STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Petition for Writ of Certiorari to the Court of Appeals
Appeal from Beaufort County
Honorable Alex Kinlaw, Jr., Circuit Court Judge
S.C. Ct. App. Appellate Case No. 2018-001257

THE STATE, Petitioner,

vs.

CHARLES DENT, Respondent.

Opinion No. 5850 (S.C. Ct. App. filed August 18, 2021)

PETITION FOR WRIT OF CERTIORARI

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CERTIFICATION OF COUNSEL

Counsel for Petitioner hereby certifies that a Petition for Rehearing was filed in the South Carolina Court of Appeals on August 26, 2021. The Petition for Rehearing was denied by an Order filed October 18, 2021.

STATEMENT OF ISSUE ON CERTIORARI

Did the Court of Appeals majority opinion err in holding the trial judge's failure to give the circumstantial evidence charge required by State v. Logan was prejudicial to Dent when the evidence presented against Dent was almost entirely direct and not circumstantial? Furthermore, did the Court of Appeals majority opinion err in finding the trial judge's failure to give the Logan instruction was prejudicial to Dent when the trial judge's instruction, as a whole, correctly conveyed the applicable law and properly instructed the jury on reasonable doubt and the presumption of innocence?

STATEMENT OF THE CASE

Procedural History

In October 2014, the Beaufort County Grand Jury indicted Dent for two counts of criminal sexual conduct with a minor, first degree (App. 37-40). In March 2018, the Beaufort County Grand Jury indicted Dent for two amended counts of disseminating obscene material to a minor twelve years of age or younger (App. 29-30, 33-34). On February 28, 2018, a pretrial hearing was held in the Beaufort County Court of General Sessions with the Honorable Carmen Mullen presiding. On May 21-24, 2018, a jury trial was held in the Beaufort County Court of General Sessions with the Honorable Alex Kinlaw, Jr., presiding. Dent was represented by E. Charles Grose, Jr., Esq. The State was represented by Assistant Solicitors Alexandra Joseph and Rebekah Luttrell of the Fourteenth Circuit Solicitor's Office.

At the conclusion of trial, the jury convicted Dent of one count of first degree criminal sexual conduct with a minor and both counts of disseminating obscene material to a minor twelve years of age or younger. (App. 15-17, 788-89). The jury acquitted Dent of the remaining count of first degree criminal sexual conduct with a minor. (App. 18, 788). Following the verdict, the trial judge sentenced Dent to concurrent terms of thirty years for first degree criminal sexual conduct with a minor, and fifteen years for each count of disseminating obscene material to a minor twelve years of age or younger. Dent filed a motion for a new trial on June 1, 2018. On June 17, 2018, the trial judge denied Dent's motion. Dent timely filed a notice of appeal and an initial brief.

On appeal, Dent raised eleven issues to the Court of Appeals. (App.810-11). Of relevance to this petition, Dent alleged the trial judge erred by failing to read the circumstantial evidence charge established by this Court's opinion in State v. Logan, 405 S.C. 83, 747 S.E.2d 444 (2013).

On August 18, 2021, in a divided published opinion, a majority of the Court of Appeals reversed Dent's convictions and found the trial judge erred in failing to give the Logan instruction and further found the trial judge's error was not harmless. State v. Dent, Opinion No. 5850 (S.C. Ct. App. filed August 18, 2021) (Howard Adv. Sh. No. 28) (App. 936-42). Because the Court of Appeals found the Logan charge issue to be dispositive, the Court declined to address the remaining issues raised on appeal by Dent. (App. 940). On August 26, 2021, the State filed a petition for rehearing. (App. 943-52). On September 2, 2021, Dent filed a cross-petition for rehearing. (App. 961-67). The Court of Appeals denied both petitions for rehearing on October 18, 2021. (App. 980-83).

Factual Background

The victim (Victim) in this case was born in 2005. (App. 38, 40). Victim and her mother (Mother) moved to Beaufort County, South Carolina in 2012 and continued living in the county until 2014. (App. 306). Victim was 7 years old when she and Mother moved to Beaufort County in 2012 and 9 years old when they moved away in 2014. (App. 581). Mother is Dent's daughter, and Victim is Dent's granddaughter. (App. 307, 379). Mother also had a son (Brother) who was 9 years old when they moved to Beaufort County and 11 years old when they left. In August 2012, Victim and Mother moved to Beaufort County from Jacksonville, Florida at Dent's suggestion. (App. 632-33). Initially, Mother, Victim, and Brother lived in a two bedroom townhome that was paid for by Dent. (App. 633). In August 2013, Mother, Victim, and Brother moved to a four bedroom townhouse in the same complex as their previous townhouse. (App. 635). The family moved after Dent decided they needed a bigger townhome so he could have a place to sleep when he came to visit.

Mother began dating John Camelo in May 2014. (App. 263). As Mother and Camelo's relationship progressed, Camelo spent more time with Victim. Camelo observed signs of overt sexual behavior in Victim that he thought were inappropriate for a girl her age. According to Camelo, Victim would kiss him on his cheek and grope his groin area. (App. 275). Victim also began to call Camelo "dad" after he and Mother had only been dating a few months. (App. 275). Camelo asked Victim if anyone had ever done anything inappropriate with her. (App. 275). Victim made an initial disclosure of abuse by Dent to Camelo. Camelo then told Mother, who reported the abuse to law enforcement on June 10, 2014. (App. 312, 367). Victim was referred to Hopeful Horizons for a forensic interview regarding the disclosure. Victim's initial interview took place on July 10, 2014. (App. 428, State's Exhibit #16[1]). After her first interview, Victim made a second disclosure to Camello. (App. 276). In light of the second disclosure, Victim participated in another forensic interview on July 25, 2014. (App. 428, State's Exhibit #17).

Victim disclosed that Dent "started kissing me, like on my face, my mouth. He started licking my belly, like my belly button and started, like, touching me in weird places. And he took pictures of his private parts and told me to take pictures of mine." (App. 378, lines 19-23). Victim also disclosed that she was forced to perform fellatio on Dent. (App. 381). Victim completed two forensic interviews that were entered into evidence at trial pursuant to S.C. Code Ann. §17-23-175. In her first forensic interview, Victim detailed occasions when Dent touched her vagina, breasts, and buttocks. Sometimes, the touching was underneath her clothes; other times it was over her clothes. Victim also disclosed that Dent showed her pictures of his penis and a pornographic video. (App. 380-81, State's Exhibit #16). In Victim's second forensic interview, she disclosed that Dent's penis went inside her mouth. She also disclosed that Dent

[1] Both State's Exhibit #16 and State's Exhibit #17 are part of the appellate record.

touched her vagina with his mouth and that his hands went inside her vagina. Victim described urine coming out of Dent's penis on certain occasions that almost got in her mouth. She stated Dent's "urine" was white, looked like "flour", and stained the carpet. (State's Exhibit #17).

Dent testified in his own defense and denied all of Victim's allegations. At the conclusion of trial, Dent was convicted of all charges except a single count of first degree criminal sexual conduct with a minor.

ARGUMENT

The Court of Appeals majority opinion erred in holding the trial judge's failure to give the circumstantial evidence charge required by State v. Logan was prejudicial to Dent because: (1) the evidence presented against Dent was mostly direct and not circumstantial; and (2) the trial judge's instruction, as a whole, correctly conveyed the applicable law and properly instructed the jury on reasonable doubt and the presumption of innocence.

On August 18, 2021, a majority of the Court of Appeals reversed Dent's convictions for first degree criminal sexual conduct with a minor and disseminating obscene material to a minor because the majority found the trial judge erred in failing to charge the jury with the requested circumstantial evidence instruction established by this Court's opinion in State v. Logan (App. 936-42). The majority further ruled the trial judge's error was prejudicial to Dent in light of what the majority considered to be the circumstantial nature of the evidence. The Court of Appeals majority opinion was wrong for two key reasons. First, while the trial judge erred in failing to give the Logan instruction, the error was harmless because the evidence presented against Dent was almost exclusively direct evidence and not circumstantial. Second, the trial judge's instructions to the jury, as a whole, properly conveyed the applicable law and correctly instructed the jury on reasonable doubt and the presumption of innocence. For these reasons, the trial judge's failure to give the Logan charge was harmless error. Accordingly, pursuant to Rule 242, SCACR, the State asks this Court to issue a writ of certiorari to review the Court of Appeals' decision and hold the trial judge's failure to give the Logan charge was harmless.

Failure to Give Logan Charge Not Per Se Reversible Error

In Logan, this Court endeavored to "articulate for the benefit of the bench and bar a circumstantial evidence charge reflecting the proper balance between the State's burden and the jury's responsibility." Logan, 405 S.C. at 94-95, 747 S.E.2d at 450. This Court noted that direct evidence and circumstantial evidence each require a different mental approach by a jury. "Unlike

direct evidence, evaluation of circumstantial evidence requires jurors to find that the proponent of the evidence has connected collateral facts in order to prove the proposition propounded—a process not required when evaluating direct evidence." Logan, 405 S.C. at 97, 747 S.E.2d at 451. "Analysis of circumstantial evidence is plainly a more intellectual process. Logan 405 S.C. at 97-98, 747 S.E.2d at 451. Accordingly, a criminal defendant is entitled to "a jury charge that reflects the requisite connection of collateral facts necessary for a conviction." Logan 405 S.C. at 99, 747 S.E.2d at 452. However, this Court ultimately held the trial judge's error in that case was harmless because the trial judge properly instructed the jury on reasonable doubt and the instruction, as a whole, properly conveyed the applicable law. Logan, 405 S.C. at 94 n.8, 747 S.E.2d at 449 n.8.

Recently, this Court addressed the failure to give a Logan instruction in State v. Herndon, 430 S.C. 367, 845 S.E.2d 499 (2020). This Court found the trial judge's failure to give the Logan instruction was reversible error because the evidence against Herndon "was almost exclusively circumstantial" and because "the competing inferences involved in *this* circumstantial evidence case illustrate[d] well the need for the Logan charge." Herndon 430 S.C. at 373, 845 S.E.2d at 502-503 (emphasis added). In reaching its conclusion, this Court took particular note of the State's reliance on the pathologist's testimony which indicated it was equally plausible that Herndon shot the victim as he was walking away from Herndon as the State contended, or that the victim was shot as he charged toward Herndon as Herndon contended. Herndon 430 S.C. at 373, 845 S.E.2d at 502. Thus, because of the circumstantial nature of the evidence and the competing inferences to be drawn from the pathologist's testimony, the trial judge's failure to give the Logan charge in Herndon's specific case was not harmless. However, this Court

"acknowledge[d] there may be a case in which a trial court's failure to give the Logan charge might be harmless error." Id.

Here, unlike in this Court's opinion in Herndon, the Court of Appeals majority opinion made little effort to explain how the evidence against Dent was circumstantial or how Dent was prejudiced from the trial judge's failure to read the Logan charge. The majority opinion noted the trial judge's failure to "include reference to the requisite connection of circumstantial facts necessary for a conviction" but did not explain how this failure prejudiced Dent. (App. 940). Rather, the majority asserted: "There was no physical evidence, and the State spent substantial time in summation explaining to the jury that the case was 'about circumstantial evidence.' Further, the State read part of the trial court's planned charge on circumstantial evidence to the jury, noting that [Dent] 'didn't want to read out the [planned] definition of circumstantial evidence.'" (App. 940). The majority correctly identified that there was no physical evidence against Dent; however, the majority confuses the absence of physical evidence with an absence of direct evidence. On the contrary, the State's case against Dent was predominantly based on direct evidence in the form of eyewitness testimony. Furthermore, the majority's holding seems to imply that a trial judge's failure to read the Logan instruction is per se reversible error. In actuality, as this Court's opinion in Herndon plainly demonstrated, a fact-intensive analysis is required to determine whether the trial judge's failure to read the Logan instruction was harmless in each individual case. Because this Court closely examined the evidence presented in reaching its conclusion in Herndon, it is instructive to do so here as well.

In Logan, this Court defined direct evidence as evidence that "directly proves the existence of a fact and does not require deduction." Logan 405 S.C. at 99, 747 S.E.2d at 452. Here, Dent was charged with, and convicted of, first degree criminal sexual conduct with a minor

and disseminating obscene material to a minor. The State proved that Dent committed each of these crimes through direct evidence. The State proved that Dent committed first degree criminal sexual conduct with a minor through Victim's eyewitness testimony at trial and Victim's second recorded forensic interview. Victim testified that she was forced to perform fellatio on Dent. (App. 381). Victim repeated this accusation in her second forensic interview which was played for the jury. (App. 431-33, State's Exhibit #17). Victim's eyewitness testimony directly proves the existence of the fact that Dent forced Victim to perform fellatio and does not require a deduction, nor are there any competing inferences the jury needs to resolve. Therefore, Victim's testimony was direct evidence of Dent's guilt. Dent acknowledged Victim's testimony was direct evidence when he told the jury in closing argument: "Certainly, things like testimony, eyewitness accounts are what we call direct evidence." (App. 737, lines 3-5).

The State proved that Dent disseminated obscene materials to Victim through Victim's testimony at trial and Victim's first forensic interview which was also played for the jury. (App. 380-81, 431-33, State's Exhibit #16). This too was direct evidence of Dent's guilt. Victim's testimony directly proved that Dent forced Victim to view photos of his penis and pornographic videos and did not require deduction, nor were there competing inferences that needed to be resolved. Indeed, Dent emphasized that the State's only evidence proving dissemination of obscene material came from the testimony of Victim, when he told the jury in his opening statement and closing argument that the State could not produce pictures of Dent's penis or pornographic videos. (App. 255, 742-43). In regard to the pornography, Dent specifically told the jury in closing "And once again, we've had some testimony, but we haven't had anything that has confirmed or corroborated showing of pornography." (App. 743, lines 9-11). Thus, Dent

seemed to acknowledge at trial that the evidence against him was entirely direct, particularly in regard to the crime of disseminating obscene material to a minor[2].

On appeal, Dent asserted in a conclusory fashion in his Final Brief: "In this case, the State relied on a combination of direct and circumstantial evidence." (App. 858-59). The Court of Appeals majority opinion adopted Dent's conclusory reasoning but, in doing so, did not specify how the evidence against Dent was circumstantial other than to criticize the State's brief mention of circumstantial evidence in its rebuttal closing argument and the State's attempt to quote the trial judge's jury instruction. However, a closer examination of the record reveals the State spent very little time in closing addressing circumstantial evidence.

Far from "spending substantial time in summation" explaining that Dent's case was about circumstantial evidence, the State merely responded in their rebuttal argument to Dent's specious assertion during his closing argument that the State "rel[ied] on a lot of circumstantial evidence." (App. 737, lines 2-3). In fact, the State spent the entirety of their primary closing argument telling the jury about the direct evidence against Dent and never once used the words "circumstantial evidence" in an argument that spanned 17 pages of the record. (App. 716-33). When the State did address Dent's circumstantial evidence argument, the solicitor merely

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[2] As with all eyewitness testimony, the jury was asked to make a credibility finding regarding the weight to be given to Victim's testimony. Here, the trial judge provided the following instruction regarding credibility: "I also told you at the beginning of the case that evidence consists of several things. The first is sworn testimony, and the second is exhibits. You judge the credibility of the evidence. And you, as jurors, would have to necessarily gauge the credibility or believeability of the evidence presented. That's within your purview....But I will tell you that you may also consider in deciding credibility of the witnesses testimony in such a way that you believe everything that they say, or you would believe nothing a witness says. You may believe parts of a witnesses testimony, and disbelieve the other part of a witnesses testimony." (App. 765 lines 16-21 and 25—App. 766 lines 1-5). The fact that the jury was asked to make a credibility finding does not diminish the status of Victim's eyewitness testimony as direct evidence. The jury necessarily had to determine whether they believed Victim's testimony, but Victim's testimony was direct evidence of Dent's guilt nonetheless because it directly proved Dent forced Victim to perform fellatio and view pornographic materials and it did not require a deduction.

explained that the State didn't have direct evidence of Dent's crimes in the form of "photos of [Victim] licking [Dent's] penis" or "[Victim's] clothes covered in [Dent's] semen" because sexual assaults occur in secret. (App. 758). The State's lack of physical or photographic evidence of Dent's crimes does not mean the State lacked direct evidence. The solicitor correctly noted that Dent told the jury he would not quote what the trial judge's circumstantial evidence charge would be[3], but to the extent that the State "read part of the trial court's planned charge on circumstantial evidence to the jury", as the majority alleges, the solicitor merely told the jury: "Crimes may be proven by circumstantial evidence. The State can rely on direct evidence, circumstantial evidence, or some combination of the two. The Judge is going to read that to you." (App. 758, lines 8-11). The solicitor's anodyne statement was not a quote from the trial judge's eventual instruction to the jury, but is a correct statement of law that does not conflict with the instruction recommended in Logan. (App. 766, lines 10-25 – App. 767 line 1).

The Court of Appeals' dissenting opinion correctly noted the evidence against Dent "was not 'almost exclusively circumstantial' like in Herndon." (App. 941). By contrast, the evidence against Dent was *almost exclusively direct*. While the State presented some circumstantial evidence[4] against Dent, neither Herndon nor Logan established a per se rule that the failure of a trial judge to give the Logan instruction in a case with any circumstantial evidence was automatically reversible error. In fact, the error in Logan was deemed to be harmless and in Herndon this Court envisioned a scenario where such an error would be harmless. Because so

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[3] Dent told the jury: "I'm not going to try to quote the exact words as to what [the trial judge is] going to say." (App. 736, lines 22-23).

[4] The State presented Tessa Trask as an expert in the field of behavioral characteristics of child victims of sexual abuse. (App. 397). Trask testified as a "blind" expert about general topics related to child sexual abuse, including grooming. (App. 404). Victim stated in her first forensic interview that Dent gave her gifts as "a bribe." (State's Exhibit #16). Because this evidence would allow the jury to make the deduction that Dent groomed Victim by giving her gifts, this evidence was circumstantial.

much of the evidence against Dent was direct, Dent's case is precisely the kind of case this Court envisioned in Herndon where the failure to give the Logan instruction would be deemed harmless error. This Court should grant the State's petition for a writ of certiorari and determine the trial judge's failure to give the Logan instruction in Dent's case was harmless error.

Jury Instructions Correctly Conveyed the Law

The Court of Appeals dissenting opinion also correctly found the trial judge's "instruction, as a whole, properly conveyed the applicable law." (App. 941). Here the trial judge provided a thorough and correct instruction to the jury on the definition of reasonable doubt and Dent's presumption of innocence. The trial judge provided the jury the following instruction on reasonable doubt and the presumption of innocence:

> Mr. Dent, in these four indictment, has plead not guilty. And that puts the burden of proof solely and squarely upon the shoulders of the State. And he can only be convicted if all 12 of you agree that the State has proven each and every element of the charges against Mr. Dent beyond a reasonable doubt.
>
> You're, also, required to weigh each of these charges separately and consider the evidence as to each one separately. There are four indictments, four charges, four evaluations by you of each one to determine—and that has to be done to determine whether or not the State has met its burden of proof as to each element of the offense.
>
> Mr. Dent is presumed innocent. And that presumption of innocence is not some legal technicality. It is a fundamental right that all of you – every person enjoys in this country. And it can only be removed if the State convinces you with proof beyond a reasonable doubt as to every element of a crime.
>
> Now, what is a reasonable doubt? A reasonable doubt is defined as the kind of doubt that would cause a reasonable, sincere, honest, and conscientious person to hesitate to act in an important matter in their own affairs. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the Defendant's guilt.
>
> The law does not require proof that overcomes every possible doubt. There are few things in this world that we know with absolute certainty. And in criminal cases, the law does not require proof that overcomes every possible doubt.

> If based on your consideration of the evidence, you are firmly convinced that the Defendant is guilty of the crimes charged, you should find the Defendant guilty. If, on the other hand, you think that there is a real possibility that the Defendant is not guilty, you should give the benefit of the doubt and find him not guilty.

(App. 768, lines 5-25—App. 769, lines 1-15). The trial judge's instruction on reasonable doubt substantially mirrored the language given by the trial judge in Logan[5]. Notably, after citing the trial judge's reasonable doubt instruction in Logan, this Court held the "trial court's jury instruction, as a whole, properly conveyed the applicable law." Logan, 405 S.C. at 94 n.8, 747 S.E.2d at 449 n.8.

In addition to this Court finding that the failure to give a Logan charge was harmless error in Logan itself, the Court of Appeals has found such a failure harmless on multiple occasions. As the dissenting opinion correctly identified, the Court of Appeals previously held a trial judge's failure to include language from the Logan charge was harmless in State v. Jenkins, 408 S.C. 560, 759 S.E.2d 759 (Ct. App. 2014); State v. Drayton, 411 S.C. 533, 769 S.E.2d 254 (Ct. App. 2015), aff'd in result and vacated in part on other grounds by State v. Drayton, 415 S.C. 43, 780 S.E.2d 902 (2015); and State v. Lynch, 412 S.C. 156, 771 S.E.2d 346 (Ct. App. 2015). Notably, in both Jenkins and Drayton the Court of Appeals found the failure of the trial court to include language from Logan in its jury instruction was harmless in light of the trial judge's reasonable doubt instruction and because the jury instruction, as a whole, properly

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[5] The trial judge in Logan provided the following instruction on reasonable doubt: "Proof beyond a reasonable doubt is proof that leaves you firmly convinced if the defendant's guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases, the law does not require proof that overcomes every possible doubt. If, based on your consideration of the evidence you are firmly convinced that the defendant is guilty of the crime charged, then you must find the defendant guilty. If, on the other hand, you think there is a real possibility that the defendant is not guilty, then you must give the defendant the benefit of the doubt and find him not guilty...You should weigh all the evidence in this case, and, after weighing the testimony, you are not convinced of the defendant's guilt beyond a reasonable doubt, you must find the defendant not guilty...The burden of proof remains on the state to prove guilt beyond a reasonable doubt." Logan, 405 S.C. at 94 n.8, 747 S.E.2d at 449 n.8.

conveyed the applicable law. See Jenkins 408 S.C. at 573-74, 759 S.E.2d at 766 ("As our supreme court ultimately concluded in Logan, we conclude the trial court's instructions in the present case, as a whole, properly conveyed the applicable law."); see also Drayton, 411 S.C. at 546, 769 S.E.2d at 261 ("As this court concluded in Jenkins, we conclude the trial court's instructions in the present case, as a whole, properly conveyed the applicable law."). In fact, other than in this Court's case-specific opinion in Herndon and the Court of Appeals majority opinion in this case, no appellate court in South Carolina has ever found a trial judge's failure to give the Logan charge to be prejudicial to a defendant. Rather, in the eight years since Logan was decided, each decision addressing the failure to give a Logan charge has determined the error was harmless.

To the extent that Dent suffered any prejudice from the trial judge's failure to read the Logan instruction, any prejudice was outweighed by the benefit Dent received from the trial judge's juvenile credibility instruction[6]. (App. 770-71). Recently, in State v. Reyes, this Court recognized "it is not proper for a trial court to include such language in its charge to the jury." State v. Reyes, 432 S.C. 394, 408 n. 4, 853 S.E.2d 334, 342 n. 4 (2020). The giving of the improper jury instruction cured any potential bolstering of a child witnesses' testimony from the solicitor's first-person questions in Reyes' case. Like in Reyes, the jury was told in Dent's case

[6] The trial judge provided the following instruction to the jury: "The testimony of children. During this trial, you have heard the testimony from a child. Where a witness is a child, you must determine, as with any other witness, whether the testimony is believable. In deciding believability, you may consider not only matters that I have already discussed with you, but you may, also, consider the age of the child, the child's ability to understand and answer questions. Because young children may not fully understand what is happening here, it is up to you to decide whether the child understood the seriousness of appearing as a witness at this criminal trial, whether the child understood the questions, whether the child has a good memory, and whether the child understands the difference between lying and telling the truth. In addition, young children may be influenced by the way questions are asked. It is up to you to decide whether the child understood the questions asked. (App. 770, lines 10-25—App. 771, lines 1-3).

they could view Victim's testimony through a more suspect lens than an adult witness merely because she was a child. As previously argued, the majority of the State's evidence against Dent was Victim's eyewitness testimony describing Dent's sexual abuse against her. Dent received the benefit of the trial judge giving the jury permission to view the testimony of the State's most important witness in a skeptical manner. The benefit received by Dent from this instruction, which has now been recognized as improper and could not be appropriately given in a retrial, outweighed any possible prejudice Dent may have suffered from the trial judge's failure to read the Logan charge.

Because the trial judge in Dent's case properly instructed the jury on the reasonable doubt burden of proof and Dent's presumption of innocence, the trial judge's instruction, as a whole, properly conveyed the applicable law. This Court should find, like this Court did in Logan and the Court of Appeals in Jenkins and Drayton, that the trial judge's failure to give the Logan instruction was harmless error.

CONCLUSION

For all the foregoing reasons, the State respectfully requests this Court issue a writ of certiorari to review the decision of the Court of Appeals.

Respectfully submitted,

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October 29, 2021

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Opinion No. 5850 (S.C. Ct. App. filed August 18, 2021)

PROOF OF SERVICE

I, Leigh Ann Stone, certify that I have served the within Petition for Writ of Certiorari and Appendix on Respondent by email to the address listed in AIS and with a copy of the same to be deposited in the United States mail, postage prepaid, addressed to:

E. Charles Grose, Jr., Esquire
404 Main Street
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I further certify that all parties required by Rule to be served have been served.
This 29th day of October, 2021

Leigh Ann Stone

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The State v. Charles Dent (2018-001257)

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Good Morning Mr. Grose,

Attached please find a copy of the Petition for Writ of Certiorari and the Appendix in The State v. Charles Dent (2018-001257), along with its cover letter. This petition will be submitted to the South Carolina Supreme Court and Court of Appeals today via the AIS One Drive System. In additional to this email, a hard copy will be placed in the mail.

If you will, please reply to confirm receipt of this email.

Thanks!

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File attachments expire: Nov 28, 2021

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DENT Charles - Cover Letter(Petition for Writ of Certiorari) (02801614xD2C78).PDF	167.4 KB	10ce87dd0a0a4a61598982519d28a2e8 (md5)
DENT Charles - Appendix I of II (02793568xD2C78).PDF	23.5 MB	5ce674729bdb421231f549960ab351c8 (md5)
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