

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**Appeal From Chester County
The Honorable Paul M. Burch., Circuit Court Judge
Appellate Case No. 2017-001500**

THE STATE,

Respondent,

vs.

JERMAINE MARQUEL BELL,

Appellant.

OPINION NO. 5742

PETITION FOR REHEARING

INTRODUCTION

On July 8, 2020, this Court filed a published opinion reversing Appellant Bell’s murder conviction because it found that statements by the victim to her husband and daughter that she suspected Bell was stealing from her were inadmissible under Rule 404(b), SCRE. *State v. Jermaine Marquel Bell*, Op. No. 5742 (S.C. Ct.App., filed July 8, 2020) (Shearouse Adv. Sh. No. 29 at 36).¹ Respondent (the State) respectfully asks this Court to grant a petition for rehearing

¹ The Court found that “Bell's remaining arguments are unpreserved for appellate review because they were not raised to and ruled upon by the circuit court or were not raised with sufficient specificity. *See Staubes v. City of Folly Beach*, 339 S.C. 406, 412, 529 S.E.2d 543, 546 (2000) (‘It is well-settled that an issue . . . must have been raised to and ruled upon by the [circuit] court to be preserved for appellate review.’); *State v. Patterson*, 324 S.C. 5, 19, 482 S.E.2d 760, 767 (1997) (indicating an ‘[a]ppellant is limited to the grounds raised at trial’); *see also State v. Johnson*, 363

pursuant to Rule 221, SCACR, based upon the following facts or points of law which this Court may have overlooked, misapprehended or misconstrued:

I.

Because the trial record below resulted in a procedural morass, the Court may have overlooked that the record made a grant of relief improper and that the error addressed by this Court was not preserved for the Court's review. The first problem with error preservation is that Bell made two separate and distinct objections and, although he characterized them as the "same" objection, he did not make any substantive argument in support of either objection. To the contrary, when Mitchell Mayfield (the victim's husband) testified that his wife thought Bell was stealing from her, Bell's only response to the State's argument that this went to her state of mind was simply, "404-B." See *R. 16, line 18- 17, line 3*.

When similar testimony was elicited on direct examination of the victim's daughter, Jessica Lindsay, Bell said, "Objection, Your Honor, same as before, 403." (Sic). See *R. 78, lines 6-16*. Obviously this was not the "same" objection but, once again, he did not make any further argument that the testimony was inadmissible under Rule 404(b), SCRE, or that it should be excluded under Rule 403, SCRE.

"Error preservation requirements are intended 'to enable the lower court to rule properly after it has considered *all relevant facts, law, and arguments*.'" *Staubes v. City of Folly Beach*, 339 S.C. 406, 412, 529 S.E.2d 543, 546 (2000) (quoting *I'On v. Town of Mt. Pleasant*, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000)) (emphasis added). See also *State v. Daise*, 421 S.C. 442,

S.C. 53, 58, 609 S.E.2d 520, 523 (2005) ('The objection should be addressed to the [circuit] court in a sufficiently specific manner that brings attention to the exact error.');

State v. Dunbar, 356 S.C. 138, 142, 587 S.E.2d 691, 694 (2003) ('[T]o preserve [a legal issue], [i]t must be clear that the argument has been presented on that ground.')

Bell, at 47 n. 15.

807 S.E.2d 710, 714 (Ct.App. 2017). A general or nonspecific objection presents no issue for appellate review. *State v. Taylor*, 333 S.C. 159, 508 S.E.2d 870 (1998); *State v. Patterson*, 324 S.C. 5, 17, 482 S.E.2d 760, 766 (1997) (same). Rather, “to preserve for review an alleged error in admitting evidence an objection should be sufficiently specific to bring into focus the precise nature of the alleged error so it can be reasonably understood by the trial judge.” *State v. Prioleau*, 345 S.C. 404, 411, 548 S.E.2d 213, 216 (2001). *See also* Rule 103(a)(1), SCRE.

Bell never made any argument, apart from citing the two independent and distinct Rules. Worse, each Rule requires a distinct analysis by the trial judge that is not required by the other Rule, but once the trial judge determines evidence is admissible under Rule 404(b), he must conduct a Rule 403 analysis. *See State v. Clasby*, 385 S.C. 148, 154-56, 682 S.E.2d 892, 895-96 (2009); *see also* Rule 403, SCRE (“Although relevant, [any] evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence”). Moreover, Bell did not present the trial judge with any of the arguments he presented on appeal, and none of this Court’s findings made in the course of reversing Bell’s conviction were ever presented to the trial judge. *Contra State v. Watts*, 321 S.C. 158, 167, 467 S.E.2d 272, 278 (Ct.App. 1996) (“To be preserved for appellate review, an issue must be both presented to and passed upon by the trial court”).

Respondent recognizes that in *State v. King*, 424 S.C. 188, 199-200, 818 S.E.2d 204, 209-10 (2018), the Supreme Court found that the defendant’s objection citing a rule of evidence preserved the issue for review because the defendant’s argument was sufficiently specific and apparent from the context of the objection. Yet, *King* is readily distinguishable. The defendant’s objection in *King* had been fully vetted in pretrial proceedings and via email, so that the basis for

his objection was clear, *id.*, whereas Appellant did not advance any reason why the challenged evidence was inadmissible under Rule 404(b), or why he felt that the probative value of the witnesses' testimony was substantially outweighed by its prejudicial effect under Rule 403.

Given his failure to more specifically articulate his objection on the record, it is unclear whether his objection was inadmissibility under Rule 404(b), SCRE, or that the evidence's probative value was substantially outweighed by its prejudicial effect under Rule 403, SCRE, since he obviously intended to raise the "same objection," whatever that objection was.² Accordingly, this Court may have overlooked that the record below left nothing for the Court to review on appeal and that it erred by addressing one of the two Rules cited as the ground for his objection. *See I'On*, 338 S.C. at 421-22, 526 S.E.2d at 724 ("An appellate court may not, of course, *reverse* for any reason appearing in the record") (emphasis in original); *Atl. Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 329-30, 730 S.E.2d 282, 285 (2012) ("If our review of the record establishes that an issue is not preserved, then we should not reach it. [T]his ... is an adherence to settled principles that serve an important function. While it may be good practice for us to reach the merits of an issue when error preservation is doubtful, we

² Bell may have made more specific arguments, either in chambers or at an unrecorded bench conference. However, this was insufficient to preserve any issue for appellate review. *E.g.*, *Smalls v. State*, 422 S.C. 174, 182 n.3, 810 S.E.2d 836, 840 n.3 (2018) ("When a conference takes place off the record, it is trial counsel's duty to put the substance of the discussion and the trial court's ruling on the record"); *In re Richard D.*, 388 S.C. 95, 100, 693 S.E.2d 447, 450 (Ct. App. 2010) (although an issue may have been discussed during an off-the-record bench conference, an appellate court "cannot review issues not contained in the record"); *Benton v. Davis*, 248 S.C. 402, 410, 150 S.E.2d 235, 239 (1966) ("The duty to make timely objection to portions of the charge considered erroneous is not discharged by an objection made at an informal conference in the judge's chambers which is not recorded as a part of the record"). Nor should the Court address the issue because Bell might in the future file an Application for Post-Conviction Relief. See S.C. Code Ann. §§ 17-27-10, thru -120 (1985); *State v. Kornahrens*, 290 S.C. 281, 287, 350 S.E.2d 180, 184 (1986) (holding ineffective assistance of counsel claim "is inappropriate for review on direct appeal, and may be asserted" in PCR proceedings).

should follow our longstanding precedent and resolve the issue on preservation grounds when it clearly is unpreserved”).

II.

The Court correctly found Bell’s argument that the challenged testimony was inadmissible under Rule 803(3), SCRE, was not preserved for appellate review. See *Bell*, at 47 n. 15. A second error preservation problem that the Court may have overlooked is that it nevertheless proceeded to find it was inadmissible to prove state of mind under Rule 803(3). *Id.* at 48-49. Thus, the Court may have overlooked that it addressed an issue that it had previously found was procedurally barred.³

III.

Third and even if Bell had preserved an objection that the challenged testimony was inadmissible under Rule 404(b), SCRE, the Court may have overlooked that by addressing the State’s failure to present clear and convincing evidence of the other bad act, *Bell*, at 48-51, the Court was still addressing an argument that Bell did not present below and may have never intended to make. Again, because he failed to make any specific argument as to why the challenged evidence was inadmissible under Rule 404(b), SCRE, it is impossible for the Court to know the reasoning behind the objection and this Court was necessarily speculating as to his actual reason. See *I’On*, 338 S.C. at 421-22, 526 S.E.2d at 724 (“An appellate court may not, of course, *reverse* for any reason appearing in the record”) (emphasis in original). See also *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 694 (2003) (“A party need not use the exact name of a legal doctrine in order to preserve it, but it must be clear that the argument has been

³ Again, Respondent recognizes that this results from the confusing manner in which Bell presented his objection(s) at trial.

presented on that ground”); *State v. Patterson*, 324 S.C. 5, 19, 482 S.E.2d 760, 767 (1997) (“Appellant is limited to the grounds raised at trial”); *Atl. Coast Builders & Contractors*, 398 S.C. at 329-30, 730 S.E.2d at 285.

IV.

The Court rejected the State’s argument that the testimony of Mr. Mayfield and Jessica Lindsay was not evidence of a prior bad act by Bell under Rule 404(b), SCRE, but was only the victim’s *suspicion* that Bell had stolen items from her because “something led Judy to believe Bell was responsible.” *See Bell*, at 48; *see also id.* at 48-49. In so doing, the Court may have overlooked that there will always be a reason that a person has a suspicion,⁴ whether or not the suspicion is well-founded. Further, the Court may have misapprehended that to the extent the challenged evinces proof of any “act,” the only person to whom the act can be attributed is the victim. As previously argued, both Mr. Mayfield and Jessica candidly admitted that Judy never called the police and complained of Bell stealing the items, and Jessica did not know whether Judy had confronted him about her suspicions. *See R. 17, lines 5-13; 78, line 17 – 79, line 5.*

V.

Further, the Court may have overlooked at least six key points in concluding that introduction of the challenged evidence was not harmless beyond a reasonable doubt. *See Bell*, at

⁴ For instance, in *State v. Weston*, 367 S.C. 279, 286-88, 625 S.E.2d 641, 645-46 (2006), the Supreme Court held, in an analogous context, that there was no abuse of discretion by permitting the victim’s daughter to testify as to her mother’s fear of the defendant (the victim’s son) under Rule 803(3), SCRE. Obviously, there was a reason for her fear, but there was no testimony about the reason and it was not evidence of a bad act by the defendant. Similarly, the challenged evidence here was not *proof* of an act by Bell. Also, the Court in *Weston* observed that “[t]o read [*State v. Garcia*, 334 S.C. 71, 76, 512 S.E.2d 507, 509 (1999)], as *Weston* suggests would require us to hold that a witness may testify to the fact that the decedent was afraid, but not that the decedent was afraid of the defendant. This is simply too constrained a reading of *Garcia*.” *Id.* at 287-88, 625 S.E.2d at 646.

51-54. *See also State v. Hughes*, 419 S.C. 149, 158-59, 796 S.E.2d 174, 179-80 (Ct. App. 2017) (holding evidence improperly admitted under Rule 803(3), SCRE, harmless beyond a reasonable doubt); *State v. Sherard*, 303 S.C. 172, 176, 399 S.E.2d 595, 597 (1991) (appellate courts will generally not set aside a judgment based on insubstantial errors not affecting the result); *State v. Fletcher*, 379 S.C. 17, 25, 664 S.E.2d 480, 484 (2008) (Error that does not contribute to the verdict is harmless beyond a reasonable doubt).

First, the Court may have overlooked that it failed to consider all of the State's evidence that circumstantially tended to prove Bell's guilt and, instead, apparently only considered the prosecution's DNA evidence. *See Bell*, at 52-53 n. 17. *Contra State v. Haselden*, 353 S.C. 190, 196, 577 S.E.2d 445, 448 (2003) (holding that the harmlessness of an error in the admission of evidence generally depends on the materiality of the evidence in relation to the case as a whole); *State v. Wiley*, 387 S.C. 490, 497, 692 S.E.2d 560, 564 (Ct. App. 2010) ("No definite rule of law governs this finding; rather, the materiality and prejudicial character of the error *must be determined from its relationship to the entire case*").

Here, the State presented evidence that short repeat DNA analysis (STR) of the swab from the victim's neck taken at autopsy reflected that it was a mixture of DNA and neither the victim nor Bell could be excluded. With respect to Bell's DNA, the statistical probability of selecting an unrelated individual who could have contributed to the mixture was "one in ten." Bell's DNA matched the subsequent YSTR DNA from the swabs of the bruises on the victim's neck where she had been strangled, as well as the DNA from swabs from under the victim's arms and adjacent areas of her shirt. The victim's husband, however, was excluded by the State's DNA testing. The STR testing of the swabs from under the victim's arms and adjacent areas of her shirt revealed a mixture of at least two persons and neither Bell nor the victim could be excluded. The statistical

probability of selecting an unrelated individual other than Bell who could have contributed to the mixture was “one in 960.” The YSTR DNA profile of Bell matched the unknown DNA and, again, the statistical probability “of randomly selecting an unrelated male individual having a YSTR DNA profile matching this item was one in 8600. Again, Mr. Mayfield was excluded from the mixture on both tests. *See R. 295-97; 300-10.*

Also, while any other male with the same parental lineage could have left this DNA, the parties stipulated that “Tyjuan Bell, who is the biological brother of the defendant, was working on the night of September the 12th of 2015, and that he was not at the home of the victim, Judy Lindsay.” *See R. 437-38.*

Additionally, the State also presented evidence that (1) the victim did not like Bell coming to her house, yet, he would always return; (2) Jessica testified that he was with the victim when she went to bed and, accordingly, was the last person known to have seen her alive; (3) a plastic bag with several pairs of the victim’s panties and an ashtray that belonged to her were found in the same *secluded area* as her body and near her body; (4) when Jessica saw the black tennis shoes he had worn on the night of the murder at Mr. Weldon’s apartment, they were muddy, as were the drag marks found at the scene; (5) when police seized these same shoes in a search of Mr. Weldon’s apartment, the shoes were wet and appeared to have been washed; (6) Bell told shifting lies to law enforcement about where he had stayed and what he had worn on the night of the murder; (7) his lies were not only refuted by what the officers found or were unable to find, they were inconsistent with the testimony of Ervin Chalkin and Darkarious Woods, who had seen him on the 12th and/or the 13th; (8) when Mr. Woods saw Bell between roughly 1:00 and 1:30 a.m. on September 13th, Bell came “from the side of” the abandoned home next to Judy’s residence (*R. 187-88*); (9) Bell was “real jittery” when they spoke and asked Mr. Woods about his car, even

though Bell was aware the car belonged to Woods; and (10) his claim in his statement to Det. Wade Young that he left the victim's house when Judy went to bed around 12:30 or 1:00 a.m. was contradicted by the timeline provided to police by Brianna Lowery of September 13th. Ms. Lowery said that she had driven to Judy's residence around 12:30 a.m. because she and Jessica were supposed to go out. The lights were off, the front door was open and the T.V. was on. Yet, no one came outside when she blew her horn. She saw Bell come from a house across the street. She asked where Judy and Jessica were, and he claimed that he did not know. *R. 205-06*.

The Court may have overlooked this other evidence despite discussing it earlier in the opinion. *See Bell*, at 37-41, and 43-45. For these reasons and for those that follow, the Court may have also overlooked that the Supreme Court's decision in *State v. King*, 34 S.C. 504, 514 S.E.2d 578 (1999), did not require reversal. *Contra Bell*, at 51-53.

VI.

Secondly, the Court may have overlooked that by relying on the Supreme Court's June 3, 2020 decision in *State v. Phillips*, Op. No. 27978 (S.C. S.Ct., June 3, 2020) (Shearouse Adv. Sh. No. 22 at 19), the Court erroneously discounted the significance of the touch DNA in this case. In *Phillips*, the appellant's touch DNA was found on the murder weapon. The Supreme Court concluded that the probative value of testimony connecting him to the DNA on the gun was "minimal." The Court reasoned as follows:

Phillips admitted he spent several hours at Woods' house that day, and he held Woods' gun to imitate law enforcement officers. Phillips' own admissions placed him at the scene of the crime, holding the gun. Thus, the probative value of Gallman's testimony connecting Phillips to the DNA on the gun is minimal

Phillips, (Shearouse Adv. Sh. No. 22 at 25).

While it is true a “DNA analyst is not able to obtain a full DNA profile from the 'touch' sample,” *Id.* (Shearouse Adv. Sh. No. 22 at 28), the Court may have overlooked that the touch DNA in this case was exceptionally probative of guilt, both because it excluded anyone not in Bell’s paternal lineage and because of its location – the victim’s neck and her armpits.⁵ Because Bell stipulated that his brother was working on the night of the murder and was not at the victim’s residence, this leaves Bell, and Bell alone, as the person whose DNA was found.

VII.

Thirdly, the Court stated, “We do not find that the statistical frequencies associated with Bell's DNA and Y-DNA tests were so low as to suggest that Bell's guilt was the only rational conclusion to be drawn from the evidence.” *Bell*, at 53 n. 17. The State respectfully submits that the Court may have overlooked the United States Supreme Court’s decision in *McDaniel v. Brown*, 558 U.S. 120, 132 (2010), where the Court found that a rational jury could consider a DNA statistical probability of “1 in 132 ... to be *powerful evidence* of guilt.” (Emphasis added).

VIII.

Fourth, the Court found that the challenged statements were prejudicial because they “tended to establish Bell's criminal propensity by painting him as a thief” and they “allowed the State to insinuate to the jury that Bell was a pervert.” *Bell*, at 53 (citing *King*, 334 S.C. at 514, 514 S.E.2d at 583-84. The Court further found that “the statements allowed the State to establish potential motives for the killing despite Bell's friendly relationship with Judy and her family”

⁵ The latter point is exceptionally important since the pathologist opined that the victim was strangled to death. Also, the pathologist found injuries on the victim’s arms, and when considered together with evidence of apparent drag marks at the scene, suggested that she was dragged to the secreted area behind the abandoned house where her body was found.

and that the State had relied on “Judy's belief as evidence of Bell's potential motive” *Id.* at 54. The Court may have overlooked that *King* does not support reversal here.

In *King*, the trial judge excluded evidence of the defendant’s drug use under Rule 403. *King*, 334 S.C. at 510-11, 514 S.E.2d at 581. The trial judge, however, allowed the State, over a Rule 404(b), SCRE, objection, to introduce evidence of a number of prior thefts from his ex-wife beginning in 1994 and evidence of a theft on the night before the murder to prove motive and to establish the context of the crimes under the *res gestae* theory. *Id.* at 511, 514 S.E.2d at 581-82.

On direct appeal, the Supreme Court found that evidence of the remote thefts were inadmissible “under any theory” because it merely showed the defendant’s “bad character and his propensity to commit crimes,” which “are inadmissible purposes.” The Court found that “[t]he temporal connection between these petty thefts and the charged crimes is too attenuated for admissibility under the *res gestae* theory or under [Rule 404(b)].” *Id.* at 513, 514 S.E.2d at 583. The Court concluded that introduction of this evidence was not harmless beyond a reasonable doubt because it “allowed the State to insinuate to the jury that appellant had a drug problem,” in spite of the trial judge’s earlier ruling that excluded evidence of his drug use. *Id.* at 514-15, 514 S.E.2d at 583-84.

Here, however, evidence that the victim suspected Bell of stealing from her did not permit anything to go before the jury that would not have been heard in the absence of its introduction, apart from her suspicion. To the contrary, the State introduced evidence that a bag with the victim’s underwear and an ashtray in it was found near the victim’s body in the same secreted area behind the abandoned house. *See R. 31-32; 361-62.* Bell has not argued that this evidence was improperly admitted at trial. Consequently, the Deputy Solicitor could have made virtually identical points as to motive in her closing argument and the jury could have inferred that

Bell had some obsession with Judy or her belongings, even if the statements had not been introduced.

IX.

The Court found that “the most prejudicial effect” of the challenged evidence was the State’s failure to establish “a connection between Bell and the bag of Judy’s underwear” *Bell*, at 54. In making this finding, the Court may have overlooked that the admissibility of the bag is irrelevant to the Court’s discussion of the admissibility of the victim’s statements under Rule 404(b). The Court may have also overlooked several points discussed in the preceding section. First and foremost, the bag was in evidence and Bell has not raised any issue on appeal about the introduction of the bag. So any question about its connection to him is not properly before the Court. Additionally, the bag was found close to the victim’s body, and both the bag of her underwear and the body were secreted in an area behind an abandoned hose to where the body had been dragged. Therefore, the State could argue that a reasonable inference is he was responsible for placing it there.

X.

Finally, in concluding that the error here was not harmless, the Court may have overlooked that, regardless of whether the statements were admissible under Rule 404(b), SCRE, they were admissible because they constituted part of the *res gestae* of this murder, since they placed the murder in its proper context.⁶ The *res gestae* theory recognizes that evidence of other

⁶ Admittedly, Respondent has not previously argued the statements were admissible as part of the *res gestae*, but this Court may affirm Bell’s conviction based on any grounds appearing in the record. Rule 220(c), SCACR. It is respectfully submitted that the *res gestae* theory is such a ground. *See also Potomac Leasing Co. v. Otts Mkt., Inc.*, 292 S.C. 603, 606, 358 S.E.2d 154, 156 (Ct.App. 1987) (stating that this Court “may affirm the trial [court’s] correct result even though [it] may have erred on some other ground”).

bad acts may be an integral part of the crime with which the defendant is charged or may be needed to aid the fact finder in understanding the context in which the crime occurred. *State v. Fletcher*, 363 S.C. 221, 609 S.E.2d 572 (Ct.App.2005); *State v. Wood*, 362 S.C. 520, 608 S.E.2d 435 (Ct.App.2004). The Supreme Court discussed the *res gestae* theory in *State v. Adams*, 322 S.C. 114, 470 S.E.2d 366 (1996):

One of the accepted bases for the admissibility of evidence of other crimes arises when such evidence “furnishes part of the context of the crime” or is necessary to a “full presentation” of the case, or is so intimately connected with and explanatory of the crime charged against the defendant and is so much a part of the setting of the case and its “environment” that its proof is appropriate in order “to complete the story of the crime on trial by proving its immediate context or the ‘res gestae’ ” or the “uncharged offense is ‘so linked together in point of time and circumstances with the crime charged that one cannot be fully shown without proving the other ...’ [and is thus] part of the *res gestae* of the crime charged.”

Id. at 122, 470 S.E.2d at 370-71 (quoting *United States v. Masters*, 622 F.2d 83, 86 (4th Cir. 1980)).

When evidence is admissible to provide this “full presentation” of the offense, there is “no reason to fragmentize the event under inquiry by suppressing parts of the *res gestae*.” *State v. Sweat*, 362 S.C. 117, 133, 606 S.E.2d 508, 517 (Ct. App.2004) (internal quotations omitted). Under the *res gestae* principle, it is important that the temporal proximity of the prior bad act be closely related to the charged crime. *Fletcher*, 363 S.C. at 247, 609 S.E.2d at 585. Further, a trial judge does not need to give a limiting instruction on the jury’s consideration of evidence that forms part of the *res gestae*. *State v. Johnson*, 306 S.C. 119, 126, 410 S.E.2d 547, 552 (1991) (“[e]vidence which has a direct bearing on, or relation to the commission of, the crime itself, so as to form part of the *res gestae*, is admissible without limiting instructions”) (quoting 23A

C.J.S. Criminal Law § 1208 (1989)). Here, the Court may have overlooked that the challenged statements put the murder in context and was thus part of the *res gestae*.

CONCLUSION

Based upon the foregoing, Respondent would ask the Court to grant the Petition for Rehearing, pursuant to Rule 221, SCACR.

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July 23, 2020.

s/William Edgar Salter, III
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Jul 23 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA
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THE STATE,

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JERMAINE MARQUEL BELL,

APPELLANT.

CERTIFICATE OF SERVICE

I, Donna D'Alessio, am an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Petition for Rehearing, and Certificate of Service has been forwarded to Appellant's counsel, David A. Alexander, Esq., via email today, July 23, 2020 to dalexander@sccid.sc.gov, and to his assistant, lmattthews@sccid.sc.gov; and also to Sarah Shipe, Esq. at sshipe@sccid.sc.gov, and to her assistant, hkellner@sccid.sc.gov, and by depositing one copy of the same in the United States mail, postage prepaid, and addressed to his attorneys of record: David Alexander, Esq., Sarah Shipe, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201.

I further certify that all parties required by Rule to be served have been served.

This 23rd day of July, 2020.



Donna D'Alessio,
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