The Brooks Law Office, LLC

CHARLES T. BROOKS, III, ATTORNEY AT LAW
IRMA R. BROOKS, ATTORNEY AT LAW
309 BROAD STREET ~ SUMTER, SOUTH CAROLINA 29150
POST OFFICE BOX 3512 ~ SUMTER, SOUTH CAROLINA 29151
(803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: **cbrooks@ctbrooks.com**

November 25, 2013

South Carolina Supreme Court
PO Box 11330
Columbia, SC 29211

RE: Quincy Holmes, #303469 v State of South Carolina
Case No. 2013-CP-07-0055

Dear Sir or Madam:

Enclosed herewith you will find the Notice of Appeal, Order of Dismissal, along with a Proof of Service in reference to the above named Applicant.

If you have any questions or concerns, please contact my office at the number stated above.

With kind regards, I am

RECEIVED
DEC 0 2 2013
S.C. SUPREME COURT

Sincerely,

Charles T. Brooks, III
CTB/srw

Enclosed as stated

Cc: Ashleigh R. Wilson,Office of Attorney's General
South Carolina Office of Appellate Defense
Quincy Holmes, #303469

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Honorable Deadra L. Jefferson, Circuit Court Judge

Case No: 2013-CP-07-0055

Quincy Holmes.....Appellant
S.C.D.C. 303469
v.
The State. . . . . .Respondent

NOTICE OF APPEAL

Quincy Holmes, appeals his Denial for Post Conviction Relief in this case. The order of Dismissal was imposed and signed by the Honorable Deadra L. Jefferson, November 6, 2013, which I, Charles T. Brooks, III, received on November 25, 2013.

Charles T. Brooks, III
309 Broad Street
Post Office Box 3512
Sumter, South Carolina, 29151
(803) 418-5708
Attorney for Appellant

Other Counsel on Record:
Ashleigh R. Wilson, Esquire
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-3970

RECEIVED
DEC 0 2 2013
S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Honorable Deadra L. Jefferson, Circuit Court Judge

Case No: 2013-CP-07-0055

Quincy Holmes.....Appellant
S.C.D.C. 303469
v.
The State.....Respondent

PROOF OF SERVICE

I, the undersigned, do hereby certify that on this 26th day of November, 2013, I served the foregoing **Notice of Appeal, Order of Dismissal,** as well as **Proof of Service** in this matter by depositing a true copy of it in the United States Mail, postage prepaid, on November 26, 2013, addressed to the following as indicated below:

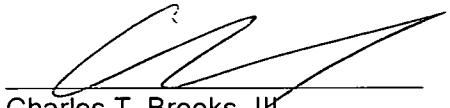
South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

South Carolina Office of Appellate Defense
1330 Lady Street, Suite 401
PO Box 11589
Columbia, SC 29211-1589

Office of Attorney's General
Attn: Ashleigh R. Wilson, Esquire
Post Office Box 11549
Columbia, South Carolina 29211-1549

Quincy Holmes, 303469
Lieber Correctional Institution
PO Box 205
Ridgeville, South Carolina, 29472

Dated: November 25, 2013



Charles T. Brooks, III
Attorney for the Appellant
309 Broad Street
Sumter, South Carolina 29150
(803) 418-5708

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BEAUFORT	)	2013–CP–07–0055
	)	
Quincy Holmes, #303469,	)	
	)	
Applicant,	)	
	)	
v.	)	**ORDER OF DISMISSAL**
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

Presiding Judge:	Hon. Deadra L. Jefferson
Applicant's Attorney:	Charles T. Brooks, III, Esquire
Respondent's Attorney:	Ashleigh R. Wilson, Esquire
Trial Counsel:	Thomas James Bell, III, Esquire
Date of Hearing:	August 26, 2013
Court Reporter:	Susan "Mia" Perron

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed January 9, 2013. The Respondent made its Return on February 22, 2013. An evidentiary hearing into the matter was convened on August 26, 2013 at the Jasper County Courthouse. The Applicant was present at the hearing and represented by Charles T. Brooks, III, Esquire. Ashleigh R. Wilson, Esquire, of the South Carolina Attorney General's Office represented the Respondent.

The Applicant testified on his own behalf at the PCR hearing. The Applicant's plea counsel, Thomas James Bell, III, Esquire, also testified at the hearing. This Court had before it the guilty plea transcript, the records of the Beaufort County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections, the PCR application, and Respondent's Return thereto.

11/12/13

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Beaufort County. The Applicant was indicted at the March 2011 term of the Beaufort County Grand Jury for Burglary-Frist Degree (2011–GS–07–0657).[1] Thomas James Bell, III, Esquire, represented the Applicant. The Applicant pled guilty as indicted. On May 21, 2012, the Honorable R. Markley Dennis sentenced the Applicant to eighteen (18) years confinement. The Applicant did not appeal the plea or sentence.

ALLEGATIONS

The Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel.
    a. Failure to investigate, prepare for trial, or request a continuance.
    b. Failure to inform of a defense.
    c. Failure to inform of the right to appeal.
    d. Counsel advised the Applicant to accept a negotiated plea for fifteen (15) years which was not honored by the court.

At the hearing, Applicant waived all grounds for relief except ineffective assistance of counsel based on the allegations listed in his application.

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 his or her 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

[1] Burglary in the First Degree is a "felony punishable by life imprisonment. For purposes of this section, "life" means until death. The court, in its discretion, may sentence the defendant to a term of not less than fifteen years." S.C. CODE ANN. § 16–11–311 (1995).

(2003).

The Applicant testified he was represented by James Bell, Esquire. The Applicant testified counsel did not build a defense for trial and did not visit or consult with him prior to trial. The Applicant testified he learned counsel represented him at roll call. He testified he was in the county jail for fourteen (14) months, during which time counsel never consulted with him, met with him only one (1) time, and never gave him the opportunity to explain anything to him. He testified counsel's performance was poor and counsel never consulted with his family.

The Applicant further testified he was told by counsel that his plea was for a negotiated sentence of fifteen (15) years. The Applicant testified he initially did not want to accept the plea, but after trial started and his bond was revoked he decided to accept the plea offer. He testified further he thought that he would receive a fifteen (15) year sentence. The Applicant testified he knew the potential sentence he was facing before speaking with counsel but that counsel advised him to take and promised he would receive the fifteen (15) year plea negotiation. The Applicant further testified he recalls the Court stating during his guilty plea that there were no negotiations. He also recalled the Court advising him of the potential sentence and that his plea would be straight up.

Plea counsel, James Bell, Esquire testified that he has been practicing law since 1994 for nineteen (19) years, of which he spent twelve (12) years practicing criminal law. Counsel testified originally another attorney represented the Applicant and that there was some delay not exceeding a few weeks between the relief of the Applicant's former attorney and counsel's appointment. Counsel testified he was appointed approximately six (6) months prior to the guilty plea. Counsel testified that when the Applicant bonded out of jail he never called his office to schedule any appointments to discuss the case. Counsel testified that once the Applicant's

3/4/13

bond was revoked he had the opportunity to go over everything with him. Counsel testified further the Applicant never provided him any witnesses or issues to investigate prior to trial. Counsel testified it may have been beneficial for him to speak with the Applicant's family, but he does not usually consult with his clients' family members.

Counsel testified he met with the Applicant during his incarceration, reviewed all discovery with him, discussed his constitutional rights, range of penalty, the elements of the charges he was facing, and what the State was required to prove. Counsel testified he discussed with the Applicant his version of the facts and possible defenses. Counsel testified he discussed mere presence with the Applicant, but thought it was an imperfect defense because the Applicant had made statements admitting his presence at the scene. Additionally, detectives recovered distinctive gloves, an ID, and a library card outside the victim's home that could link the Applicant to the scene of the crime. Although Counsel would have challenged the veracity of the statements noted in the police report, the police's audio tape recording was completely inaudible. Therefore, Counsel testified, the Applicant had no other viable defenses.

Counsel testified that, although the former public defender filed Brady and Rule 5 motions on the Applicant's behalf, counsel's investigation of the Applicant's case entailed review of the discovery file, including all police reports and witness statements. Counsel testified he did not see anything else to investigate other than going to the scene of the burglary. Counsel testified he entered into plea negotiations with the State and the Applicant was offered a fifteen (15) year plea. He testified he conveyed this offer to the Applicant, who thereafter rejected the plea offer. He testified he told the Applicant if he rejected the offer and a jury was selected and sworn, all plea offers would no longer be available and would be "off the table." He further testified that the Applicant understood the consequences of rejecting the plea offer.

Counsel testified he had enough time to discuss the case with the Applicant to be prepared for trial. Counsel testified he was prepared for trial. He further testified that it was his recollection that he had met with the Applicant two (2) times. He testified that he remembered the case being continued on one occasion and then tried one (1) month later. He further testified they proceeded to trial, picked a jury, and when they returned the second day of trial, the Applicant decided to plead guilty. He testified that prior to trial, he explained to the Applicant that all deals were off the table, the plea was not negotiated, and the State would make no recommendations as to his sentence. He testified he explained to the Applicant the concept of an open plea, which the Applicant understood, and told him that he would ask the Court for the fifteen (15) year minimum sentence. Counsel testified he informed the Applicant of the consequences of pleading guilty and advised him of his constitutional rights. Counsel testified it was the Applicant's decision to plead guilty. He testified the Applicant never indicated he did not understand anything during the plea proceedings. He testified there appeared to be a discrepancy on the sentencing sheet that he did not discuss with the Applicant because Judge Dennis corrected the sentencing sheet and asked the Applicant additional questions to make sure he understood the difference between a negotiated and straight up sentence. (Tr. 4:3–5:23).

Counsel testified he did not file an appeal on the Applicant's behalf. He testified that, although it is his ordinary practice to advise his clients of their appeal rights and file a notice of appeal, if taken, he did not recall the Applicant requesting an appeal. He testified that nothing about the guilty plea would constitute an appealable issue.

Ineffective Assistance of Counsel

The Applicant alleges that he received ineffective assistance of counsel. In a post-conviction relief action, the applicant has the burden of proving the allegations in the application

by a preponderance of the evidence. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v. Martin, 278 S.C. 620, 622, 300 S.E.2d 482, 483 (1983)). Where the Applicant alleges ineffective assistance of counsel 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, 686, 104 S. Ct. 2052, 2064 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 686, 104 S. Ct. at 2064).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. See Strickland at 690, 104 S. Ct. at 2066. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. See id. The applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

Courts use a two-pronged test to evaluate allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. See id. at 117–18, 386 S.E.2d at 625. Under this prong, attorney performance is measured by its "'reasonableness under prevailing professional norms.'" Id. at 117, 386 S.E.2d at 625 (citing Strickland, 466 U.S. at 668, 104 S. Ct. at 2052). 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.'" Id. at 117–18, 386 S.E.2d at 625 (citing Strickland, 466 U.S. at 694, 104 S. Ct. at 2068). "A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland, 466 U.S. at 694, 104 S. Ct. at

2068). When there has been a guilty plea, the applicant must prove that counsel's representation was below the standard of reasonableness and that, but for counsel's unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 52, 106 S. Ct. 366, 366 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citing Lockhart, 474 U.S. at 52, 106 S. Ct. at 366; Jackson v. State, 342 S.C 95, 535 S.E.2d 926 (2000); Thompson v. State, 340 S.C. 112, 531 S.E.2d 294 (2000); Rayford v. State, 314 S.C. 46, 443 S.E.2d 805 (1994)).

To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238, 243-44, 89 S. Ct. 1709, 1712 (1969); Dover v. State, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991) (citing State v. Hazel, 275 S.C. 392, 394, 271 S.E.2d 602, 602 (1980)). When determining issues relating to guilty pleas, the court will consider the entire record, including the transcript of the guilty plea, and the evidence presented at the post-conviction relief hearing. Rolen v. State, 384 S.C. 409, 413, 683 S.E.2d 471, 474 (2009) (citing Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 650 (2000)). See Harres v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984)). When a defendant pleads guilty on the advice of counsel, the plea may be attacked through only a claim of ineffective assistance of counsel. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2002) (citing Al-Shabazz v. State, 338 S.C. 354, 363–64, 527 S.E.2d 742, 747 (1999)).

This Court finds that Counsel was not ineffective. Counsel properly advised the Applicant of the consequences of his guilty plea. This Court finds the Applicant's testimony that Counsel told him he would receive a fifteen (15) year sentence if he pled guilty after the commencement of trial is not credible. This Court finds credible Counsel's testimony that the Applicant rejected the State's initial plea offer of fifteen (15) years prior to trial. This Court also

finds credible Counsel's testimony that he discussed with the Applicant that all offers would be "off the table" if he proceeded to trial and that he discussed with the Applicant that any plea would be straight up and without recommendation or negotiation.

This Court finds that Counsel is a trial practitioner who has extensive experience in the trial of serious offenses. Counsel conferred with the Applicant. During his conference with the Applicant, Counsel discussed the pending charges, range of penalty, the elements of the charge and what the State was required to prove, the Applicant's constitutional rights, the Applicant's version of the facts, and possible defenses or lack thereof. The Applicant acknowledged that he was guilty of Burglary. (Tr. 16:17–20). The record reflects the Court advised the Applicant of the range of penalty and the potential sentence he was facing. (Tr. 5:24–6:3), his right to a jury trial (Tr. 7:15–18), his right to remain silent (Tr. 8:8–17), and his right to confront witnesses against him. (Tr. 7:19–8:7). The Applicant told the Court that he was not under the influence of alcohol or any medications that would impair his capacity to understand the plea proceedings, nor was he overcome by any mental illnesses or emotional problems that would affect his analytical and decision making skills. (Tr. 8:18–10:14). The Applicant told the Court that he was not promised anything or threatened in any way to plead guilty. (Tr. 16:14–16). Although the Applicant indicated that he was not entirely satisfied with his attorney, after extensive questioning, the Court deduced that the Applicant was merely unhappy with his situation and could not articulate any specific complaints about his attorney's services. (Tr. 10:15–14:19; 24:11–13). After a full discussion with the Court, the Applicant clearly understood that he was not entering into a negotiated plea. (Tr. 4:1–5:25).

This Court finds and the record reflects the Applicant's guilty plea was entered freely, voluntarily, intelligently, and with a full knowledge of the consequences of the guilty plea. (Tr.

24:8–17). The record reflects the Applicant was advised by the Court that his plea was straight up and without negotiation. (Tr. 4:3–5:23). There appeared to be some discrepancy on the Applicant's sentencing sheet about whether the plea was with or without negotiation, but, ultimately the Applicant was made aware by the Court that there was an error on the sentencing sheet and that he would be pleading without negotiation or recommendation. (Tr. 5:13–23). The Applicant was then advised of the possible sentence he was facing. (Tr. 5:24–6:3). This Court finds the Applicant failed to carry his burden of proving Counsel was ineffective and that his claim is without merit.

This Court finds that trial counsel was not ineffective for failing to conduct a thorough investigation of the case. "'[C]riminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case.'" Walker v. State, 397 S.C. 226, 235, 723 S.E.2d 610, 615 (Ct. App. 2012) (citing Edwards v. State, 392 S.C. 449, 710 S.E.2d 60, 64 (2011)). "Failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to result." Porter v. State, 368 S.C. 378, 385–86, 629 S.E.2d 353, 357 (2006) (citing Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998)). In any ineffectiveness case, "'a particular decision not to investigate must be directly assessed for reasonableness in all the circumstances, applying a heavy measure of deference to counsel's judgments.'" Wiggins v. Smith, 539 U.S. 510, 521–22, 123 S. Ct. 2527, 2535 (2003) (quoting Strickland, 466 U.S. at 690–91, 104 S. Ct. at 2066).

This Court finds Counsel adequately investigated the Applicant's case prior to trial. This Court finds counsel provided credible testimony that he reviewed the police reports and witness

9/9/13

statements in the Applicant's case and saw no need for further investigation. This Court also finds the Applicant has failed to show what counsel would have discovered had he investigated the case further. Counsel testified that the Applicant's defense would have only "possibly" benefitted by Counsel's discussing the case with the Applicant's family and only if his family could have offered Counsel any leads. This Court finds this allegation is supported only by mere speculation as to result and is wholly without merit. This Court finds the Applicant has failed to carry his burden of proving Counsel was ineffective for failing to investigate.

This Court finds that Counsel was not ineffective for failing to inform the Applicant of possible defenses. This Court finds Counsel provided credible testimony that he discussed mere presence as a possible defense with the Applicant and the lack of any other defenses. This Court finds the Applicant also failed to show how Counsel's alleged failure to advise him of possible defenses affected his decision to plead guilty. This Court finds Counsel properly advised the Applicant on all possible defenses prior to trial. This Court finds that this allegation is without merit and the Applicant has failed to carry his burden of proving Counsel failed to inform him of possible defenses.

This Court finds that Counsel was not ineffective for failing to file a notice of appeal of the Applicant's guilty plea. The United States Supreme Court has rejected a "bright-line rule that counsel must always consult with the defendant regarding an appeal." Roe v. Flores-Ortega, 528 U.S. 470, 480, 120 S. Ct. 1029, 1036 (2000). The Court instead held that "counsel has a constitutionally imposed duty to consult with the defendant about an appeal when there is reason to think either (1) that a rational defendant would want to appeal (for example, because there are non-frivolous grounds for appeal), or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing." Id. "[A]lthough not determinative, a highly

 10/04/13

relevant factor in this inquiry will be whether the conviction follows a trial or a guilty plea, both because a guilty plea reduces the scope of potentially appealable issues and because such a plea may indicate that the defendant seeks an end to judicial proceedings." Id.

This Court finds that this allegation is without merit and the Applicant has failed to carry his burden of proving trial counsel failed to file an appeal on his behalf. The Applicant provided no evidence that the Applicant requested an appeal from Counsel after his guilty plea. Counsel provided credible testimony that it was his general practice to advise his clients of his right to appeal and that had the Applicant requested, Counsel would have filed a notice of appeal on his behalf. This Court also finds there is no evidence that a rational defendant would want to appeal or that the Applicant indicated he wanted to appeal the guilty plea. This Court finds this allegation is without merit and the Applicant has failed to carry his burden of proving Counsel was ineffective for failing to file a notice of appeal on the Applicant's behalf.

Regarding the Applicant's claims of ineffective assistance of counsel, this Court finds the Applicant has failed to meet his burden of proof. This Court finds Counsel's testimony credible and the Applicant's testimony not credible. This Court finds that the Applicant's attorney demonstrated the normal degree of skill, knowledge, professional judgment, and representation that are expected of an attorney who practices criminal law in South Carolina. State v. Pendergrass, 270 S.C. 1, 5, 239 S.E.2d 750, 752 (1977); Strickland, 466 U.S. at 687–88, 104 S. Ct. 2052, 2064–65; Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 687–88, 104 S. Ct. at 2064–65, Turner v. Bass, 753 F.2d 342, 348 (4th Cir. 1985), *rev'd on other grounds*, Turner v. Murray, 106 S. Ct. 1683 (1986); Marzullo v. Maryland, 561 F.2d 540, 543 (4th Cir. 1977)). This Court further finds Counsel adequately conferred with the Applicant, conducted a proper investigation, and was thoroughly competent in his representation. This

Court finds that Counsel's representation did not fall below an objective standard of reasonableness.

Ultimately, this Court finds the Applicant had a full understanding of the consequences of his guilty plea at the time of the plea proceeding. Therefore, this Court finds that this allegation is without merit and the Applicant has failed to carry his burden of proving his guilty plea was not entered freely and voluntarily. Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test specifically that Counsel failed to render reasonably effective assistance under prevailing professional norms. See Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (citing Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). The Applicant failed to present specific and compelling evidence that Counsel committed either errors or omissions in his representation of the Applicant. The Applicant failed to show that Counsel's performance was deficient. Therefore, this Court need not address whether the Applicant was prejudiced by Counsel's representation. See id. The Applicant's complaints concerning Counsel's performance are without merit and are denied and dismissed.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds the Applicant waived such allegations and failed to meet his burden of proof. Therefore, all allegations are hereby denied and dismissed.

CONCLUSION

Based on the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations occurring before or during his guilty plea and

 12/2/13

sentencing proceedings. Counsel was not deficient in any manner, nor was the Applicant prejudiced by Counsel's representation. Therefore, this application for PCR must be denied and dismissed with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of written notice of entry of this Order to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely served and filed.

IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be denied and dismissed with prejudice; and

2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 6th day of November, 2013

D. L. Jefferson

The Honorable Deadra L. Jefferson
Presiding Judge

Charleston, South Carolina.
At Chambers

13013

THE BROOKS LAW OFFICES, LLC
309 BROAD STREET
P.O. BOX 3512
SUMTER, S.C. 29151

South Carolina Supreme Court
PO Box 11330
Columbia, SC 29211