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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Sumter County

Honorable George M. McFaddin, Circuit Court Judge

Opinion No. 2021-UP-437 (S.C. Ct. App. Filed December 8, 2021)

THE STATE,

RESPONDENT,

V.

MALIK JABREE SINGLETON,

PETITIONER

APPELLATE CASE NO. 2019-000124

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS

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CERTIFICATE OF COUNSEL

Counsel for Petitioner certifies that the petition for rehearing was made and finally ruled on by the Court of Appeals on January 26, 2022.

QUESTION PRESENTED

Whether the Court of Appeals erred by affirming the trial judge's conclusion that Petitioner's statements were voluntarily given to law enforcement where investigators made implied promises of leniency, including that no criminal charge would be brought if Petitioner said the shooting was accidental, while also threatening that Petitioner could be charged with murder and face life imprisonment, when the investigators knew the victim was not going to die, since Petitioner's will was overborne by this combination of promises of leniency, threats, and deception?

STATEMENT OF THE CASE

Petitioner was indicted by the Sumter County grand jury for the offenses of attempted murder and possession of a weapon during the commission of a violent crime. R. 308. Petitioner's jury trial was held before the Honorable George M. McFaddin, Jr. from January 14, 2019 through January 17, 2019. R. 1. Petitioner was represented by Jason Bridges and the state was represented by John Meadors. R. 1.

The jury found Petitioner guilty of the lesser-included offense of assault and battery of a high and aggravated nature ("ABHAN") and of possession of a weapon during the commission of a violent crime. Petitioner was sentenced on the ABHAN conviction to twenty years imprisonment suspended upon the service of fifteen years. He was sentenced to a consecutive five-year term of imprisonment for the weapons charge.

The Court of Appeals affirmed Petitioner's convictions in State v. Singleton, Op. No. 2021-UP-437 (S.C. Ct. App. Filed December 8, 2021). Petitioner filed a petition for rehearing on December 17, 2021. The Court of Appeals issued an order denying the petition for rehearing on January 26, 2022.

This petition for writ of certiorari to the Court of Appeals follows.

ARGUMENT

The Court of Appeals erred by affirming the trial judge's conclusion that Petitioner's statements were voluntarily given to law enforcement because investigators made implied promises of leniency, including that no criminal charge would be brought if Petitioner said the shooting was accidental, while also threatening that Petitioner could be charged with murder and face life imprisonment, when the investigators knew the victim was not going to die, since Petitioner's will was overborne by this combination of promises of leniency, threats, and deception.

Relevant Facts

On December 14, 2016 at around 2:00 a.m. Travis Dow ("Travis") was shot by an intruder at his sister's house. R. 81, ll. 10 – 21. After being shot, Travis ran next door to his parent's house. R. 84, ll. 14 – 15. While there, Travis' father, Jimmy Dow ("Jimmy") called 911. R. 86, ll. 2 – 8. Initially, Travis told his father that he did not know who shot him. R. 216, ll. 18 – 20. Later that night, however, Travis told his father that "Malik" was the person who shot him. R. 213, ll. 11 – 14.

Investigator Charles Bonner with the Sumter County Sheriff's Office went to the hospital to speak with Travis about what happened. R. 131, l. 20 – R. 132, l. 2. Bonner obtained a written statement from Travis in which he claimed that "Malik Wright" was the person who shot him. R. 132, ll. 14 – 25. Subsequently, Bonner determined that "Malik Wright" was "Malik Singleton," the petitioner in this case. R. 133, ll. 1 – 3. Petitioner was detained by Sumter County Deputies and transported to the Sheriff's Office at 4:50 a.m. R. 133, ll. 16 – 20. Bonner left the hospital and went to the Sheriff's Office to interrogate Petitioner. R. 133, l. 21 – R. 134, l. 1.

Jackson v. Denno Hearing

At Petitioner's request, the trial judge held a Jackson v. Denno[1] hearing prior to the start of the trial to determine the admissibility of Petitioner's video and audio recorded interrogation and his written statement. R. 8 – R. 59.

The interrogation of Petitioner started at 4:50 a.m. and lasted over four hours and was video and audio recorded. See State's Ex. 2. Bonner acknowledged that Petitioner was in custody during that time and was not free to leave. R. 20, ll. 6 – 7; R. 23, ll. 23 – 24. Bonner began the interrogation by reading Petitioner his Miranda[2] rights and having him sign a waiver of those rights. R. 13, l. 21 – R. 17, l. 20. See State's Ex. 1; State's Ex. 2 at 5:23 – 5:26.

For nearly the first two hours of the interrogation, Petitioner denied being present at the scene of the incident or involved in any way. State's Ex. 2 at 4:50 – 6:35. Bonner repeatedly, and falsely, claimed that Petitioner could be charged with murder and face thirty years to life imprisonment. See State's Ex. 2. Bonner had already spoken with Travis in person and knew that he was in stable condition and not in danger of dying. R. 30, ll. 1 – 20.

Lieutenant Ragin entered the room at 6:02 a.m. to assist with the interrogation. State's Ex. 2 at 6:02. Ragin began by falsely telling Petitioner that Travis claimed the shooting was an accident. R. 33, l. 22 – R. 34, l. 4; State's Ex. 2 at 6:02. Petitioner stated that he was going to have to do some time for something he did not do, and Ragin continued to suggest the shooting was an accident by stating, "for something that accidentally happened" and Bonner added "because you don't want to tell us." State's Ex. 2 at 6:34.

Bonner continued trying to convince Petitioner to say it was an accident by flatly stating "that is a different charge from murder down to where an accident happened." State's Ex. 2 at

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1 Jackson v. Denno, 378 U.S. 368 (1964).

2 Miranda v. Arizona, 384 U.S. 436 (1966).

6:47 – 6:48. Shortly after that, Petitioner again complained that the investigators were trying to give him "years" for something he did not do, and Ragin responded by stating "we ain't [sic] trying to give you no [sic] years for something; it was an accident, we'll go with that." State's Ex. 2 at 7:11. A third uniformed law enforcement officer[3] who was standing in the doorway also got involved and said "thirty years to life, accident, true story, fake story" while signaling a choice on one hand and a different choice on the other. State's Ex. 2 at 7:23. Ragin then, for the first time, suggested the possibility that Travis may have shot himself accidentally. State's Ex. 2 at 7:23 – 7:24.

Petitioner brought up the issue of posting bond and all three of the officers suggested that he would not be able to post bond the following day on a murder charge because bond would have to be set in General Sessions Court. State's Ex. 2 at 7:23. However, Ragin said that "if it was an accident we can try to work on that from a different aspect." State's Ex. 2 at 7:24. Petitioner began crying and Ragin continued to insinuate that Travis was dead by telling Petitioner to write an apology letter to Travis' family because "[he] can't hear you no [sic] more." State's Ex. 2 at 7:27.

Ragin continued to mislead Petitioner into believing Travis was dead by telling him that when everyone was at the funeral crying, they were going to ask Petitioner what happened. State's Ex. 2 at 7:28. Ragin told Petitioner that he was going to jail but the charge could be "Voluntary, Involuntary, [or] Murder." State's Ex. 2 at 7:31. Ragin again suggested Travis was

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3 Throughout much of the interrogation there was a third uniformed officer seen on the video. During the Jackson v. Denno hearing, Bonner testified that he did not know the name of the officer and that he did not believe that officer worked for the Sumter County Sheriff's Office anymore. R. 36, ll. 17 – 23. However, at trial and in front of the jury, Bonner testified that the officer's name was "Deputy Bronchado." R. 175, l. 9 – R. 176, l. 1.

dead by stating that the family would not want Petitioner to attend Travis' funeral. State's Ex. 2 at 7:31.

At around 7:44 a.m., almost three hours into the interrogation of Petitioner, Bonner, Ragin and the third officer stood over Petitioner, who was handcuffed and seated at a table, and aggressively told him to write down that he was sorry for accidentally shooting his cousin. State's Ex. 2 at 7:44. Petitioner continued to deny possessing a gun or shooting Travis, accidentally or otherwise.

Ragin admitted he falsely claimed that an FBI Agent was on the way to join in the interrogation and that Petitioner was either going "to get charged federally for this or you're going to go ahead and tell the truth of what happened." R. 187, l. 22 – R. 188, l. 3; State's Ex. 2 at 7:57. Ragin continued: "I'm going home and I'm going to let him have you; and he's nasty as hell." State's Ex. 2 at 7:57. Shortly after that, Ragin asked Petitioner if it was "an accident that you pulled the trigger" even though Petitioner still denied that he possessed or shot a gun. State's Ex. 2 at 8:06. When Petitioner asked Ragin "so what if it was an accident?" Ragin responded: "If it was an accident, it was an accident; accidents happen every day – that's why they got [sic] insurance." State's Ex. 2 at 8:06.

At 8:08 a.m., over three hours into the interrogation, Petitioner said for the very first time that Travis shot himself, an idea that Ragin floated nearly 40 minutes earlier. State's Ex. 2 at 8:08. Petitioner asked the investigators if they can just be honest with him and Bonner claimed, "we've been honest with you the whole time." State's Ex. 2 at 8:17. Bonner continued to claim that Petitioner could be charged with murder and accused Petitioner of having malice aforethought for thinking about committing the shooting in advance. Bonner told Petitioner: "That's Murder One." State's Ex. 2 at 8:19. Petitioner became emotionally upset and began

crying, stating he only wanted to be with his son and how much he loved his son. State's Ex. 2 at 8:20 – 8:21.

Finally, Petitioner told the officers what they had been trying to get him to say the whole time: he accidentally shot Travis. State's Ex. 2 at 8:23. The investigators then put a piece of paper on the table in front of Petitioner, told him to write down that he was sorry for accidentally shooting Travis, and got up and walked out of the room. State's Ex. 2 at 8:24. Just a few minutes later though, Petitioner went back to denying having a gun or being the shooter. State's Ex. 2 at 8:28. The officers then left the room again after telling Petitioner to write a letter to "his auntie" saying that he was sorry for shooting Travis. State's Ex. 2 at 8:37. In the letter that Petitioner wrote, he said, in part:

> I'm sorry about the accident . . . I know who did it, but they not listening. I was there . . . and I'm sorry for what happened . . . It was an accident . . . Cory shot him, I swear . . . I had nothing to do with it, but I was there . . . I'm telling the God honest truth . . . [Travis] grabbed the gun and Cory shot [Travis] . . . I would never shoot [Travis] . . . I swear I didn't do it.

See State's Ex. 3.

At the conclusion of the Jackson v. Denno hearing, Petitioner moved to suppress the video of his interrogation and his written statement. Defense counsel argued that the investigators made a promise of leniency by telling Petitioner that "he was either going to be charged with murder or he was going to have to say it was an accident." R. 53, l. 10 – R. 54, l. 17.

The solicitor argued that Petitioner's will was never overborne by the officers and that his statement was given voluntarily. R. 54, l. 21 – R. 57, l. 4. Specifically, the solicitor argued that the investigators told Petitioner throughout the interrogation that he was going to be charged and that he was "not going home." R. 55, ll. 8 – 12. The solicitor argued that Petitioner was never

threatened or coerced, and that law enforcement never made any implied promises about what sentence Petitioner would receive. R. 55, l. 24 – R. 56, l. 21. Defense counsel argued in response that the officers made an implied promise of leniency by suggesting that Petitioner would be charged with murder unless he claimed it was an accident. R. 57, ll. 16 – 24.

The trial judge ruled that Petitioner was in custody and that he was properly read his Miranda rights. R. 58, ll. 22 – 24. The judge found that "for the most part, [the officers and Petitioner] were either all sitting together, facing each other, or all standing together, facing each other." R. 59, ll. 1 – 3. Further, the judge found that Petitioner was alert, responsive and never asked to use the restroom or step outside. R. 59, ll. 7 – 11. The judge also stated that Petitioner did not appear to be confused or intimidated and stated that "[t]he door was open the entire period of time" and "I don't remember any threats being made by law enforcement." R. 59, ll. 11 – 13. In addressing Petitioner's specific argument that there was an implied promise of leniency the Court ruled:

> So I get to the point that [defense counsel] is talking about this implied promise . . . I appreciate this case you handed up to me. But that being said, I don't find that the video tape should be excluded. Now as to the statement, he never admits he did it there. That's sort of a sideline to me. But considering all the factors and that old phrase "totality of the circumstances," I'm going to allow it to go into evidence.

R. 59, ll. 14 – 23.

Jury Trial

At trial, Bonner testified in detail as to the different statements that Petitioner made throughout the duration of the interrogation. He testified that initially Petitioner denied being at the scene when the shooting took place. R. 146, ll. 7 – 11. Bonner also said that Petitioner stated he was present at the scene during the shooting but that someone else was the shooter. R.

149, ll. 2 – 4. Bonner said that Petitioner changed his story again to say that Travis shot himself on accident. R. 154, ll. 22 – 24. Bonner added that Petitioner stated that he fired a gun one time. R. 155, l. 17 – R. 156, l. 2. After going through the entire video and eliciting testimony about Petitioner's changing statements, Bonner read Petitioner's written statement into the record. R. 156, l. 7 – R. 159, l. 13; See State's Ex. 3.

Ragin also testified in front of the jury about how Petitioner changed his story several times. R. 186, ll. 15 – 18. Ragin stated that Petitioner initially claimed that he was not at the scene at all, but then stated that he was at the scene with a gun and shot Travis one time. R. 186, l. 19 – R. 190, l. 12. Ragin admitted that he told Petitioner that Travis stated the shooting was accidental even though Travis had not said that. R. 193, ll. 3 – 7. Ragin also admitted that introducing the possibility that the shooting was an accident was a tactic "to try to get him just to admit to being there or pulling the trigger." R. 196, ll. 3 – 7. Ragin said that part of his interrogation tactic was to misrepresent the facts and to engage in "bluffing" to "give [Petitioner] a way out." R. 185, l. 17 – R. 186, l. 6.

When the state moved to introduce the video and audio recorded interrogation of Petitioner, State's Exhibit 2, defense counsel renewed his pre-trial objection to it. R. 142, ll. 13 – 18. The trial judge admitted the video over counsel's objection. R. 142, ll. 18 – 19. The video was then played for the jury with certain redactions previously agreed to by the parties. R. 144, l. 13 – R. 149, l. 5; R. 152, l. 17 – R. 155, l. 14. When the state began questioning Bonner about Petitioner's written statement, State's Exhibit 3, defense counsel renewed his objection to that as well. R. 156, ll. 7 – 11; R. 157, ll. 20 – 23. The Court allowed Bonner to read Petitioner's statement into the record over his objection. R. 157, l. 24 – R. 159, l. 13.

Discussion

The Court of Appeals erred in affirming the trial judge's erroneous ruling allowing the state to admit Petitioner's statements that were involuntarily given to law enforcement. "A statement obtained as a result of custodial interrogation is inadmissible unless the suspect was advised of and voluntarily waived his or her rights under Miranda." State v. Arrowood, 375 S.C. 359, 366–67, 652 S.E.2d 438, 442 (Ct. App. 2007).

"If a suspect is advised of his Miranda rights, but chooses to make a statement, the burden is on the State to prove by a preponderance of the evidence that his rights were voluntarily waived." Id. South Carolina requires the trial judge to make a determination on the voluntariness of a criminal defendant's statement based on the totality of the circumstances, "including the background, experience, and conduct of the accused." State v. Saltz, 346 S.C. 114, 136, 551 S.E.2d 240, 252 (2001). "If a suspect's will is overborne and his capacity for self-determination critically impaired, use of the resulting confession offends due process." Id.

The first step in determining the voluntariness of a statement is that the state must prove to the trial judge by a preponderance of the evidence that it was made voluntarily. Arrowood, 375 S.C. at 365, 652 S.E.2d at 441. If the judge finds the state has met its burden and thus admits the statement into evidence, the question then goes to the jury to decide whether or not the statement was voluntary beyond a reasonable doubt. Id. "When reviewing a trial judge's ruling concerning voluntariness, the appellate court does not re-evaluate the facts based on its own view of the preponderance of the evidence, but simply determines whether the trial judge's ruling is supported by any evidence." Id., at 366, 652 S.E.2d at 442.

The Supreme Court of the United States held in Hutto v. Ross, 429 U.S. 28, 30 (1976) that a confession is involuntary if it is extracted by any "direct or implied promises, however

slight, or by the exertion of any improper influence." South Carolina has also affirmed this principle of law regarding involuntary confessions. Hutto, quoted by State v. Rochester, 301 S.C. 196, 200, 391 S.E.2d 244, 246 (1990). "Appellate entities in South Carolina have recognized that appropriate factors to consider in the totality-of-circumstances analysis include: background, experience, and conduct of the accused; age; length of custody; police misrepresentations; isolation of a minor from his or her parent; threats of violence; and promises of leniency." State v. Miller, 375 S.C. 370, 386, 652 S.E.2d 444, 452 (Ct. App. 2007).

In affirming Petitioner's convictions, the Court of Appeals found that the record supported the trial judge's finding that Petitioner's statements to law enforcement were voluntarily made. The Court relied on State v. Miller, 375 S.C. 370, 386, 652 S.E.2d 444, 452 (Ct. App. 2007), where the defendant's statements to law enforcement were found to be voluntary because "no one made any direct or implied promise of leniency." In Miller, the Court of Appeals concluded that the defendant's statements had been made in the "'hope' of leniency rather than as a consequence of a 'promise' [of leniency]." Id. at 387, 652 S.E.2d at 453.

The facts of Miller were significantly different from Petitioner's situation, however. In Miller, the defendant claimed that his statements to law enforcement were induced by a promise of an "eight to twelve year sentence." Id. However, the Court of Appeals noted that three police officers and the prosecutor all denied having ever extended such a promise to the defendant and the defendant did not testify at the Denno[4] hearing as to the existence of such a promise. Id. Here, Petitioner's statements, and the promises of leniency made to him by law enforcement, were video and audio recorded so that the officers could not deny having made such promises.

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4 Jackson v. Denno, 378 U.S. 368 (1964).

During the interrogation of Petitioner, the officers essentially used a two-pronged approach to overbear his will. First, they falsely claimed that Petitioner could be charged with murder and that he would be facing a sentence of life imprisonment even though the alleged victim did not die and the officers knew that he was in stable condition. Secondly, they attempted to coerce Petitioner into claiming it was an accident and thereby admit to being the shooter by implying that if he said it was an accident he would be charged with a less serious crime. See State's Ex. 2.

At times during the interrogation, Ragin implied that Petitioner would not be charged at all if he told them it was just an accident. State's Ex. 2 at 7:11; State's Ex. 2 at 8:06. At other times Ragin clearly stated that Petitioner was going to be arrested but that he may be charged with murder, voluntary manslaughter or even involuntary manslaughter. State's Ex. 2 at 7:31. However, all three of these charges would require the death of the alleged victim which was used in furtherance of their misleading Petitioner as to the status of Travis' condition.

Bonner and Ragin started by leading Petitioner to believe that he could be charged with murder and that he would be looking at life imprisonment even though they knew that Travis was not dead, and in no danger of dying. R. 30, ll. 1 – 20. In fact, Bonner had already spoken with Travis in person and knew that he was in stable condition. R. 30, ll. 1 – 20. This tactic was used by law enforcement in this case to threaten and intimidate Petitioner by convincing him that a murder charge was forthcoming.

The officers went so far as to tell Petitioner that Travis' family would not want him to attend Travis' funeral and that they would all be crying at the funeral wanting to know what Petitioner had done. State's Ex. 2 at 7:28 – 7:31. They even asked Petitioner to write an apology letter to his family. State's Ex. 2 at 8:37. The importance of this cannot be overstated because

Travis and Petitioner *are related and share the same family.* R. 219, l. 21 – R. 220, l. 1. Petitioner and Travis are cousins. By falsely insinuating that Travis was dead and then claiming that Petitioner would not be able to attend *his own cousin's funeral*, the officers were overbearing Petitioner's will to elicit a false confession.

Ragin repeatedly lied to Petitioner by falsely claiming that Travis stated the shooting was an accident. R. 33, l. 22 – R. 34, l. 4. Bonner also pressured Petitioner to say it was an accident by telling Petitioner that if he said it was an accident he would be looking at a different "situation" than the life imprisonment that murder carried. State's Ex. 2 at 6:47 – 6:48.

The repeated attempts to get Petitioner to claim it was an accident was critical because the investigators repeatedly implied that if only Petitioner would claim it was an accident, he would be charged with voluntary or involuntary manslaughter *or not even be charged at all.* This implied promise of leniency was continuously and repeatedly made to Petitioner throughout the duration of his interrogation. See State's Ex. 2.

The Court of Appeals' reliance on State v. Goodwin, 384 S.C. 588, 683 S.E.2d 500 (Ct. App. 2009) was misplaced. In Goodwin, the officers misrepresented the strength of the evidence they had at the time of their interrogation of the defendant, but that was significantly less coercive than what happened here where Petitioner was repeatedly led to believe that Travis was dead. Further, in Goodwin, the officers' emotional appeals consisted of telling the defendant that his cooperation would prevent them from having to unnecessarily search the homes of his family members, that his parents were very upset, and that his children might think of him as a "cold blooded murderer." Id. at 595-597, 683 S.E.2d at 504-505. That paled in comparison to what the officers did in this case where the alleged victim was Petitioner's own family member, and the officers insinuated that Petitioner would not be allowed to attend the funeral.

This case is more analogous to State v. Osborne, 301 S.C. 363, 392 S.E.2d 178 (1990) and is in some respects the inverse of that case. In Osborne, the Supreme Court of South Carolina held that the defendant's confession was involuntary because it was induced by law enforcement repeatedly telling her that if she did not speak to them they could charge her with "withholding evidence." Id. at 367, 392 S.E.2d at 180. In other words, in Osborne, rather than a promise of leniency there was a threat to treat the defendant more harshly if she did not confess. In this case, Petitioner was told that by confessing and stating the shooting was an accident he would be treated *less* harshly by being arrested for manslaughter as opposed to murder.

The interrogation of Petitioner lasted from 4:50 a.m. to 9:01 a.m. See State's Ex. 2. Throughout that process he was emotionally distraught and asking the investigators for their help. See State's Ex. 2. Petitioner was also handcuffed for the entire interrogation. See State's Ex. 2. Throughout most of the interrogation there were three uniformed, armed law enforcement officers in the room with Petitioner. At times the third officer was blocking the doorway and at times all three of these officers were standing over Petitioner.

All three of the officers repeatedly accused Petitioner of lying and told him that they did not believe anything he was saying. Finally, after an exhaustive interrogation of law enforcement misleading Petitioner about the severity of the charges he was facing and offering him an implied promise of leniency if he claimed the shooting was an accident, Petitioner claimed that he shot Travis on accident. State's Ex. 2 at 8:23. However, only a few minutes later Petitioner went back to denying he was the shooter and when Petitioner wrote his written statement he denied being the shooter. State's Ex. 2 at 8:28; State's Ex. 3.

Under United States Supreme Court and South Carolina precedent, a suspect's statement obtained while in the custody of law enforcement should be deemed involuntary and therefore

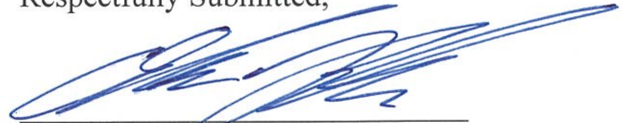
inadmissible when it is the product of, implied promises or improper influence. Hutto v. Ross, 429 U.S. 28, 30 (1976); Register, 323 S.C. at 478, 476 S.E.2d at 158, citing Rochester, 301 S.C. 196, 391 S.E.2d 244. Here, law enforcement made repeated implied promises of leniency to coerce Petitioner to claim he shot Travis by accident. See State's Ex. 2. The investigators further exerted improper influence on Petitioner by falsely claiming he could be charged with murder and that he would be facing life imprisonment. They countered that by assuring Petitioner that if he claimed it was an accident that he might be charged with something less serious than murder, e.g., voluntary or involuntary manslaughter, or that he may not even be charged at all. Ragin even went so far as to imply to Petitioner that if he claimed it was an accident it would be no different from a car accident when he said, "if it was an accident, it was an accident; accidents happen every day – that's why they got [sic] insurance." State's Ex. 2 at 8:06.

By falsely claiming that Petitioner could be charged with murder – where the officers knew Travis was not dead or in danger of dying – while simultaneously implying he would receive leniency if he claimed it was an accident, Petitioner's will was overborne by improper influence, rendering his statement involuntary. The Court of Appeals erred in affirming the trial judge's decision to admit Petitioner's statements into evidence. See Hutto v. Ross, 429 U.S. 28, 30 (1976); State v. Register, 323 S.C. 471, 478, 476 S.E.2d 153, 158 (1996); State v. Rochester, 301 S.C. 196, 391 S.E.2d 244 (1990); State v. Osborne, 301 S.C. 363, 392 S.E.2d 178 (1990).

CONCLUSION

Based upon the foregoing, Petitioner respectfully requests that this Court grant his petition for writ of certiorari to the Court of Appeals to allow full briefing on the issues presented.

Respectfully Submitted,



Adam Sinclair Ruffin
Appellate Defender

ATTORNEY FOR PETITIONER

This 25th day of February, 2022.

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STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Sumter County

Honorable George M. McFaddin, Circuit Court Judge

Opinion No. 2021-UP437 (S.C. Ct. App. filed December 8, 2021)
Lower Court Case No.

THE STATE,

RESPONDENT,

V.

MALIK JABREE SINGLETON,

PETITIONER

APPELLATE CASE NO. 2019-000124

CERTIFICATE OF SERVICE

I certify that a copy of the Petition for Writ of Certiorari in this case have been served on Deborah R.J. Shupe, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and Malik Jabree Singleton, #378882, at Lee Correctional Institution, 990 Wisacky Hwy., Bishopville, SC 29010; and the Court of Appeals, at 1220 Senate Street, Columbia, SC 29201, this 25th day of February, 2022.

Adam Sinclair Ruffin
Appellate Defender

ATTORNEY FOR PETITIONER