ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Charleston County

Honorable William Jeffrey Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RHAJON AKEEM RESHAE SANDERS,

PETITIONER

APPELLATE CASE NO 2019-001019

BRIEF OF PETITIONER

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ISSUES PRESENTED

1.) Did the Court of Appeals err in upholding the trial judge's denial of petitioner's motion for a self-defense charge that included an instruction regarding his right to "act on appearances" because it was the aggressor's hand reach for the waistband of his pants that was properly interpreted as a grasp for a gun, which in turn gave the appearance of danger that caused petitioner to shoot in self-defense?

2.) Did the Court of Appeals err in upholding the trial judge's ruling to exclude evidence establishing that petitioner lived in a high crime neighborhood in support of the self-defense claim and also in limiting the cross-examination of witnesses who knew that crime was rampant where the shooting occurred because this interfered with petitioner's right to cross-examine witnesses completely and violated his right to present a full and complete defense at trial?

3.) Did the Court of Appeals err in upholding the trial judge's ruling that prohibited defense counsel from referencing at closing the dangerous high crime nature of the neighborhood where petitioner lived because this violated petitioner's right to a fair trial?

4.) Did the Court of Appeals err in upholding the trial judge's failure to charge the requested "no duty to retreat" jury instruction because the evidence in the record supported such a charge?

STATEMENT

Petitioner Rhajon Akeem Sanders was convicted of attempted murder and possession of a weapon during the commission of a violent crime per jury trial held during the June 2016 term of the Charleston County General Sessions Court before Judge William W. Jeffrey Young. petitioner was sentenced to imprisonment for an aggregate period of fifteen years. Attorneys Myesha Brown and Natasha Chisholm represented petitioner at trial, and Assistant Solicitors Nina Savas and Lauren Frierson appeared on behalf of the state.

Petitioner appealed his convictions and sentences. On March 6, 2019, the South Carolina Court of Appeals affirmed petitioner's convictions and sentences. See State v. Sanders, Unpublished Opinion No. 2019-UP-100 (S.C. Ct. App. March 6, 2019). On March 21, 2019, petitioner filed a petition for rehearing in the case. On May 23, 2019, the South Carolina Court of Appeals denied the petition for rehearing. On July 3, 2019, petitioner filed a petition for writ of certiorari with this Court, which was granted on November 1, 2019. This Brief of Petitioner follows.

STANDARDS OF REVIEW

Admissibility of Evidence

The admission of evidence is within the discretion of the trial court and will not be reversed absent an abuse of discretion." State V. Hatcher, 392 S.C. 86, 91, 708 S.E.2d 750, 753 (2011) (quoting State v. Pagan, 369 S.C. 201, 208, 631 S.E.2d 262, 265 (2006)). "An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law." Id.; see also State v. Brockmeyer, 406 S.C. 324, 340, 751 S.E.2d 645, 653 (2013).

Self-Defense

If there is any evidence ion the record to support self-defense, the issue should be submitted to the jury. State v. Hill, 315 S.C. 260, 433 S.E.2d 848 (1993). In general, the trial judge is required to charge only the current and correct law of South Carolina. Cohens v. Atkins, 333 S.C. 345, 509 S.E.2d 286 (Ct.App.1998). A jury charge is correct if it contains the correct definition of the law when read as a whole. Keaton v. Greenville Hosp. Sys., 334 S.C. 488, 514 S.E.2d 570 (1999). The substance of the law must be charged to the jury, not particular verbiage. Keaton. "Current law requires the State to disprove self-defense, once raised by the defendant, beyond a reasonable doubt." Wiggins, 330 S.C. at 544, 500 S.E.2d at 493. Finally, to warrant reversal, a trial judge's refusal to give a requested charge must be both erroneous and prejudicial. Ellison v. Parts Distributors, Inc., 302 S.C. 299, 395 S.E.2d 740 (Ct. App. 1990). State v. Burkhart, 350 S.C. 252, 260-61, 565 S.E.2d 298, 302-03 (2002).

Jury Instructions

In criminal cases an appellate court sits to review errors of law only." State v. Baccus, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006). "An appellate court will not reverse the trial court's decision regarding jury instructions unless the trial court abused its discretion." Clark v. Cantrell, 339 S.C. 369, 389, 529, S.E.2d 528, 539 (2000), "An abuse of discretion occurs when the trial court's ruling is based on an error of law or, when grounded in factual conclusions, is without evidentiary support. Id.

Evidentiary Issues

In criminal cases, the appellate court sits to review errors of law only. State v. Baccus, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006); State v. Wilson, 345 S.C. 1, 6,545 S.E.2d 827, 829 (2001); State v. Wood, 362 S.C. 520, 525, 608 S.E.2d 435, 438 (Ct. App. 2004). Appellate courts are bound by the trial court's factual findings unless they are clearly erroneous. State v. Quattlebaum, 338 S.C. 441, 454, 527 S.E.2d 105, 111 (2000); State v. Williams, 326 S.C. 130, 135, 485 S.E.2d 99, 102 (1997); State v. Patterson, 367 S.C. 219, 224, 625 S.E.2d 239, 241 (Ct. App. 2006); State v. Landis, 362 S.C. 97, 101, 606 S.E.2d 503, 505 (Ct. App. 2004).

Admissibility of Evidence

The admissibility of evidence is within the sound discretion of the trial judge. State v. Mansfield, 343 S.C. 66, 77, 538 S.E.2d 257, 263 (Ct. App. 2000); State v. Patterson, 337 S.C. 215, 228, 522 S.E.2d 845, 851 (Ct. App. 1999). Evidentiary rulings of the trial court will not be reversed on appeal absent an abuse of discretion of the commission of legal error which results in prejudice to the defendant. Mansfield, 343 S.C. at 77, 538 S.E.2d at 263.

Self-Defense Jury Instruction

In criminal cases, the appellate court sits to review errors of law only. State v. Baccus, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006). Thus, an appellate court "is bound by the [circuit] court's factual findings unless they are erroneous." Id. Appellate courts do not re-evaluate the facts based on their own view of the preponderance of the evidence but simply determine whether the [circuit court]'s ruling is supported by any evidence. State v. Wilson, 345 S.C. 1, 6, 545 S.E.2d 827, 829 (2001).

QUESTION I

The Court of Appeals erred in upholding the trial judge's denial of petitioner's motion for a self-defense charge that included an instruction regarding his right to "act on appearances" because it was the aggressor's hand reach for the waistband of his pants that was properly interpreted as a grasp for a gun, which in turn gave the appearance of danger that caused petitioner to shoot in self-defense.

The state alleged that petitioner committed attempted murder when he fired gunshots at Nicolas Washington in Charleston, South Carolina, on the night of December 26, 2014. Petitioner and Washington testified at trial regarding the shooting.

Petitioner testified that he was standing outside his home on the front porch at Kent Avenue around 7:00 p.m. when he noticed a tall suspicious looking male dressed in all black and wearing a hoodie standing across the street. Petitioner explained that when this male, who stood at nearly 6'3" and seemed to weigh over 200 pounds, threw his cigarette down and reached for the waistband of his pants with his hand, and advanced in his direction, then he (petitioner) fired his gun at the male. Petitioner did not leave his property before the shooting transpired and there were no street lights on at that time in the area where the house where he lived was located. R. 520, l. 4 – R. 569, l. 25.

Washington testified at trial and stated that on that same night and time, he was at his aunt's house located at 2311 on Kent Avenue, and that he was standing outside while making a telephone call, and simultaneously lighting a cigarette and listening to music when he saw something like a fireball skim the ground, and that afterwards he fell and then realized that he had been shot. Washington admitted that he was wearing dark clothing and that the porch light

was off and it was dark outside. R. 25, l. 3 – R. 110, l. 20. Officer Tucker confirmed that Washington wore dark clothing on that night. R. 245, l. 11-17.

Petitioner's first self-defense issue raised on appeal follows:

> The trial judge erred in failing to give a complete self-defense charge that included an instruction that petitioner had the right to "act on appearances" because it was the aggressor's hand reach for the waistband of his pants that was properly interpreted as a grasp for a gun, which in turn gave the appearance of danger that caused petitioner to shoot in self-defense.

On appeal, the Court of Appeals addressed the issue as follows:

> We find the circuit court did not err in refusing to give Sanders' requested act on appearances charge. In charging self- defense, the circuit court should consider "the facts and circumstances of the case at bar in order to fashion an appropriate charge." *State v. Fuller*, 297 S.C. 440, 443, 377 S.E.2d 328, 330 (1989). In this case, neither Sanders nor Victim knew each other. Sanders testified there had never been any issued, problems, threats, or altercations between him and Victim prior to the shooting. On the night of the shooting, Victim testified he was standing outside smoking. Sanders initiated the contact with Victim when he waved across the street at Victim, called out to Victim, and stepped off his porch towards Victim before ultimately firing his weapon when Victim reached into his waistband. Sanders admitted he never saw a weapon or any other type of shiny object on Victim. We find the circuit court correctly determined an act on appearances charge did not fit the facts and circumstances of this case. *See State v. Lee*, 298 S.C. 362, 364, 380 S.E.2d 834, 836 (1989) ("The [circuit court] should charge only the law applicable to the case as the purpose of the jury instructions is to enlighten the jury.") (citation omitted).
>
> > The defendant has the right to use so much force as appeared to be necessary for complete self[-]protection in which a person of ordinary means and firmness would have believed to be needed to prevent death of serious bodily injury.
>
> Although the circuit court's instruction did not contain the identical verbiage as the instruction requested by Sanders, we find its instruction was substantially correct and covered the substance of the law requested by Sanders. *See id.* at 478, 697 S.E.2d at 583 ("A jury charge that is substantially correct and covers the law does not require reversal."); *State v. Adkins*, 353 S.C. 312, 318-19, 577 S.E.2d 460, 464 (Ct. App. 2003) ("The substance of the law is what must be charged to the jury, not any particular verbiage."). Therefore, we affirm the circuit court's refusal to give Sanders' requested act on appearances charge.

In holding that the facts and circumstances did not require an acting on appearances charge, the Court of Appeals in effect appeared to consider three factors, i.e. that: 1.) that petitioner and Washington did not know each other, and 2.) that there were no prior difficulties (previous "problems threats or altercations") between them, and 3.) that petitioner did not see a weapon before firing in self-defense. However, these three factors were not requirements or prerequisites to satisfy an acting on appearances charge. To the contrary, there was no requirement that petitioner needed to have known Washington or have had difficulties with Washington in the past. The Fuller Court held that in order to receive an acting on appearances charge, the defendant must have **believed** that he was in imminent danger and that he had a right to act on appearances under the circumstances as they appeared to him, which he did do in this case. There is no requirement of prior knowledge of the aggressor's identity or of past difficulties with the aggressor. Here, petitioner believed he was in imminent danger. The danger in question that made petitioner believe he had a right to act on appearances. Furthermore, petitioner was not required to have seen a weapon in Washington's hand because he had a right to an acting on appearances charge even if he **erroneously** believed he saw the victim with a weapon. See Fuller and State v. Jackson, 227 S.C. 271, 87 S.E.2d 681 (1955). In Jackson, the defendant did not see a weapon in the victim's hand as he was blinded by lights, but fired shots after being awakened at his home; and in Fuller, the defendant acted on appearances because he saw two men go into the trunk of a car and he **thought** he saw a shiny object in one man's hand. Moreover, although prior difficulties could be relevant requiring a separate charge under Fuller, nonetheless, the absence of prior difficulties would in no way would preclude an acting on appearance charge Again, petitioner showed that he believed he was in imminent danger and has a right to act on appearance. See also State v. Starnes, 340 S.C. 312, 531 S.E.2d 907 (2000) where the Court reversed because a right to "act on appearances" charge was not given

after the defendant saw one deceased man hold a gun to another's head and fire the gun because he believed the same man would shoot him regardless of whether or not he saw a gun again. Lastly, regarding the Court of Appeals' holding that the instruction charging the jury that petitioner had a right to use as much force as necessary did not cure the lack of a right to act on appearances charge as required under Fuller as the force charge and the appearance charge are two separate and distinct principles. The Court of Appeals erred in not finding error in the trial judge's decision not to include a right to "act on appearances" jury instruction within the self-defense jury charge given in the case.

QUESTION II

The Court of Appeals erred in upholding the trial judge's ruling to exclude evidence establishing that petitioner lived in a high crime neighborhood in support of the self-defense claim and also in limiting the cross-examination of witnesses who knew that crime was rampant where the shooting occurred because this interfered with petitioner's right to cross-examine witnesses completely and violated his right to present a full and complete defense at trial.

This Court of Appeals held the following in ruling on this issue:

> We find the circuit court did not abuse its discretion in excluding the high crime neighborhood evidence Sanders sought to admit. *See State v. Aleksey,* 343 S.C. 20, 35, 538 S.E.2d 248, 256 (2000) ("The [circuit court] is given broad discretion in ruling on questions concerning the relevancy of evidence, and [its] decision will be reversed only if there is a clear abuse of discretion."). Throughout his trial, Sanders repeatedly attempted to elicit testimony from witnesses about the level of crime in his neighborhood. Each time, the circuit court sustained the State's objections to this questioning as irrelevant. Sanders attempted to introduce this evidence to foster his theory that he shot Victim in self-defense based on his general fear of the community. However, the elements of self-defense are inherently specific to the person perceiving fear and the distinct circumstances causing that fear. *See State v. Davis*, 282 S.C. 45, 46, 317 S.E.2d 452, 453 (1984) (per curiam) ("[T]he *defendant* must have actually believed *he* was in imminent danger of losing *his* life or sustaining serious bodily injury.... If the defendant actually was in imminent danger, the *circumstances* were such as would warrant a

> man of ordinary prudence, firmness[,] and courage to strike the fatal blow.") (emphasis added). We find an accused's general fear of the community is not a relevant factor in a self-defense claim arising out of a very specific set of circumstances. *See State v. Sweat*, 362 S.C. 117, 127, 606 S.E.2d 508, 513 (Ct. App. 2004) ("Evidence is admissible if 'logically relevant' to establish a material fact or element of the crime."). The objective evidence and testimony in this case showed that Sanders shot Victim because the street was dark, Victim wore dark clothing, Victim threw down his cigarette before taking steps towards Sanders, and Victim reached into his waistband. We find the circuit court did not abuse its discretion in excluding the subjective high crime neighborhood evidence as irrelevant.

The Court of Appeals held in effect that community violence was not a relevant factor with respect to fear connected to petitioner's self-defense claim on the ground that this was not specific to this case via the rationale that the elements of self-defense are inherently specific to a defendant's perception of fear and the distinct circumstances causing the fear. However, to the contrary, this Court may have overlooked the fact that this incessant community violence that spawned constant neighborhood fear in petitioner provided a backdrop and background that created a specific fear that was daily and continually present in his **state of mind**. This meant that petitioner's neighborhood fear was a specific fear to him every minute of the day and because this fear was a constant and specific presence in his mind, then this community violence was inextricably linked to his specific fear of Washington in light of Washington's behavior and actions prior to the shooting. Hence, the community violence was relevant and specifically connected to petitioner's self-defense claim. The defense sought to elicit testimony proving that the area where the shooting occurred was a high crime area that was inherently dangerous to the extent that loss of life or being injured existed at all times and that this was always a highly likely possibility where petitioner lived. Thus, the reason for petitioner's reaction in firing his gun in self-defense after the suspicious man dressed in all black reached for his waistband and advanced in his (petitioner's) was justified due to a specific fear that was triggered by the actions

of Washington **against the backdrop of community fear which was linked to his specific fear.** This Court acknowledged that petitioner "shot [Washington] because the street was dark, [Washington] threw down his cigarette before taking steps towards [petitioner] and [Washington] reached into his waistband."

In the instant case, testimony from residents of the Accabee community and knowledgeable police officers who were familiar with the high crime associated with Kent Street and Accabee Community constituted relevant evidence in support of petitioner's self-defense claim to the extent that petitioner, who lived in an area where getting shot was the norm, believed on the night of the shooting that he was in actual imminent danger of losing his life or sustaining serious bodily injury based on Washington's menacing behavior and based on the historical character of the community in which he lived; and that any reasonable person would have believed the same, i.e., that there was imminent danger of the loss of life or injury based on the scenario in question. This proved petitioner's state of mind based on the circumstances he faced and the high crime area community in which he lived. Therefore, the Court of Appeals erred in excluding this relevant evidence, i.e., evidence that petitioner resided in a high crime neighborhood because this gave rise to a specific fear on petitioner's behalf, which in turn caused him to act in self-defense in the case.

QUESTION III

The Court of Appeals erred in upholding the trial judge's ruling that prohibited defense counsel from referencing at closing the dangerous high crime nature of the neighborhood where petitioner lived because this violated petitioner's right to a fair trial.

This third self-defense related issue was raised on appeal in the case follows:

> The trial judge erred in not allowing defense counsel to formulate her closing remarks based on reasonable inferences raised in the record because this in turn violated petitioner's right to a fair trial.

The Court of Appeals ruled on the issue above as follows:

> We find the circuit court did not abuse its discretion in prohibiting Sanders from referencing the neighborhood's alleged dangerous nature during his closing argument. *See State v. Finklea*, 388 S.C. 379, 385, 697 S.E.2d 543, 547 (2010) ("A [circuit court] is vested with broad discretion in dealing with the range and propriety of closing arguments and ordinarily [its] rulings on such matters will not be disturbed."). The defendant's closing argument is confined to statements pertaining to the evidence in the record and any *reasonable* inferences that may be drawn from the facts in evidence. *State v. Durden*, 264, S.C. 86, 92, 212 S.E.2d 587, 590 (1975); *State v. Huggins*, 325 S.C. 103, 107, 481 S.E.2d 114, 116 (1997); 23A C.J.S. *Trial and Incidental Proceedings* § 1752 (2016). Because the circuit court repeatedly sustained the State's relevance objections to this evidence during the trial, allowing Sanders to reference this evidence for the first time during closing argument may have confused the jury in their consideration of his case. *See* Rule 403 SCRE ("[E]vidence may be excluded if its probative value is substantially outweighed by the danger of .... confusion of the issues, or misleading the jury...."). We also find that referring to the neighborhood's "crime infested character" is not a reasonable inference that can be drawn from the facts in evidence. The only testimony related to the neighborhood- on the record without objection- was Victim's testimony that a friend of his was recently killed in the neighborhood. A single homicide in the neighborhood is not sufficient to created a reasonable inference that the entire neighborhood is dangerous, unsafe, or "crime infested." *See Hoeffner v. The Citadel*, 311 S.C. 361, 366, 429 S.E.2d 190, 193 (1993) ("Arguments by counsel which invite the jury to base its verdict on considerations not relevant to the merits of the case are improper."). We affirm as to this issue.

The Court of Appeals held in effect that this neighborhood crimes evidence did into constitute matter that could be addressed during defense counsel's closing argument because

such evidence was ruled inadmissible by the trial judge at trial and because one single homicide did not create a reasonable inference that the entire neighborhood was dangerous. To the contrary, there is no rule of law mandating a certain threshold or a certain amount of evidence to be presented in order to create reasonable inferences from the record, so therefore, as long as there is evidence in the record that was admitted (here there were two instances of high crime neighborhood testimony that entered the record without objection), then the rule is that counsel may draw on facts in evidence that were admitted and not objected to at trial, and then make reasonable inferences about the same at closing This record contained information regarding the dangerousness of the neighborhood. Washington testified that a friend of his from the Accabee Community had been killed recently in the neighborhood (R. 51, l. 25 – R. 52, l.2), and petitioner's mother testified that she was warned that this was a high crime neighborhood before moving into her home (R.494, lines 4-10). Based on the testimony, defense counsel should have been allowed to refer to this at closing couched in terms of the crime infested character of the neighborhood as a reasonable inference from the record and how this played into petitioner's reaction in self-defense in light of the background information regarding his knowledge of the area being a high crime area. R. 590, l. 21 – R. 592, l. 6.

Clearly, the Court of Appeals erred in denying petitioner's argument that the trial judge erred in denying defense counsel the opportunity to address at closing the high crime character of the neighborhood which emanated from Washington (state's witness) as an inference that was supported by the record and relevant to petitioner's self-defense claim.

QUESTION IV

The Court of Appeals erred in upholding the trial judge's failure to charge the requesting "no duty to retreat" jury instruction because the evidence in the record supported such a charge.

The fourth self-defense issue raised on appeal follows:

> The trial judge erred in denying petitioner's request for the additional "no duty to retreat" charge in connection with the self-defense instruction because there is no affirmative duty requiring one to retreat from the curtilage of his or her home.

The Court of Appeals ruled on the issue raised above as follows:

> We find the circuit court correctly refused to charge the jury with Sanders' requested "no duty to retreat" charge because the evidence presented at trial does not support the requested charge. *See State v. Marin*, 404 S.C. 615, 619, 745 S.E.2d 148, 151 (Ct. App. 2013), *aff'd as modified,* 415 S.C. 475, 783 S.E.2d 808 (2016) ("This court will not reverse a [circuit] court's decision to refuse a specific request to charge unless the [circuit] court committed an error of law."). In order to claim immunity from the law of retreat, an accused must demonstrate that he was attacked on his own premises without fault on his part. *See State v. Long*, 325 S.C. 59, 62, 480 S.E.2d 62, 63 (1997) (explaining the exception to the duty to retreat element of self-defense). Here, although Sanders was standing in his yard when he opened fire on Victim, the evidence showed Sanders fired multiple rounds across the street and struck Victim in he leg while Victim was either on the sidewalk or a couple steps into the street. There is no evidence that indicated Victim ever accosted Sanders on his property of that Victim even approached Sanders' property. Moreover, immunity from the law of retreat is "predicated on the absence of aggression or fault" on the part of the accused seeking the doctrine's immunity. *State v. Grantham*, 224 S.C. 41, 44, 77 S.E.2d 291, 292 (1953). The evidence in this case indicates Sanders, not Victim, initiated the incident when he waved across the street at Victim, called out to Victim, and stepped off his porch towards Victim, before ultimately firing his weapon when Victim reached into his waistband. We find Sanders was not at fault without initiating the incident and the evidence presented did not support the requested charge. Accordingly, we affirm as to this issue.

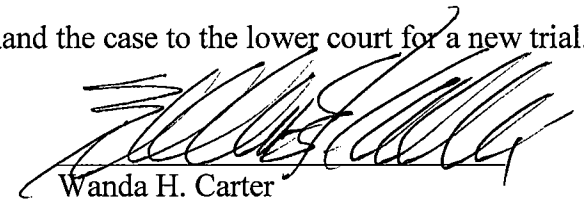
The Court of Appeals held in effect that petitioner "was standing in his yard when he opened fire on [Washington]," but nonetheless This Court went on to hold that there was no evidence that Washington "accosted petitioner on his property or that Washington approached

petitioner's property and as a result, there was evidence to support a "no duty to retreat charge." To the contrary, petitioner was not the aggressor (note that self-defense was charged) and petitioner was on his own premises when Washington approached and advanced toward petitioner as the aggressor and when petitioner fired in self-defense. To the contrary, the "no duty to retreat" charge was applicable in this case. Here, petitioner stayed on his own property and watched Washington reach for his waist band while he Washington advanced across the street onto his (petitioner's) property. Petitioner had no duty to retreat; and note furthermore that retreating would have increased his danger of experiencing death or serious bodily injury. Under the law of self-defense, one who is attacked on his own premise is immune from the duty to retreat. State v. Brown, 321 S.C. 184, 467 S.E.2d 922 (1996); State v. Merriman, 287 S.C. 74, 337 S.E.2d 218 (1985). A defendant is not required to retreat if he has "no other probable means of avoiding the danger of losing his life or suffering serious bodily injury." State v. Dickey, 394 S.C. 491, 716 S.E.2d 97 (2011), citing to State v. Wiggins, 330 S.C. 538, 500 S.E.2d 489 (1998). Also, there is no duty to retreat around the cartilage of one's own premises. State v. Wiggins, supra; State v. Brooks, 252 S.C. 504, 167 S.E.2d 307 (1969).

The Court of Appeals erred in denying petitioner's argument that the trial judge erred in failing to charge the "no duty to retreat" component of self-defense in the present case.

CONCLUSION

Based on the foregoing arguments, counsel for petitioner requests that this Court reverse petitioner's convictions and sentences and remand the case to the lower court for a new trial.



Wanda H. Carter
Deputy Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 2nd day of December, 2019.

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STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Charleston County

Honorable William Jeffrey Young, Circuit Court Judge

THE STATE,

RESPONDENT,

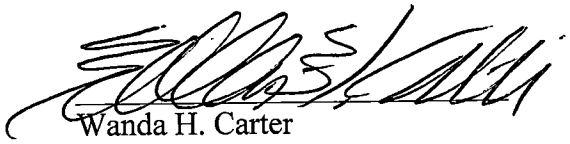
V.

RHAJON AKEEM RESHAE SANDERS,

PETITIONER

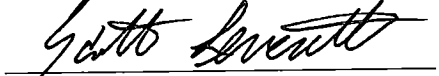
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Brief of Petitioner in the above referenced case has been served upon William M. Blitch, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Brief of Petitioner has been served on Rhajon Sanders, #368551, at Kirkland Correctional Institution, 4344 Broad River Road, Columbia, SC 29210, this 2nd day of December, 2019.



Wanda H. Carter
Deputy Chief Appellate Defender
ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 2nd day of December, 2019.



(L.S)
Notary Public for South Carolina
My Commission Expires: September 27, 2028.