of instructions is to enlighten the jury and to aid it in arriving at a correct verdict. It is error to give instructions which are calculated to confuse or mislead the jury. State v. Hewitt, 204 S.C. 207, 31 S.E.2d 257 (1944)." State v. Leonard, 292 S.C. 133, 137, 355 S.E.2d 270, 272 (1987). This Court has repeatedly cautioned the bench and bar against the disfavored "speaks the truth" verdict instruction.

In State v. Aleksey, 343 S.C. 20, 26-27, 538 S.E.2d 248, 251 (2000), cited in the order of dismissal at 564-565, this Court noted that "the appellant argued the trial judge erred in

[1] Overruled on other grounds by State v. Torrence, 305 S.C. 45, 406 S.E.2d 315 (1991).

instructing the jury that 'its one single objective' was 'to speak the truth.' Appellant contends this instruction violated his due process rights by shifting the burden of proof and diluting the reasonable doubt charge. In the context in which the instruction was given, we disagree."

In Aleksey, this Court emphasized that the judge's objectionable charge came during his instruction on the credibility of the witnesses. The credibility of the witnesses charge came after a lengthy, complete instruction on reasonable doubt, the presumption of innocence, and the state's burden of proof.

Here, conversely, the objectionable "speaks the truth verdict" charge came after the reasonable doubt instruction and the state's burden of proof instruction, and at the end of the jury instruction. It was not contained in the "weighing the credibility" of the witnesses portion of the jury charge.

The trial in this case occurred in 2015. Aleksey was decided in 2000. In Aleksey, this Court cited State v. Needs, 333 S.C. 134, 155, 508 S.E.2d 857, 867-68 (1998), wherein this Court held that "jury instructions on a reasonable doubt which charged the jury to 'seek the truth' are disfavored because they '[run] the risk of unconstitutionally shifting the burden of proof to a defendant."

While jury instructions are considered as a whole, the objectionable "seek the truth verdict" charge in this case came at the end of the jury charge, where it was going to be the most emphasized given its primacy in the memory of the jurors as being the last thing, and particularly since it was directly tied to the jury's duty to render a verdict.

The PCR court's conclusion that defense counsel had no duty to take exception to an erroneous disfavored jury instruction which shifted the burden of proof was an error of law. If a jury is deciding what the truth is from the testimony, it is reaching a verdict by a preponderance

of the evidence, and whom believed. This is a civil trial standard of proof where the jury seeks the truth in determining which side shall prevail by the preponderance of the evidence. Conversely, in a criminal case, a defendant has a due process right which protects him against conviction unless the state supplies proof beyond a reasonable doubt of each and every element necessary to constitute the crime with which the accused is charged. In re: Winship, 397 U.S. 358, 364 (1970). See Lowry v. State, 376 S.C. 499, 505, 657 S.E.2d 760, 764 (2008). The jury needs to understand that in a criminal case its only duty is to decide whether the state had proved the defendant's guilt beyond a reasonable doubt.

Defense counsel in this case testified he was aware the "speaks the truth verdict" instruction was improper or disfavored. Counsel later maintained that he was not aware the instruction was disfavored "at the time." Either way, counsel rendered deficient performance by not taking exception to this jury charge.

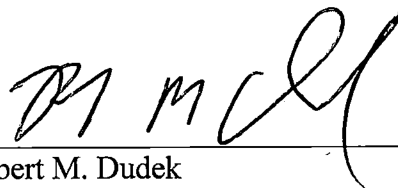
If counsel knew the jury instruction was disfavored or improper he had a duty to take exception to it. In the alternative, if counsel did not know the "speaks the truth verdict" instruction was improper in 2015 where State v. Needs was decided seventeen years before the trial in this case in 1998, and where State v. Aleksey was decided fifteen years before the trial in this case in 2000, he was deficient in not taking a sufficient interest in the law as a trial lawyer.

The PCR court's conclusion that defense counsel did not have a duty to object to a disfavored or improper jury instruction constituted an error of law. Most respectfully, an improper jury instruction which infringed on petitioner's right to Due process -- by ensuring a guilty verdict was only rendered after proof of his guilt beyond a reasonable doubt -- should not be dismissively dispatched. Trial counsel is deficient, such as here, where counsel fails to take exception to improper or disfavored jury charge. The evidence of petitioner's was not so

overwhelming that certiorari should be denied. See In re: Winship, 397 U.S. 358, 364 (1970); Lowry v. State, 376 S.C. 499, 505, 657 S.E.2d 760, 764 (2008); Strickland v. Washington, 466 U.S. 668 (1984).

CONCLUSION

By reason of the foregoing arguments, a writ of certiorari should be issued to allow full briefing on this issue.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 9th day of August, 2019.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Greenville County

Honorable Alex Kinlaw, Circuit Court Judge

SYLVESTER KEEJUAN KING,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

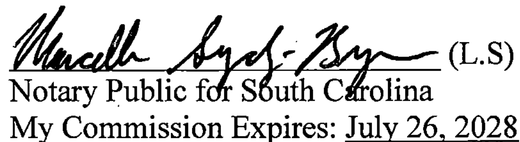
RESPONDENT

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 Taylor Z. Smith, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and upon Sylvester Keejuan King, #366399, at Perry Correctional Institution, 430 Oaklawn Road, Pelzer, SC 29669, this 9th day of August, 2019.

Robert M. Dudek
Chief Appellate Defender
ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 9th day of August, 2019.

 (L.S)
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My Commission Expires: July 26, 2028