STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Horry County

Honorable Michael G. Nettles, Circuit Court Judge

LADORREAN C. COLLINGTON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-001413

PETITION FOR WRIT OF CERTIORARI

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INDEX

ISSUE PRESENTED

Did the PCR judge err in refusing to find counsel ineffective for failing to contemporaneously object to testimony in regard to prior threats and difficulties between Petitioner and the deceased when counsel moved pre-trial to exclude the testimony, some testimony was admitted, without objection, before the judge ruled on admissibility, the testimony was not admissible as res gestae, the State failed to prove the prior difficulties by clear and convincing evidence and the prejudicial effect of the testimony far out-weighed any probative value?

STATEMENT

In 2008, the Horry County Grand Jury indicted Petitioner, Ladorrean Collington, for murder. Later, the Horry County Grand Jury indicted Petitioner for four counts of accessory before the fact of a felony. Specifically, accessory before the fact of murder, accessory before the fact of kidnapping, accessory before the fact of burglary first degree and accessory before the fact of armed robbery, indictments #2010-GS-26-1225, 1626, 1627 and 2011-GS-26-1276. On June 6, 2011, Petitioner proceeded to jury trial, solely on the accessory before the fact of burglary first degree and accessory before the fact of armed robbery indictments, #2010-GS-26-1626, 1627, before the Honorable Steven H. John. Petitioner was tried jointly with Quentin Gause, who was charged with murder, burglary first degree and armed robbery. H. Gregory McCollum represented Petitioner at trial. Ronald Hazzard represented Gause. Heather Tolar von Hermann and Martin D. Spratlin prosecuted the case. The jury found Petitioner guilty of accessory before the fact of burglary first degree and accessory before the fact of armed robbery. Judge John sentenced Petitioner to two concurrent twenty-two (22) year sentences. A timely notice of intent to appeal was filed and the direct appeal perfected. The South Carolina Court of Appeals affirmed the convictions and sentences. State v. Collington, Op. No. 2011-UP-225 (S.C. Ct.App. file May 22, 2013).

On January 27, 2014, Petitioner filed an application for post-conviction relief [PCR]. The State filed a return on June 9, 2014. On February 7, 2017, an evidentiary hearing was held before the Honorable Michael G. Nettles. Jeremy Thompson represented Petitioner at the PCR hearing. Valerie Giovanoli represented the State. In an order signed May 15, 2017, Judge Nettles denied relief and dismissed the application. A timely notice of intent to appeal was served on June 23, 2017. This petition for writ of certiorari follows.

ARGUMENT

The PCR judge erred in refusing to find counsel ineffective for failing to contemporaneously object to testimony in regard to prior threats and difficulties between Petitioner and the deceased when counsel moved pre-trial to exclude the testimony, some testimony was admitted, without objection, before the judge ruled on admissibility, the testimony was not admissible as res gestae, the State failed to prove the prior difficulties by clear and convincing evidence and the prejudicial effect of the testimony far out-weighed any probative value.

During the course of a robbery and burglary of his home on April 14, 2008, Allen Smith was shot and killed. Tiffany James testified that on April 14, 2008, she drove Greg Floyd, Quentin Gause and her cousin, Donell James to Allen Smith's house. (App. p. 998, line 21- p. 999, lines 1-25). She testified that Floyd kicked in the front door and the three men went inside. (R. p. 1000, lines 1-3). Tiffany testified that she heard gun shots and then the three men ran out of the house and jumped in the car. (R. p. 1000, line 19 – p. 1001, lines 1-8). Donell James admitted to his involvement in the robbery that resulted in Allen Smith's death on April 14, 2008. (App. pp. 831-839).

Floyd admitted to his involvement in the April 14th robbery and shooting. Floyd admitted kicking in the front door. (App. p. 969, lines 21-25). Floyd admitted shooting Allen Smith. (App. p. 974, lines 20-25). According to Floyd, however, Allen Smith had already been shot when Floyd "mis-pulled" the trigger and shot. (App. p. 973, line 1 – p. 974, lines 1-25). Floyd did not see who shot Allen Smith first because he was in another room. (App. pp. 972-973). Floyd testified that, after hearing shotgun blasts, Donell and Gause ran out of Smith's bedroom. (App. p. 973, lines 3-18).

Petitioner was tried, in a joint trial with Gause, as an accessory before the fact to burglary first degree and an accessory before the fact to armed robbery. Co-defendant Gause was tried for murder, burglary first degree and armed robbery. During a May 13, 2011, pre-trial hearing trial

counsel moved to exclude evidence of prior threats and difficulties between Smith and Petitioner. (App. pp. 109 – 112). The judge agreed to hear the motion at a later date. (App. p. 112, lines 10-16). On June 2, 2011, the judge heard the motion but reserved ruling. (App. pp. 71-78).

During the trial the State introduced testimony about the following seven instances of alleged prior threats and difficulties between Petitioner and Smith: 1.) a verbal altercation that turned physical between Petitioner and Smith on April 8, 2008; 2.) a window breaking incident on April 8, 2008; 3.) a prior alleged window breaking incident; 4.) a confrontation between Petitioner and Frankie Davis, Smith's girlfriend, on April 11, 2008; 5.) a threatening voicemail on April 11, 2008; 6.) a purported threatening text message on April 13, 2008; and 7.) an inflammatory note associated with the April 8, 2008, window breaking incident.

April 8, 2008, incident and two window breaking incidents.

Most of the prior difficulty testimony came from State's witness Anthony Graham. At trial Graham testified, without objection, about a verbal altercation that turned physical between Petitioner and Smith on Tuesday, April 8, 2008. (App. p. 514, line 3 – p. 513, lines 1-25). Graham also testified, without objection, that following the altercation on April 8th, Petitioner broke the front window of the house where Smith was living with his girlfriend, Davis. (App. p. 519, line 21 – p. 520, lines 1-22). Graham did not know what the note said but the police were called and the contents of the note are discussed below. (App. p. 520, lines 17-25). Graham testified, without objection, that the police officer joked that this was not the first time Petitioner had broken one of Smith's windows. (App. p. 521, lines 1-12).

April 11, 2008 incident.

Graham also testified, without objection, about an alleged confrontation between Petitioner and Frankie Davis on April 11, 2008. (App. p. 526, lines 7-22). The State questioned

Graham about a phone call he received from Petitioner on April 11, 2008, following the confrontation. (App. p. 526, line 23 – p. 527, lines 1-3). The State then realized that the equipment needed to play a State's exhibit related to the phone call was not available at that time and moved on. (App. p. 527, lines 4-5).

April 13, 2008, text message.

The State next questioned Graham about a purported text message between Petitioner and Smith on April 13, 2008. (App. p. 527, lines 7-17). Trial counsel objected when the witness was asked, " – did he say that she had been leaving him any kind of test messages?" (App. p. 527, lines 15-18). The judge sustained the objection. (App. p. 527, line 19). Graham, however, then testified, without objection, that the deceased said that " – this bitch is crazy . . ." (App. p. 527, line 25 – p. 528, line 1). Graham then testified, again without objection, that the text message said, "You and your mother could get it." (App. p. 527, line 25 – p. 528, lines 1-9).

April 11, 2008 phone message.

The State then revisited the April 11, 2008, phone call discussed earlier. When the State moved to admit a recording of a voice message left on Graham's phone by Petitioner on April 11, 2008, after the alleged confrontation with Davis, trial counsel objected. (App. p. 542, line 14 – p. 543, lines 1-14). Trial counsel referenced the pre-trial motions. (App. p. 543, lines 13-14). The judge overruled the objection and the recording was played for the jury. (App. p. 543, lines 15-16; p. 544, lines 7-8). At the close of Graham's testimony trial counsel moved for a mistrial and curative instruction based on the admission of the testimony in regard to prior threats and difficulties between Smith and Petitioner. (App. p. 610, lines 21 – p. 611, 612, 613, lines 1-4).

The judge denied the motion and stated:

> Mr. McCollum, certainly you raised the matter to the Court. You had the motion to exclude the evidence of threats, and we

> discussed it on a couple of occasions, and again at the – you know, before the trial started. My notes reflect that I told you that I would rule on the matter when it was raised at trial.
>
> We had the entirety of the testimony of one of the victims in this matter, and that was Mr. Anthony Graham. At no time during his testimony did you raise the issue before the Court. All of his testimony as to prior difficulties is in evidence. It's in evidence without objection. It's in evidence without the defendant, Collington, raising an issue to it. The Court's first position is you've waived it. It's over. The evidence is in the record. It is too late to object to the problem, if there was one, now.

(App. p. 614, lines 5-20). Additionally, the judge ruled the evidence was admissible under Rules 401, 403, and 404 of the Rules of Evidence and pursuant to the doctrine of res gestae. (App. p. 614, line 21 – p. 532, lines 1-4). Trial counsel then moved to limit further testimony about the prior threats and difficulties. (App. p. 615, line 22 – p. 616, lines 1-4). The judge denied the motion but stated, "Now, if you have a specific objection to a particular question and – that is posed by the State, because I've made this general rule does not mean you are prohibited from making other objections or objections you deem proper regarding a specific question. You've asked for a ruling in general and I've given you a ruling in general. If you've got a problem about a particular question, you need to raise that at that time, so we're clear about that." (App. p. 616, lines 13-20).

Despite the instruction from the trial judge in regard to raising specific objections as they occurred during the course of the trial, trial counsel failed to object when Frankie Davis testified about Petitioner breaking her window on two occasions. (App. p. 635, lines 6-13). When asked about a confrontation with Petitioner on April 11, 2008, trial counsel objected. (App. p. 635, lines 14-21). The judge overruled the objection. (App. p. 635, lines 22-23).

Trial counsel again failed to object when Tiffany James testified about a verbal altercation that took place on April 8, 2008, between Petitioner and Smith. (App. p. 1065, line 6 – p. 1066, 1067, lines 1-10). James testified, however, that she was not in the room when the

alleged altercation took place. (App. p. 1067, lines 1-10). James testified, over objection, that after the altercation on April 8th, Petitioner used a hammer handle to break the front window of the house where Smith was living with Davis. (App. p. 1068, line 5 – p. 1069, 1070, lines 1-10). James also testified that Petitioner left a note after breaking the window. (App. p. 1070, lines 8-19).

Inflammatory note.

Officer Daniel Cradic of the Horry County Police Department went to Smith's house after the April 8th window breaking incident. (App. p. 1199, line 3 – p. 1120, lines 1-22). Officer Cradic testified there was a note found at the scene. The officer read the note at the scene and at trial testified that he copied the contents of the note in his report. (App. p. 1202 lines 1-13). Trial counsel failed to object at trial when Officer Cradic read the contents of the note to the jury stating: "bitch, I will be back, nigger, fuck you. F.Y. bitch ass, AIDS-infected bitch. Yeah, we all got it. D-baby." (App. p. 1204 lines 4-6).

Direct Appeal.

On direct appeal Petitioner challenged the admission of the prior threats and difficulties between Petitioner and Smith and specifically challenged the admission of the voicemail message left on Graham's phone by Petitioner on April 11, 2008. (App. pp. 1362-1382). Petitioner argued that the prior threats and difficulties did not meet an exception to Rule 404(b), SCRE, and were not part of the res gestae of the crimes charged. (App. pp. 1362-1378). Additionally Petitioner argued that the State failed to prove the prior threats and difficulties by clear and convincing evidence and that any probative value in the admission of the testimony was outweighed by the danger of unfair prejudice pursuant to Rule 403, SCRE. (App. p. 1379).

In affirming the South Carolina Court of Appeals found that the voicemail message from April 11, 2008, and the testimony by Davis about a confrontation with Petitioner on April 11, 2008, were both properly admitted in evidence. In regard to the voicemail message, The South Carolina Court of Appeals wrote:

> In the voicemail message, Collington indicated the victim "done made [her] mad" by living with another woman and that victim was "bouts to get it" and "better watch his . . . back." We find this evidence was logically relevant to show Collington's motive and intent to plan the home invasion. See Rule 404(b), SCRE; State v. Gaines, 380 S.C. 23, 29, 667 S.E.2dd 728, 731 (2008) (holding "[t]o be admissible, the bad act must logically relate to the crime with which the defendant has been charged"). Additionally, we find the voicemail message was admissible under the res gestae theory. See Adams, 322 S.C. at 122, 470 S.E.2d at 370-71 (holding evidence of prior bad acts may be admissible under the res gestae theory when it "furnishes part of the context of the crime" or is necessary to a "full presentation" of the case). Accordingly, we find the trial judge did not abuse his discretion in admitting this evidence. See Morris, 376 S.C. at 205-06, 656 S.E.2d at 368 (holding the admission or exclusion of evidence is within the sound discretion of the trial court and the trial court's decision will not be disturbed on appeal absent an abuse of discretion).

(App. pp. 1416, 1417). In regard to the April 11, 2008, confrontation between Petitioner and Davis, the Court of Appeals wrote:

> As to the testimony of victim's live-in girlfriend, Frankie Davis, regarding a confrontation she had with Collington in the days preceding the home invasion, we find the evidence was admissible under Rule 404(b), SCRE and the res gestae theory. Here, the evidence of Collington's anger and jealousy over the victim's relationship with Davis was probative of Collington's motive and provided the jury with a context for the home invasion. See Rule 404(b), SCRE (stating that evidence of other crimes, wrongs, or acts is generally inadmissible to prove the defendant's guilt for the crime charged, but recognizing an exception to this rule when such evidence shows "motive, identity, the existence of a common scheme or plan, the absence of mistake or accident, or intent"); State v. Adams, 322 S.C. 114, 122, 470 S.E.2d 366, 370-71 (1996) (holding evidence of prior bad acts may be admissible under the res gestae theory when it "furnishes part of the context of the crime" or is necessary to a "full presentation" of the case). Accordingly, we find the trial judge did not abuse his discretion in admitting Davis's testimony. See State v. Morris, 376 S.C. 189, 205- 06, 656 S.E.2d 359, 368 (2008) ("The admission or exclusion of evidence is left to the sound discretion of the trial court, and the [trial] court's decision will not be reversed absent an abuse of discretion." (citation omitted)).

(App. p. 1416).

With regard to the challenge to the admission of testimony by Graham and Officer Cradic about other prior threats and difficulties, however, the Court of Appeals found that the issue was not preserved for appellate review writing:

> As to whether the trial court erred in admitting evidence of prior difficulties between Collington and the victim, we affirm. To the extent Collington challenges Anthony Graham's and Officer Daniel Cradic's testimony concerning Collington's prior difficulties with the victim, we find these arguments are not preserved for appellate review. See State v. Johnson, 363 S.C. 53, 58, 609 S.E.2d 520, 523 (2005) (stating that to preserve an issue for appellate review there must be a contemporaneous objection that is ruled upon by the trial court); State v. Dunbar, 356 S.C. 138, 142, 587 S.E.2d 691, 693 (2003) (holding that in order to preserve an issue for appellate review, it must have been raised to and ruled upon by the trial court); id. at 142, 587 S.E.2d at 694 (stating a party may not argue one ground at trial and an alternate ground on appeal).

(App. p. 1416).

Post-conviction relief.

At the PCR hearing Petitioner alleged that trial counsel was ineffective in failing to contemporaneously object to testimony in regard to prior threats and difficulties between Petitioner and Smith. (App. p. 1437, line 14 – p. 1438, lines 1-16). When asked if there was a strategic reason for failing to object to the testimony of Graham and Officer Cradic about prior threats and difficulties between Petitioner and Smith, trial counsel answered, "No. It's just inadvertence. It's just –ineffective is failing to do what I have to do to preserve it, under the rules of evidence." (App. p. 1474, line 20 – p. 1475, lines 1-2).

In the order of dismissal the PCR judge wrote:

> This Court finds that Counsel was not deficient when he did not object to evidence properly admitted. The evidence of prior bad acts, as testified to by Graham and Cradic, was properly admitted based on Rule 404(b), SCRE and the *res gestae* theory. While this Court is aware of the rule requiring contemporaneous objections in order to preserve an issue for appeal, the rule does

> not require objections to be made to properly admitted evidence. Because the issue would have been upheld on appeal, counsel was not deficient in withholding his objection. This Court finds Applicant has failed to prove Counsel's omission was deficient.

(App. p. 1502). The PCR judge erred. Trial counsel admitted that he was deficient in failing to preserve the issue for appeal. (App. p. 1474, line 20 – p. 1475, lines 1-2). Trial counsel attempted to preserve his objections to the prior threats and difficulties testimony, as evidenced by the pre-trial motions and the curative instruction/mistrial motion made after Graham's testimony. This was not a situation where trial counsel elected not to object because he believed the testimony was properly admitted. Trial counsel was ineffective in failing to make a timely objection to the prior threat/difficulty testimony from Graham and Officer Cradic. If trial counsel had objected, the Court of Appeals could have addressed the merits of whether the admission of the testimony was improper.

The Sixth Amendment to the United States Constitution guarantees a defendant the right to effective assistance of counsel. U.S. Const. amend. VI; Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); Lomax v. State, 379 S.C. 93, 665 S.E.2d 164 (2008). Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Strickland v. Washington, 466 U.S. at 687, 104 S.Ct. at 2052; Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989). First, the applicant must show counsel's representation was deficient, which is measured by an objective standard of reasonableness. Strickland, 466 U.S. at 687, 104 S.Ct. at 2052. Next, the applicant must show he was prejudiced by counsel's performance such that, but for counsel's error, there is a reasonable probability the result of the proceedings would have been different. Id. at 693, 104 S.Ct. at 2052.

Trial counsel was ineffective in failing to object to testimony in regard to the following five remaining allegations of prior threats and difficulties: 1.) Graham's testimony about a verbal

altercation that turned physical between Petitioner and Smith on April 8, 2008; 2.) a window breaking incident on April 8, 2008; 3.) a prior alleged window breaking incident; 4.) a purported threatening text message on April 13, 2008; and 5.) Officer Cradic's testimony about the inflammatory content of a note.

As to the prejudice prong, in the order of dismissal the PCR judge wrote:

> Assuming *arguendo* Counsel's omission was deficient, Applicant cannot prove prejudice. On appeal, Applicant argued that the trial court improperly allowed evidence of bad acts to be admitted. Although the Court of Appeals found the issue of Graham and Cradic concerning Applicant's prior difficulties with the victim was not properly preserved, they found the testimony from Davis concerning the confrontation with Applicant days before the home invasion was properly admitted under Rule 404(b), SCRE and the *res gestae* theory. The Court of Appeals also found the contents of the threatening voicemail left on Graham's phone was properly admitted under Rule 404(b), SCRE and the *res gestae* theory. Similar to those prior bad acts, the testimony of prior bad acts not preserved for review was also properly admitted under Rule 404(b), SCRE and the *res gestae* theory. Had the issue been preserved for review, the Court of Appeals would not have found any differently.

(App. p. 1502). The PCR judge erred. While the Court of Appeals found that both the voice mail message and the testimony by Davis about the confrontation with Petitioner on April 11th were properly admitted, if preserved, the analysis by the appellate court with regard to the other five instances would have been different. There is a reasonable probability that, if a timely objection had been made, the Court of Appeals would have found the additional testimony from Graham and Cradic about prior difficulties and threats inadmissible because the State failed to prove the prior instances by clear and convincing evidence as required by Rule 404(b), the prior instances were not part of the res gestae of the crimes charged and because the probative value of the testimony was substantially outweighed by the danger of unfair prejudice pursuant to Rule 403, SCRE.

Evidence of other bad acts is not admissible to prove a person's guilt; however, such evidence may be admissible to show motive, identity, existence of a common scheme or plan, absence of mistake or accident, or intent. Rule 404(b), SCRE; see also State v. Lyle, 125 S.C. 406, 118 S.E. 803 (1923). While evidence of prior threats or difficulties may be admissible to show intent or motive, Blakely v. State, 360 S.C. 636, 639, 602 S.E.2d 758, 759 (2004) (holding evidence of prior threats against a defendant's girlfriend was admissible to show intent); State v. Atkins, 303 S.C. 214, 220, 399 S.E.2d 760, 763 (1990) (finding evidence of a defendant's prior difficulties with a victim's family concerning racial differences was relevant to prove motive); State v. Plyler, 275 S.C. 291, 296, 270 S.E.2d 126, 128 (1980) (holding evidence of a verbal argument between the defendant and victim that occurred three days before the murder was admissible to show motive), evidence of the prior threats or difficulties, not subject to a conviction, must be proven by clear and convincing evidence. State v. Wilson, 345 S.C. 1, 545 S.E.2d 827 (2001).

None of the prior difficulties at issue resulted in a criminal conviction. The State failed to prove the prior difficulties by clear and convincing evidence. There was no testimony in regard to the facts surrounding the first alleged window breaking incident prior to April 8, 2008. The only evidence of the purported threatening text message sent on April 13, 2008, was the testimony from Graham. While Tiffany James also testified in regard to a alleged verbal altercation that turned physical between Petitioner and Smith on April 8, 2008, (App. p. 1065, line 6 – p. 1066, 1067, lines 1-10), this testimony is of little value because she admitted she was in another room when the altercation is alleged to have happened. The evidence of the prior difficulties does not meet the clear and convincing standard.

The prior difficulties did not form part of the res gestae of the crimes charged. Evidence is admissible as part of the res gestae of the charged offenses when it provides part of the context of the crime or is necessary to the full presentation of the case or is "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." State v. Adams, 322 S.C. 114, 122, 470 S.E.2d 366, 370-371 (1996)(quoting United States v. Masters, 622 F.2d 83, 86 (4th Cir. 1980)(internal citations omitted)). A prior bad act is admissible under the theory of res gestae when it is "so linked together in point of time and circumstances with the crime charged that one cannot be fully shown without proving the other." Id. The April 8th alleged altercation with Smith and the alleged window breaking and inflammatory note left the same day are not so linked together with the April 14th charged crimes of accessory before the fact to burglary first degree and accessory before the fact to armed robbery that one cannot be fully shown without the other. The other vague prior window breaking is not part of the res gestae. The remaining instance is the purported threatening text message sent on April 13, 2008, which the State failed to prove by clear and convincing evidence.

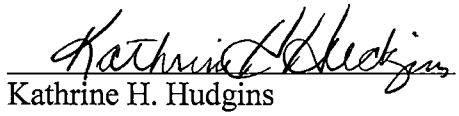
Additionally, Rule 403, SCRE, provides, "Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." The State established that Petitioner and Smith had prior difficulties through the testimony deemed properly admitted, rendering the probative value of Graham's additional testimony about prior difficulties and threats low. As to Officer Cradic's testimony about the inflammatory contents of the note, Officer Cradic was the last witness called by the State. Again, at this stage the State had established that Petitioner and Smith had prior

difficulties. While the probative value of the note was low, the danger of unfair prejudice was high. The note contained profanity and a racial slur. The limited probative value of the content of the note is outweighed by the unfair prejudice to Petitioner. See State v. King, 422 S.C. 47, 69, 810 S.E.2d 18, 30 (2017) ("The fifteen-minute recording is riddled with profanity, racial slurs, and impermissible references to King's prior bad acts. See State v. Cheeseboro, 346 S.C. 526, 547, 552 S.E.2d 300, 311 (2001) ("Evidence is unfairly prejudicial if it has an undue tendency to suggest a decision on an improper basis, such as an emotional one."). In King the South Carolina Supreme Court found that the error in admitting the recording did not result in prejudice to the appellant. In contrast in the present case, the improperly admitted testimony about five different instances of prior threats/difficulties, including the highly inflammatory note resulted in prejudice to Petitioner.

Trial counsel was deficient for failing to contemporaneously object to the testimony from Graham and Officer Cradic about prior difficulties between Petitioner and Smith. There is a reasonable probability that, but for counsel's failure to preserve the issue for appellate review, the result of the direct appeal would have been different. Petitioner is entitled to post-conviction relief.

CONCLUSION

Based on the above argument, this Court should grant the petition for writ of certiorari to allow further briefing on the issue.



Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR PETITIONER

This 30th day of April, 2018.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Horry County

Honorable Michael G. Nettles, Circuit Court Judge

LADORREAN C. COLLINGTON,

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 Johnny Ellis James, Jr., Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Petition for Writ of Certiorari and a copy of the Appendix have been served on Ladorrean C. Collington, #334220, at Leath Correctional Institution, 2809 Airport Road, Greenwood, SC 29649, this 30th day of April, 2018.

Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me this 30th day of April, 2018.

(L.S)
Notary Public for South Carolina
My Commission Expires: July 5, 2027.