

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Richland County

James R. Barber, III, Circuit Court Judge

Appellate Case No. 2010-177006

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RECEIVED

APR 29 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ANTHONY HACKSHAW,

APPELLANT

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**RETURN TO PETITION FOR REHEARING**

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Comes now Respondent, above named, by and through the Attorney General of South Carolina, and hereby files a return to appellant Anthony Hackshaw's petition for rehearing pursuant to Rule 221(a), SCACR.

**INTRODUCTION**

On May 20, 2009, authorities were dispatched to Ellison Hudson's home after neighbors reported a shooting. (R. p. 171). The ensuing investigation culminated in the trial and conviction of appellant, Anthony "Bump" Hackshaw ("Appellant"). (R. pp. 1619-20).

**STATEMENT OF THE CASE**

Appellant was indicted during the September term of the Richland County grand jury for murder (#2009-GS-40-6689), use of a firearm during the commission of violent crime (#2009-GS-40-6696) and two counts of assault with intent to kill ("AWIK") (#2009-GS-40-6690,

#2009-GS-40-6691). (R. pp. 1663-70). Following his indictment, Appellant was tried before the Honorable James R. Barber, III and a jury on October 25, through November 1, 2010 in Columbia.<sup>1</sup> At the conclusion of trial, the jury convicted Appellant on all charges, and on November 3, 2010, the trial court sentenced Appellant to 42 years on the murder charge, ten (10) years on each AWIK charge, and five (5) years on the weapons charge, all to be served concurrently. (R. pp. 1619-20); (R. pp. 1645-46). Appellant was represented by Tara D. Shurling and Jeremy Thompson, while the State was represented by Joanna McDuffie, Kathryn “Luck” Campbell and Nicole Simpson. (R. p. 1).

On appeal, Appellant, represented by Susan B. Hackett<sup>2</sup> of the South Carolina Commission on Indigent Defense, filed a brief in this Court alleging seven separate claims of trial court error. Br. of App. at 1-2. In particular, Appellant argued *inter alia*, that the trial court erred when it “allowed the state to admit a prior statement made by Torrian Gleaton when admission of the statement violated Hackshaw’s right to confront the witnesses against him in violation of the Sixth and Fourteenth Amendments.” Br. of App. at 1. In response, the State filed a brief denying Appellant’s claims of trial court error and with respect to Appellant’s Confrontation Clause argument, maintained “[t]he trial court correctly concluded Appellant’s Confrontation Clause Rights were not violated by the admission of extrinsic evidence of Gleaton’s prior statement because the trial court correctly concluded Gleaton was available for cross-examination.” Br. of Resp. at ii.

After conducting oral arguments in the case, this Court issued an unpublished, *per curiam* opinion affirming Appellant’s conviction and sentence. See State v. Hackshaw, Unpub. Op. No.

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<sup>1</sup> Pre-trial motions were conducted on October 21, 2010. (R. p. 1).

<sup>2</sup> The Initial Brief of Appellant was authored by Elizabeth Franklin-Best, who subsequently left the Commission. As reflected in both the Final Brief of Appellant and in the record on appeal, Ms. Hackett assumed representation of Appellant following Ms. Franklin-Best’s departure.

2013-UP-147 (Ct. App. filed April 10, 2013). In addressing Appellant's Confrontation Clause argument the Court cited to State v. Nance, 393 S.C. 289, 294, 712 S.E.2d 446, 449 (2011) and State v. Stokes, 381 S.C. 390, 401-02, 673 S.E.2d 434, 439 (2009) correctly explaining the Confrontation Clause only guarantees an opportunity for cross-examination, not cross-examination that is effective in whatever way, and to whatever extent, the defense may wish. See Hackshaw, Unpub. Op. No. 2013-UP-147 at 2. Appellant subsequently sought rehearing on this ground<sup>3</sup> rehashing his previous argument that his confrontation rights were violated when Gleaton's statement was admitted into evidence. The State's return to the petition for rehearing follows.

#### STANDARD OF REVIEW

"[A] petition for rehearing must 'state with particularity the points supposed to have been overlooked or misapprehended by the court.'" Herron v. Century BMW, 395 S.C. 461, 466, 719 S.E.2d 640, 643 (2011) (quoting Rule 221(a), SCACR). Similarly, "[t]he purpose of a petition for rehearing is not to present points which lawyers for the losing parties have overlooked or misapprehended, nor is it the purpose of the petition for rehearing to have the case tried in the appellate court a second time." Kennedy v. S.C. Retirement Sys., 349 S.C. 531, 532, 564 S.E.2d 322, 322 (2001) (quoting Jean H. Toal, Appellate Practice in South Carolina 309 (1999)).

- I. Rehearing must be denied because: (A) Appellant is attempting to re-litigate his appeal; and (B) both this Court and the trial court correctly concluded Appellant's Confrontation Rights were not violated by the admission of extrinsic evidence of Gleaton's prior statement since Gleaton was available for cross-examination and as a result, Appellant, consistent with both *Nance* and *Stokes* had an opportunity to confront Gleaton

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<sup>3</sup> The State notes Appellant did not seek rehearing on any of the other claims advanced in his brief. See ML-Lee Acquisition Fund, L.P. v. Deloitte & Touche, 327 S.C. 238, 241, 489 S.E.2d 470, 472 (1997) (holding an unappealed ruling, right or wrong, becomes the law of the case).

In Appellant's petition for rehearing he contends "[t]his Court's opinion misapprehends the United States Supreme Court's jurisprudence governing the Confrontation Clause and the facts presented at trial." Pet. for Rehearing at 2. In support of this proposition he rehashes his previous argument that Gleaton, despite being found to be available for cross-examination by the trial court, was in fact unavailable because he subsequently stopped answering questions on the witness stand. In response, the State notes rehearing should be denied because: (A) it is clear Appellant is attempting to have his case tried in the appellate court a second time; and (B) both this Court and the trial court correctly concluded Appellant's Confrontation Rights were not violated by the admission of Gleaton's statement since he was available for cross-examination and was actually called as a witness for both the State the defense. Compare Pet. for Rehearing at 4 ("Gleaton was not available for cross-examination because of his repeated refusals to cooperate with either the prosecution or defense.") with Br. of App. at 25-26 ("Gleaton was not available for cross-examination because of his repeated refusals to cooperate with either the prosecution or defense."); State v. Stokes, 381 S.C. 390, 402, 673 S.E.2d 434, 440 (2009) (explaining the Confrontation Clause only provides the opportunity for cross-examination rather than effective cross-examination).

A. Rehearing Must be Denied since Appellant is Obviously Trying to Re-Litigate his Appeal which, under Kennedy, is not the Purpose for a Petition for Rehearing

As detailed above, the record reflects Appellant is rehashing the exact same argument that was advanced on appeal and argued during oral arguments. Compare Pet. for Rehearing at 4 ("Gleaton was not available for cross-examination because of his repeated refusals to cooperate with either the prosecution or defense.") with Br. of App. at 25-26 ("Gleaton was not available for cross-examination because of his repeated refusals to cooperate with either the prosecution or defense."). However, because both the relevant case law and salient facts were cited by both

parties in their respective briefs, were further contained within the record on appeal and were thoroughly discussed in oral argument, Appellant, rather than highlighting a specific point that was overlooked or misapprehended, is instead attempting to re-litigate his prior argument. Because this is not the point of a petition for rehearing, rehearing should be denied. See Kennedy, 349 S.C. at 532, 564 S.E.2d at 322 (“The purpose of a petition for rehearing is not to present points which lawyers for the losing parties have overlooked or misapprehended, *nor is it the purpose of the petition for rehearing to have the case tried in the appellate court a second time.*”) (emphasis added).

- B. Both this Court and the Trial Court Correctly Concluded Appellant’s Confrontation Rights were not Violated by the Admission of Extrinsic Evidence of Gleaton’s Prior Statement since Gleaton was Available for Cross-Examination and as a result, Appellant, consistent with both Nance and Stokes, had an Opportunity to Confront Gleaton

As detailed above, Appellant, via his brief, maintained he was denied his Sixth and Fourteenth Amendment Rights to confront the witnesses against him when Gleaton, during direct examination, stopped cooperating, which Appellant contends rendered him unavailable for cross-examination. Specifically, Appellant seeks to distinguish this case from State v. Stokes on the basis that Gleaton, unlike the witness from Stokes, was unavailable for cross-examination which he believes, results in a violation of his Confrontation Clause rights. The State disagrees.

#### **Presentation of the Issue**

Torrian Gleaton was primarily called to the stand to testify regarding his conversations with Appellant after the shooting at Hudson’s residence when, after acknowledging his past criminal record, pending charges and potential for receiving a downward departure, he elected to stop cooperating. (R. pp. 758-61). Specifically, Gleaton refused to cooperate because, “he fears

for his safety and the safety of his family.” (R. pp. 814-15). Gleaton’s attorney later engaged in a more robust discussion of Gleaton’s refusal to testify stating:

[H]e has told me that he does not want to cooperate and I think it would be inappropriate to say it in front of a jury, but he feels like it will endanger his life and the life of his or the welfare of his family. He has actually discussed this with members of his family, and there are members of his family that even afraid if he were to come in here today and testify against this particular man. *Even though this particular person could not harm him, he believes that this person could direct others to harm him, and he refuses to do anything to assist in the prosecution of him.*

(R. p. 849). (emphasis added).

After it became evident Gleaton would refuse to testify, defense counsel objected to the admission of extrinsic evidence of Gleaton’s statement on Confrontation Clause grounds. (R. pp. 849-50). Arguing for the admission of the statement, the State likened the situation to a similar situation in Stokes stating:

[The State] called the defendant’s uncle to the stand to testify. They questioned—the State asked him whether or not he made a statement to the police on November 26th of 2003 after he was taken to the hospital. He denied making the statement.

Your Honor, the State was then allowed to introduce extrinsic evidence of the prior inconsistent statement. Defense counsel argued under Crawford, that they were denied effective cross-examination of him. However, the South Carolina Supreme Court held, based on Crawford, that they were not denied the protections that Crawford affords the defendant. Because the declarant was therefore cross-examin[ed] at trial, the confrontation clause places no constraints at all on the use of prior testimonial statements. And they further went on to say that the confrontation clause does not bar admission of the statement so long as the declarant is present at trial to defend or to explain it.

Your Honor, the Court went on to emphasize that it’s the opportunity to cross-examine that is constitutionally protected and that in the incident case, Your Honor, we would argue the defense will have that opportunity to cross-examine the witness. He is here. He is on the stand available for cross-examination, Your Honor, and it is the opportunity to cross-examine, not the effectiveness or the—or any other thing that Crawford protects.

Therefore, Your Honor, the statement would—our position is that the prior inconsistent statement would not be hearsay as defined under—I think it's 801(d)(1), Your Honor.

(R. p. 842). The trial court acknowledged that it was familiar with Stokes.

Defense counsel then responded to the State's argument, first citing to State v. Mitchell, before explaining the present situation was more like Crawford with the exception that the marital privilege did not render Gleaton unavailable as the witness was in Crawford. (R. pp. 843-44). Nevertheless, defense counsel continued to argue Crawford prohibited the admission of Gleaton's previous statement. (R. p. 844).

The trial court reviewed Crawford before ruling, stating "I'm going to allow you to proceed and we'll see what he does, and we'll see if you can lay a foundation. And if you do that, the way I read this case, they can offer extrinsic evidence at some point in time in the future." (R. p. 844). Defense counsel reiterated her objection. (R. p. 844). The trial court then explained his understanding of Stokes stating, "[t]he way I read that case is if this fellow is available—and in reading other cases if, in fact, he says 'I don't remember,' I think the law is the Court can interpret whether he is—even if he doesn't answer is that amounts to a denial." (R. p. 845).

After further discussion on the matter, defense counsel renewed her Confrontation Clause objection once again. (R. p. 853). The trial court, relying on Stokes, then ruled that Gleaton denied the statement, was available for cross-examination and noted the statement could be admitted through extrinsic evidence. (R. p. 854). Defense counsel then asked the trial court to review State v. Mitchell, 378 S.C. 305, 662 S.E.2d 493 (Ct. App. 2008) before making a final ruling on its Confrontation Clause objection. (R. pp. 854-55). The trial court agreed to review Mitchell and in the meantime, the State presented another witness. (R. p. 855).

At the conclusion of the next witness, the trial court issued its ruling regarding Gleaton's prior statement finding, "[o]kay[,] I have read Mitchell and I have not changed my opinion after reading Mitchell." (R. p. 885). The trial court then distinguished Mitchell from Appellant's case stating:

Mitchell—clearly there was a difference in the facts, the availability of that witness. They were removed from the courthouse. Nobody had an opportunity to talk to that witness, question him. You know, we gave you as much opportunity as we could under the facts and circumstances in this case, so I don't believe based on Stokes that—I believe Stokes is controlling in this instance, and I'm going to allow the extrinsic evidence to come in if that's what the State intends to do at some point in time.

(R. p. 885). The parties further agreed to make arrangements for additional cross-examination of Gleaton. (R. pp. 885-86). After testimony was presented from other witnesses, defense counsel attempted to "re-address" the ruling. (R. p. 938). The trial court informed defense counsel the ruling was final prompting defense counsel to pass up a memorandum of law, which the trial court subsequently reviewed and again, denied. (R. pp. 939, 943-44). Defense counsel then noted unavailability was never argued in Stokes. (R. p. 944).

#### **Law Regarding one's Right to Confrontation**

The Sixth Amendment to the United States Constitution provides that "[i]n all criminal prosecutions, the accused shall enjoy the right. . . to be confronted with the witnesses against him." U.S. Const. Amend. VI. Accordingly, the Supreme Court of the United States has generally determined the introduction of testimonial hearsay violates the Confrontation Clause if: (1) the witness is unavailable, and (2) the defendant has not had a prior opportunity to cross-examine the witness. Crawford v. Washington, 541 U.S. 36, 68 (2004). Yet where the declarant appears for cross-examination at trial, the Confrontation Clause places no constraints on the use of his prior testimonial statements. Id. at 59 n. 9. Indeed, "[t]he Clause does not bar admission

of a statement so long as the declarant is present at trial to defend or explain it.” Id. “[W]here the declarant is not absent, but is present to testify and to submit to cross-examination, our cases, if anything, support the conclusion that the admission of his out-of-court statements does not create a confrontation problem.” California v. Green, 399 U.S. 149, 162 (1970).

With respect to cross-examination specifically, the Confrontation Clause “guarantees only an opportunity for effective cross-examination, not cross-examination that is effective in whatever way, and to whatever extent, the defense might wish.” U.S. v. Owens, 484 U.S. 554, 559 (1988) (internal quotation marks and citations omitted). Indeed, an opponent’s opportunity for cross-examination can be considered the “main and essential purpose of confrontation.” Delaware v. Fensterer, 474 U.S. 15, 19–20 (1985) (internal quotation marks and citation omitted); see also Kentucky v. Stincer, 482 U.S. 730, 739 (1987) (explaining the Confrontation Clause’s “functional purpose” as “ensuring a defendant an opportunity for cross-examination”). Thus, it is the opportunity to cross-examine, rather than effective cross-examination that is constitutionally protected by the Confrontation Clause. State v. Stokes, 381 S.C. 390, 402, 673 S.E.2d 434, 440 (2009).

Additionally, despite the general rule from Crawford prohibiting the introduction of unfronted testimonial hearsay, the Crawford Court simultaneously recognized a limited exception to this rule writing that “a defendant, by his own ‘wrongdoing,’ can forfeit ‘on essentially equitable grounds’ his Confrontation Clause right.” Id., at 62. This proposition, known as the “forfeiture by wrongdoing exception,” was reiterated in Davis v. Washington, 547 U.S. 813 (2006), where the Court again recognized that “one who obtains the absence of a witness by wrongdoing forfeits the constitutional right to confrontation.” Id., at 833.

Most recently, this common law-based Confrontation Clause exception was acknowledged in Giles v. California, 554 U.S. 353 (2008) where the Supreme Court of the United States gave a detailed historical account of the “forfeiture by wrongdoing” exception and its common law origins. Id. at 358-59. Specifically, the Giles Court, reaching back to the Confrontation Clauses’ common law underpinnings, explained forfeiture by wrongdoing permitted the introduction of unopposed testimonial statements of a witness who was “detained” or “kept away” by the “means or procurement” of the defendant or his associates. Id. at 359. Summarizing the meaning of the “forfeiture by wrongdoing” exception, the Giles Court stated, “the scope of the forfeiture rule suggest[s] that the exception applied only when the defendant engaged in conduct *designed* to prevent the witness from testifying” or where the defendant “uses an intermediary for the purpose of making a witness absent.” Id. at 360.

In addition to the Supreme Court of the United States recognition that, as a matter of equity, one’s intentional wrongdoing may result in the relinquishment of a constitutional right, the Federal Rules of Evidence, in 1997, adopted this limitation as it related to findings of unavailability. Davis, 547 U.S. at 833. Specifically, Federal Rules of Evidence Rule 804(b)(6), “codifies the forfeiture doctrine” from these cases. Id. South Carolina also recognizes the “forfeiture by wrongdoing” rule in South Carolina Rules of Evidence, Rule 804(a). Specifically, the rule states:

A declarant is not unavailable as a witness if exemption, refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of a statement for the purpose of preventing the witness from attending or testifying.

Rule 804(a), SCRE.

**There is No Confrontation Clause Violation**

Appellant appears to agree the Confrontation Clause allows for only the opportunity to cross-examine, but argues that because Gleaton refused to cooperate, he was unavailable, and therefore Appellant did not have the opportunity to cross-examine the witness thereby violating his Right to Confrontation under Crawford. Quite simply, this is incorrect.

First, Appellant's contention that Gleaton was unavailable for cross-examination is simply wrong. In fact, defense counsel never formally requested the trial court make a finding of unavailability under any of the provisions of Rule 804(a), SCRE. See Rule 804(a), SCRE (explaining the ways in which one may found to be unavailable under the Rule). Instead, defense counsel, in arguing that Stokes did not apply, generally stated that Gleaton's refusal to further cooperate rendered him unavailable without any supporting authority—an argument which the trial court overruled multiple times. (R.pp. 854, 885, 939, 943-44, 1479-1480).

Moreover, the trial court's factual determination that Gleaton was available for cross-examination was correct since Gleaton was called as a witness; was cross-examined; was subsequently recalled for additional cross-examination and was then called as a defense witness. Thus, since the trial court, after reviewing Stokes, determined that Gleaton, like the witness in Stokes, was in fact available for cross-examination and therefore, consistent with Stokes, admitted Gleaton's testimony, the trial court did not abuse its discretion. Rather, the trial court correctly applied the Stokes Court's reasoning that where the witness testifies at trial, the Confrontation Clause only protects "the opportunity to cross-examine, rather than effective cross-examination." Stokes, 381 S.C. at 402, 673 S.E.2d at 440. In light of these facts, the State submits Appellant's argument lacks merit.

Furthermore, even if defense counsel had asked the trial court to make a formal determination of unavailability under the provisions of Rule 804(a), SCRE, the trial court,

consistent with Rule 804(a), SCRE's prohibition on the use of wrongdoing to support a finding of unavailability, would have denied such a request. See Rule 804(a), SCRE ("A declarant is not unavailable as a witness if exemption, refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of a statement for the purpose of preventing the witness from attending or testifying."). Indeed, Appellant's misconduct in intimidating Gleaton off the witness stand and into a six-month contempt sentence bars a finding of unavailability under Rule 804(a), SCRE. (R. pp. 844-45, 849). Therefore, Appellant's Confrontation Rights were not violated, since the trial court, consistent with Rule 804(a), SCRE's prohibition on unavailability by wrongdoing, correctly determined Gleaton was available for cross-examination. See Crawford, 541 U.S. at 68 ("The [Confrontation] Clause does not bar admission of a statement so long as the declarant is present at trial to defend or explain it.").

Finally, even if this court were to find that Gleaton was unavailable, Gleaton's attorney's statement that both Gleaton and members of his family believed Appellant could order others to harm them is susceptible to an inference which would take this case out of the general rule of Crawford and into the forfeiture by wrongdoing exception. As discussed above, the Supreme Court of the United States, in Giles, elaborated on the requirements of the forfeiture by wrongdoing exception, overruling a California version of the exception which allowed for the admission of an unconfrosted testimonial statement where the defendant committed wrongdoing in generally rendering the victim unavailable. Giles, 554 U.S. at 365. The Giles Court did so on the basis that the California version of the exception was not an established exception under common law at the time the Sixth Amendment was written. Giles, 554 U.S. at 365. In so finding, the Giles Court wrote that the common law wrongful forfeiture exception applied only

where there was “a showing<sup>4</sup> that the defendant intended to prevent a witness from testifying.”  
Id. at 361.

In the present case, while the trial court never made a factual finding regarding forfeiture by wrongdoing—likely because the witness was available and defense counsel never provided a legal basis for declaring the witness unavailable—the State submits the evidence contained within the record could support an inference that Appellant threatened or otherwise influenced Gleaton not to testify. In particular, one could infer that Gleaton and his family’s fear of implicating Appellant was produced as a result of Appellant, either by himself or by “procurement” of others, informing Gleaton or members of his family that Appellant had the power and the people to harm them. In support of this inference, the State notes Gleaton’s interview revealed that after the shooting he and Appellant spoke nearly every day (R. p. 971), but by the time of trial, he was under the belief that Appellant “could direct others to harm him[.]” (R. p. 949). This fact suggests that Appellant or his associates conveyed this information to Gleaton or his family in an attempt to discourage him from testifying. Indeed, Gleaton’s attorney’s statement to the Court regarding Gleaton’s discussions with his family members further demonstrates these facts. In particular, Gleaton’s attorney said:

[Gleaton] has told me that he does not want to cooperate and I think it would be inappropriate to say it in front of a jury, but he feels like it will endanger his life and the life of his or the welfare of his family. He has actually discussed this with members of his family, and there are members of his family that even afraid if he were to come in here today and testify against this particular man. Even though this particular person could not harm him, he believes that this person could direct others to harm him, and he refuses to do anything to assist in the prosecution of him.

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<sup>4</sup> In the wake of Giles, state courts have characterized this “showing” differently. See e.g. In re: Roland G., 232 Ill. 13, 902 N.E.2d 600, 616, 327 Ill. Dec. 479, 495 (2008) (“The doctrine of forfeiture by wrongdoing may not be employed to deny an accused his confrontation right absent evidence that, when committing the crime or other wrongdoing, the accused was motivated by the desire to prevent the witness from testifying against him at trial.”); State v. Dobbs, 167 Wash. App. 905, 913, 276 P.3d 324, 328 (Ct. App., Div. 2, May 1, 2012) (explaining the State must prove that the defendant’s conduct is the reason for the witness’s absence and must do so by “clear, cogent, and convincing evidence.”).

(R. p. 849). Therefore, the State submits there is a suggestion Appellant waived his Right to Confrontation under the forfeiture by wrongdoing exception and as a result, no violation exists. See Davis, 547 U.S. at 833 (“[O]ne who obtains the absence of a witness by wrongdoing forfeits the constitutional right to confrontation.”); Giles, 554 U.S. at 360 (explaining the forfeiture by wrongdoing exception applies where the defendant or “an intermediary” engages in conduct designed to prevent the witness from testifying).

### CONCLUSION

For the aforementioned reasons, the State submits rehearing must be denied and respectfully asks that this Court to stand on its’ judgment affirming Appellant’s conviction and sentence.

Respectfully Submitted,

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Brendan J. McDonald  
ATTORNEY(S) FOR RESPONDENTS

April 29, 2013

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Richland County

The Honorable James R. Barber, III, Circuit Court Judge

Appellate Case No.: 2010-177006

The State of South Carolina,

Respondent,

v.

Anthony Hackshaw,

Appellant.

PROOF OF SERVICE

I, Brendan J. McDonald, certify that I have served Respondent's Return to Petition for Rehearing on counsel for Appellant, by depositing two (2) copies of same in the United States mail, first class postage prepaid, to counsel for appellant, addressed as follows:

Susan B. Hackett, Esq.  
SCCID/Division of Appellate Defense  
1330 Lady Street, Ste. #401  
Columbia, SC 29201-3332

This 29<sup>th</sup> day of April, 2013.



BRENDAN J. McDONALD, #77784  
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ATTORNEY FOR RESPONDENT



ALAN WILSON  
ATTORNEY GENERAL

April 29, 2013

RECEIVED

APR 29 2013

SC Court of Appeals

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Re: The State v. Anthony Hackshaw  
Appeal from Richland County  
Appellate Case No. 2010-177006  
Opinion No. 2013-UP-147

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of a Return to Petition for Rehearing, together with Proof of Service regarding the above-referenced matter.

Thank you for your assistance in this matter.

Sincerely,

Brendan J. McDonald  
Assistant Attorney General

BM/mv  
Enclosures

cc: Susan B. Hackett, Appellate Defender (with enclosure)  
The Honorable Daniel E. Johnson (with enclosure)  
Sandi Wofford, Victim Services (with enclosure)