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STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

JAN - 3 2014

S.C. Supreme Court

CERTIORARI TO BAMBERG COUNTY
Court of Common Pleas

The Honorable R. Ferrell Cothran, Jr., Circuit Court Judge

JOHNNIE L. JONES, PETITIONER.

V.

STATE OF SOUTH CAROLINA, RESPONDENT,

**RETURN TO MOTION FOR APPOINTMENT OF OUTSIDE
COUNSEL**

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Deputy Attorney General

DANIEL GOURLEY
Assistant Attorney General

P.O. Box 11549
Columbia, S.C. 29211
(803) 734-3737

ATTORNEYS FOR RESPONDENT

STATEMENT OF THE CASE

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Bamberg County Clerk of Court. Applicant was indicted at the June 2007 term of the Bamberg County Grand Jury for Attempted Kidnapping (2007-GS-05-169) and Assault and Battery with Intent to Kill (2007-GS-05-168). On April 13, 2010, Applicant proceeded to a jury trial before The Honorable Doyet A. Early, III. Judge Early sentenced Applicant to a period of eighteen years confinement for Attempted Kidnapping and ten years for Assault and Battery of a High and Aggravated Nature, with the sentences to be served concurrently.

Applicant subsequently filed a Notice of Appeal and an appeal was perfected. On January 25, 2012, the South Carolina Court of Appeals affirmed the sentences and convictions and dismissed the Appeal. State v. Jones, No. 2012-UP-034 (Ct. App. January 25, 2012). The Remittitur was sent on February 14, 2012.

In his original and amended application for post-conviction relief, Applicant alleges he is being held in custody unlawfully based on the following allegations:

1. Ineffective Assistance of Counsel.
 - a. "Failing to object to the solicitor's improper closing that violated the golden rule and denied Petitioner his right to a fair trial."
 - b. "Failing to request the trial court instruct the jury on essential element of 'criminal intent,' which is an essential element of every common law offense."
 - c. "Lack of Chain of Custody"
 - d. "Solicitor misleading witness"
 - e. "Counsel never discussed plea bargain with Applicant."

Both Trial Counsel and Applicant testified at Applicant's PCR hearings. Applicant was represented at PCR by Charles T. Brooks, III. By order dated August 19, 2013, the Honorable R. Ferrell Cothran, Jr. denied and dismissed the application with

prejudice.

POSITION

Respondent is cognizant of Applicant's motion to appoint outside counsel to represent him on his PCR appeal. Respondent takes no position in this matter and leaves the decision whether to grant Applicant's request for appointment of outside counsel in this case in the sound discretion of this court.

Respectfully submitted,

ALAN WILSON
Attorney General

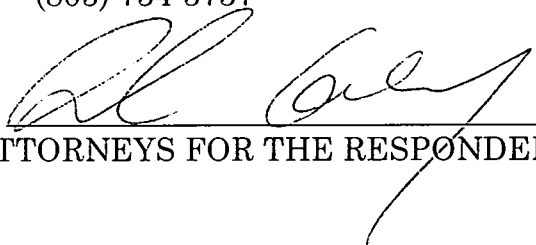
JOHN W. McINTOSH
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DANIEL GOURLEY
Assistant Attorney General

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Columbia, SC 29211
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By:


ATTORNEYS FOR THE RESPONDENT

Columbia, South Carolina
January 3, 2014

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Bamberg County

The Honorable R. Ferrell Cothran, Jr., Circuit Court Judge

JOHNNIE L. JONES,

PETITIONER,

v.

THE STATE OF SOUTH CAROLINA,

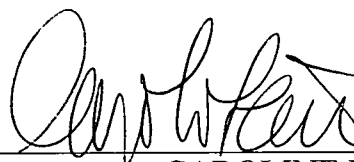
RESPONDENT.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Return to Motion for Appointment of Outside Counsel, has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

Appellate Defender Wanda H. Carter
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

This 3rd day of January, 2014



CAROLINE KAISER
LEGAL ASSISTANT



ALAN WILSON
ATTORNEY GENERAL

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S.C. Supreme Court

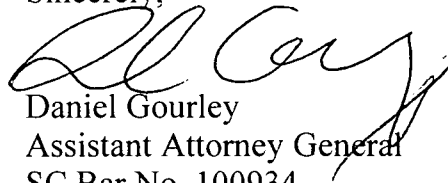
The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

Re: Johnnie L. Jones v. State of South Carolina
Appellate Case No. 2013-001888
Lower Court Case No. 2012-CP-05-077

Dear Mr. Shearouse:

Enclosed for filing are the original and six (6) copies of the Return to Motion for Appointment of Outside Counsel in the above-referenced case. By copy of this letter we are serving opposing counsel today.

Sincerely,


Daniel Gourley
Assistant Attorney General
SC Bar No. 100934

DG/ck

cc: Wanda H. Carter, Esquire