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June 23, 2014

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

RE: Latisha Cochran v. State of South Carolina
Case No.: 2012-CP-21-1713

Dear Clerk of Court:

Enclosed please find an original and one copy of a Notice of Appeal in the above referenced matter. If you would, please file the Notice of Appeal and return a clocked copy to me in the envelope provided.

Thank you for your assistance in this matter. If you have any questions or concerns, please feel free to contact my office.

With kind regards,

Tristan M. Shaffer

TMS/dke
cc: Joshua L. Thomas, Esquire
Florence County Clerk of Court
Kimberly McCall
Latisha Cochran

SUPREME COURT OF SOUTH CAROLINA

APPEAL FROM FLORENCE COUNTY
In The Court of Common Pleas

Honorable William H. Seals, Jr.,
Common Pleas Judge of the Twelfth Judicial Circuit

Case No.: 2012-CP-21-1713

Latisha Cochran, #343301, Petitioner,

v.

State of South Carolina, Respondent.

NOTICE OF APPEAL

Petitioner appeals the Order of Dismissal, dated March 25, 2013 and the Order Denying Motion for Reconsideration of the Honorable William H. Seals, Jr. dated June 2, 2014, filed June 6, 2014 and received by Petitioner on June 18, 2014.

June 23, 2014

Tristan M. Shaffer, Esq.
AXELROD & ASSOCIATES P.A.
604 16th Avenue North
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(843) 848-6708 Phone
(843) 848-6709 Fax
Attorney for Appellant

Respondent's Attorney:
Joshua L. Thomas, Esquire
S.C. Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

SUPREME COURT OF SOUTH CAROLINA

APPEAL FROM FLORENCE COUNTY
In The Court of Common Pleas

Honorable William H. Seals, Jr.,
Common Pleas Judge of the Twelfth Judicial Circuit

Case No.: 2012-CP-21-1713

Latisha Cochran, #343301, Petitioner,

v.

State of South Carolina, Respondent.

CERTIFICATE OF SERVICE

I, Deborah Evans, do hereby certify that I am an employee of Axelrod & Associates, P.A., in Myrtle Beach, South Carolina, and that I have this date served the Petitioner's Notice of Appeal upon the Respondent, by depositing a copy of same in the United States Mail, postage prepaid, addressed as follows:

Joshua L. Thomas, Esquire
S.C. Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

Florence County Clerk of Court
180 N Irby St MSC-E Rm B11
Florence, SC 29501-3456

Latisha Cochran
Leath Correctional Institute
2809 Airport Road
Greenwood, SC 29649

Kimberly McCall
Appellate Defense
1330 Lady Street
Columbia, SC 29201

Deborah Evans
Paralegal to Tristan M. Shaffer

June 23, 2014
Myrtle Beach, South Carolina

FILED

2014 JUN -6 PM 1:32

CONNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, S.C.

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

IN THE COURT OF COMMON PLEAS
FOR THE TWELFTH JUDICIAL CIRCUIT

Latisha Cochran, #343301,

Applicant,

v.

State of South Carolina,

Respondent.

Case No. 2012-CP-21-1713

ORDER DENYING APPLICANT'S MOTION TO RECONSIDER

This matter comes before the Court on Applicant's timely "Motion to reconsider" filed April 8, 2013. Applicant's motion asks the Court to reconsider, pursuant to Rule 59(e), SCRCP, its order of dismissal filed March 25, 2013, arguing the Court's order erred in four (4) respects. The Court finds as follows:

I. Napue Violation

First, Applicant alleges the Court misapplies the standard set forth in Napue v. Illinois, 360 U.S. 264 (1959), relating to the co-defendant's alleged plea deal. However, the facts of Napue are distinguishable from the instant case. In Napue, the co-defendant unequivocally testified he had not been promised a reduced sentence in exchange for his testimony, even though the state's attorney had made such a promise. Id. at 270-71. In Applicant's trial, the co-defendant clearly testified he expected a better deal in exchange for his cooperation. (Trial Tr. 119:1-3). The assistant solicitor testified at the PCR hearing that she had no specific agreement with the co-defendant as to his plea offer if he cooperated, merely that he would "get some help" for his cooperation. The co-defendant's attorney testified he expected the co-defendant's charges to be reduced in exchange for his

cooperation. Thus, the co-defendant's testimony in Applicant's trial that he expected a better deal is in line with the understanding of the agreement as testified to by the solicitor and the co-defendant's attorney. Viewing the record as a whole, the Court finds Applicant has not demonstrated his conviction was obtained with the use of false testimony such as to run afoul of the standard set forth in Napue.

II. Brady Violation

Second, Applicant argues the Court's order failed to address Applicant's allegation of a Brady[1] violation. To the extent this argument is distinct from Applicant's Naupe allegation, the Court finds no Brady violation in this case. Even if the State had an agreement with the co-defendant, Applicant has not shown how the non-disclosure of this deal prejudiced her case. Trial counsel testified he presumed the co-defendant was receiving some consideration for his testimony. In that regard, he was able to get the co-defendant to admit on the stand he expected a better deal for testifying. Any further information about the State's negotiations with the co-defendant would be cumulative impeachment evidence. See State v. Von Dohlen, 322 S.C. 234, 241, 471 S.E.2d 689, 693-94 (1996) (no Brady violation where impeachment evidence was merely cumulative). Furthermore, the other evidence, including Applicant's own statements, indicates further exploration of the co-defendant's expectations regarding his cooperation would not have led to a different result in this trial. See State v. Taylor, 333 S.C. 159, 177, 508 S.E.2d 870, 879 (1998) (court must consider alleged Brady violations in the context of the entire record (citing United States v. Agurs, 427 U.S.

[1] Brady v. Maryland, 373 U.S. 83 (1963).

97 (1976))). Therefore, the Court finds Applicant has not shown she was prejudiced by any alleged Brady violation.

III. Counsel's Trial Strategy

Third, Applicant argues the Court should make a finding of ineffective assistance of counsel under United States v. Cronic, 466 U.S. 648 (1984), based on trial counsel's pursuit of a withdrawal defense and his arguments regarding the hand-of all theory. The Court declines to do so. Trial counsel made timely and articulate objections, thoroughly cross-examined the State's witnesses, and made well-reasoned arguments to the jury. Therefore, the Court finds trial counsel did not fail to subject the State's case to "meaningful adversarial testing" Cronic, 466 U.S. at 659. The Court further finds counsel articulated a valid strategy for pursuing these theories based on Applicant's statement she did not want to participate in the robbery. See Stokes v. State, 308 S.C. 546, 548, 419 S.E.2d 778, 779 (1992) ("Where, as here, counsel articulates a valid reason for employing certain strategy, such conduct will not be deemed ineffective assistance of counsel." (citing Whitehead v. State, 308 S.C. 119, 417 S.E.2d 529 (1992))).

IV. Advice Regarding the Right to Testify

Fourth, and finally, Applicant argues the Court's order incorrectly found Applicant's decision not to testify was voluntary, when Applicant actually argued trial counsel was ineffective for advising Applicant not to testify. However, trial counsel testified he neither advised Applicant to testify or not to testify. He merely explained to her the risks and benefits of either option. Trial counsel stated the ultimate decision to not testify was made by Applicant. Therefore, the Court finds trial counsel properly informed Applicant of her right to testify and her right to remain silent, and the

Court declines to find trial counsel ineffective in this regard. Furthermore, the trial judge explained Applicant's rights to her at trial. (Trial Tr. 151:14-153:19). Accordingly, the Court finds Applicant's decision to waive her right to testify and exercise her right to remain silent was knowingly and voluntarily made.

V. Conclusion

Based on the foregoing, the Court finds and concludes its prior order does not contain any errors or omissions that would require reconsideration of the Court's ruling.

IT IS THEREFORE ORDERED that Applicant's motion for reconsideration is hereby **denied** and her application for post-conviction relief is **dismissed with prejudice.**

The Court notes Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this order to secure the appropriate appellate review. See Rule 203, SCACR, and Rule 71.1(g), SCRCP. Applicant's attention is also directed to Rule 243, SCACR, for appropriate procedures after notice has been timely filed.

IT IS SO ORDERED this 2 **day of** June **2014.**

FILED
2014 JUN -4 PM 1:32
CONNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, S.C.

THE HONORABLE WILLIAM H. SEALS, JR.
Presiding Judge

Marion, South Carolina

CERTIFIED A TRUE COPY
Connie Reel-Shearin
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

FILED

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Florence
IN THE COURT OF COMMON PLEAS

2013 MAR 27 PM 12:21

CONNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, SC

JUDGMENT IN A CIVIL CASE

CASE NO: 2012-CP-21-1713

Latisha L. Cochran #343301
PLAINTIFF(S)

State of South Carolina
DEFENDANT(S)

Submitted by:	Attorney for : ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*) ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

CERTIFIED A TRUE COPY
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.
Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		$
		$
		$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge | Judge Code | Date

STATE OF SOUTH CAROLINA COUNTY OF FLORENCE	)	IN THE COURT OF COMMON PLEAS
Latisha L. Cochran, 343301,	)	2012-CP-21-1713
Applicant,	)	
v.	)	**ORDER OF DISMISSAL**
State of South Carolina,	)	
Respondent.	)	

This matter comes before the Court by way of an Application for Post-Conviction Relief filed October 2, 2012. Respondent made a timely Return. The Court convened an evidentiary hearing into the matter on February 29, 2013, at the Florence County Courthouse. The Applicant was present at the hearing and was represented by Tristan Shaffer, Esquire. Tyson Andrew Johnson, Sr., Esquire of the South Carolina Attorney General's Office represented Respondent.

At the hearing, the Applicant testified on her own behalf. Also testifying was Jesse S. Cartrette, Esquire, who represented Applicant at trial. Henry Anderson, Esquire, testified, and Patricia Parr, Esquire, also testified at the hearing of this matter. This Court had before it the PCR Application, the State's Return, the records of the County Clerk of Court, including two recorded statements of Applicant, the transcript, and the Applicant's records from the South Carolina Department of Corrections.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Florence County Clerk of Court. Applicant was indicted at the April

2009 term of the Florence County Grand Jury for armed robbery and possession of a weapon during a violent crime (2009-GS-21-422). Jesse S. Cartrette, Esquire, represented Applicant.

On October 19, 2010, Applicant was tried and convicted, and was sentenced by the Honorable Michael Nettles to thirteen years imprisonment. Applicant filed a timely notice of intent to appeal. The South Carolina Court of Appeals affirmed the conviction and the Remittitur was also filed on June 8, 2012.

ALLEGATIONS

In her current Application, Applicant alleges that she is being held in custody unlawfully for the following reasons:

1. "Investigator promised me that if I would testify against my co-defendants, that I could go home to my children because it was christmas."

At the start of the hearing, Applicant's counsel, Tristan Shaffer, amended Applicant's case to include allegations of ineffective assistance of counsel, prosecutorial misconduct, and an allegation that her confession was coerced.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. 17-27-80.

Ineffective Assistance of Counsel

In a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing Rule 71.1(e), SCRCP). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the 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. Butler, Id. The Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

First, Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland, supra). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland).

Pre trial preparation and Applicant's confessions

Applicant testified that she met with her attorney two to three months before trial and that she met with him twice. Applicant indicated counsel told her what she was charged with, but when asked if counsel told her what the state had to prove to meet it's burden of proof Applicant could not recall. Applicant indicated that her counsel went over possible defenses, including that she could claim her two separate recorded confessions were coerced or forced, and also that she withdrew from any conspiracy before becoming culpable for the acts of co-conspirators. At some point the State made a ten-year plea offer which counsel conveyed to Applicant, but Applicant rejected the offer, and Applicant made the decision to go to trial. Applicant made the decision to not testify based on advice from counsel.

Before trial, Applicant gave two recorded confessions (States trial Exhibits 3 and 4) that included oral and written warnings pursuant to Miranda v. Arizona, (State's trial Exhibits 1 and 2) and that referenced prior warnings given to Applicant pursuant to Miranda. Investigator McAllister , a sergeant with the city of Lake City, interviewed Applicant on November 19, 2008 after he discovered Applicant recently used credit cards that were stolen in the robbery. R. 124. Applicant told McAllister she found them. Mcallister interviewed Applicant again on December 24, 2008. R. 131. At the second interview she candidly admitted to her role in the robbery of Mr. Hayes, and provided information about her co-defendants roles as well.

At the PCR hearing, counsel testified Applicant's confessions made the defense of this case very difficult. Applicant averred that the confessions were coerced, and Applicant took the position at trial that the signature appearing on the consent form was not her signature, and that the recording by the State's investigator was inappropriately "spliced" and was "worth looking in to." Tr. 137,

Lines 21-22. Applicant did not argue either in her Application or at the hearing that counsel was ineffective in his opposition to the admission of the written waiver forms or in the recorded statements, and has therefore waived any such arguments, but instead persisted in her argument that the confessions were coerced by the State. Applicant claimed generally that her confessions were coerced, and specifically averred her confession of December 24th 2008 was inappropriately obtained in exchange with the ability for Applicant to leave and spend Christmas Eve with her family.

This Court is not persuaded by Applicant's claim. Both recorded statements were played and moved into evidence at the trials of this matter. The Court also notes that the South Carolina Court of Appeals also decided the very issue Applicant complains of in the instant PCR in the appeal of Latisha Lee Cochran, Unpublished Opinion 2012-UP-310, filed May 16, 2012. Applicant's appeal was based on her argument that the trial court erred in admitting a purported confession given under inherently coercive circumstances, but the Court declined to agree with Applicant and instead affirmed Applicant's conviction. Applicant has given no competent legal or factual grounds for prevailing in PCR or in establishing ineffectiveness of counsel as a cause for redress with regard to this claim, therefore this claim must be denied.

Applicant's decision not to testify.

At the PCR, Applicant denied involvement in the robbery. Both of her confessions were played in Court and moved into evidence, as they were at trial. In the first statement, Applicant admits to using the victim's stolen credit cards to buy fast food, and also that afterward her mother discarded the wallet in a field. (The wallet was later recovered.) In the second statement, Applicant candidly acknowledges her full involvement in the robbery of Mr. Hayes. Applicant indicated at the PCR hearing that it was her decision to not testify at her trial, made in part upon advice of counsel.

Counsel confirmed it was Applicant's decision to not testify at her trial. Applicant testified at her PCR that her counsel indicated because of the statements given to investigators that she probably should not testify. Regarding Applicant's claim that her decision to not testify was involuntary, this claim is denied.

Hand of one hand of all

Applicant next argues her counsel was ineffective in allowing the "hand of one hand of all" argument. This is not supported by the trial record, in that the transcript is clear that Applicant's counsel argued against the application of hand of one hand of all, particularly as it relates to the possession of a weapon charge. Counsel argued in part, "Your honor, under the hand of one hand of all they have to be acting in concert under a common scheme. She withdrew." Tr. 149, Lines 10-12. Tr. 165, Lines 23-24. As a result of counsel's position prevailing upon the trial court, the State conceded the weapon charge should not have applicability to hand of one hand of all, and that the State would just proceed against Applicant on the armed robbery charge. Tr. 150, 1-6. Contrary to Applicant's position, this was effective assistance of counsel, and therefore this claim is denied.

Epps' testimony

Applicant alleged Quentin Epps, who was witness against Applicant at trial, failed to reveal a deal with the State in exchange for testimony, and that his failure to reveal his deal prejudiced Applicant. Applicant filed a pre-trial motion to preclude the State from asserting Epps did not have a deal, which this Court denied. In her motion, Applicant's counsel cited part of the testimony of Epps from the record, but failed to make reference to the section of Epps testimony at page 119 of the transcript, Lines 1-3, where Epps acknowledges he hoped for a "better deal." Upon examination of the whole record, it is clear that Applicant's claims in this regard are without merit, as Epps

acknowledged upon cross examination he hoped for a better deal. Tr. 119, Line 1-3.

Applicant called Jesse Cartrette (counsel) in her case in chief. Applicant asked if counsel was "aware of any deals" made between the State and Quintin Epps. Counsel indicated he was not aware a deal had been made, and had no knowledge of any specific plea deal, but said based on his knowledge of Hank Anderson Esquire, who was counsel for Quintin Epps, he expected some sort of deal had been made in exchange for Epps' testimony. Contrary to what Applicant argues, this was not a situation where counsel was oblivious to any possibility of favorable consideration in exchange for truthful testimony, and counsel's cross examination of Epps confirmed that Epps did hope for a better deal.

Applicant called Hank Anderson, Esquire who testified that he was appointed to represent Quentin Epps on armed robbery charges. Anderson testified he spoke with the State about possible deals before any trials began, and after Epps testified Epps was allowed to plead to a lesser charge.

The State called Patricia Parr, Esquire who assisted in prosecuting Applicant and asked specifically as to the prosecution of Latisha Cochran, what she recalled regarding negotiations with Quentin Epps. Mrs. Parr testified that as between the State and Quintin Epps, they "did not have any agreement as to what.... But that he would get some help in consideration for his testimony."

Epps actual testimony upon cross-examination by attorney Cartrette is reflected on pages 118 and 119 of the trial transcript as follows:

Q. You said you weren't offered anything special to testify today?

A. No, sir.

Q. Isn't it true, though, that you anticipate the possibility of a better deal or you wouldn't be here today?

A. No, sir.

Q. So you're willing to make a statement against interest knowing that it can be used against you in a court of law later?

A. Right.

Q. You been offered no deal?

A. No, sir.

Q. Isn't it true that you hope to get a better deal because of your cooperation today?

R. A. Yes, sir.

Tr. 119, Lines 1-3.

The record shows Epps testified he hoped to get a better deal because of his cooperation, and Parr testified that as between the State and Quintin Epps, they "did not have any agreement as to what.... [B]ut that he would get some help in consideration for his testimony."

Applicant elected not to call Quintin Epps as a witness at her PCR hearing so it is uncertain what he would have testified to. While the evidence shows Epps hoped for favorable treatment in exchange for his testimony, he fully admitted this at Applicant's trial while cross examined by Applicant's counsel. Applicant offered no evidence of how the outcome would have been different with different testimony, in addition to failing to call Epps to proffer his understanding of favorable treatment, therefore it is uncertain and speculative whether or how different testimony would have made a difference in the outcome of Applicant's trial. Accordingly, Applicant's allegations of prosecutorial misconduct are without merit, and this claim is denied.

Aiding and Abetting

Applicant argued counsel was ineffective for arguing that if Applicant was guilty at all, it

would only be of aiding and abetting. Counsel indicated this argument was part of his overall trial strategy in a very difficult case, where Applicant had given two separate confessions, one of which detailed her traveling to a location to pick up a shotgun, and then making a telephone call to the victim to draw him out for the purpose of robbing him at gunpoint, and where Applicant had then sought to apologize to the victim. The trial record reflects Applicant's apology to the victim, as well as to a store clerk who was in the store before the victim was robbed. This Court finds this decision was in fact a reasonable trial strategy in a matter with overwhelming evidence of guilt and was a reasonable decision by counsel to offer the jury an alternative which may have benefited Applicant had the jury agreed with her.

This Court finds that counsel's performance was not deficient under these circumstances. In reaching this conclusion, this Court finds counsel's testimony credible and gives it great weight. This Court does not find Applicant's testimony credible or persuasive. Applicant candidly admitted her guilt and freely sought to apologize to her victims. This Court finds that counsel was not ineffective with regard to his investigation, trial preparation, or trial performance. This Court finds that counsel was not deficient in this respect, nor was applicant prejudiced ay any alleged deficiency. This Court finds counsel's trial strategy was reasonable and further finds counsel's performance was not deficient. Further, I find counsel's trial preparation and actions were reasonable under prevailing professional norms, and therefore this claim is denied.

Other Allegations

No other allegations were raised or testified to at the PCR hearing. Therefore, any additional allegations raised in the PCR Application or amendment are deemed waived because no evidence was presented.

CONCLUSION

Based on the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant the application. Therefore, this application for post conviction relief is denied and dismissed with prejudice.

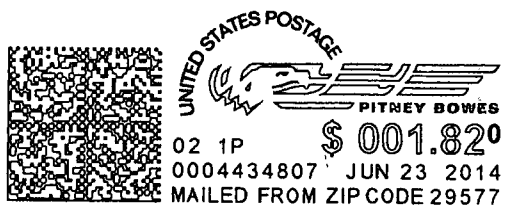
IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be DENIED AND DISMISSED WITH PREJUDICE; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 22 day of March, 2013.

WILLIAM H. SEALS
Presiding Judge
12th Judicial Circuit

Marion, South Carolina.



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