

J. FALKNER WILKES

Attorney at Law



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October 23, 2013

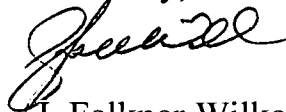
Daniel E. Shearouse, Clerk
South Carolina Supreme Court
P.O. Box 11330
Columbia, SC 29211

Re: Reginald Miller v. State of South Carolina
C.A. No.: 2010-CP-42-06870

Dear Mr. Shearouse,

I represent Reginald Miller who had a PCR hearing before the Hon. Derham Cole on January 11, 2013. Mr. Miller is appealing from the decision of the court in this case. Enclosed please find a copy of the Mr. Miller's Notice of Appeal and Certificate of Service for same. Also enclosed you will find a copy of the letter requesting a copy of the transcript from the hearing below. As this is a PCR case, no filing fee is enclosed.

Sincerely,



J. Falkner Wilkes

Susanne H. White, Assist. Atty. General
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

Clerk of Court
County Courthouse
2nd Floor, Suite 500
180 Magnolia Street
Spartanburg, SC 29306

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OCT 28 2013

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM SPARTANBURG COUNTY
COMMON PLEAS COURT
J. Derham Cole, Circuit Court Judge

Case No. 2010-CP-42-6870

Reginald Miller, 261476, Appellant,
v.
State of South Carolina, Respondent.

NOTICE OF APPEAL

Reginald Miller, hereby appeals from the Judgment In a Civil Case (a Post Conviction Relief Action) signed on July 10, 2013, entered on July 15, 2013, mailed by the Clerk on July 17, 2013 and received by the Appellant on July 19, 2013. A timely post trial motion was filed on July 25, 2013. Appellant further appeals from from the Order denying Rule 59 relief which was signed on September 23, 2013, entered on September 24, 2013, mailed by the Clerk on September 27, 2013 and received by Appellant on September 30, 2013. Both Orders were signed by the Hon. J. Derham Cole, Circuit Judge.

A copy of the Judgement/Order(s) from which appeal is taken are provided herewith and incorporated herein.

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OCT 28 2013

S.C. SUPREME COURT

Respectfully submitted,



J. Falkner Wilkes (SC Bar #12893)
114 Whitsett Street
Greenville, SC 29601
(864) 282-1292
(864) 271-6035 (facsimile)

Counsel for Appellant

October 23, 2013.

Other counsel of record:

Suzanne Wilson, Assistant Attorney General
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

Counsel for the Respondent

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM SPARTANBURG COUNTY
COMMON PLEAS COURT
J. Derham Cole, Circuit Court Judge

Case No. 2010-CP-42-6870

Reginald Miller, 261476, Appellant,
v.
State of South Carolina, Respondent.

CERTIFICATE

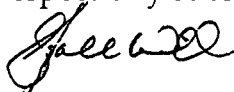
I certify that on October 23, 2013, I served the Appellant's Notice of Appeal on the Respondent and others by placing a copy of same in the United States Mail, first class postage prepaid, addressed to counsel of record and others as indicated below, and by facsimile:

Suzanne White, Assistant Attorney General
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
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Daniel E. Shearouse, Clerk
South Carolina Supreme Court
P.O. Box 11330
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Hope Blackley, Clerk
Clerk of Circuit Court
180 Magnolia Street, 2nd Floor
Spartanburg, SC 29304-1744

Respectfully submitted,



J. Falkner Wilkes (SC Bar #12893)

114 Whitsett Street

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Counsel for Appellant

October 23, 2013.

RB

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

Reginald J. Miller, #261476,

2010-CP-42-6870

Applicant,

v.

ORDER OF DISMISSAL

State of South Carolina,

Respondent.

This matter comes before the Court by way of an Application for Post-Conviction Relief filed December 30, 2010, and amendment filed March 31, 2012. The Respondent made its Return on or about July 17, 2012. An evidentiary hearing into the matter was convened on January 11, 2013, at the Spartanburg County Courthouse. The Applicant was present at the hearing and was represented by J. Falkner Wilkes, Esquire. Suzanne H. White, Esquire of the South Carolina Attorney General's Office, represented the Respondent.

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At the hearing, the Applicant, as well as Ebony Scruggs, testified on Applicant's behalf. Thomas A. M. Boggs, Esquire, also testified. This Court also had before it a copy of the score of the Spartanburg County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the Return, the Appellate Court records, and the trial and sentencing transcripts.

PROCEDURAL HISTORY

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Spartanburg County Clerk of Court's orders of commitment. The Applicant was indicted at the May 2006 term of the Spartanburg County Grand Jury for unlawful conduct toward a child (2006-GS-42-1548), trafficking in cocaine (2006-GS-42-1549), trafficking in



cocaine (2006-GS-42-1550), and trafficking in crack cocaine +10 grams (2006-GS-42-1551). Thomas A. M. Boggs, Esquire, represented the Applicant at trial. On June 15, 2006, the Applicant was convicted *in absentia* of this charge by a jury. The Honorable Doyet A. Early III presided over the Applicant's trial and issued the sealed sentence. The Honorable J. Cordell Maddox, Jr. pronounced the Applicant's sentence on April 13, 2007, and gave him credit for time served since detention in the North Carolina Department of Corrections beginning August 1, 2006. Applicant was sentenced to twenty-three years and a \$50,000 fine for trafficking in cocaine +28 grams and a concurrent sentence of ten years for trafficking in crack cocaine +10 grams. The other indicted charges were *nolle prossed*.

A timely Notice of Appeal was filed on Applicant's behalf and an appeal was perfected. The South Carolina Court of Appeals affirmed Applicant's conviction and sentence. State v. Miller, Op. No. 2010-UP-020 (filed January 25, 2010). The Remittitur was returned February 10, 2010.

ALLEGATIONS

In his application, the Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of trial counsel, in that;
 - a. Counsel failed to prepare for trial,
 - b. Counsel failed to do pre-trial investigation,
 - c. Counsel waived opening and closing statements,
 - d. Counsel failed to make a motion for mistrial or motion for acquittal,
 - e. Counsel failed to conduct meaningful cross-examination,
 - f. Counsel failed to call court's attention to substantial change in evidence that was subject to chain of custody or object to introduction of that evidence,
 - g. Counsel failed to object to probable cause for Applicant's arrest.

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

Ineffective Assistance of Counsel

The Applicant alleges he received ineffective assistance of counsel. This Court found the testimony of Counsel to be more credible than the testimony of Applicant or Ms. Scruggs as to all allegations raised in the application and at the hearing.

In a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing Rule 71.1(e), SCRCP). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, Id. The Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

First, the Applicant must prove that counsel's performance was deficient. Under this

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prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625, *citing Strickland*. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (*citing Strickland*).

Failure to Investigate or Prepare for Trial

Applicant testified that Counsel began representing him approximately thirty days after his arrest on all of the charges. Prior to the trial, Applicant testified that he pled no contest to the child endangerment charge, but he and Counsel discussed that charge. Applicant testified that he only met with Counsel for the trial once, on the day before trial was supposed to begin. At that time, Applicant testified that Counsel told him that he was going to try and get the trial pushed back because Counsel was not prepared for the case. Applicant testified that he received a call from Counsel on June 14th, informing Applicant that the trial would not be held on that day but they were going to hold the trial on June 15th. Applicant testified that he was afraid he would lose at trial, so he fled and did not appear at the trial. However, Applicant testified that he would have considered going to trial if he and Counsel had more time to prepare.

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Ebony Scruggs, the mother of Applicant's child, testified that she went with the Applicant to Counsel's office for a meeting. Scruggs testified that she was present when Counsel informed Applicant that he would work on getting the trial pushed back and that Counsel was not prepared for the trial to be called this fast.

Counsel testified that he has been practicing approximately thirty-six years with sixty

percent of his practice being criminal defense. Counsel testified that at the time of this trial, in 2006, he also had five pending murder cases. Counsel testified that he has a good recall of the Applicant and his case. Counsel testified that he had been hired right after Applicant's arrest, which was approximately three to four months prior to the trial. Counsel testified that he recalls having several meetings with the Applicant because the Applicant was not in jail, some of which were also attended by Applicant's girlfriend, Ebony Scruggs. Counsel testified that based upon his general practice, he would have reviewed the discovery materials with the Applicant during one of their meetings. Counsel also testified that he did not recall any conversation with the Applicant in which he informed the Applicant that he (Counsel) would not be ready for trial; however, he could imagine that he said he was surprised at the case being called to trial so quickly.

Counsel testified that he did approach one judge about a continuance and was instructed to bring the motion up at the start of trial. However, when Counsel made the motion before trial judge, the motion was denied. Additionally, Counsel testified that he felt that he devoted a lot of time to this case with the time he had and information he had.

This Court finds that the Applicant's allegations that Counsel did not conduct an adequate pre-trial investigation or prepare enough for trial are without merit. The "brevity of time spent in consultation, without more, does not establish that counsel was ineffective." Easter v. Estelle, 609 F.2d 756, 759 (5th Cir. 1980). To establish counsel was inadequately prepared, an Applicant must present evidence of what counsel could have discovered or what other defenses could have been pursued had counsel been more fully prepared. Jackson v. State, 329 S.C. 345, 495 S.E.2d 768 (1998); Skeen v. State, 325 S.C. 210, 481 S.E.2d 129 (1997) (applicant not entitled to relief

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where no evidence presented at PCR hearing to show how additional preparation would have had any possible effect on the result at trial).

When claims of ineffective assistance of counsel are based on lack of preparation time, an Applicant challenging his conviction must also show specific prejudice resulting from counsel's alleged lack of time to prepare. United States v. Cronin, 466 U.S. 648, 104 S.Ct. 2039 (1984); U. S. v. LaRouche, 896 F.2d 815 (4th Cir. 1990). The Applicant failed to point to any specific matters Counsel failed to discover, or any defenses that could have been pursued had Counsel been more fully prepared or had additional time prior to the case being called to trial. This Court notes that Counsel has years of experience representing clients on similar charges and remains updated on case law through research. Furthermore, the Applicant failed to show any prejudice that may have resulted from Counsel's alleged inadequate preparation or lack of investigation. Accordingly, this allegation is dismissed.

Failure to Offer Opening/Closing Statements

Counsel testified that although his file has been destroyed, after reviewing the record, he believed that he made the strategic decision to not make any opening statement based upon his belief that there was no benefit, not because of how quickly the case was called. Counsel also testified that he made the decision to not offer any closing during trial because the only issue raised had been a potential chain of custody issue with the drugs and he did not believe that a closing argument would make a difference in light of the testimony and evidence.

In making a fair assessment of attorney performance, a court must make every effort to "eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from counsel's perspective at the time." Strickland v. Washington, 466 U.S. 668, 689, 104 S. Ct. 2052, 2065, 80 L. Ed. 2d 674 (1984).

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There is a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance and the "defendant must overcome the presumption that, under the circumstances, the challenged action might be considered sound trial strategy." *Id.* This Court finds that the Applicant has failed to meet his burden of proof as to this claim. He offered no testimony or evidence to support his claim that Counsel's decision to not make an opening or closing statement was anything less than sound trial strategy. Furthermore, Applicant failed to demonstrate that had Counsel made an opening or closing statement, the outcome of Applicant's trial would have been any different. Therefore, this claim is denied and dismissed.

Failure to Make Motions for Mistrial/Acquittal

This Court finds that the Applicant has failed to meet his burden of proof as to this claim. Although raised in his application, the Applicant offered no testimony or evidence in support of this allegation at his hearing. Therefore, this claim is denied and dismissed.

Failure to Conduct Meaningful Cross-Examination

The Applicant alleged that Counsel was ineffective for failing to conduct a meaningful cross-examination of the State's witnesses. Counsel testified that he did make objections during the testimony of one of the State's witnesses because of a failure to sufficiently establish the chain of custody; however, the State was then allowed to bring in the witness after the fact to establish the chain. Counsel also objected to a reference to a pending arrest warrant the Applicant had against him as a basis for this charge and to the officer's reference to the substance of cocaine prior to the testimony of the chemist. This Court notes that the State's witnesses consisted of the two officers who arrested Applicant following his attempt to flee, the chemist from the Sheriff's office and the evidence custodian.

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In regards to the Applicant's allegation that Counsel was deficient in his cross-examination of the State's witnesses, this Court finds that the Applicant has failed to meet his burden of proof. The nature and scope of cross-examination is inherently a matter of trial tactics. United States v. Nersesian, 824 F.2d 1294, 1321 (2nd Cir. 1987). "[A] defendant has a 'burden of supplying sufficiently precise information,' of the evidence that would have been obtained had his counsel undertaken the desired investigation and of showing 'whether such information . . . would have produced a different result.'" United States v. Rodriguez, 53 F.3d 1439, 1449 (7th Cir. 1995). The Applicant did not proffer any questions counsel allegedly failed to ask, and did not present any testimony showing the witnesses' answers at trial would have been different. Accordingly, the Applicant has not shown that a different approach to cross-examination would have been beneficial to the defense. Therefore, this claim is dismissed.

Failure to Address Substantial Change in Evidence or Object to that Evidence

Applicant argued in his application that Counsel was ineffective for failing to object to the drug evidence, more specifically, that Counsel failed to object to the fact that the weight of the drug evidence had substantially changed between Applicant's arrest and the testimony. Counsel noted that if the weight had changed, that was often as a result of the estimation by Officers at the scene and weighing on the scene of the drugs and bag, while the evidence is weighed during testing minus the bag.

This Court finds that there was no evidence that Counsel was deficient in any way relating to a failure to object to the evidence and the change in weight. The Applicant did not demonstrate that any objection would have made an outcome in his trial, so this claim is denied and dismissed.

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Failure to Object to Probable Cause for Arrest

Regarding Applicant's allegation that Counsel failed to object to the probable cause for Applicant's arrest, this Court finds that this allegation lacks merit and this Court finds that the Applicant has failed to meet his burden of proof as to this claim. The Applicant introduced a copy of the arrest warrant #K-77750 as Applicant's Exhibit #2, noting that this was the arrest warrant which the Sheriff's Office was attempting to serve on Applicant when he was arrested for this charge. However, the Applicant failed to offer any evidence that there was anything faulty with this arrest warrant. This Court notes that the charge Applicant faced at trial was as a result of drugs discovered following his attempt to flee from the arrest, when he fell and the bag containing cocaine was discovered under his body.

Counsel testified that he was aware of the arrest warrant and of the fact that the arrest warrant had been issued based on a confidential informant buy two days earlier. Counsel testified that although there was a reference to a phone call between a confidential informant and Applicant, which led to his appearance at the restaurant on that day, he cannot remember if he was provided a copy of that phone call.

This Court finds that the Applicant failed to offer any evidence to show that the arrest warrant from a prior drug sale was invalid or that if Counsel had attacked the probable cause for the arrest warrant, that it would have affected the trial. This Court notes that the Applicant attempted to flee when approached by the police at the restaurant and was subsequently charged with drugs found on his person when captured, not with anything related to the arrest warrant. Accordingly, this Court finds that the Applicant has failed to meet his burden of proof as to this claim and failed to establish that the outcome of his trial would have been different had Counsel made any motion or attack regarding the arrest warrant. Therefore, this claim is denied and

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dismissed.

Failure to Communicate Plea Offer

Applicant testified that Counsel informed him that there was no plea deal, so Applicant testified that he fled because he thought he would lose. Applicant testified that he would have considered a plea, but that Counsel never conveyed the eighteen year plea offer to him.

Furthermore, Applicant testified that he believed Counsel was lying when he testified that Counsel had informed the Applicant of the two plea offers. Specifically, Counsel testified that the State had offered first a twenty year and then eighteen year plea deal, but the Applicant turned both down.

This Court notes that the transcript reflects that Counsel informed the trial court that he had conveyed the plea offer of eighteen years to the Applicant on the day before the trial was to begin. Counsel also informed the court that following the conversation regarding the plea offer and the scheduled trial, he received no additional communication from the Applicant.

“Counsel’s failure to convey a plea offer constitutes deficient performance.” Davie State, 381 S.C. 601, 609, 675 S.E.2d 416, 420 (2009). However, prejudice is determined on a case-by-case approach in order to determine whether

“[B]ut for counsel’s deficient performance a defendant would have accepted the State’s proposed plea bargain and that he would have benefitted from the offer. Because presumed prejudice is reserved to very limited situations . . . a defendant must show actual prejudice. However, it is not always necessary for a defendant to offer objective evidence to support a claim of actual prejudice. Instead, depending on the facts of the case, a defendant’s self-serving statements may be sufficient to establish actual prejudice.” Davie, 381 S.C. at 613, 675 S.E.2d at 422 (citations omitted).

First, this Court finds Counsel’s testimony regarding the conveyance of the plea offers to Applicant to be credible and does not find the Applicant’s testimony to be credible. This Court

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finds, based on both the testimony and record presented, that Counsel DID convey the plea offer to the Applicant, but the Applicant chose to abscond and not accept the plea offer. Therefore, this Court does not need to reach the prejudice prong, because the Applicant failed to establish deficient performance by Counsel as it relates to conveying a plea offer. This Court finds that the Applicant has failed to meet his burden of proof as to this claim.

Overwhelming Evidence

This Court also finds that any alleged deficiency by Counsel did not prejudice the Applicant at trial because of the overwhelming evidence of Applicant's guilt. Where there is overwhelming evidence of guilt, a trial counsel's deficient representation will not be prejudicial. Ford v. State, 314 S.C. 245, 442 S.E.2d 604 (1994); See also Humbert v. State, 345 S.C. 332, 548 S.E.2d 862 (2001), Geter v. State, 305 S.C. 365, 409 S.E.2d 344 (1991). In Ford, trial counsel failed to request an alibi instruction and his representation was found deficient as a result. However, the evidence of the applicant's guilt in Ford was overwhelming and this Court held that the applicant failed to prove the second prong of Strickland, which requires that Applicant show prejudice by the deficient representation. Testimony was presented at trial by both Officers that observed the Applicant running from them and then observed the Applicant drop a white powdery substance underneath his body and in his hand once he fell and was captured. Testimony was then presented that the white powdery substance had been tested and was cocaine. Therefore, this Court finds that based on overwhelming evidence, the Applicant has failed to establish that he was prejudiced by any alleged deficiency on Counsel's behalf.

Summary

This Court finds in regards to the allegation of ineffective assistance of counsel, Applicant's testimony as a whole was not credible. This Court further finds Counsel adequately

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conferred with the Applicant, conducted a proper investigation, was thoroughly competent in his representation, in particular in light of the circumstances Counsel was faced with when his client was not present at trial, and that Counsel's conduct does not fall below the objective standard of reasonableness.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that Counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that Counsel committed either errors or omissions in his representation of the Applicant.

This Court also finds the Applicant has failed to prove the second prong of Strickland – that he was prejudiced by Counsel's performance. This Court concludes the Applicant has not met his burden of proving Counsel failed to render reasonably effective assistance. See Frasier *supra*. Therefore, this allegation is denied.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

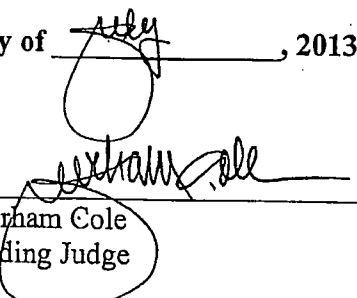
This Court cautions Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your

attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 10 day of July, 2013.



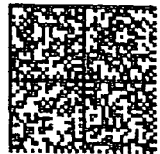
J. Derham Cole
Presiding Judge

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Clerk of Court, Spartanburg County
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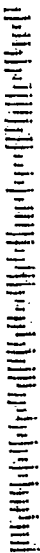
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STATE OF SOUTH CAROLINA)
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COUNTY OF SPARTANBURG)
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Reginald J. Miller, #261476,)
)
Applicant,)
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vs.)
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State of South Carolina,)
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Respondent.)

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

2010-CP-42-6870

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ORDER

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MARHOPE BLACKBERRY

This matter comes before the Court by way of Applicant's Motion pursuant to Rule 59(e), SCRPC. The Respondent made its Return to the Motion on August 15, 2013.

The Order of Dismissal in this matter was signed by me on July 10, 2013. This Court finds that the Order of Dismissal contains the findings of facts and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003) and Rule 52(a) SCRPC. See also McCray v. State, 305 S.C. 329, 408 S.E.2d 241 (1991).

Based upon careful reconsideration of all the evidence in this case and upon full consideration of Applicant's Motion, this Court is not persuaded to alter or amend the judgment. This Court further finds that oral argument would not aid in the reconsideration of the original judgment. Therefore, this Court finds that the Order of Dismissal shall stand as it was written.

AND IT IS SO ORDERED this 23 day of September, 2013.

J. Derham Cole

J. Derham Cole
Presiding Judge
Seventh Judicial Circuit

_____, South Carolina


SCANNED

M. HOPE BLACKLEY
Clerk of Court, Spartanburg County
Post Office Box 3483
Spartanburg, South Carolina 29304-3483

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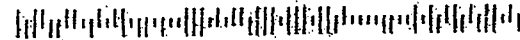


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J. FALKNER WILKES

Attorney at Law

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October 23, 2013

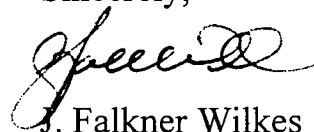
Linda D. Moffitt
800 Belcher Road
Spartanburg, SC 29316

Re: Reginald Miller v. State of South Carolina
C.A. No.: 2010-CP-42-06870

Dear Linda,

I represent Reginald Miller who had a PCR hearing before the Hon. Derham Cole on January 11, 2013. Mr. Miller is appealing from the decision of the court in this case and therefore, I am requesting a transcript from Mr. Miller's PCR hearing. Please let me know the anticipated cost of the transcript so that I may forward you a check in advance.

Sincerely,



J. Falkner Wilkes

Susanne H. White, Assist. Atty. General
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

The Honorable Rosalyn W. Frierson
Director, South Carolina Court Administration
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