

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

The State, Respondent,

v.

Johnnie Lee McKnight, Appellant.

Appellate Case No. 2019-000219

Appeal From Hampton County
Carmen T. Mullen, Circuit Court Judge

Unpublished Opinion No. 2021-UP-220
Submitted May 1, 2021 - Filed June 16, 2021

APPELLANT'S
PETITION FOR WRIT OF CERTIORARI

Johnnie Lee McKnight, pro se, for Appellant.

Attorney General Alan McCrory Wilson and Senior
Assistant Deputy Attorney General Melody Jane Brown,
both of Columbia, for Respondent.

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Certificate of Counsel

Petitioner certifies that the Appeal was made and finally ruled upon by the Court of Appeals on June 16, 2021. Petitioner further certifies that the Petition For Rehearing was made and finally ruled upon by the Court of Appeals on August 23, 2021.

Question Presented

I. Did the Court of Appeals err in holding that the circuit court was not required to conduct an on-the-record analysis and balancing test, by dismissing the appeal pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967).

Statement Of The Case

On September 15, 2021, Johnnie Lee McKnight brought this action after the Court of Appeals dismissed his appeal and denied his petition for rehearing. The Court of Appeals overlooked precedents which are

controlling authority, requiring an on-the-record analysis and balancing test by the circuit court which determines whether prior bad acts evidence is admissible or not.

The Court of Appeals affirmed the judgment of the circuit court. State v. Johnnie Lee McKnight, Op. No. 2021-UP-220 (S.C. Ct. App. filed June 16, 2021). The Court of Appeals denied the Petition For Rehearing on August 23, 2021. The petitioner now seeks a writ of certiorari to review this decision.

Argument

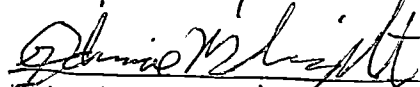
I. The Court of Appeals should have held that the circuit court was required to conduct an on-the-record analysis and balancing test pursuant to Rule 404(b), and Rule 403, SCRE. State v. Spears, 403 S.C. 247, 742 S.E.2d 878 (2013), State v. King, 416 S.C. 92, 784 S.E.2d 252 (2016), State v. King, 424 S.C. 188, 818 S.E.2d 204 (2018).

Conclusion

For the reasons stated herein, the petitioner asks the Court to grant the petition for writ of certiorari.

This 15th day of September 2021.

Respectfully Submitted,


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