STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO DORCHESTER COUNTY
Court of Common Pleas
The Honorable Carmen T. Mullen, Circuit Court Judge

Appellate Case No. 2013-002130

BRYAN L. MULLIGAN,.....RESPONDENT,

v.

STATE OF SOUTH CAROLINA,..... PETITIONER.

PETITION FOR WRIT OF CERTIORARI

ALAN WILSON
Attorney General

MEGAN E. HARRIGAN
Assistant Attorney General
S.C. Bar No. 100108

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

ATTORNEYS FOR RESPONDENT

TABLE OF CONTENTS

QUESTIONS PRESENTED

I. **Did the post-conviction relief court err in its determination that Counsel was ineffective during sentencing, where Respondent failed to establish deficiency or any resulting prejudice?**

STATEMENT OF THE CASE

Respondent was indicted by the Dorchester County Grand Jury for one count of Assault and Battery of a High and Aggravated Nature (2008-GS-18-1107), one count of Possession of a Weapon during the Commission of a Violent Crime (2008-GS-18-1109), two counts of Armed Robbery (2008-GS-18-1121, -1112), and three counts of Kidnapping (2008-GS-18-2008-GS-18-1108, -1120, -1113). Respondent was also indicted by the Charleston County Grand Jury for three counts of Kidnapping (2001-GS-10-8072, -8127, -8137), two counts of Armed Robbery (2008-GS-10-8126, -8141), one count Attempted Armed Robbery (2008-GS-10-8073), and one count of Criminal Sexual Conduct in the First Degree (2008-GS-10-8135)[1]. Applicant retained Andrew J. Savage, III, Esquire (hereafter "Counsel") to represent him.

On February 2, 2010, Respondent, alongside his two co-defendants, appeared before the Honorable Roger M. Young, Sr., in Charleston County, where he waived any and all jurisdictional issues regarding the Dorchester County charges and pled guilty as indicted to all charges. Additionally, ten related charges were dismissed pursuant to the plea negotiations with the State. Judge Young sentenced Respondent to an aggregate term of thirty years imprisonment for all charges. Respondent did not appeal his guilty plea or sentences.

Thereafter, Respondent filed an application for post-conviction relief on July 20, 2011, only challenging his Dorchester County convictions (C.A. No. 2011-CP-18-1416). Petitioner filed its Return on October 18, 2011, requesting an evidentiary hearing be held. On October 30, 2012, Respondent filed an amended application through his counsel, Tara D. Shurling, challenging the additional charges from Charleston County. Applicant's specific allegations for post-conviction relief that were set forth in his amended application were:

[1] All charges stem from a string of armed robberies in the North Charleston area spanning both Dorchester and Charleston Counties.

1) Trial Counsel failed to give Applicant adequate legal advice prior to the Applicant's guilty plea proceeding by failing to advise Applicant of the potential consequences of delaying cooperation with the State and/or delaying the acceptance of a plea bargain until after the discovery process was complete. Applicant alleges that this negatively impacted his ability to optimize the benefits available to him through plea negotiations with the State; and

2) Trial Counsel was ineffective for neglecting to adequately explain the law of accomplice liability to the Applicant as it applied to the charge of Criminal Sexual Conduct in the First Degree.

An evidentiary hearing into the matter was convened on November 1, 2012, at the Dorchester County Courthouse. Respondent was present at the hearing and was represented by Tara D. Shurling, Esquire. Petitioner was represented by Assistant Attorney General Megan E. Harrigan and Senior Assistant Deputy Attorney General Salley W. Elliott of the South Carolina Attorney General's Office. At the hearing, the Court heard testimony from Counsel.

Following Counsel's testimony, Respondent orally moved to amend his application with the new allegation that Counsel was ineffective for failing to object to the plea court's comments during sentence and requested the Court grant him a new sentencing hearing; Respondent abandoned all other allegations and his original prayer for relief – new trial. At the conclusion of the hearing, the post-conviction relief court left the record open to allow additional testimony from Counsel regarding this late amendment and new prayer for relief. A deposition of Counsel was taken on January 25, 2013, in Charleston, South Carolina.

Subsequently, the post-conviction relief court instructed counsel for Applicant to prepare a proposed Order Granting Resentencing. This Order was signed August 1, 2013 and filed on August 6, 2013. Petitioner received a copy of the Order on August 12, 2013. Petitioner filed a Motion to Alter or Amend a Judgment Pursuant to Rule 59(e), SCRCP, asking the court to enter

an Order denying Respondent relief. The post-conviction relief court denied Petitioner's motion to reconsider by Form 4 filed on September 19, 2013.

This Petition follows.

STANDARD OF REVIEW

The reviewing court may reverse the post-conviction relief court's factual findings where the record lacks "any evidence of probative value" to sustain such findings. See Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007); Brown v. State, 340 S.C. 590, 594, 533 S.E.2d 308, 310 (2000) (citing Holland v. State, 322 S.C. 111, 470 S.E.2d 378 (1996) ("[A] PCR judge's findings should not be upheld if there is no probative evidence to support them")).

In a post-conviction relief proceeding, an applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, an 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 (1984); Butler, Id.

The proper measure of performance is whether an 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. Strickland; Id. An applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624.

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the petitioner must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, *citing* Strickland. Second, counsel's deficient performance must have prejudiced the petitioner 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.

Where there has been a guilty plea, the petitioner must prove prejudice by showing that, but for counsel's errors, there is a reasonable probability he would not have pled guilty and instead would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985); Hyman v. State, 397 S.C. 35, 723 S.E.2d 375 (2012); Holden v. State, 393 S.C. 565, 713 S.E.2d 611 (2011); Rolen v. State, 384 S.C. 409, 683 S.E.2d 471 (2009).

ARGUMENT

I. The post-conviction relief court erred in its determination that Counsel was ineffective during sentencing, where Respondent failed to establish deficiency or any resulting prejudice.

The post-conviction relief court erred in its grant of post-conviction relief to Respondent, where Respondent failed to meet his burden as set forth in Strickland v. Washington, 466 U.S. 668 (1984). Under Strickland, an applicant must first prove that counsel's performance was deficient as measured by its "reasonableness under professional norms." Id. Second, an applicant must establish that counsel's deficient performance 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. With respect to guilty plea counsel, an applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985). Respondent failed to carry his burden in regards to each prong of Strickland.

A. Respondent failed to establish any deficiency of Counsel during his sentencing proceeding.

In the Order, the post-conviction relief court improperly found that Counsel was "deficient for failing to object to the Court holding the Applicant's exercise of his right to see all the discovery materials in this case before accepting a plea agreement against him in determining the appropriate sentences on his charges." Additionally, in its Order, the post-conviction relief court found that Counsel was deficient "for failing to point out to the sentencing judge that there was in fact no evidence supporting the conclusion that Applicant was the ***'active participant'*** in the sexual battery other than the self-serving statements of the co-defendants in this case. (emphasis in Order). Petitioner asserts that Respondent has failed to establish that Counsel's

performance fell below a standard of "reasonableness under professional norms." Strickland, 466 U.S. 668.

During the sentencing portion of Respondent's guilty plea proceeding, Counsel explained to the plea court that any delay in Respondent's plea was not of respondent's own making, but rather waiting on the DNA results from the State:

> THE [PLEA] COURT: I want to hear the package, but none of the guys should expect to walk out of here with 30 years, but to the extent that it is anything less than that, well, I take into consideration that Mr. Monroe and Mr. Larkin were first on board with cooperating and that, you know, had some, you know, factor in making the State's investigation easier, which then they were able to present to Mulligan with this is it, pal. We're going to trial and we're going to conviction you and we're going to ask fort a lot more time than you get if you went to plead guilty. So, you know, maybe they deserve a little bit of credit for this.
>
> ***MR. SAVAGE: Your Honor, may I be heard on that?***
>
> THE COURT: Yeah.
>
> MR. SAVAGE: Mr. Mulligan turned himself in.
>
> THE COURT: I understand that.
>
> MR. SAVAGE: He was not caught red handed like his codefendant with the guns.
>
> THE COURT: I figured that, and I knew you would jump on that. There was not a full confession.
>
> ***MR. SAVAGE: [Mulligan] did not delay the plea from October. The reason the plea was delayed was because - - -***
>
> ***THE COURT: You were waiting on DNA. I understand that . . .***

App. p 50 ln.14 – p. 51 ln. 15. The above exchange clearly shows that Counsel actively took steps to correct any misstatements regarding the delay. Additionally, the plea court clearly understood that Applicant's plea was delayed through no fault of his own and was waiting on full

discovery before entering his guilty plea. Counsel testified numerous times at the evidentiary hearing that he actively interjected and tried to ensure that the plea court understood that any delay was not of Respondent's making App. p. 90 lns. 8-18. Additionally, the plea court's comments above show that it fully understood the delay was due to lagging DNA results, not any delay of Respondent. Counsel's performance was not deficient.

Additionally, during the post-conviction relief hearing, Counsel testified that the plea court was aware that there was no DNA evidence implicating Respondent as the active participant in the Criminal Sexual Conduct charge:

> Q [APPLICANT'S COUNSEL]: On line 14 of page 51, Andy, Mr. Savage, it says you were waiting on DNA. To your knowledge, do you have any reason to believe that Judge Young had been made aware of the results of the DNA test? I mean, there is nothing in the record about it, but do you have any knowledge about Judge Young being made aware of the results of the DNA test?
>
> A [COUNSEL]: I have no idea. I have no idea what he knew or didn't know. I know that he knew it was an issue. ***I know he knew that if the State didn't say the DNA came back positive and it was Bryan Mulligan's, I mean, common sense would tell if you they had that that would have been brought to hamper Bryan or whoever's DNA it was.***

App. p. 104 ln. 23 – p. 105 ln. 11. Counsel testified that the plea court was well aware DNA testing had been performed and that the only logical and rational conclusion to be drawn from State's omission of DNA evidence was that the DNA testing was inconclusive and did not implicate, or exonerate, Applicant or either co-defendant. Counsel was not deficient for pointing out something that was obvious by reasonable inference. Counsel testified similarly at his deposition:

> Q [APPLICANT'S COUNSEL]: And my question is once the judge interjected in sentencing that in his mind the big differentiator between your client and the other two was that everything pointed to Mulligan as being the active participant and

being involved in a physical sense, why did you not feel it necessary and appropriate to point out to the judge that, Your Honor, the only thing that says that it was Bryan Mulligan and not one of the others is their word against his?

A [COUNSEL]: Why didn't I say that?

Q: Why didn't you point that out before His Honor decided on the final sentence?

A: ***It was pretty clear. I don't think I had to point out the obvious***. The whole idea behind getting the DNA was to get some objective testimony. ***I don't think anybody involved in the case thought otherwise and that it was the two codefendants. It wasn't something that needed to be pointed out.***

Q: Weren't you concerned based on His Honor's comments on the record that somehow he had been given the impression that all of the evidence and that being an undefined term, everything points that your client, that there was some misconception on the judge's part that there was some evidence other than codefendant testimony?

A: ***No.*** There wasn't any evidence of any other testimony or, you know, witnesses. There was no testimony there.

Q: I understand that you knew, but my question is didn't His Honor's comments give you reason to be concerned that somehow he either had arrived at an erroneous conclusion or had been given from some source an erroneous impression that there was evidence other than the codefendant's statement pointing to your client's physical culpability?

A: ***No, I don't think there was any misconstruing that.*** I think the judge made the decision. That was the decision that he was going to give, and that's the basis for the decision. I mean, ***it is evidence. It is competent evidence.*** We didn't have an opportunity to cross-examine him, but ***I think that the Court knew full well that the whole sex act hinged on the codefendants' statement.*** There wasn't anything else.

App. p. 269 ln. 14 – p. 271 ln. 11. Counsel testimony reveals that it was known to the plea court and all parties involved that the co-defendants' statements were the evidence which implicated Respondent as the active participant in the Criminal Sexual Conduct charge. Counsel cannot be

deficient for failing to interrupt the plea court to state something that is readily apparent to all participants in the proceeding.

Additionally, Counsel testified that he actively contested the plea court's assertion that Respondent was the more culpable party in comparison to his two co-defendants. App. p. 98 lines 8-18. At the evidentiary hearing, counsel testified:

> Q [APPLICANT'S COUNSEL]: But my question is, if you were doing such a plea, could you not have put on the record that your client had consistently denied and sexual, physical contact with the victim and that he was pleading only to the theory of accomplice liability, that he was pleading only based on the State's theory that he was equally responsible for it because he was there and witnessed it as opposed to pleading because he admitted being a physical participant? Couldn't you have put that on the record at the plea?
>
> A [COUNSEL]: ***But he didn't. He didn't say somebody else had oral sex with her. He said it didn't happen.*** That's what he was telling me. He said, I don't know anything about this.
>
> Q: All right. So couldn't you have put on the record that he was pleading guilty in recognition of the State's theory of accomplice liability but that he was not acquiescing to the allegation that he had physically sexually assaulted the woman?
>
> A: No, I don't do that. I'm pretty straight up with the Court what we're doing, why we're doing it. ***I always encourage a client, don't go in and make excuses.*** If he's pleading guilty, he's pleading guilty, and that has to be a clean, sterile guilty plea.

App. p. 133 ln. 5- p. 134 ln. 3. Counsel's testimony reveals that Respondent informed his counsel that the sex act never occurred, not that he only witnessed the act. This is an important distinction, because all other witnesses involved, including the victims, testified that the sex act did occur. Both co-defendants identified Respondent as the perpetrator, while Respondent denied that the act ever took place. Counsel testified that he did not object to say that his client

was only a passive observer because this was not congruent with what his client had informed him. Counsel was not deficient in this regard.

The record and Counsel's testimony show that he actively tried to contest the plea court's comments during sentencing and was abruptly stopped by the plea court. Counsel testified at the evidentiary hearing:

> Q [APPLICANT'S COUNSEL]: Okay, And I believe you may have answered this already, but when the judge, to our mind, your mind, and mine, incorrectly said that everything pointed out Bryan Mulligan as the active participant in the criminal sexual conduct charge, why didn't you point out, Your Honor, there is no evidence other than the codefendants' statement, that the victim didn't ID him, and the DNA results, as Your Honor knows, do not tie my client to that assault? Because, as read, it appears that the judge thinks –
>
> A [COUNSEL]: Have you read page 51?
>
> Q: Many, many times.
>
> A: Well, when he said that, I come back and I said, Well, the other guy is getting caught red handed. Bryan turned himself in there. I don't remember whether I reflected there he was interviewed by the FBI at that time. He was not caught red-handed like his codefendant with the guns. The Court says, I figured that, and I knew you would jump on it. ***You can tell the tone of the Court at that time.*** There was not a full confession. He's blaming me that the – you know, he's telling me that Bryan didn't immediately make a full confession. Well, there is a Fifth Amendment right, even in Charleston County. He didn't – I say he did not delay the plea from October. The reason he plea was delayed is – ***he cuts me off. Now, maybe the inference and the tone of the Court is not reflected in the transcript, but when I started making an explanation for his situation, not an excuse for his conduct, but an explanation of what happened, [the plea court] didn't want any part of it.***

App. p. 141 ln. 15 – p. 142 ln. 21. Counsel testified that he tried to interject during the plea court's sentencing colloquy, but was cut off by the Court. Counsel's testimony is that the Court was getting agitated with him (and possibly his client) at this time, and Counsel made the

decision, based on decades of criminal law experience, not to interrupt the Court further, especially considering that the plea was a "straight-up plea" with no assurance that the plea court would give Respondent concurrent sentences. Additionally, Counsel testified that it was a strategic decision not to further challenge the plea court:

> Q [ASSISTANT ATTORNEY GENERAL]: Would you say it was a strategic decision not to interrupt Judge Young an additional time during his comments directly before sentencing?
>
> A [COUNSEL]: I don't remember the particulars of it, but ***I know that I made my position pretty clear. What the transcript doesn't reveal in any of these cases is the nonverbal communications between the Court and the defendant or the Court and defense counsel. It was clear to me that I was on the verge of going too far with the Court in terms of arguing with the Court. No Court likes you to argue with them once they have made a decision. I think the Court probably made this decision and my arguments didn't really have an impact on him at all.***

App. p. 264 ln. 5 – p. 266 ln. 2. Counsel testified that he made a strategic decision not to interrupt the Court further, citing that he was "on the verge of going too far." See Edwards v. State, 392 S.C. 449, 456-57, 710 S.E.2d 60, 64 (2011) ("[W]hen counsel articulates a valid reason for employing a certain strategy, such conduct generally will not be deemed ineffective assistance of counsel. The validity of counsel's strategy is viewed under an 'objective standard of reasonableness.'" Lounds v. State, 380 S.C. 454, 462, 670 S.E.2d 646, 650 (2008). The United States Supreme Court has cautioned that "every effort be made to eliminate the distorting effects of hindsight" and evaluate counsel's decisions at the time they were made. Strickland, 466 U.S. at 689. Counsel testified several times that the plea was "straight-up" without a negotiation or recommendation for concurrent time. App. 123 p. 46 ln. 21 – p. 124 ln. 7. It was reasonable for Counsel to make such a strategic decision when his client was not bound by any plea negotiation and was wholly at the mercy of the plea court. Additionally, a review of the rest of the plea

transcript shows that the plea court did not give Counsel, or any other party, an opportunity to be heard for the remainder of the proceeding. App. pp. 51 – 53.

Furthermore, the post-conviction relief court's finding that the co-defendant's statements were the only evidence. During the guilty plea proceeding, Milton Stratos, Counsel for Co-Defendant Joshua Monroe, stated: "I also want to bring out the fact that there are two individuals here that are involved in the most heinous of the crime here, and that is the sexual assault upon that little girl, and that shakes the ground of all of us that stand on it, but I'm here to tell you, that albeit they were involved in that, ***they weren't the perpetrators, and that they should be given credit for that.*** And hand of one, hand of all, they were involved to the degree that they were there, but ***in watching the video, the individual was in the room was not them***, and I would ask the Court to consider that as well as when we're talking about how much of the youth of this child we are going to have to extract in order to impose retribution for the things that he's done." Tr. p. 38 lines 5-19. This portion of the guilty plea transcript reveals that there was a video of the incident giving rise to the Criminal Sexual Conduct charges, and co-defendants (and their counsel) argued to the plea court that the video supported co-defendants' assertions that Applicant was actively involved in the CSC. The finding that co-defendants' statements were the only evidence on which the plea court made its decision is incorrect.

Based on the foregoing, Respondent submits that Applicant has failed to meet his burden of establishing that Counsel was deficient during the sentencing phase of his guilty plea.

B. Applicant failed to establish any resulting prejudice.

In its Order, the post-conviction relief court found that a reasonable probability existed that the outcome of Respondent's sentencing would have been different had Counsel reminded the plea court that the delay in his plea was through no fault of his own and that the only

evidence that Respondent was the active participant in the Criminal Sexual Conduct were statements from his co-defendants. The post-conviction relief court erred, as Respondent failed meet his burden of showing prejudice from Counsel's alleged deficiencies. Counsel testified several times throughout the evidentiary hearing and deposition that Respondent was seeking a favorable plea offer from the beginning and did not want to go to trial. App. p. 30 lns. 14 – 24. Additionally, testimony from Counsel and the various exhibits entered into evidence, including both plea offers from the State and the email correspondence between Counsel and various members of the Ninth Circuit Solicitor's office, reveal that Respondent intended to plead guilty with full knowledge that the State refused to make a recommendation for concurrent sentences or a cap of thirty years. Testimony establishes that even once Counsel received assurances from the plea court that Respondent would receive concurrent sentences, effectively capping his exposure at thirty years imprisonment, Respondent still readily pled guilty. Respondent cannot prove prejudice from Counsel's alleged deficiencies when he intended to plead guilty regardless with a full understanding that he was facing a sentence of thirty years or more. See Thompson v. State, 30 S.C. 112, 531 S.E.2d 294 (2000) (holding that applicant established prejudice necessary for post-conviction relief stemming from counsel's failure to object during sentencing where he was unsure if he would pled guilty and was under the impression that the state would not make a sentencing request). As Respondent intended to reach an "acceptable resolution of this case from day one," he has failed to establish prejudice when he received a sentence that he was fully aware he would likely receive if he pled guilty.

Furthermore, Counsel testified that his associate visited with Respondent immediately following his guilty plea to inquire as to whether Respondent wanted to pursue an appeal or a motion to reconsider. Counsel testified that he believed the plea court was "wrong for a legal

reason" and that he "urged Bryan to file an appeal, which is highly unusual . . . in today's world in state court, from a guilty plea . . ." App. p. 91 line 25 – p. 92 line 5. Counsel testified that he was prepared to file the necessary affidavits to appeal a guilty plea on Respondent's behalf. App. p. 272. Counsel elaborated:

> "We discussed [whether to file an appeal or a motion to reconsider] in the office, and we thought that it would be - - what that would allow us to do is let everybody calm down. This was a pretty highly emotional case. You know, any sex case is a bit more emotional. This was a pretty violent act. Yeah, he had a very firm, he wanted to move on. He didn't want to - - he wanted to just go and do his time. We didn't think that it was the right answer, but that is the answer he gave us."

App. p. 273 ln. 22 – p. 2742 ln. 6. Based on the above, Respondent has failed to prove prejudice, where he voluntarily elected to forego the proper avenue for relief – an appeal or motion to reconsider, as the purported error was a legal one based on Counsel's testimony, not one of ineffective assistance of counsel.

CONCLUSION

For the reasons stated above, this Court should grant the Petition for Writ of Certiorari and reverse the post-conviction relief court's ruling. Should this Court grant Certiorari, the Respondent requests permission under the rules to brief the issues discussed above fully.

Respectfully submitted,

ALAN WILSON
Attorney General

MEGAN E. HARRIGAN
Assistant Attorney General
S.C. Bar No. 100108

By: Megan E. Harrigan
ATTORNEYS FOR THE RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

Jan. 2, 2014.

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Dorchester County
The Honorable Carmen T. Mullen, Circuit Court Judge
Appellate Case No. 2013-002130

BRYAN L. MULLIGAN, RESPONDENT,

v.

STATE OF SOUTH CAROLINA, PETITIONER.

PROOF OF SERVICE

I, Megan E. Harrigan, certify that I have served the within **Petition for Writ of Certiorari and Appendix** on Respondent by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Tara D. Shurling, Esquire
3614 Landmark Drive, Suite A
Columbia, SC 29204

I further certify that all parties required by Rule to be served have been served.

This 2nd day of January, 2014.

Megan E. Harrigan

MEGAN E. HARRIGAN
ASSISTANT ATTORNEY GENERAL

Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737

ALAN WILSON
ATTORNEY GENERAL

RECEIVED
JAN - 2 2014
S.C. Supreme Court

January 2, 2014

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: Bryan L. Mulligan v. State of South Carolina
Appellate Case No. 2013-002130

Dear Mr. Shearouse:

I am enclosing the original and six copies of the **Petition for Writ of Certiorari** and **Appendix** in the above case.

Sincerely,

Megan E. Harrigan

Megan E. Harrigan
Assistant Attorney General
S.C. Bar No. 100108

MEH
Enclosures

cc: Tara D. Shurling, Esquire
Trisha Allen, Victim Services