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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

On Petition for Writ of Certiorari to Lexington County
Honorable R. Knox McMahon, Trial Judge
Honorable Daniel M. Coble, Post-conviction Relief Judge

Appellate Case No. 2025–002129

Peter L. Coffey, #226897,

Petitioner,

v.

State of South Carolina,

Respondent.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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ARGUMENT

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PETITIONER'S STATEMENT OF THE ISSUES ON PETITION FOR CERTIORARI

Did the PCR judge err in refusing to find trial counsel ineffective for failing to object when the trial judge deprived the defense the right to present last argument by allowing the prosecution to present rebuttal closing argument when the defense offered no evidence or testimony at trial?

COUNTERSTATEMENT OF ISSUES ON PETITION FOR CERTIORARI

Whether the post-conviction relief court correctly determined Petitioner failed to establish the requisite prejudice necessary to reverse his conviction and grant him a new trial based on Trial Counsel's failure to object to the State's reply argument where it was a brief statement of the law repeated by the trial judge in his jury charges and where there is no reasonable probability that the outcome of Petitioner's trial would have been different had Trial Counsel objected.

STATEMENT OF THE CASE

Petitioner Peter L. Coffey is presently confined in the South Carolina Department of Corrections (SCDC). During its March 2018 term, the Lexington County Grand Jury indicted Petitioner for Murder (2018-GS-32-00943) and Criminal Sexual Conduct–First Degree (CSC) (2018-GS-32-00944). Benjamin A. Stitely (Trial Counsel) and Robert T. (Theo) Williams, Sr., Esquires, represented Petitioner. Deputy Solicitor David Shawn Graham and Assistant Solicitor Bradley Pogue of the Eleventh Circuit Solicitor's Office prosecuted the case.

On March 12–15, 2018, Petitioner proceeded to a jury trial before the Honorable R. Knox McMahon. The jury found Petitioner guilty as indicted. Judge McMahon sentenced Petitioner to life imprisonment for Murder and to 30 years for CSC First Degree, to run consecutively.

Petitioner filed a timely notice of appeal. On January 9, 2019, Appellate Defender David Alexander of the South Carolina Commission on Indigent Defense perfected Petitioner's appeal by filing an Anders[1] brief and raising the following sole issue:

> Whether the trial judge erred in refusing to allow appellant to cross-examine the victim's drug dealer about supplying her with crack two days before her body was found, where she had high levels of cocaine in her system and DNA evidence showed that other unknown persons might have committed this murder?

Petitioner filed a pro se brief in response. On June 17, 2020, the South Carolina Court of Appeals issued an unpublished per curiam opinion dismissing the appeal and granting appellate counsel's request to be relieved. State v. Coffey, 2020-UP-186 (S.C. Ct. App. filed June 17, 2020).

Petitioner filed a Petition for Writ of Certiorari, which the Supreme Court of South Carolina dismissed by an order. State v. Coffey, S.C. Sup. Ct. Order dated Oct. 20, 2020. On November 10, 2020, the Remittitur was returned to the lower court.

[1] Anders v. California, 386 U.S. 738 (1967).

On December 2, 2020, Petitioner filed an application for post-conviction relief. An evidentiary hearing into the matter was convened on March 3, 2025, at the Lexington County Courthouse before the Honorable Daniel M. Coble. Petitioner was present at the hearing and represented by Ola A. Johnson, Esquire. Senior Assistant Deputy Attorney General D. Russell Barlow, II, of the South Carolina Attorney General's Office represented Respondent. (App'x pp. 906–76). On September 24, 2025, Judge Coble denied Petitioner's post-conviction relief application with prejudice. (App'x pp. 977–1028).

On October 20, 2025, Petitioner filed a timely notice of appeal. On March 11, 2026, Petitioner filed his Petition for Writ of Certiorari and Appendix.

This Return to Petition for Writ of Certiorari follows.

STATEMENT OF FACTS

Carl Coleman (Carl) was good friends with Victim and Petitioner, the latter he had known for at least 20 years. (App'x pp. 672–73; p. 690). Petitioner was at Carl's house the night of Friday, August 7, 2015, wearing khaki shorts and brown Timberland boots. (App'x pp. 674–75; p. 678). Around 10:30 P.M. or 11:00 P.M., Petitioner, Carl, and Carl's cousin, Johnny Coleman (Johnny), went to Lil' Rock Sports Bar & Grill, a club in Swansea, South Carolina. (App'x pp. 676–77). Petitioner was horseplaying and having a good time, and no one got into a fight at the club. (App'x p. 677). The three left the club after around an hour and a half, and Johnny dropped Petitioner off at a Food Lion at 1:30 A.M. on Saturday, August 8, 2015, after Petitioner became aggressive with Johnny. (App'x p. 678; pp. 679–82; p. 713).

At some point that night, Petitioner asked to use Johnny's phone to call Victim, but Johnny refused. (App'x p. 712). At 1:59 A.M., Petitioner called Carl from Victim's phone, which Victim normally did not allow others to use, and told Carl he was at Victim's house and that Victim was in the shower. (App'x pp. 682–84). Petitioner was good friends with Victim. (App'x pp. 673). Victim was grieving her two deceased sons and treated Petitioner like a son—their relationship was strictly platonic and not at all sexual. (App'x p. 442–43; pp. 443–44; pp. 447–48; pp. 702–03).

Later that Saturday morning, Carl called Victim's phone at 8:47 A.M., and Petitioner returned the call on her phone a minute later and asked Carl to pick him up because Victim was asleep and did not want to give him a ride. (App'x pp. 684–87; p. 751). Carl agreed and picked up Petitioner around a quarter of a mile from Victim's house. (App'x pp. 686–87). Petitioner appeared to be wearing the same clothes as the night before. (App'x p. 687). After Carl brought Petitioner back to his house that morning, Carl's wife, Tammy Coleman (Tammy), noticed that

Petitioner was tired and fidgety and that his hands were red and bloody. (App'x pp. 704–05). Johnny also saw Petitioner that morning and noticed that Petitioner was quiet, walking around the yard, and had a cut on his hand. (App'x pp. 716–18). Johnny had not noticed any injuries to Petitioner's hands when they left Lil' Rock. (App'x pp. 712–13). Carl, Johnny, and Tammy all noticed injuries on Petitioner's hands that they had not noticed the night before, and when they asked about his injuries, Petitioner never said what happened. (App'x pp. 677–78; p. 689; pp. 703–04; pp. 705–06; p. 720).

On Sunday, August 9, 2015, Elizabeth Thompson (Thompson), Victim's close friend of 30 to 40 years, went to Victim's house with her fiancé after being contacted by Victim's upset mother. (App'x p. 422; p. 433). Thompson was also concerned because she could not reach Victim, which was unusual as they talked on the phone every day. (App'x p. 424; pp. 436–37). Victim lived by herself along with several dogs, including a Pit Bull, that would bite someone they did not know; however, her dogs were okay with Petitioner. (App'x p. 422; pp. 426–27; p. 442). Victim kept her house secure: Her windows were nailed down and doors bolt-locked[2], no one other than Victim had a key, and Victim would not open her door to a stranger at night or early in the morning while it was still dark out. (App'x pp. 437; p. 724; p. 726). Unable to enter Victim's house, Thompson's fiancé resorted to breaking out the window to Victim's bedroom where he saw Victim's body, prompting them to call 911. (App'x p. 435; pp. 438–41).

Law enforcement began establishing a crime scene and approached the broken window when one of Victim's dogs inside the house became territorial and protective. (App'x pp. 188–90). Being careful not to cause the dogs to disturb any evidence, law enforcement moved a curtain

[2] The back door had a bolt lock and a regular lock, and the front door had a padlock on it. (App'x pp. 446–47).

inside the window and noticed blood, Victim's body, and the smell of decomposition. (App'x p. 190). The window was the only point of access because the doors were locked and the front door was blocked on the inside by clutter. (App'x p. 191; p. 195–96). Law enforcement contacted animal control to help secure the dogs. (App'x p. 192). Law enforcement entered the residence by forcing the back door open and afterwards performed a protective sweep, finding only Victim and her three dogs. (App'x pp. 193–95). Law enforcement began processing the scene and found Victim lying on her bed with severe trauma to her face and clothed only in a ripped blue tank top that was pulled up, exposing her chest. (App'x pp. 240–42; pp. 257–58; p. 286).

Law enforcement found a pair of bloody blue Fruit of the Looms boxer shorts that had the crotch ripped out, a bloody sledgehammer, and two cell phones: a powered-off Tracfone and a powered-on black LG cell phone, the latter of which Petitioner used to call Carl. (App'x pp. 254–55; pp. 260–61; pp. 270–76; pp. 276–82; pp. 286–88; p. 328; pp. 744–46; p. 751). Law enforcement also discovered multiple red stains on the shower curtain and inside the shower. (App'x pp. 227–28).

Law enforcement went to Petitioner's residence on Monday, August 10, 2015, to speak with him after they obtained information that he knew Victim and may have recently been at her home and interacted with her. (App'x pp. 197–98; p. 346). Once inside, law enforcement discovered a pair of bloody khaki shorts and a pair of bloody Hanes boxer shorts inside a washing machine. (App'x p. 351; 354). The khaki shorts were the same pair Petitioner had been wearing Friday night. (App'x pp. 717–18). Law enforcement also found a pair of tan-colored Timberland boots with reddish-brown stains and a pair of white tube socks with brown stains. (App'x pp. 356–57). Law enforcement further found Petitioner's ID in a bedroom along with four cell phones, which had no batteries and were the only ones in the house. (App'x pp. 358–62).

Law enforcement observed and photographed several visible injuries on Petitioner: Petitioner had a laceration above his ring knuckle on his right hand, slight swelling and puffiness to his right hand, a laceration on his left middle finger, a piece of skin missing from his left thumb, three linear abrasions across the upper-middle area of the left side of his back, three linear abrasions descending the middle-lower area of the right side of his back, and a horizontal laceration across his back. (App'x pp. 364–71).

Dr. Janice Ross (Dr. Ross) performed Victim's autopsy on that same Monday. (App'x pp. 769–70). Dr. Ross observed multiple injuries to Victim's head and anus during the external examination. (App'x p. 770). Victim had no defensive wounds but had 21 or 22 injuries from blunt force trauma to her head and had skull fractures that required significant force consistent with hammer blows. (App'x pp. 772–75; pp. 788–89). The hammer blows would have caused Victim to become unconscious immediately after the first blow and die after a few minutes. (App'x pp. 791–92). Victim's anus had external swelling and reddening from a hemorrhage underneath the skin. (App'x p. 775). When collecting vaginal and rectal swabs, Dr. Ross inserted the Q-tips two to three inches inside the cavity then swabbed around and twisted the Q-tips; she observed blood on the rectal swab. (App'x pp. 776–77).

During the internal examination, Dr. Ross opened Victim's abdomen and discovered a large, free-lying cucumber on top of her intestines. (App'x p. 778). Victim's rectum was perforated ten centimeters above the anus, and the cucumber had traveled completely through the perforation. (App'x p. 779). The bruising on the anus was consistent with the cucumber being put inside Victim, and the force required to cause the cucumber to perforate the rectum wall would have been significant. (App'x pp. 779–80). The cucumber was inserted while Victim was still alive, either

right before or at the time of death, and Victim was deceased when the cucumber perforated the rectum because there was no hemorrhage inside the abdomen. (App'x pp. 790–91).

Before removing the cucumber from Victim's body, Dr. Ross did not observe any foreign substances, such as hair, on the cucumber. (App'x p. 780; pp. 781–82). Dr. Ross laid the cucumber on the white sheet used to help transport Victim in order to photograph the cucumber before placing it in a plastic bag. (App'x p. 781). Several pieces of hair, which were all Caucasian head hairs, were observed between Victim's body and where the cucumber was placed on the white sheet. (App'x p. 295–96; pp. 612–13; pp. 616–17). A syrupy-type substance was on one of the hairs. (App'x p. 496; pp. 548–50). There was hair all throughout Victim's house and on the white sheet. (App'x p. 295). The white sheets used to transport bodies, including Victim's, were not sterile and were kept in the possession of the transport company that supplied them. (App'x pp. 206–07). Dr. Ross testified that if the hairs were on the cucumber pre-insertion, they would not have survived the cucumber being inserted inside Victim and ending up in her abdominal cavity. (App'x pp. 780–81).

Dr. Gray Amick (Dr. Amick), the Lab Director of the Richland County Sheriff's Department, tested the evidence for DNA. (App'x pp. 508–56). The left Timberland boot tested negative for blood, but the right boot tested positive for blood, which did not match Petitioner and was inconclusive for Victim. (App'x pp. 539–40). Blood detected on a cutting of the blue patterned fitted sheet from Victim's bed matched Victim. (App'x pp. 544–46). The head and side of the sledgehammer tested positive for blood, which matched Victim. (App'x p. 546). Blood detected on the LG cell phone was a mixture, with Victim as the major contributor; the minor contributor was too weak to match. (App'x p. 553).

Blood was detected on the Hanes boxer shorts from Petitioner's house; both cuttings of the boxers were mixtures, with the main contributor being Victim and the minor contributor being too weak for matching. (App'x pp. 541–42). A scrapping of the waistband of the boxers for ownership revealed a mixture of two contributors; one contributor was 276 trillion times more probable that it matched with Petitioner than a coincidental match, and the other contributor was 2.3 quadrillion times more probable that it matched Victim than a coincidental match. (App'x pp. 542–43). The blood detected on the cuttings of the khaki shorts matched Victim. (App'x pp. 543–44). The blood detected on the cutting from the inside right back pocket of the khaki shorts was a mixture, with the major contributor matching Victim. (App'x p. 544). Testing of the waistband of the khaki shorts revealed a mixture, with the major contributor matching Petitioner and the minor contributor being too weak to match Petitioner or Victim. (App'x p. 544). The blood detected on the Fruit of the Loom boxer shorts from Victim's house matched Victim. (App'x p. 554).

The swabs of blood from the shower wall matched Victim. (App'x pp. 538–39). All four blood stain swabs taken from the shower curtain tested positive for blood with two matching Victim, one being a mixture with Victim being the major contributor and the minor contributor being too weak to match, and the other matching Petitioner and being 49 octillion times more likely than a match to an unrelated person, meaning that he was, in Dr. Amick's opinion, the source of the blood. (App'x p. 555; p. 602).

The vaginal swabs tested positive for seminal fluid, and no sperm cells were found; the oral swabs tested negative for seminal fluid, and no sperm cells were found; and the rectal swabs tested positive for seminal fluid, but no sperm cells were found. (App'x pp. 532–33). For the vaginal swabs, no Y-STR profile was obtained, and no DNA unlike that of Victim was obtained. (App'x pp. 534–35). For the rectal swabs, there was no DNA unlike that of Victim; however, for

the Y-STR profile, there was a match with the Y chromosome from the DNA profile obtained from the known sample of Petitioner with an upper 95 percentile confidence interval of 1 in 379 individuals. (App'x pp. 535–36).

No human DNA was found on one of the hairs found with the cucumber. (App'x p. 547). DNA testing of the substance found on the hairs revealed a mixture that excluded Victim and Petitioner; it was from a woman and at least one man. (App'x pp. 551–52). Dr. Amick testified that he would have expected to find Victim's DNA on the hair had it been on the cucumber while inside Victim's body. (App'x p. 552). The DNA on the cucumber was a mixture with neither Petitioner or Victim able to be excluded; the match between the DNA and Petitioner was approximately 227 quadrillion times more likely than a coincidence to an unrelated person, and between the DNA and Victim the match was approximately 8 million times more likely Victim than a coincidence for an unrelated person. (App'x pp. 546–47).

Channen Johnson, a friend of Victim's who had known Victim for over ten years, spoke with Victim over the phone around 10:00 P.M. on Friday, August 7, 2015, and it was the last time he ever spoke to her. (App'x pp. 723–25). The last time Carl ever saw Victim was on August 6 or 7, 2015, when he spoke to her about cutting his lawn on Saturday morning. (App'x pp. 673–74). Victim never showed up or answered her phone, and Carl never saw or heard from her again despite trying to reach her. (App'x p. 688). The outgoing call from Victim's phone to Carl's phone at 8:48 A.M. on Saturday, August 8, 2015, was the final outgoing call from Victim's phone. (App'x p. 752).

STANDARD OF REVIEW

The standard of review for post-conviction relief depends on the specific issue before the appellate court. Smalls v. State, 422 S.C. 174, 810 S.E.2d 836, 839 (2018). When reviewing factual findings, the appellate courts defer to the post-conviction relief court's factual findings and will uphold them if any probative evidence in the record supports them. Buckson v. State, 423 S.C. 313, 320, 815 S.E.2d 436, 440 (2018); Smalls, 422 S.C. at 180–81, 810 S.E.2d at 839–40. However, pure questions of law will be reviewed *de novo* without deference to the post-conviction relief court. Id. Appellate courts will reverse the decision of the post-conviction relief court when it is controlled by an error of law. Goins v. State, 397 S.C. 568, 573, 726 S.E.2d 1, 3 (2012).

ARGUMENT

The post-conviction relief court correctly determined Petitioner failed to establish the requisite prejudice necessary to reverse his conviction and grant him a new trial based on Trial Counsel's failure to object to the State's reply argument where it was a brief statement of the law repeated by the trial judge in his jury charges and there is no reasonable probability that the outcome of Petitioner's trial would have been different had Trial Counsel objected.

Petitioner contends that the PCR court erred in not finding Trial Counsel ineffective for failing to object to the order of closing arguments where the Defense presented no evidence or testimony and was entitled to last argument. Although Petitioner concedes that the State's rebuttal "was brief and a correct statement of the law," Petitioner argues that the State "was erroneously allowed to negate the defense's argument that the State failed to prove motive," which was an argument that went to reasonable doubt. (PWC p. 7). Even though Petitioner was entitled to last argument because he presented no evidence or testimony, Petitioner has failed to show prejudice. See Strickland v. Washington, 466 U.S. 668, 687–88 (1984) ("To obtain relief, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance."). "If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice . . . that course should be followed." Id. at 697. The post-conviction relief court properly found that Petitioner failed to show prejudice resulting from Trial Counsel's performance. (App'x pp. 1003–04). Specifically, the outcome of the case would not have been different because of the brevity of the State's reply, the substance of which was repeated by the trial judge in his jury instructions, and because of the overwhelming evidence of Petitioner's guilt.

The State's reply consisted entirely of the following:

> We'd all like to know why. Why did [Petitioner] kill her that night? I want to know why. You want to know why. Mr. Stitely says he doesn't know why. But we don't have to prove that. We would if we could, but the law does not require us to prove

> why something happened, just that it did happen. And that's what the judge will tell you.

(App'x p. 836).

In its reply, the State correctly stated the law regarding its burden of proof regarding motive. See State v. Damon, 285 S.C. 125, 129, 328 S.E.2d 628, 631 (1985) ("In South Carolina, there is no requirement that the state prove motive."), cert. denied, 474 U.S. 865, reh. denied, 474 U.S. 1015 (1985) (overruled on other grounds by State v. Torrence, 305 S.C. 45, 406 S.E.2d 315 (1991)). The State did not introduce any new factual theories or inflammatory matter in its reply. However, the State did not address that it had no burden of proof regarding motive in its initial closing argument.

Regardless, Petitioner was not prejudiced by these remarks. Following closing arguments, the trial court instructed the jury that "[t]he State is not required to prove motive as an element of the offense of murder." (App'x p. 849). The jury heard this information from the trial court during jury instructions immediately after the State's reply—the State even informed them that they would. The State's reply was limited to a correct statement of law that the trial court subsequently instructed the jury on. The State's reply could not possibly have had any conceivable impact on the jury. Furthermore, the State's reply comprised only eight lines of an 871-page transcript. Thus, there is no reasonable probability that the jury would have rendered a different verdict but for the State's brief reply.

Furthermore, it strains credulity to suggest that the jury convicted Petitioner because of the State's brief remarks in its reply given the overwhelming evidence of Petitioner's guilt. At trial, the State presented strong forensic and circumstantial evidence of Petitioner's guilt. Petitioner was seen on Saturday morning wearing the same clothes he had worn the night before. Johnny identified the khaki shorts found in Petitioner's washing machine as the same khaki shorts

Petitioner was wearing Saturday morning. The pair of khaki shorts and the pair of Hanes boxer shorts found in Petitioner's washing machine had blood on them. Blood on the khaki shorts was linked to Victim, and testing of the waistband revealed a mixture consistent with Petitioner as the major contributor. Blood on the Hanes boxer shorts was also linked to Victim, and a scraping of the waistband of the Hanes boxer shorts was consistent with Petitioner and Victim being the contributors, with one being 276 trillion times more probable that it linked with Petitioner and the other being 2.3 quadrillion times more probable that it linked with Victim.

No less than three witnesses observed injuries on Petitioner's hands Saturday morning that they had not noticed the night before. Petitioner's injuries were more than minimal in that he had multiple lacerations on both hands, swelling to his right hand, and a laceration and multiple abrasions across his back. When asked, Petitioner never explained what caused these injuries. Blood on the shower curtain was linked to both Victim and Petitioner, and the one linking to Petitioner was 49 octillion times more likely than a link to an unrelated person.

Petitioner called Carl from Victim's phone shortly after being dropped off near Victim's house and once more later that morning. Petitioner was the last person to call from Victim's phone, and no further outgoing calls were made from Victim's phone, despite her maintaining daily contact with Thompson. Victim's phone had blood on it that was consistent with Victim being the major contributor. Notably, in each phone call, Petitioner placed himself at Victim's house, which was literally under lock and key, and Victim was known not to let a stranger into her house late at night. Johnny dropped Petitioner off at 1:30 A.M., and Petitioner called from her house less than thirty minutes later. Furthermore, Victim had three dogs—one of which was a pit bull—that were okay with Petitioner, despite being protective and territorial, and required law enforcement to contact animal control to restrain them.

Petitioner's relationship with Victim was purely platonic, and Victim saw him as a son. A rectal swab of Victim revealed a link with Petitioner with an upper 95 percentile confidence interval of 1 in 379 individuals. Victim's body was discovered in a state of undress with her clothing torn, and with a pair of boxers with the crotch ripped out and stained with blood linked to Victim nearby, suggesting a non-consensual sexual encounter.

The most damning piece of evidence was the link with Petitioner's DNA on the cucumber that was inserted into Victim's anus and discovered inside Victim's abdomen during the autopsy. The link with Petitioner was approximately 227 quadrillion times more likely than to an unrelated person. As for the hairs found near the cucumber during the autopsy, they were clearly the result of contamination. Examiners had no reason to believe that a cucumber would be found inside Victim's abdominal cavity. The white sheets were not sterile, and there were hairs throughout Victim's house and on the sheet that could have been the source of the hairs found near the cucumber. Had the hairs been on the cucumber when inserted, Victim's DNA should have been found on the hairs.

This combination of physical, forensic, and testimonial evidence in this case is exactly the type of "strong corroborating evidence" this Court contemplated in Smalls, 422 S.C. 174, 189, 810 S.E.2d 836, 844. Under Smalls, "overwhelming evidence" that can preclude a prejudice finding must be strong and corroborative, "such as a confession, *DNA evidence demonstrating guilt*, or a combination of physical and corroborating evidence so strong that the Strickland standard of [prejudice] cannot possibly be met." Id. at 189–192, 810 S.E.2d at 844–845 (emphasis added). Our Supreme Court has also noted that in most cases, "DNA evidence is straightforward and reliable, and its legitimate probative force is highly persuasive—if not dispositive—of guilt." State v. Phillips, 430 S.C. 319, 330, 844 S.E.2d 651, 656 (2020).

This is one of those cases. All of the evidence, both forensic and circumstantial, *clearly* established Petitioner as the perpetrator. The only reasonable and logical conclusion for the jury to reach was that Petitioner was guilty.

Based on the overwhelming evidence of Petitioner's guilt and the brief and innocuous nature of the State's reply, there is no reasonable probability that the outcome of Petitioner's trial would have been different had Trial Counsel objected to the order of closing and the State not given its reply. Even assuming arguendo that no overwhelming evidence of guilt existed, there was still no reasonable probability that the outcome of Petitioner's trial would have been different but for Trial Counsel's error because the State's reply was so brief and consisted of a correct statement of the law that was subsequently repeated by the trial judge. Therefore, the PCR court correctly found Petitioner was not prejudiced by trial counsel's performance because Petitioner was not prejudiced by the State's reply, as there was no reasonable probability the outcome of Petitioner's case would have been different but for Trial Counsel's alleged deficiency. This Court should deny certiorari.

|CONCLUSION PAGE FOLLOWS|

CONCLUSION

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

Respectfully submitted,

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