

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM COLLETON COUNTY
Court of Common Pleas

James R. Barber, Circuit Court Judge

Case No. 2010-CP-15-0222

State of South Carolina,

Respondent,

v.

Leonard Stanfield, #235306,

Appellant.

NOTICE OF APPEAL

Leonard Stanfield appeals the order of the Honorable James R. Barber dated July 1, 2014.
Appellant received written notice of entry of this order on July 18, 2014.

July 23, 2014



William C. Bennett
Post Office Box 1853
Mount Pleasant, South Carolina 29465
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Attorney for Appellant

Other Counsel of Record:

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PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina in accordance with the South Carolina Appellate Court Rules by depositing a copy of it in the United States Mail, postage prepaid, on July 23, 2014, addressed to its attorney of record, Ashleigh Wilson, Office of the Attorney General of the State of South Carolina, Post Office Box 11549 Columbia, South Carolina 29211-1549.

July 23, 2014



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STATE OF SOUTH CAROLINA)
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COUNTY OF COLLETON)
)
Leonard Stanfield, #235306,)
)
Applicant,)
)
v.)
)
State of South Carolina,)
)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS
2010-CP-15-0222

**AMENDED
ORDER OF DISMISSAL**

Presiding Judge: The Honorable James R. Barber, III
Applicant's Attorney: William C. Bennett, Esquire
Respondent's Attorney: Ashleigh R. Wilson, Esquire
Trial Counsel: David Mathews, Esquire
Date of Hearing: February 19, 2014
Court Reporter: Ruth L. Mott

2014 JUL 11 PM 2:44
PATRICIA C. GRANT
COLLETON COUNTY
COMMON PLEAS

This matter comes before the Court by way of an application for post-conviction relief (PCR) dated February 22, 2010 and amended on March 7, 2012. The Respondent made its Return on December 2, 2010. An evidentiary hearing on the matter was convened on February 19, 2014 at the Beaufort County Courthouse. The Applicant was present at the hearing and represented by William C. Bennett, Esquire. Ashleigh R. Wilson, Esquire of the South Carolina Office of the Attorney General represented the Respondent.

Also present and testifying was David Mathews, Esquire. The Court had before it the Applicant's trial transcript, the Colleton County Clerk of Court records, the Applicant's records from the South Carolina Department of Corrections, the Applicant's application, the Respondent's Return, and the Applicant's appellate records.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Colleton County Clerk of Court. The Applicant was indicted at the October 2003 term of the Colleton County Grand Jury for armed robbery (2003-GS-15-0734), burglary- first degree (2003-GS-15-0735), kidnapping (2003-GS-15-0736), and murder (2003-GS-15-0731). He was represented by David Mathews, Esquire.

The Applicant proceeded to trial. The Applicant was acquitted of murder and found guilty of the other three charges. On May 24, 2007, the Honorable R. Ferrell Cothran sentenced the Applicant to thirty years for burglary and kidnapping to be served concurrently and thirty years provided upon the service of twelve years the balance is suspended for armed robbery to be served consecutively to the Applicant's other thirty year sentences. The Applicant was sentenced to a total of forty-two years.

A Notice of Appeal was filed on the Applicant's behalf at the South Carolina Court of Appeals. Joseph Savitz, III, Esquire of the South Carolina Office of the Appellate Defense perfected the appeal and filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967). The South Carolina Court of Appeals dismissed the Applicant's appeal. State v. Stanfield, Op. No. 2009-UP-498 (S.C. Ct. App. October 26, 2009). The Remittitur was issued on November 12, 2009.

ALLEGATIONS

In his application, the Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of trial counsel.
2. Ineffective assistance of appellate counsel.

On March 7, 2012, the Applicant amended his application to allege the following:

1. Ineffective assistance of trial counsel.
 - a. Failing to move the Court to quash the indictment numbered 03-GS-15-734 which had been altered.
 - b. Not objecting to a jury charge on reasonable doubt that was burden shifting.
 - c. Not objecting to the lack of probable cause for the arrest warrants, or calling witnesses to establish the lack of probable cause.
 - d. Not requesting an alibi charge or presenting witnesses to establish an alibi.
 - e. Not objecting to the presence of the trial judge in the jury room without the presence of either the defendant or counsel for the defendant.
 - f. Did not request a charge on the use of co-defendants' guilty plea.
 - g. Did not object to testimony of the use of drugs, which is testimony of the commission of other crimes, to the prejudice of the Defendant.
 - h. Did not object to unconstitutional burglary instruction.
 - i. Did not ask for mercy from the jury with regards to sentencing.
 - j. Did not object when in opening statements, the Solicitor said "You're not on a search for doubt...I'm going to ask for verdicts of guilty".

At the hearing, the Applicant proceeded solely on the following allegations:

1. Ineffective assistance of trial counsel.
 - a. Failure to quash the indictment.
 - b. Failure to request an alibi charge or to present alibi witnesses to establish an alibi.
 - c. Failure to object to the judge going into the jury room to tell the jury to choose a foreman.
 - d. Failure to object to the reasonable doubt charge.
 - e. Failure to request a charge on the use of the co-defendants' guilty plea.
 - f. Failure to object to testimony of the use of drugs, which is testimony of the commission of other crimes, to the prejudice of the Defendant.
 - g. Failure to ask for mercy from the jury with regards to sentencing.
 - h. Failure to object to solicitor's opening statements when he said "You're not on a search for doubt...I'm going to ask for verdicts of guilty."
2. Ineffective assistance of appellate counsel.

This Court finds all other allegations raised in the Applicant's original or amended applications were abandoned since no evidence or testimony in support of the remaining allegations were presented at the evidentiary hearing.

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 and arguments presented at the PCR hearing. This Court has further had the

opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly.

Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. Sec. 17-27-80 (2003).

Summary of Testimony

The Applicant was present and testified that the basis of his application for post-conviction relief was ineffective assistance of counsel. The Applicant testified he met with counsel three or four times prior to trial. He testified he reviewed discovery with counsel. The Applicant testified counsel explained all his constitutional rights and answered all the questions he had at the time, but he felt counsel did not address all of his concerns. He testified counsel told him not to testify at trial because of his past criminal history.

The Applicant testified trial counsel never brought to his attention an alteration on his indictment. He testified counsel never mentioned quashing the indictment. The Applicant also testified he spoke with trial counsel about calling alibi witnesses at trial. He testified he told counsel he had witnesses who would testify about his alibi. The Applicant testified counsel told him that they should not call the alibi witnesses at trial because they put him near the scene of the crime. The Applicant testified trial counsel did not properly investigate these witnesses and did not call them as witnesses during his trial.

The Applicant also testified he recalls the judge going into the jury room to tell the jury to pick a foreman during trial. He testified trial counsel did not discuss this with him and it was not fair. The Applicant testified during his trial the Assistant Solicitor testified about a blunt and cocaine. He testified further he spoke with counsel about the possibility of being convicted and knew he was facing a life sentence. He testified counsel also should have objected to the

reasonable doubt charge given to the jury. The Applicant testified he did not receive a fair trial and trial counsel's ineffectiveness contributed to him being convicted at trial.

Lastly, the Applicant testified his appellate counsel Joseph Savitz was also ineffective. He testified he wrote Savitz and Savitz did not do anything. The Applicant testified he knew that Savitz filed an Anders brief, but he did not know that the appellate court would review the entire record to look for meritorious issues.

David Mathews, Esquire, counsel for the Applicant was present and testified he has been practicing mostly criminal law since 1986. He testified he was appointed to represent the Applicant. He testified he met with the Applicant approximately four times before trial. He testified his meetings with the Applicant were sufficient to prepare the Applicant's case for trial. Counsel testified he filed Brady and Rule 5 motions on the Applicant's behalf. He testified he reviewed the discovery material he received with the Applicant.

Counsel testified he discussed with the Applicant the elements of the charges he was facing and what the State was required to prove. He testified they also discussed the Applicant's version of the facts. He testified they looked at the elements of the offense he was charged with and discussed affirmative defenses.

Counsel testified they discussed presenting an alibi defense. He testified the alibi witnesses would have put the Applicant close to the scene and the alibi they presented was imperfect. He testified he did not specifically recall if he spoke with the alibi witnesses, but he would have looked into the witnesses if he could. Counsel testified he made a strategic decision not to put up alibi witnesses that would put the Applicant close to the scene at the time of the crime and potentially hurt the Applicant's case.

Counsel testified the Applicant was accused of breaking into the victim's home and robbing and killing the victim. He testified the State's evidence against the Applicant included testimony from his co-defendant and other witnesses who put the Applicant at the scene. Counsel testified his investigation of the case included reviewing the evidence, speaking with all available witnesses, and speaking with an officer. Counsel testified the Applicant prior to trial rejected a plea offer for thirty years. Counsel testified he had ample time to prepare for trial.

Counsel testified he could not recall if he reviewed the Applicant's indictment, but if he saw a basis to quash the indictment he would have done so. After reviewing the Applicant's indictment for armed robbery, counsel testified it looked as if the fill in the blanks on the indictment were completed and that "a handgun" was written on October 2, 2003. Counsel testified if the blanks on the indictment were completed prior to the meeting of the Grand Jury he saw no problem with the indictment.

Counsel testified he did not recall the judge going into the jury room and it would have been difficult to object to the judge's actions. Counsel testified he did not object to the reasonable doubt charge given at trial. He testified it was the general charge given by judges at the time and that he has never been successful objecting to the instruction. Counsel also testified he did not object to the solicitor's comments about reasonable doubt because objecting would have bolstered the authority of the solicitor because the trial court was going to charge the same language during jury instructions.

Counsel also testified he normally objects to references to drug use during trial unless he thinks that it was a small thing and does not want to bring the matter to the attention of the jury. Lastly, counsel testified he did not request mercy for the Applicant during his sentencing

proceeding. He testified he did not know if any additional mitigation would have been helpful and as a strategy he does not think he would have presented anything else in mitigation.

Ineffective Assistance of Trial Counsel

The Applicant alleges he received ineffective assistance of counsel. As an initial matter, this Court finds the Applicant's testimony is not credible, while also finding trial counsel's testimony is credible. This Court further finds trial counsel adequately conferred with the Applicant, conducted a proper investigation, and was thoroughly competent in his representation.

In a PCR action, "the burden of proof is on the applicant to prove his allegation by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002).

For the Applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel's ineffective performance. See Strickland v. Washington, 466 U.S. 668 (1984), Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). In order to prove prejudice, an applicant must show "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry v. State, 300 S.C. 115, 117-118, 386 S.E.2d 624, 625 (1989). "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 v. Washington, 466 U.S. 668).

This Court finds the Applicant failed to carry his burden of proving counsel was ineffective for failing to quash the Applicant's armed robbery indictment. If any objection to an indictment is timely made, the Court should judge the sufficiency of the indictment by determining whether: 1.) the offense stated with sufficient certainty and particularity to enable

the court to know what judgment to pronounce and the defendant to know what he is called upon to answer and whether he may plea an acquittal or conviction thereon, and 2.) whether it apprises the defendant of elements of the offense that is intended to be charged. State v. Gentry, 363 S.C. 93, 96, 610 S.E.2d 494, 496 (2005).

This Court finds there was no basis for a motion to quash the Applicant's armed robbery indictment. It appears the Applicant's armed robbery indictment contains two blanks and requires the type of deadly weapon and goods or monies taken from the victim be filled in. The indictment shows the terms "a handgun" and "U.S. Currency" were filled in on the indictment in the two blanks. It also appears the handwritten words were initialed and dated for October 2, 2003. This Court finds and it appears from the indictment, the blanks were completed prior to the presentation of the indictment to the Colleton County Grand Jury on October 20, 2003. This Court finds the Applicant has failed to carry his burden of proving the completion of the armed robbery indictment was in any way improper or warranted the quashing of the indictment. This Court also finds the language in the Applicant's indictment was sufficient and adequately apprised the Applicant and the Court of charges the Applicant was facing and the elements of those charges.

This Court also finds counsel was not ineffective for failing to call an alibi witness for the Applicant during trial. To qualify as an alibi, a witness's testimony must account for the defendant's whereabouts during the time of the crime such that it would have been physically impossible for the defendant to commit the crime. Walker v. State, 397 S.C. 226, 237, 723 S.E.2d 610, 616 (Ct. App. 2012). When a PCR applicant alleges trial counsel failed to investigate or present an alibi witness, the PCR court must make two findings to determine if counsel's deficient performance constitutes prejudice under Strickland. Id. First, the court must find as a

matter of law whether the witness's testimony meets the legal definition of an alibi. Second, the court must assess the witness's credibility. Id. In making the first finding, the court must consider the entire record to determine what the testimony would have been if it had been presented at trial. Id. The PCR court must consider the testimony as a whole, take it as true and credible, and view it in the light most favorable to the PCR applicant. Id.

This Court finds trial counsel articulated a valid strategic reason for not presenting the testimony of the Applicant's alleged alibi witnesses at trial. Where counsel articulates a valid strategic reason for his action or inaction, counsel's performance should not be found ineffective. Roseboro v. State, 317 S.C. 292, 454 S.E.2d 312 (1996); Underwood v. State, 309 S.C. 560, 425 S.E.2d 20 (1992); Stokes v. State, 308 S.C. 546, 419 S.E.2d 778 (1992). Courts must be wary of second guessing counsel's trial tactics; and where counsel articulates a valid reason for employing such strategy, such conduct is not ineffective assistance of counsel. Whitehead v. State, 308 S.C. 119, 417 S.E.2d 529 (1992).

This Court finds counsel provided credible testimony that he decided not to call the Applicant's alleged alibi witnesses because their testimony would put the Applicant close to the crime scene and he felt their testimony would be harmful. This Court finds counsel articulated a valid reason for employing such strategy and the Applicant has failed to carry his burden of proving counsel was ineffective for failing to call the Applicant's alleged alibi witnesses.

This Court also finds the Applicant failed to present the testimony of the alleged alibi witnesses at the evidentiary hearing for this court to assess. In order to support a claim that trial counsel was ineffective for failing to interview or call potential alibi witnesses, a PCR applicant must produce the witnesses at the PCR hearing or otherwise introduce the witnesses' testimony in a manner consistent with the rules of evidence. The applicant's mere speculation what the

witnesses' testimony would have been cannot, by itself, satisfy the applicant's burden of showing prejudice. Glover v. State, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995). This Court finds it will not speculate as to the substance of the testimony of the Applicant's alleged alibi witnesses. This Court finds the Applicant has failed to carry his burden of proving counsel was ineffective for failing to call the Applicant's alleged alibi witnesses.

This Court finds trial counsel was not ineffective for failing to object to the trial judge entering the jury room to tell the jury to choose a jury foreperson. The record reflects that prior to closing arguments the trial judge without objection from either party entered the jury room to ask the jurors to choose a jury foreperson. (T. 230:8-231:8). This Court finds counsel was not deficient for failing to object to the trial judge entering the jury room to ask the jurors to choose a jury foreperson. This Court finds the Applicant has failed to carry his burden of proving that any improper communication between the court and the jury took place. This Court also finds the Applicant has failed to show how he was prejudiced. This Court finds the Applicant failed to show how the judge's actions affected the outcome of his trial proceeding.

This Court finds counsel was not ineffective for failing to object to the Court's reasonable doubt jury instruction. The standard for review of a reasonable doubt instruction is "whether there is a reasonable likelihood that the jury applied the challenged instruction in a way that violates the Constitution." Todd v. State, 355 S.C. 396, 403, 585 S.E.2d 309 (2003). This Court finds the reasonable doubt instruction given by the trial court was proper and in no way violated the Applicant's due process rights. This Court finds and the record reflects the jury was instructed several times during the course of the trial that the State had the burden of proving the Applicant guilty beyond a reasonable doubt. (T. 31:11-14, 33:9-12, 268:15-18, 270:8-12, 15-21,

271:11, 272:22-273:6, 273:21-25, 283:15-18, 284:5-9). This Court finds this allegation is wholly without merit.

This Court finds trial counsel was not ineffective for failing to request a jury charge on the use of the Applicant's co-defendants' guilty pleas at trial. This Court finds counsel was not deficient for failing to request such instruction since both co-defendants testified that their charges were still pending. (T. 147:16-19, 198:19-21, 199:1-5). This Court also finds the Applicant has failed to show how counsel's failure to request an instruction to the jury with regard to the co-defendants' pending charges or their resolutions affected the outcome of his proceeding. This Court finds the Applicant was not prejudiced by counsel's performance. The record reflects counsel was able to adequately impeach the credibility of the Applicant's co-defendants' on cross-examination by eliciting testimony about their pending charges and the benefits they expected to receive after testifying against the Applicant at trial. (T. 147:16-19, T. 197:20-199:19). This Court finds the Applicant has failed to carry his burden of proving counsel was deficient and that the outcome of his proceeding would have been different but for counsel's performance.

This Court finds trial counsel was not ineffective for failing to object to the use of drugs by the Applicant at trial. This Court finds the Applicant has failed to carry his burden of proving counsel was deficient for failing to object to this testimony at trial. At trial, the Applicant's co-defendant testified he and the Applicant had drinks and smoked a blunt at the Chase Lounge before discussing the robbery they planned to commit. (T. 125:8-20). This Court finds counsel articulated a strategic reason for not objecting to the testimony of the Applicant's co-defendant brief testimony about the Applicant's drugs use shortly before the incident. This Court finds

valid counsel's concerns that objecting to small testimony about drug use tended to highlight the testimony to the jurors.

This Court finds it is unlikely the Applicant was prejudiced by the testimony at trial. The Applicant was not on trial for any drug charges and the co-defendant's brief testimony was the only testimony the jury heard to any drug use by the Applicant. In light of the other evidence presented by the State at trial, this Court finds it is unlikely this brief testimony contributed to the jury's guilty verdict. This Court finds the Applicant has failed to carry his burden of proving counsel's performance was deficient and that it affected the outcome of his proceeding.

This Court finds counsel was not ineffective for failing to ask for mercy from the jury with regard to sentencing. This Court finds counsel was not deficient and this allegation is without merit. This Court finds the jury is not responsible for sentencing and it is unlikely any plea of mercy to the jury would have affected the trial judge's sentencing decision. This Court also finds counsel provided adequate mitigation evidence to the Court during the Applicant's sentencing proceeding. (T. 304:14-305:5). This Court finds it is unlikely any additional mitigation evidence presented on the Applicant's behalf would have affected the sentence imposed by the Court. This Court also finds the Applicant has failed to show prejudice resulted from counsel's performance. This Court finds the Applicant has failed to carry his burden of proving ineffective assistance of counsel in this regard.

This Court finds counsel was not ineffective for failing to object to the solicitor's statement during opening. The Applicant alleges counsel should have objected to the solicitor's statement to the jury that "you're not on a search for doubt...I'm going to ask for verdicts of guilty". (T. 32:8-12). This Court finds counsel's performance was not deficient and the Applicant had failed to show how he was prejudiced by the solicitor's statement. This Court finds the

solicitor's comments were not improper. The record reflects the Court advised the jury that opening statements were not evidence. (T. 26:20-23). This Court also finds the Court's admonishments to the jury that the State had the burden of proving the Applicant guilty by a reasonable doubt precluding any confusion from the jury about the burden of proof. (T. 31:11-14, 33:9-12, 268:15-18, 270:8-12, 15-21, 271:11, 272:22-273:6, 273:21-25, 283:15-18, 284:5-9). This Court finds this allegation is without merit and the Applicant has failed to carry his burden of proving counsel's performance was deficient and that prejudice resulted.

Ineffective Assistance of Appellate Counsel

Lastly, this Court finds the Applicant failed to carry his burden of proving appellate counsel was ineffective. A defendant is entitled to effective assistance of appellate counsel. Southerland v. State, 337 S.C. 610, 615, 524 S.E.2d 833, 836 (1999). Although appellate counsel is required to provide effective assistance of counsel, "appellate counsel is *not* required to raise every non-frivolous issue that is presented by the record." Thrift v. State, 302 S.C. 535, 539, 397 S.E.2d 523, 526 (1990) citing Jones v. Barnes, 463 U.S. 745, 103 S.Ct. 3308, 77 L.Ed.2d 987 (1983). "For judges to second-guess reasonable professional judgments and impose on ... counsel a duty to raise every 'colorable' claim suggested by a client would disserve the very goal of vigorous and effective advocacy..." Jones, 463 U.S. at 754, 103 S.Ct. 3308.

Generally, in analyzing a claim of ineffective assistance of appellate counsel, the Court applies the Strickland test just as it would when analyzing a claim of ineffective assistance of trial counsel. See Southerland v. State, 337 S.C. 610, 616, 524 S.E.2d 833, 836 (1999). Thus, in this case, we ask 1) whether appellate counsel's performance was deficient, and 2) whether Respondent was prejudiced by appellate counsel's deficient performance. Bennett v. State, 383 S.C. 303, 309, 680 S.E.2d 273, 276 (2009). To prove prejudice, the applicant must show that, but

for counsel's errors, there is a reasonable probability he would have prevailed on appeal. Anderson v. State, 354 S.C. 431, 434, 581 S.E.2d 834, 835 (2003).

This Court finds the Applicant has failed to carry his burden of proving appellate counsel provided ineffective assistance of counsel. This Court finds the Applicant has failed to state any basis for his claim that appellate counsel was ineffective. This Court finds this allegation is wholly without merit.

Accordingly, this Court finds the Applicant failed to prove the first prong of the Strickland test- that trial or appellate counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that trial or appellate counsel committed either errors or omissions in their representation of the Applicant. This Court also finds the Applicant has failed to prove the second prong of Strickland- that he was prejudiced by trial or appellate counsel's performance. This Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance. See Frasier v. State, 351 S.C. at 389, 570 S.E.2d at 174.

All Other Allegations

As to any and all allegations that were raised in the application in this matter and not specifically addressed in this Order, this Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, this Court deems these allegations to have been abandoned by the Applicant. Therefore they are hereby denied and dismissed.

CONCLUSION

Based on all the forgoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his trial and sentencing

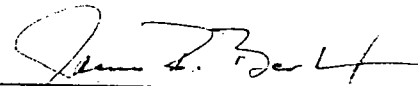
proceedings. Counsel was not deficient and the Applicant was not prejudiced by counsel's representation. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 13th day of June, 20 14



The Honorable James R. Barber, III
Presiding Judge
14th Judicial Circuit

Columbia, South Carolina.

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RECEIVED

JUL 26 2014

July 23, 2014

S.C. Supreme Court

VIA USPS 1ST CLASS MAIL
Supreme Court of South Carolina
Attn: Clerk of Court
P.O. Box 11330
Columbia, SC 29211

Re: *Leonard Stanfield v. State of South Carolina, Case No.: 2010-CP-15-0222*

Dear Clerk:

Mr. Leonard Stanfield wishes to appeal the Amended Order of Dismissal with regard to the above-referenced Post Conviction Relief action. I was appointed as his attorney in this matter as he was an indigent PCR applicant. As my final duties as Mr. Stanfield's attorney in his case, I have prepared his Notice of Appeal of Judge Barber's Amended Order of Dismissal.

Pursuant to the South Carolina Appellate Court Rules, please find enclosed an original and one (1) copy of the Appellant's Notice of Appeal, one (1) copy of the Amended Order of Dismissal from which this Notice of Appeal is being filed, an original and one (1) copy of Proof of Service regarding the Notice of Appeal of the above-referenced matter and a self-addressed stamped envelope.

I would appreciate your filing the original Notice of Appeal and Proof of Service and mailing a copy of the clocked/filed documents back to me in the self-addressed stamped envelope. I have also filed a Notice of Appeal with the Colleton County Court of Common Pleas in accordance with the South Carolina Appellate Court Rules. Thank you so much for your assistance regarding this very important matter. If you have any questions, concerns or need anything else at all, please do not hesitate to contact me. With kind regards, I am

Very truly yours,

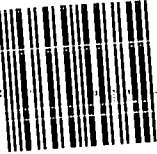



William C. Bennett
Attorney at Law

Enclosures: as stated.
cc: Ashleigh Wilson, Assistant Attorney General (w/encls.)
Mr. Leonard Stanfield (w/encls.)

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