

1-5-12: Copies of 2 motions, amended pet., supp. app. & Court's order of 11-29-11 copied & mailed to inmate at Calender & CR in deposit thru library. ST

Janet,
enclosed is a check for

\$15.75 for
Stacy Howard for PCR

Thank you

Elaine Howard

RECEIVED

JAN 06 2012

S. C. SUPREME COURT

ELAINE HOWARD, SC DL 1503896
 OLIN J. HOWARD, SC DL 001216121
 PH 843-387-6834
 208 PARKER ROAD
 ANDREWS, SC 29510

3742
 67-7909/2532
 BRANCH 1

DATE 1-4-12

PAY TO THE ORDER OF SC Supreme Court
 Fifteen dollars & 15/100
 \$ 15.15
 DOLLARS

GKCU
 Georgia-Kent Credit Union

FOR PCR for Stacy Howard Elaine Howard

⑆253279099⑆42000 8020963⑆ 3742

H Mr. Olin J. Howard
208 Parker Rd
Andrews, SC 29510-5155



SC Supreme Court
PO Box 11330
Columbia SC 29211

attn: Janet Johnson

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO GEORGETOWN COUNTY
COURT OF COMMON PLEAS
THE HONORABLE LARRY B. HYMAN, JR.

RECEIVED
NOV 18 2011
S.C. SUPREME COURT

10-CP-22-1879

Stacy W. Howard

Petitioner,

v.

State of South Carolina

Respondent.

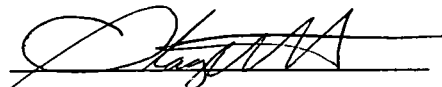
MOTION FOR LEAVE TO FILE SUPPLEMENTAL APPENDIX

Comes Now, the Petitioner, and moves this Honorable Court pursuant to Rule 212, SCACR, for leave to file the proposed supplemental record. This record is relevant to this appeal, where it will assist the Court in determining whether the probation revocations in 03-GS-22-246 and 04-GS-45-131 have become final by the conclusion of direct review.

WHEREFORE, Petitioner asks for leave to file the proposed supplemental record.

Dated November 16, 2011

Respectfully submitted,



Stacy W. Howard, Petitioner

Allendale Corr. Inst.

Post Office Box 1151

Fairfax, S.C. 29827

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

CERTIORARI TO GEORGETOWN COUNTY

COURT OF COMMON PLEAS

THE HONORABLE LARRY B. HYMAN, JR.

10-CP-22-1879

RECEIVED

NOV 18 2011

S.C. SUPREME COURT

Stacy W. Howard

Petitioner,

vs.

State of South Carolina,

Respondent.

MOTION FOR LEAVE TO AMEND PETITION FOR
WRIT OF CERTIORARI

Comes Now, the Petitioner, and moves this Honorable Court pursuant to Rule 240, SCACR, for leave to amend the October 10, 2011 Johnson Petition for Writ of Certiorari. The grounds in support of this motion are as follows:

1. Appellate counsel has petitioned this Court to be relieved as counsel pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988). As indicated in counsel's argument, the issues raised would be a direct appeal argument. Post-conviction relief procedure is not a substitute for appeal or place for asserting errors for the first time which could have been reviewed on direct appeal. Drayton v. Evatt, 430 S.E.2d 517 (1993). Also see Stepney v. State,

292 S.E.2d 41 (1982)(Alleged errors in probation revocation hearing should have been raised by probationer on direct appeal, and were not properly before post-conviction hearing judge).

2. An individual has no constitutional right to effective assistance of counsel when seeking discretionary appellate review. Douglas v. State, 631 S.E. 2d 542 (2006); Wainwright v. Torna, 102 S.Ct. 1030 (1982); Pennsylvania v. Finley, 481 U.S. 551, 95 L.Ed.2d 539, 107 S.Ct. 1990 (1987).

Based upon the foregoing, Petitioner asks for leave to amend the petition to bring it within the purview of PCR review.

Dated November 16, 2011

Respectfully submitted,



Stacy W. Howard, Petitioner

Allendale Corr. Inst.

Post Office Box 1151

Fairfax, S.C. 29827

Stacy W. Howard
Allendale Corr. Inst.
Post Office Box 1151
Fairfax, S.C. 29827

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

November 16, 2011

RE: Howard v. State
10-CP-22-1879

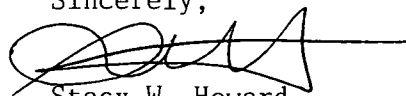
RECEIVED
NOV 18 2011
S.C. SUPREME COURT

Dear Mr. Shearouse:

Enclosed please find Motion for Leave to File Supplemental Appendix,
Motion for Leave to Amend Petition for Writ of Certiorari, and proposed
Amended Petition for Writ of Certiorari and Supplemental Appendix for filing.

Thank you for your attention to this matter.

Sincerely,

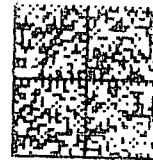

Stacy W. Howard

J. Howard #191458, F-4, B-43

Core, Inst.

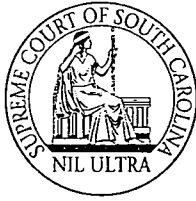
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D.C. 29827



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Mr. Daniel E. Shearman
D.C. Supreme Court
Post Office Box 11330
Columbia, D.C. 29211



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

October 11, 2011

Stacy W. Howard #191458
Allendale Correctional Institution
P. O. Box 1151, Hwy 47
Fairfax, SC 29827

Re: Howard, Stacy W. v. The State

Dear Mr. Howard:

Your counsel has submitted a Petition for Writ of Certiorari indicating that this appeal is without merit and moves to be relieved as your counsel. Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988). The records of this Court reflect that counsel served you with a copy of the Petition & Appendix on October 10, 2011.

You may, within forty-five (45) days of the date of this letter, file with this Court a pro se response to the Petition filed by your counsel. In this response, you may raise and argue any issues you believe the Court should consider in this appeal. Upon receipt of your pro se response or the expiration of forty-five (45) days, the matter will be submitted to the Court for its consideration.

If you do decide to file a pro se response, the response must be either typewritten or legibly hand printed, and must have at least a one inch margin on all sides. Further, you will need to only submit one copy of your response, and this copy **should not** be stapled or bound in any manner.

Very truly yours,



CLERK

DES/jj

cc: Appellate Defender LaNelle C. DuRant
Assistant Attorney General Christina J. Catoe

The Supreme Court of South Carolina

Stacy W. Howard, Petitioner,

v.

State of South Carolina, Respondent.

The Honorable Larry B. Hyman, Jr.
Georgetown County
Trial Court Case No. 2010-CP-22-01879

ORDER

For good cause shown, the request for an extension until October 17, 2011 to serve and file the Petition for Writ of Certiorari and Appendix in this matter is granted. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what measures are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY *Lorenda J. Shealy*
Clerk

Chief Deputy
Columbia, South Carolina

September 19, 2011

cc: Appellate Defender LaNelle C. DuRant
Assistant Attorney General Christina J. Catoe

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Georgetown County
Larry B. Hyman, Jr., Circuit Court Judge

RECEIVED

SEP 16 2011

S.C. Supreme Court

STACY W. HOWARD,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

**PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI
AND APPENDIX**

(3)

The undersigned counsel would respectfully request a thirty-day extension in which to file the petition for writ of certiorari and appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The petition for writ of certiorari and appendix in this case are due to be served and filed today, September 16, 2011.
2. This case was originally assigned to Tristan M. Schaffer, who is no longer with the Office of Appellate Defense. On September 7, 2011, this case was reassigned to LaNelle C. Durant. This Court granted prior counsel two extensions.
3. Counsel is filing the initial brief of appellant and designation of matter in the case of State v. Christopher Rabon today, September 16, 2011. On September 6, 2011, counsel filed a motion to consolidate direct appeal from a motion for a new trial based on after discovered evidence and appeal of denial of post-conviction relief in the cases of State v. Marcus Evans and Marcus Evans v. State. On September 6, 2011, counsel filed the initial

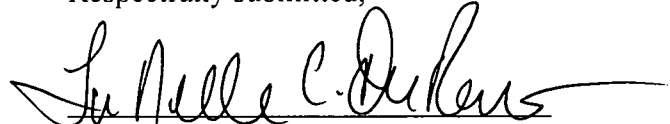
brief of appellant and designation of matter in the case of State v. Richard Ellisor. On August 31, 2011, counsel filed the petition for writ of certiorari and appendix in the case of David Cooley v. State and the initial brief of appellant and designation of matter in the case of State v. Ralph Coleman. On August 29, 2011, counsel filed the petition for writ of certiorari and appendix in the case of Jerry Sanders v. State. On August 25, 2011, counsel filed the petition for rehearing in the case of State v. Brian Garris. On August 22, 2011, counsel filed the petition for writ of certiorari and appendix in the case of Willie Ladson v. State and the initial brief of appellant and designation of matter in the case of State v. Floyd Mason. On August 15, 2011, counsel filed the initial brief of appellant and designation of matter in State v. Charles Bagley.

4. Counsel for the Attorney General's Office consents to this request as shown by signature below.

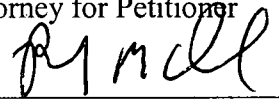
5. This request is made in good faith, and not for purposes of delay.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension in which to file the petition for writ of certiorari and appendix in this case. Counsel requests that the time limits for filing the petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,

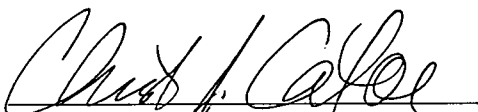

LaNelle C. Durant
Appellate Defender

Attorney for Petitioner


Robert M. Dudek
Chief Appellate Defender

September 16, 2011.

I Consent:


Christina Catóe, Esquire

The Supreme Court of South Carolina

Stacy W. Howard, Petitioner,

v.

State of South Carolina, Respondent.

The Honorable Larry B. Hyman, Jr.
Georgetown County
Trial Court Case No. 2010-CP-22-01879

ORDER

For good cause shown, the request for an extension until September 16, 2011 to serve and file the Petition for Writ of Certiorari and Appendix is granted. Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause and must be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY *Brenda J. Shealy*
Clerk

Columbia, South Carolina *Chief Deputy*

August 18, 2011

cc: Appellate Defender Tristan M. Shaffer
Assistant Attorney General Christina J. Catoe

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Georgetown County
Larry B. Hyman, Jr., Circuit Court Judge

RECEIVED

AUG 17 2011

S.C. Supreme Court

STACY W. HOWARD,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

**PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI
AND APPENDIX**

(2)

The undersigned counsel would respectfully request a thirty-day extension in which to file the petition for writ of certiorari and appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The petition for writ of certiorari and appendix in this case are due to be served and filed today, having been extended by one prior order of this Court.
2. Counsel is filing the initial brief of appellant and designation of matter in the case of *State v. Michael Donahue* today. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of *Russell Reinhold v. State* on August 15, 2011. Additionally, Counsel filed the reply to the initial brief of respondent and designation of matter in the case of *State v. Alexander Partain* August 15, 2011. Counsel filed the initial brief of appellant and designation of matter in the case of *State v. Dontavious Jackson* on August 9, 2011. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of *Patrick Bryant v. State* on August 8, 2011.

Counsel filed the initial briefs of appellant and designations of matter in the cases of *State v. Calvin Shedrick* and *State v. Cameron Stevenson* on August 5, 2011. Counsel filed the initial brief of appellant and designation of matter in the case of *State v. Termain Cooper* on August 1, 2011. Counsel filed the initial brief of appellant and designation of matter in the case of *State v. Gregory Daniels* tomorrow, July 29, 2011. Counsel filed the initial brief of appellant and designation of matter in the case of *State v. James Craig White* on July 28, 2011. Counsel filed the return to petition for writ of certiorari in the case of *Christina Grove v. State* on July 25, 2011. Counsel filed the initial brief of appellant and designation of matter in the case of *State v. Marcus Green* on July 20, 2011. Counsel filed the initial brief of appellant and designation of matter in the case of *State v. Quentin Holt* July 8, 2011. Counsel filed the initial brief of appellant and designation of matter in the case of *State v. Reginald Nance* on July 7, 2011. In June, 2011, Counsel filed the initial briefs of appellant and designations of matter in the cases of *State v. William Kelly*, *State v. Ricardo Acevedo*, *State v. Ricky Cheeks*, *State v. Thomas Smart*, *State v. Ruben Silva-Aguilar*, and *State v. Shelly Mauney*. Also in June, 2011, Counsel filed the petition for writ of certiorari and accompanying appendix in the case of *State v. Shirley Mae Geer*, and the petition for rehearing in the case of *State v. Desmond Sams*.

3. This request is made in good faith, and not for purposes of delay.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension in which to file the petition for writ of certiorari and appendix in this case. Counsel requests that the time limits for filing the petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Tristan M. Shaffer
Appellate Defender

August 17, 2011

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Georgetown County
Larry B. Hyman, Jr., Circuit Court Judge

STACY W. HOWARD,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies the petition in which to file the petition for writ of certiorari and appendix in the above referenced case has been served upon Christina Catoe, Esquire, Assistant General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Rm. 519, Columbia, SC 29201, this 17th day of August, 2011.



Tristan M. Shaffer
Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 17th day of August, 2011.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: October 2, 2013

The Supreme Court of South Carolina

Stacy W. Howard, Petitioner,

v.

State of South Carolina, Respondent.

The Honorable Larry B. Hyman, Jr.
Georgetown County
Trial Court Case No. 2010-CP-22-01879

ORDER

The request for an extension until August 17, 2011 to serve and file the Petition for Writ of Certiorari and Appendix is granted. Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY *Aranda J. Shealy*
Clerk

Columbia, South Carolina *Chief Deputy*

July 19, 2011

cc: Appellate Defender Tristan M. Shaffer
Assistant Attorney General Christina J. Catoe

ORIGINAL



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

July 18, 2011

RECEIVED

JUL 18 2011

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

S.C. Supreme Court

Re: Stacy W. Howard v. State of South Carolina

Dear Mr. Shearouse:

The petition for writ of certiorari and appendix in the above-referenced case are due to be served and filed today. Because of my present workload, I respectfully request a thirty-day extension of this deadline. No prior extensions have been requested in this case.

By copy of this letter, I am informing Christina J. Catoe, Esquire, of the Office of the Attorney General, of this extension request.

Thanking you for your cooperation and assistance in this matter.

Sincerely,

Tristan M. Shaffer
Appellate Defender

TMS/kam

cc: Christina J. Catoe

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

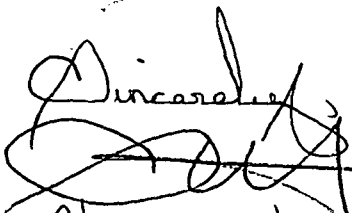
May 5, 2011

RE: Howard v. Atata

2010-CP-22-1879

Dear Mr. Shearouse,

Enclosed please find the March 28, 2011 Order of Dismissal, which I have appealed. I have provided attorney Tristan Shaffer of the Appellate Defense with the record. Please contact him.

Sincerely,

Stacy W. Howard
Allendale Ave. Inst.
Post Office Box 1151
Fairfax, SC 29827

RECEIVED

MAY 06 2011

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA)
 COUNTY OF GEORGETOWN)
)
 Stacy W. Howard, # 191458,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FIFTEENTH JUDICIAL CIRCUIT

2010-CP-22-1879

ORDER OF DISMISSAL WITHOUT PREJUDICE

This matter comes before the Court by way of an Application for post-conviction relief filed December 2, 2010, by Stacy W. Howard. Respondent made a Return and Motion to Dismiss Without Prejudice on December 31, 2010, requesting that the Application be summarily dismissed without prejudice. On January 18, 2011, the Applicant filed a Reply to Respondent's Return and Motion to Dismiss Without Prejudice. Incorporated herein by reference are the records of the county clerk of court regarding the underlying convictions and the relevant direct appeal records.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to convictions from Georgetown and Williamsburg counties. The Applicant had a trial in Georgetown County in February 2007 regarding a charge of assault and battery of a high and aggravated nature ("ABHAN") (2007-GS-22-0129). He was represented by William L. Runyon, Jr., Esquire. He was convicted on February 28, 2007, and the Honorable J. Michael Baxley imposed a sentence of eight years. At the same sentencing proceeding, the Applicant also submitted to judgment and sentencing for violations of two probationary sentences. One of these probationary sentences was imposed pursuant to a Georgetown conviction for assault of a high and aggravated nature ("AHAN") (2003-GS-

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 MAY 06 2011
 S.C. SUPREME COURT

FILED
 GEORGETOWN COUNTY, S.C.
 2011 MAR 28 PM 3:38
 ALMA Y. WHITE
 CLERK OF COURT

22-0246), and the other was imposed pursuant to a Williamsburg conviction for ABHAN (2004-GS-45-0131). The basis for the violation in each probation case was the Georgetown ABHAN conviction, indictment 2007-GS-22-0129.¹ Judge Baxley revoked eight years for the Georgetown AHAN probation violation, and revoked four and a half years for the Williamsburg ABHAN probation violation. All three sentences were to run consecutively.

A timely notice of appeal was filed, and an appeal was perfected on the Applicant's behalf by M. Celia Robinson, Esquire. On July 1, 2009, the South Carolina Court of Appeals issued an opinion affirming in part, reversing in part, and remanding the case. See State v. Howard, 384 S.C. 212, 682 S.E.2d 42 (2009). Specifically, the Court of Appeals reversed the trial court's admission of the Applicant's prior convictions for impeachment purposes, and remanded the case for the court to conduct an on-the-record balancing test weighing the probative value of the prior convictions against their prejudicial effect. The Court of Appeals stated: "If upon remand the trial court determines the prejudicial impact to Howard outweighs the probative value of impeachment, the court should order a new trial. Otherwise, the conviction and sentence should be affirmed *subject to appellate review*." (See Court of Appeals Opinion at pages 8-9) (emphasis added). The Court of Appeals affirmed as to the other issues raised, including an issue raised regarding the validity of the probation revocations. The case was remitted to the circuit court on September 29, 2009, so that the remand hearing could be held.

The remand hearing was held before Judge Baxley on January 19, 2010. The Applicant was represented by Stuart M. Axelrod, Esquire. After hearing argument from both sides, Judge Baxley issued a ruling from the bench concluding that Appellant's prior convictions were properly admitted

¹ The parties agreed that the 2007-GS-22-0129 conviction would serve as the only stated violation in both cases. Other probation violation warrants were withdrawn.

for impeachment purposes at trial. A notice of appeal was timely served and filed. The Applicant is currently represented by Tristan M. Shaffer, Esquire. Final Briefs were submitted in January 2011, and the matter is currently pending before the South Carolina Court of Appeals.

In his Application, Mr. Howard challenges only the probation violation convictions under 2003-GS-22-0246 and 2004-GS-45-0131.² He raises the following allegations:

1. Constitutional and statutory violations;
2. Ineffective assistance of trial and appellate counsel;
3. Lack of subject matter jurisdiction;
4. Unlawful sentencing - sentence has expired; and
5. Unlawful revocation of probation.

The Applicant states he is seeking vacation of the convictions and sentences, or, alternatively, vacation of the sentences.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court has reviewed the pleadings and all relevant supporting documents. Pursuant to S.C. Code Ann. § 17-27-70(b), the Court makes the following findings of fact and conclusions of law:

This Court finds that this Application is premature because the finality of the convictions being challenged is still being directly litigated. Because the sole basis for each probation revocation was the 2007-GS-22-0129 conviction that was remanded and is now pending in the South Carolina Court of Appeals, the probation revocation sentences are inextricably linked to the 2007-GS-22-0129 conviction. The direct appeal affecting all three of the sentences imposed on February 28, 2007 is still ongoing. All three sentences could be vacated upon appellate review of the remand hearing; thus, the direct appeal may completely obviate the need for this PCR. Accordingly, because the probation violation sentences that are being challenged in this PCR are still subject to being vacated on direct

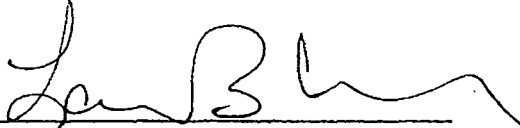
² A previous PCR application (2009-CP-22-1456) regarding these probationary sentences was dismissed without prejudice in an Order filed on October 20, 2009. At that time, the remand hearing had not yet been conducted.

appeal, collateral attack of these sentences is premature. This Court finds that the remand appeal must be completed in its entirety before collateral attack so as to avoid simultaneous litigation affecting the same convictions. See S.C. Code Ann. § 17-27-45(A) (allowing a PCR applicant to file within one year of the "final decision" on direct appeal); see also Rule 71.1(b), SCRPC (a person cannot file a PCR while a direct appeal affecting the conviction is pending); Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000) ("The applicant may not bring a PCR action while a direct appeal is pending.").

Therefore, this Application must be **DISMISSED WITHOUT PREJUDICE**. Dismissal of this Application without prejudice will not preclude the Applicant from filing a timely PCR Application when the direct appeal is concluded.

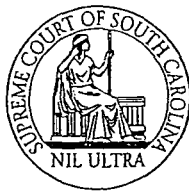


AND, IT IS SO ORDERED this 20 day of May, 2011.



Larry B. Hyman, Jr.
Chief Administrative Judge
Fifteenth Judicial Circuit

Crow, South Carolina



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

TO: Stacy Howard SCDC# 191458
DATE: 5-3-11

We are in receipt of your notice of appeal. It will be necessary for you to provide this office with the following required documents within **ten (10)** days of the date of this notice. Failure to provide the requested documents may result in dismissal of this matter.

proof of service showing notice of appeal was served on opposing counsel,
(Attorney General's Office)

a copy of the final order of dismissal

a copy of the conditional order of dismissal (if one was issued)

a copy of the conditional order of dismissal dated _____

2010-CP-22-1879

Please return this sheet with the requested documents. Thank you!

PCR(?)

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

April 27, 2011

RE: Howard v. State
2010-CP-22-1879

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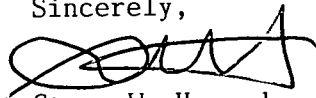
APR 29 2011

S.C. SUPREME COURT

Dear Mr. Shearouse:

Enclosed please find Notice of Appeal and Proof of Service for filing. Mr. Tristan Shaffer of the Office of Appellate Defense is aware of the facts and circumstances regarding this appeal. Please contact him upon filing. There is important information concerning this.

Sincerely,



Stacy W. Howard

Allendale Corr. Inst.,
Post Office Box 1151
Fairfax, S.C. 29827

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM GEORGETOWN COUNTY
THE HON. LARRY B. HYMAN, JR.

CASE NO.: 2010-CP-22-1879

Stacy W. Howard

Petitioner,

v.

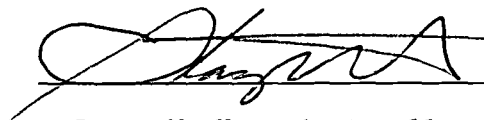
State of South Carolina

Respondent.

NOTICE OF APPEAL

The undersigned appeals the order of the Honorable Larry B. Hyman, Jr. dated March 20, 2011 and filed March 28, 2011. The order was received on April 11, 2011.

April 21, 2011



Stacy W. Howard, Appellant

Allendale Corr. Inst.

Post Office Box 1151

Fairfax, S.C. 29827

RECEIVED

APR 29 2011

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM GEORGETOWN COUNTY
THE HON. LARRY B. HYMAN, JR.

CASE NO.: 2010-CP-22-1879

Stacy W. Howard

Petitioner,

v.

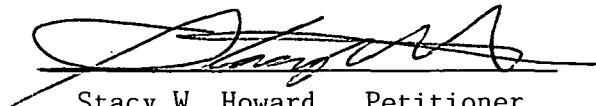
State of South Carolina

Respondent.

PROOF OF SERVICE

The undersigned certifies that this Notice of Appeal was served on Respondent by depositing a copy in the United States Mail, postage prepaid, on April 21, 2011, addressed to its attorney of record, Christina J. Catoe, Office of the Attorney General, Post Office B0x 11549, Columbia S.C. 29211.

April 27, 2011



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