STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Sumter County

George M. McFaddin, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MALIK JABREE SINGLETON,

APPELLANT

APPELLATE CASE NO. 2019-000124

FINAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether Appellant's statements were erroneously admitted into evidence where investigators made implied promises of leniency, including that no criminal charge would be brought if Appellant said the shooting was accidental, while also threatening that Appellant could conversely be charged with murder and face life imprisonment, where the investigators knew the victim was not going to die, since Appellant's will was overborne by this combination of promises of leniency, threats, and deception?

STATEMENT OF THE CASE

Appellant 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. Appellant's jury trial was held before the Honorable George M. McFaddin, Jr. from January 14, 2019 through January 17, 2019. R. 1. Appellant was represented by Jason Bridges and the state was represented by John Meadors. R. 1.

The jury found Appellant 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. Appellant 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.

This appeal follows.

STANDARD OF REVIEW

"On appeal, the conclusion of the trial judge on issues of fact as to the voluntariness of a confession will not be disturbed unless so manifestly erroneous as to show an abuse of discretion." State v. Rochester, 301 S.C. 196, 200, 391 S.E.2d 244, 247 (1990); see also State v. Reed, 332 S.C. 35, 43, 503 S.E.2d 747, 751 (1998). Put another way, the reviewing court will reverse a trial judge's ruling on the voluntariness of the confession when the ruling is "so erroneous as to constitute an abuse of discretion." State v. Myers, 359 S.C. 40, 47, 596 S.E.2d 488, 492 (2004). "In criminal cases, appellate courts are bound by fact finding in response to preliminary motions where there has been conflicting testimony or where the findings are supported by the evidence and not clearly wrong or controlled by an error of law." State v. Asbury, 328 S.C. 187, 193, 493 S.E.2d 349, 352 (1997).

STATEMENT OF FACTS

Introduction

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 to his parent's house next door to alert them of what happened. 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 claimed to Jimmy 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. Investigator 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, Investigator Bonner determined that "Malik Wright" was "Malik Singleton," the appellant in this case. R. 133, ll. 1 – 3. Appellant was detained by Sumter County Deputies and transported to the Sheriff's Office at 4:50 a.m. R. 133, ll. 16 – 20. At that time Investigator Bonner left the hospital and went to the Sheriff's Office to interrogate Appellant. R. 133, l. 21 – R. 134, l. 1.

Jackson v. Denno Hearing

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

The record shows the interrogation of Appellant started at 4:50 a.m. and lasted over four hours and was video and audio recorded. See State's Ex. 2 (video recording of interrogation on

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[1] 378 U.S. 368 (1964).

file with this Court). Investigator Bonner acknowledged that Appellant 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 Appellant 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 (signed waiver of Miranda Rights on file with this Court); State's Ex. 2 at 5:23 – 5:26.

For almost the first two hours of the recorded interrogation, Appellant denied being present at the scene of the incident or involved in any way. State's Ex. 2 at 4:50 – 6:35. Investigator Bonner repeatedly, and falsely, claimed that Appellant could be charged with murder and be facing thirty years to life imprisonment. See State's Ex. 2. Investigator 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 Appellant that Travis claimed the shooting was an accident. R. 33, l. 22 – R. 34, l. 4; State's Ex. 2 at 6:02. Appellant 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.

Investigator Bonner continued trying to convince Appellant 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 6:47 – 6:48. Shortly after that, Appellant 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."

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

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.

Appellant 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. Appellant began crying and Lieutenant Ragin continued to insinuate that Travis was dead by telling Appellant 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 trying to mislead Appellant into believing Travis was dead by telling him that when everyone is at the funeral crying they are going to ask Appellant what happened. State's Ex. 2 at 7:28. Ragin told Appellant 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 dead by stating that the family would not want Appellant to attend Travis' funeral. State's Ex. 2 at 7:31.

At around 7:44 a.m., almost three hours into the interrogation of Appellant, Bonner, Ragin and the third officer stood over Appellant who was handcuffed and seated at a table and

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[3] Throughout much of the interrogation there is a third uniformed officer seen on the video. During the Jackson v. Denno hearing, Investigator 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, Investigator Bonner testified that the officer's name was "Deputy Bronchado." R. 175, l. 9 – R. 176, l. 1.

aggressively told him to write down that he was sorry for accidentally shooting his cousin. State's Ex. 2 at 7:44. Appellant continued to deny possessing a gun or shooting Travis, accidentally or otherwise.

Lieutenant Ragin admitted he falsely claimed that an FBI Agent was on the way to join in the interrogation and that Appellant 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 Appellant if it was "an accident that you pulled the trigger" even though Appellant had still been denying that he possessed or shot a gun. State's Ex. 2 at 8:06. When Appellant 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, Appellant 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. Appellant 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 Appellant could be charged with murder and accused Appellant of having malice aforethought for thinking about committing the shooting in advance. Bonner told Appellant: "That's Murder One." State's Ex. 2 at 8:19. Appellant 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, Appellant 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 Appellant, 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, Appellant 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 Appellant 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 Appellant 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 (Appellant's hand-written statement on file with this Court).

At the conclusion of the Jackson v. Denno hearing, Appellant 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 Appellant 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 Appellant'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 Appellant 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 Appellant was never threatened or coerced, and that law enforcement never made any implied promises about what sentence Appellant 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 Appellant would be charged with murder unless he claimed it was an accident. R. 57, ll. 16 – 24.

The Court ruled that this was a custodial interrogation and that Appellant was properly read his Miranda rights. R. 58, ll. 22 – 24. The Court found that "for the most part, [the officers and Appellant] were either all sitting together, facing each other, or all standing together, facing each other." R. 59, ll. 1 – 3. Further, the Court found that Appellant was alert, responsive and never asked to use the restroom or step outside. R. 59, ll. 7 – 11. The Court also stated that Appellant 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 Appellant's specific argument that there was an implied promise of leniency the Court ruled:

> So I get to the point that Mr. Bridges 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, Investigator Bonner and Lieutenant Ragin testified extensively about their interrogation of Appellant. R. 134, l. 1 – R. 139, l. 2; R. 142, l. 21 – R. 149, l. 5; R. 152, l. 10 – R. 162, l. 14; R. 167, l. 8 – R. 180, l. 15; R. 184, l. 18 – R. 189, l. 25; R. 192, l. 5 – R. 197, l. 20. Investigator Bonner testified before the jury consistently with his testimony during the Jackson v. Denno hearing as outlined above. R. 134, l. 1 – R. 139, l. 2; R. 142, l. 21 – R. 149, l. 5; R. 152, l. 10 – R. 162, l. 14; R. 167, l. 8 – R. 180, l. 15.

Bonner testified in detail in front of the jury as to the different statements that Appellant made throughout the duration of the interrogation. He testified that initially Appellant denied

being at the scene when the shooting took place. R. 146, ll. 7 – 11. Next, Bonner said that Appellant 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 Appellant changed his story again to say that Travis shot himself on accident. R. 154, ll. 22 – 24. Bonner added that Appellant 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 Appellant's changing statements, Bonner read Appellant's written statement into the record. R. 156, l. 7 – R. 159, l. 13; See State's Ex. 3.

Lieutenant Ragin also testified in front of the jury about how Appellant changed his story several times. R. 186, ll. 15 – 18. Ragin stated that Appellant 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 Appellant 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 [Appellant] a way out." R. 185, l. 17 – R. 186, l. 6.

When the state moved to introduce the video and audio recorded interrogation of Appellant, State's Exhibit 2, defense counsel renewed his pre-trial objection to it. R. 142, ll. 13 – 18. The Court 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.[4] R. 144, l. 13

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[4] It appears from the record that the agreed upon redactions to the video were as follows: From 4:50 – 5:23 which is the portion of the video in which Appellant is seated in the interrogation room prior to Investigator Bonner's arrival. R. 144, ll. 6 – 15. The portions of the video referencing lie detector tests and the fact that Appellant was currently on probation which occurred at 7:58 and 8:53 – 9:01 appear to have been redacted by agreement. R. 153, l. 20 – R.

– R. 149, l. 5; R. 152, l. 17 – R. 155, l. 14. When the state began questioning Investigator Bonner about Appellant'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 Investigator Bonner to read Appellant's statement into the record over his objection. R. 157, l. 24 – R. 159, l. 13.

154, l. 5. Also, the portion of the video showing Appellant in the interrogation room alone while writing his statement appears to have been redacted in front of the jury which occurred at 8:37 – 8:53. R. 155, ll. 4 – 12.

ARGUMENT

Appellant's statements were erroneously admitted into evidence because investigators made implied promises of leniency, including that no criminal charge would be brought if Appellant said the shooting was accidental, while also threatening that Appellant could conversely be charged with murder and face life imprisonment, where the investigators knew the victim was not going to die, since Appellant's will was overborne by this combination of promises of leniency, threats, and deception.

Discussion

"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."[5] 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 that the trial judge 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

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[5]Miranda v. Arizona, 384 U.S. 436, 498–99 (1966).

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 this case, the Court held a Jackson v. Denno hearing to determine the admissibility of the video and audio recording of Appellant's interrogation and his written statement. R. 8 – 59. It was undisputed by the state that at the time of the interrogation Appellant was in police custody and thus entitled to being informed of his Miranda rights. R. 20, ll. 6 – 7; R. 23, ll. 23 – 24.

During the interrogation of Appellant, the officers essentially used a two-pronged approach to overbear his will. First, they falsely claimed that Appellant 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 Appellant 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 Appellant 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 Appellant 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 Appellant as to the status of Travis' condition.

Bonner and Ragin started by leading Appellant 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 Appellant by convincing him that a murder charge was forthcoming.

The officers went so far as to tell Appellant 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 Appellant had done. State's Ex. 2 at 7:28 – 7:31. They even asked Appellant 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 Appellant *are related and share the same family*. R. 219, l. 21 – R. 220, l. 1. Appellant and Travis are cousins. By falsely insinuating that Travis was dead and then claiming that Appellant would not be able to attend *his own cousin's funeral*, the officers were overbearing Appellant's will to elicit a false confession.

Ragin repeatedly lied to Appellant by falsely claiming that Travis stated the shooting was an accident. R. 33, l. 22 – R. 34, l. 4. Bonner also pressured Appellant to say it was an accident by telling Appellant 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 Appellant to claim it was an accident was critical because the investigators repeatedly implied that if only Appellant 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 Appellant throughout the duration of his interrogation. See State's Ex. 2.

This case is 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, Appellant 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 Appellant 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. Appellant 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 Appellant. At times the third officer was blocking the doorway and at times all three of these officers were standing over Appellant.

All three of the officers repeatedly accused Appellant of lying and told him that they did not believe anything he was saying. Finally, after an exhaustive interrogation of law enforcement misleading Appellant 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, Appellant claimed that he shot Travis on accident. State's Ex. 2 at 8:23. However, only a few minutes later Appellant went back to denying he was the shooter and when Appellant 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 Appellant to claim he shot Travis by accident. See State's Ex. 2. The investigators further exerted improper influence on Appellant by falsely claiming he could be charged with murder and that he would be facing life imprisonment. They countered that by assuring Appellant that if he claimed it was an accident that he may 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 Appellant 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 Appellant could be charged with murder where they knew the victim was not dead or in danger of dying while simultaneously implying he would receive

leniency if he claimed it was an accident, Appellant's will was overborne by improper influence rendering his statement involuntary. Therefore, the Court erred in admitting Appellant's statements in this case and Appellant should be granted a new trial. 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

By reason of the foregoing argument, Appellant's conviction should be reversed, and this case remanded to the Sumter County Court of General Sessions for a new trial.

s/ Adam Ruffin
Adam Sinclair Ruffin
Appellate Defender

ATTORNEY FOR APPELLANT

This 25th day of March, 2020.

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Final Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

March 25, 2020

s/ Adam Ruffin

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