

THE STATE OF SOUTH CAROLINA

In the Supreme Court

APPEAL FROM THE COUNTY OF DARLINGTON

Court of Common Pleas

The Honorable Circuit Court Judge, J. Derham Cole

Case No. 2021-CP-16-0559

Damyon Cotton #359012..... Petitioner,

v.

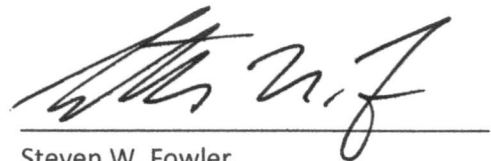
State of South Carolina,Respondent.

NOTICE OF APPEAL

The Petitioner appeals the above Honorable Judge's Order filed denying post conviction relief to the Petitioner.

The Order was received by the undersigned counsel on September 29, 2022. A copy of the said Order on appeal is attached to this Notice.

This is the 29th day of September, 2022.



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OCT 04 2022
S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE - PCR

CASE NO. 2021-CP-16-00559

Damyon COTTON, SCDCID #359012
Applicant,

The STATE of South Carolina,
Respondent,

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); **S. C. Code Ann. 17-27-80.**
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
- Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other

IT IS ORDERED AND ADJUDGED: See formal order to follow; Statement of Judgment by the Court:

This matter came before this court on an application for post-conviction relief filed pursuant to *South Carolina Code Annotated Section 17-27-10 et seq.* The applicant seeks relief based upon allegations of ineffective assistance of trial counsel.

Based upon the record of the case, the evidence presented at the evidentiary hearing held in this matter, the argument of the parties, and consideration of the applicable statutory and case law, this court finds that the applicant has failed to establish any deficient performance on the part of counsel and/or any prejudice resulting from counsel's performance *Strickland v. Washington*, 466 US 668 (1984) and *Cherry v. State*, 300 SC 115 (1989) or any other cognizable claim allowed under S. C. Code Ann. Section 17-27-20.

Applicant's request for **POST-CONVICTION** relief should be and **IS** therefore **DENIED** and the **APPLICATION DISMISSED WITH PREJUDICE.**

Counsel for the respondent is instructed to prepare and submit a proposed order for the Court's consideration.

Dated this the 12th day of **SEPTEMBER, 2022.**



 PRESIDING JUDGE, **J. DERHAM COLE**

This judgment was entered on the _____ day of _____, 2022, and a copy mailed first class this day of _____, 2022 to attorneys of record or to parties (when appearing pro se) as follows:

STEVEN W. FOWLER, Esq.
730 Main Street, Unit 237
North Myrtle Beach, South Carolina 29582

CHELSEY F. MARTO, AAG
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ATTORNEY FOR THE APPLICANT

ATTORNEY FOR THE RESPONDENT

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OCT 04 2022

SCOTT B. SUGGS, CLERK OF COURT

FILED
 2022 SEP 22 12:40
 CLERK OF COURT
 DARLINGTON COUNTY, S.C.