

STATE OF SOUTH CAROLINA
In the Supreme Court

CERTIORARI TO GREENVILLE COUNTY

Honorable Robin B. Stilwell, Circuit Court Judge

Appellate Case No. 2013-002381

Joseph Dominick Urato, #349299 PETITIONER

v.

State of South Carolina RESPONDENT

PRO SE JOHNSON PETITION FOR WRIT OF CERTIORARI

JOSEPH DOMINICK URATO
#349299
Lieber Correctional Institution
Post Office Box 205
Ridgeville, South Carolina 29472

PETITIONER, *pro se*

INDEX

INDEX 1

ISSUE(S) PRESENTED 2

STATEMENT 3

ARGUMENT 4

I. The PCR Court erred in failing to find Applicant was denied the effective assistance of counsel where counsel failed to secure enforcement of the 10 year plea agreement.
 4

II. Did the PCR Court err in failing to find Applicant was denied the effective assistance of counsel guaranteed by the Sixth Amendment of the United States Constitution where counsel failed to challenge the elements of the Indictment as to whether the offense was committed?
 10

III. Did the PCR Court err in failing to find Applicant was denied the effective assistance of counsel guaranteed by the Sixth Amendment of the United States Constitution where counsel failed to inform Applicant of his right to appeal?
 13

CONCLUSION 15

ISSUE(S) PRESENTED

- I. Did the PCR Court err in failing to find Applicant was denied the effective assistance of counsel guaranteed by the Sixth Amendment of the United States Constitution where counsel failed to secure enforcement of the 10 year plea agreement?
- II. Did the PCR Court err in failing to find Applicant was denied the effective assistance of counsel guaranteed by the Sixth Amendment of the United States Constitution where counsel failed to challenge the elements of the Indictment as to whether the offense was committed?
- III. Did the PCR Court err in failing to find Applicant was denied the effective assistance of counsel guaranteed by the Sixth Amendment of the United States Constitution where counsel failed to inform Applicant of his right to appeal?

STATEMENT

Joseph Dominick Urato (“Petitioner”) was indicted at the July 2011 term of the Greenville County Grand Jury on two counts of bank robbery and conspiracy. On January 17, 2012 Petitioner appeared and entered a plea to the charges as indicted before the Honorable Edward Miller. Petitioner was sentenced to thirty years suspended to the service of eighteen years and three years’ probation for the first bank robbery and thirty years suspended on probation concurrent with the first bank robbery. Petitioner was sentenced to five years concurrent for the conspiracy offense. App. 16-17. Petitioner was represented at the plea and sentencing by Randall Chambers, Esquire, App. 1-3. Petitioner did not have an appeal from the convictions and sentences.

Petitioner filed an application for post-conviction relief (“PCR”) on May 31, 2012. An evidentiary hearing was convened before the Honorable Robin B. Stilwell on August 28, 2013. Petitioner was represented on PCR by Susannah Ross, Esquire. Judge Stilwell issued an order of dismissal denying Petitioner PCR relief on October 8, 2013, App. 61-68. Ms. Ross filed a timely Notice of Appeal.

Lanelle Cantey Durant, Esquire of the South Carolina Office of Appellate Defense filed a *Johnson*¹ Petition on June 19, 2014. On June 20, 2014 the Honorable Clerk of this Court informed Petitioner that he had forty-five (45) days within which to file a *pro se* brief.

This *pro se Johnson* petition seasonably follows:

¹ *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988)

ARGUMENT

I. The PCR Court erred in failing to find Applicant was denied the effective assistance of counsel where counsel failed to secure enforcement of the 10 year plea agreement.

The terms of the plea agreement as explained to Petitioner by trial counsel Randall Chambers are plain. Petitioner would plead guilty to one count of Bank Robbery (Indictment No. 2010-GS-23-7945 [Arthur State Bank] in consideration for a sentence of ten (10) years and one count of Attempted Bank Robbery (Indictment No. 2010-GS-23-7946 [Wachoiva Bank] in consideration for a sentence of ten (10) years, to be run concurrent with the first sentence. The State did not make the bargained for recommendation which breached the terms of the plea agreement. The State amended Indictment 2010-GS-23-7946 to change the bank to First Savers Bank and change the charge from Attempted Bank Robbery to Bank Robbery on the day of trial.

Petitioner's due process rights conferred by the federal constitution allow him to enforce the terms of the plea agreement, *see Santobello v. New York*; 404 U.S. 257, 262 (1971) (“[W]hen a plea rests in any significant degree on a promise or agreement of the prosecution, so that it can be said to be part of the inducement or consideration, such promise must be fulfilled.”).

There are two remedies available to rectify the government's breach of its plea agreement, *Id.* at 263. Because Petitioner is entitled to specific performance of the plea agreement, this Court should remand for imposition of a sentence of no more than ten (10) years on each offense, to run concurrently, *Id.* at 263. Additionally, this Court may remand with instructions to permit Petitioner to withdraw his plea. The choice of remedy lies within this Court's discretion.

A. Petitioner's Guilty Plea Analyzed Under the Sixth Amendment

Petitioner had a Sixth Amendment right to counsel, a right that extends to the plea-bargaining process. See *Lafler v. Cooper*, ___ U.S. ___, ___, 132 S.Ct. 1376, 1384 (2012) (citing *Padilla v. Kentucky*, 559 U.S. 356, 130 S.Ct. 1473, 1476 (2010); and *Hill v. Lockhart*, 474 U.S. 52, 57 (1985)). During plea negotiations defendants are “entitled to the effective assistance of competent counsel,” *McMann v. Richardson*, 397 U.S. 759, 771 (1970). In *Hill*, the Court held the two-part *Strickland v. Washington*² test applies to challenges of guilty pleas based on ineffective assistance of counsel,” 474 U.S. at 58; and *Montejo v. Louisiana*, 556 U.S. 778, 786 (2009). As a general rule, defense counsel has a duty to communicate formal prosecution offers to accept a plea on terms and conditions that may be favorable to an accused.

The performance prong of *Strickland* requires a defendant to show “that counsel’s representation fell below an objective standard of reasonableness,” 474 U.S. at 57 (quoting *Strickland*, 466 U.S. at 688). In this case the parties must agree the performance of Mr. Chambers was below professional norms and the objective standards of reasonableness when Mr. Chambers offered Petitioner a ten (10) year plea deal that Mr. Chambers represented was offered by the State in lieu of proceeding to trial.

At the PCR evidentiary hearing, in response to a query regarding the ten (10) year plea, Mr. Chamber testified “I honestly don’t remember,” Appendix (“App.”) 46 - 47. Shortly thereafter, while still on the stand, Mr. Chambers testified his words to Petitioners were “I believe I got a shot at getting a ten year sentence for you,” App. 65. The veracity of that testimony is called into question where Mr. Chambers informed a family member that Petitioner would receive a ten year plea (see Affidavit of John Urato). This matter was not presented at the

² 466 U.S. 668 (1984)

PCR hearing due to the negligence of PCR counsel Susannah Ross, *Id.* and affidavit in support of Petitioner.

Specifically, here, Mr. Chambers failed to provide the effective assistance of counsel in representing and communicating a plea offer that was not legitimately tendered by the State, but was falsely communicated to induce Petitioner to enter a plea. Petitioner will show, *infra*, and via affidavit of John Urato, that counsel's deficient performance cause him prejudice because Petitioner pled guilty in lieu of proceeding to trial (see Petitioner's Affidavit).

The art of negotiation is at least as nuanced as the art of trial advocacy and it presents questions farther removed from immediate supervision, *see Premo v. Moore*, 562 U.S. ___, ___, 131 S.Ct. 733, 741 (2011). Petitioner submits that those acts are designed to either subject the State's case to true adversarial testing, or bargain for a more lenient sentence in exchange for a plea; not to induce the Petitioner to waive his Sixth Amendment right to a jury trial based on the false communication of a plea.

The question for this Court is how to apply *Strickland's* prejudice test where ineffective assistance results in acceptance of a plea offer falsely represented from the State, solely in order to induce Petitioner to enter a plea.

To establish *Strickland* prejudice Petitioner must "show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different," 466 U.S. at 694. In the context of pleas the Petitioner must show the outcome of the plea process would have been different with competent advice. The *Strickland* inquiry, as applied to advice with respect to plea bargains, turns on "whether 'the result of the proceeding would have been different,'" *Id.*; *see also Hill*, 474 U.S. at 59. ("The... 'prejudice,' requirement...

focuses on whether counsel's constitutionally ineffective performance affected the outcome of the plea process").

The Supreme Court has held that a defendant can show prejudice under *Strickland* **even absent a showing that the deficient performance precluded him from going to trial**, see *Frye v. Missouri*, ___ U.S. ___, ___, 132 S.Ct. 1399 (2012).

The Sixth Amendment constitutional guarantee applies to pretrial critical stages that are part of the whole course of a criminal proceeding, a proceeding in which defendants cannot be presumed to make critical decisions without counsel's advice or assistance. The precedents establish that there exists a right to counsel during sentencing in noncapital cases, see *Glover v. United States*, 531 U.S. 198, 203-204 (2001). Even though sentencing does not concern the Petitioner's guilt or innocence, ineffective assistance of counsel during the sentencing hearing can result in *Strickland* prejudice because "**any amount of [additional] jail time** has Sixth Amendment significance," *Glover*, 531 U.S. at 203 (emphasis supplied).

Absent Mr. Chambers' ineffective assistance that induced Petitioner to plea to a fabricated plea misrepresented to be from the State, Petitioner could proceed to trial where under either the original or amended indictment, the State could not have proved the elements of bank robbery, i.e., "*enter with intent*" where no evidence or witness was available to establish the primary element.

Mr. Chambers' communication of the ten year plea to Petitioner is substantial where Mr. Chambers thoroughly discussed the plea offer with Petitioner's father, John Urato (see affidavit).

Regardless of whether Petitioner would have proceeded to trial and what that outcome may have been, counsel was ineffective where counsel falsely represented to Petitioner that a ten

year plea bargain was offered on the spot. Petitioner relied on the representation of that plea offer by counsel to his detriment, and Petitioner has the right to the effective assistance of counsel in considering whether to accept the plea. If that right is determined through the false representation for inducement, prejudice is shown where Petitioner would have proceeded to trial if not for that representation.

The Sixth Amendment remedies should be “tailored to the injuries suffered from the constitutional violation and should not unnecessarily infringe on competing interests,” *United States v. Morrison*, 449 U.S. 361, 364 (1981). Thus, a remedy must “neutralize the taint” of a constitutional violation, *id.*, at 365.

B. Detrimental Reliance and Enforcement of the Plea

Petitioner detrimentally relied upon the plea agreement Mr. Chambers presented as an offer on behalf of the State by entering a plea in lieu of a jury trial.

Once a defendant enters a guilty plea and the plea is accepted by the court, due process requires the plea bargain be honored, *Santobello, supra*.

While plea agreements are a matter of criminal jurisprudence, most courts have held they are subject to contract principles, *see United States v. Ringling*, 988 F.2d 504 (4th Cir. 1993).

A plea agreement is only an “offer” until the defendant enters a court-approved guilty plea. A defendant accepts the “offer” by pleading guilty.

The general rule of a court-approved plea is subject to the detrimental reliance exception. Absent a plea of guilt, a defendant may only enforce an oral plea agreement upon a showing of detrimental reliance. Even if the agreement has not been finalized by the court, a defendant’s detrimental reliance on a prosecutorial promise in plea bargaining could make a plea

agreement binding, *see e.g., Reed v. Becka*, 333 S.C. 676, 511 S.E.2d 396, 402-404 (S.C. App. 1999).

Detrimental reliance may be demonstrated where the defendant performed some part of the bargain. Petitioner clearly relied to his detriment on the ten year plea offer presented to him by Mr. Chambers as an offer from the State. Petitioner entered a plea to which Petitioner received a sentence in excess of the ten years to which Petitioner believed he would receive in exchange for his plea of guilty. (See affidavits of John Urato and Petitioner).

PCR counsel, Susannah Ross, spoke with John Urato and was completely cognizant of the conversations with Mr. Chambers regarding the ten year plea, yet failed to request an affidavit, a video deposition, or personal appearance by Mr. Urato to meet the Petitioner's burden of proof at PCR.

South Carolina case law clearly recognizes that a defendant has a right to enforce a plea agreement, *see State v. Gates*, 299 S.C. 92, 382 S.E.2d 886 (1989) and *Jordan v. State*, 297 S.C. 52, 374 S.E.2d 683 (1988). Petitioner submits that he is entitled to specific enforcement of the ten year plea agreement on both indictments for bank robbery.

II. Did the PCR Court err in failing to find Applicant was denied the effective assistance of counsel guaranteed by the Sixth Amendment of the United States Constitution where counsel failed to challenge the elements of the Indictment as to whether the offense was committed?

Petitioner submits that his guilty plea was not knowingly or voluntarily entered as a result of ineffective assistance of counsel and counsel's incompetent legal advice, *see Tollet v. Henderson*, 411 U.S. 258 (1973) (A criminal defendant can only attack the voluntary and intelligent character of the guilty plea based on the advice of counsel).

Mr. Chambers advised Petitioner that indictment 2010-GS-23-7946 (Attempted Bank Robbery of the Wachovia Bank) was amended to change the Bank name to the First Savers Bank and to upgrade the offense to Bank Robbery under S.C. Code §16-11-380(A) (1976).

This issue is best addressed in subsections to demonstrate Mr. Chambers' ineffectiveness in providing incompetent legal advice on the elements of the crime, but in also demonstrating that Petitioner had a viable defense strategy beginning with a motion to quash the amended indictment.

A. Counsel's failure to utilize the warrants

The warrant affidavit for the offense of conspiracy (I-482093), App. 74, in indictment 2010-GS-23-7909, App. 72-73, was also utilized as the warrant affidavit for the Wachovia (amended to First Savers Bank) Bank Robbery (I-482092), App. 78, in indictment 2010-GS-23-7946, App. 76-77. Petitioner submits that the identical language may have sufficed as long as the original indictment was for "attempted" bank robbery, but the elements changed with the amendment of the offense to Bank Robbery.

The Amended Indictment for Bank Robbery (2010-GS-23-7946) reads specifically:

"That JOSEPH DOMINICK URATO did in Greenville County, on or about the 30th day of July, 2010, *enter* the First Savers Bank, located at 1818 Augusta Street,

Greenville, South Carolina, *with intent* to steal money, securities for money, or property, either by force, intimidation, or threats. This is in violation of §16-11-380 of the South Carolina Code of Laws (1976) as amended. (Emphasis added)

App. 77.

Petitioner submits that counsel failed to provide the effective assistance of counsel by providing incompetent, or failing to provide competent legal advice in regards to the crimes for which Petitioner was charged and any defense thereto. Counsel was aware that Petitioner sought a jury trial on the offenses indicted. A review of the warrants in question shows that the State changed the elements in the amendment process and would be unable to prove the elements of the crime upon the affidavit in the warrant if submitted to adversarial testing.

B. Counsel's failure to utilize or challenge the Indictment

Petitioner submits that Mr. Chambers failed to provide the effective assistance of counsel in providing incompetent legal advice or failing to provide competent legal advice in not informing Petitioner that the State could not prove the elements of the indicted offense in Indictment 2010-GS-23-7946, App. 76-77, and that counsel could either move to quash the indictment or inform Petitioner that he had a viable defense. The indictment in question charges a violation of S.C. Code of Laws §16-11-380. The elements of §16-1-380 read:

A person commits the crime of entering a bank with intent to steal when he:

- a. *enters* a building or part of a building occupied as a bank, depository, or building and loan association;
- b. *with intent to steal*
- c. money or securities for money
- d. by force, intimidation, or threats.

Petitioner submits that Mr. Chambers failed to advise that the State could not prove the elements of subsections “a” and “b”, above.

It is well-established that the Due Process Clause of the Fourteenth Amendment requires that the prosecution prove beyond a reasonable doubt every essential element of the crime charged, see *In re Winship*, 397 U.S. 358, 364 (1970); *Patterson v. New York*, 432 U.S. 197, 215 (1977). In Petitioner's case, in order to prove the crime of bank robbery, the State would have to prove that Petitioner *entered a bank with intent to steal*. The warrant clearly states that Petitioner *never* entered the bank in question. The State would have been required to prove beyond a reasonable doubt that Petitioner unlawfully entered the Saver Bank with intent to commit an offense punishable by imprisonment. See S.C. Code Ann. §16-11-380(A) (1976).

Counsel failed to investigate the crime charged and research the applicable law in relation to the South Carolina bank robbery statute, and erroneously induced Petitioner to enter a plea to a crime for which he is actually innocent. Counsel's unprofessional legal advice renders Petitioner's guilty plea involuntarily entered as a result of ineffective assistance of counsel and must be set aside.

Petitioner submits that had counsel correctly advised him that his conduct did not constitute the crime of bank robbery, he would not have pled guilty to the offense of Bank Robbery and would have proceeded to trial as planned. Thus, prejudice has been shown; see *Hill*, 474 U.S. at 59.

III. Did the PCR Court err in failing to find Applicant was denied the effective assistance of counsel guaranteed by the Sixth Amendment of the United States Constitution where counsel failed to inform Applicant of his right to appeal?

Petitioner asserts that counsel failed to file the notice of appeal. Petitioner maintains that such unprofessional errors and omissions by counsel constitutes ineffective assistance of counsel because it deprived him of an opportunity to obtain appellate review, *see Roe v. Flores-Ortega*, 528 U.S. 470 (2000). The *Flores-Ortega* Court went on to hold that, even if the client has not made a specific request of his attorney to file an appeal, a court must inquire whether the attorney consulted with the client regarding the advantages and disadvantages of appealing and made a reasonable effort to determine the client's wishes, *id* at 478. If so, the attorney has only acted unreasonably if he ignored the client's wishes to appeal the case, *id*. If not, the court must further inquire whether the attorney had the affirmative duty to consult, *id*.

An attorney has this duty when either (1) any rational defendant would want to appeal, or (2) his particular client reasonably demonstrated an interest in appealing, *id* at 480.

This issue was raised at the post-conviction relief evidentiary hearing, App. 38 - 39. Petitioner, having asked for any appeal and heard nothing from his attorney (see Petitioner's Affidavit in support) contacted the Clerk of the Greenville County Court in regards to [his] appeal, App. 39 - 40; 57 - 59 Judge Stilwell wrestled with whether Petitioner's filing was deficient, App. 54, and was not sure if she had jurisdiction to address the issue, *id*. Despite the evidence that Petitioner desired to appeal the sentence, based on his statement to Mr. Chambers immediately following sentencing that [he] wished to "take it back," (Petitioner's Affidavit) and from the Petitioner's allegedly deficient filing in the incorrect court, the PCR Court erred in finding Petitioner was not denied an appeal, App. 63, 66.

As to the second prong of the *Strickland* test, the *Flores-Ortega* Court held that the failure to file denies the defendant his constitutional right to counsel at a critical stage, *id* at 483. In such cases, prejudice is presumed because rather than being denied the opportunity for a fair proceeding, the defendant is denied the opportunity for a proceeding at all, *id* (citing *Smith v. Robbins*, 528 U.S. 259, 286 (2000); and *United States v. Cronin*, 466 U.S. 648, 659 (1984)). Accordingly, to satisfy the prejudice prong of the *Strickland* test, a defendant who shows that his attorney has ignored his wishes and failed to appeal his case need only demonstrate that, but for the deficient attorney performance, he would have appealed, *Flores-Ortega*, 528 U.S. at 484.

Petitioner here has sufficiently demonstrated Mr. Chambers ignored Petitioner's wishes and failed to file the notice of appeal. Thus, Petitioner is entitled to an out-of-time appeal.

Standard of Review on Petition for Writ of Certiorari

This Court will not uphold the findings of the PCR judge when there is no probative evidence to support them, *Holland v. State*, 322 S.C. 111, 470 S.E.2d 378 (1996). Furthermore, it will reverse the PCR judge's decision when it is controlled by an error of law, *see Simpson v. State*, 317 S.C. 506, 455 S.E.2d 175 (1995). When determining issues relating to guilty pleas, the Court will consider the entire record, including the transcript of the guilty plea and the evidence presented at the PCR hearing, *Roddy v. State*, 339 S.C. 29, 528 S.E.2d 418 (2000). The record as supplemented under Rule 212(b) should also be considered in the determination of this matter.

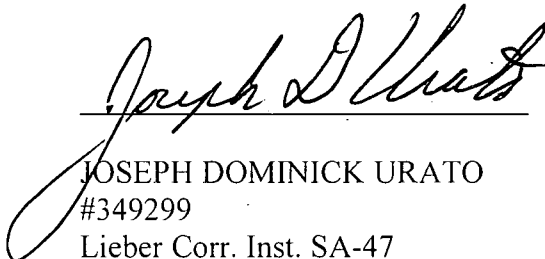
Petitioner suggests that the writ issue where there is sufficient evidence to show counsel failed to provide the effective assistance of counsel in the several instances.

CONCLUSION

For the foregoing reasons the writ of certiorari should be granted.

Respectfully submitted,

July 23, 2014

A handwritten signature in cursive script, reading "Joseph D. Urato", is written over a horizontal line. The signature is positioned to the right of the date and above the typed name.

JOSEPH DOMINICK URATO

#349299

Lieber Corr. Inst. SA-47

Post Office Box 205

Ridgeville, SC 29472-0205

PETITIONER

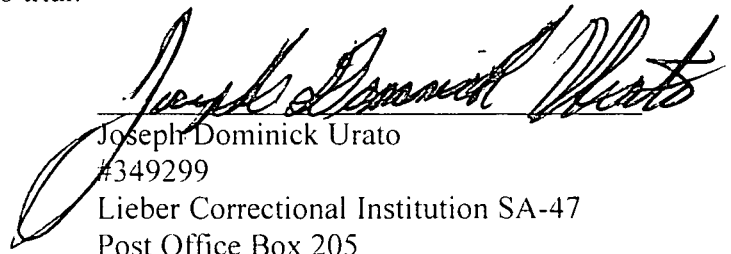
STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

**AFFIDAVIT OF JOSEPH DOMINICK URATO
IN SUPPORT OF *PRO SE JOHNSON*
PETITION FOR WRIT OF CERTIORARI**

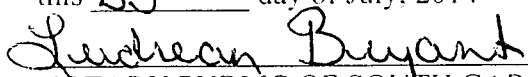
The undersigned, Joseph Dominick Urato, personally appeared before me who deposes and says the following:

- 1) I am the Petitioner in *Joseph Dominick Urato v. State of South Carolina*, Appellate Case No. 2013-002381;
- 2) I was prepared to proceed to trial at all times up to and including January 17, 2012;
- 3) From the onset of my Greenville County case I informed my attorney, Randall Chambers, I wished to proceed to trial on all offenses;
- 4) On January 17, 2012, while sitting in the holding cell at the Greenville County Courthouse waiting to pick a jury for my trial, Mr. Chambers came to me and stated "I have a ten year deal for you right now if you plead";
- 5) I asked Mr. Chambers if the ten years was violent or nonviolent, to which Mr. Chambers responded "I do not know, let me go check";
- 6) Mr. Chambers returned a few minutes later and informed me the ten years was "nonviolent, 65%." I immediately responded, "Where do I sign?" Mr. Chambers left and immediately returned and had me sign paperwork that was presented to me as a ten year plea agreement;
- 7) Immediately upon sentencing, when I received the thirty year suspended sentence instead of the ten years agreed upon, I turned to Mr. Chambers and stated "I want to take it back," to which Mr. Chambers responded, "I can't, it is too late";
- 8) I wrote the Greenville County Clerk of Court and requested an appeal. The Clerk responded that my appeal was filed (Appendix 57 - 58);
- 9) On or about January 24, 2012, I wrote to Mr. Chambers and asked about the status of my appeal. Mr. Chambers never responded; and
- 10) If not for Mr. Chambers' inducement of the ten year plea offer, I would not have pled guilty and would have proceeded to trial.

FURTHER AFFIANT SAYETH NOT:


Joseph Dominick Urato
#349299
Lieber Correctional Institution SA-47
Post Office Box 205
Ridgeville South Carolina 29472-0205

SWORN TO AND SUBSCRIBED before me
this 23rd day of July, 2014


NOTARY PUBLIC OF SOUTH CAROLINA

My Commission Expires: May 26, 2020

Joseph Dominick Urato
#349299
Lieber Correctional Institution SA-47
P.O. Box 205
Ridgeville, SC 29472-0205

July 23, 2014

RECEIVED

JUL 30 2014

S.C. SUPREME COURT

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

Re: *Joseph Dominick Urato, #349299, Petitioner, v. State of South Carolina, Respondent*
Appellate Case No. 2013-002381

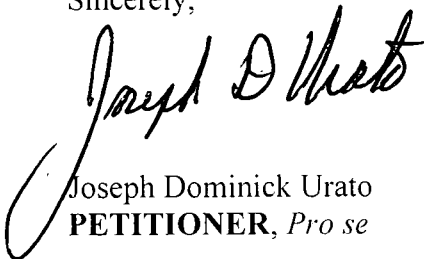
Dear Mr. Shearouse:

Please find enclosed the Petitioner's *Pro se Johnson* Brief for Petition for Writ of Certiorari in the above-referenced matter. Also enclosed for filing in the above-referenced petition for writ of certiorari are the Original and six (6) copies of Petitioner's Motion to Supplement the Record Pursuant to Rule 212(b). Although not required for the *Pro se Johnson* Petition, enclosed is proof of service on counsel for Respondents for the Motion to Supplement the Record.

Your assistance in this matter is sincerely appreciated.

With kindest regards, I am,

Sincerely,


Joseph Dominick Urato
PETITIONER, *Pro se*

Cc: Lanelle Cantey Durant, Esquire
Karen Ratigan, Esquire

RECEIVED

JUL 30 2014

SC OFFICE OF
APPELLATE DEFENSE

STATE OF SOUTH CAROLINA
In the Supreme Court

CERTIORARI TO GREENVILLE COUNTY

Honorable Robin B. Stilwell, Circuit Court Judge

Appellate Case No. 2013-002381

Joseph Dominick Urato, #349299 PETITIONER

v.

State of South Carolina RESPONDENT

PROOF OF SERVICE

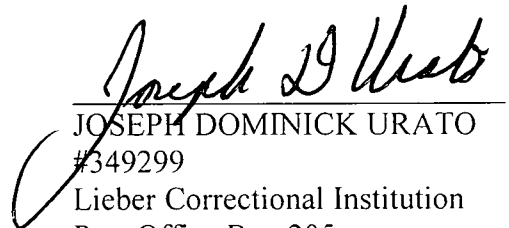
The undersigned hereby certifies that he has served a true and correct copy of the Motion to Supplement the Record on Appeal on counsel for Respondent and Counsel of Record for Petitioner, by placing a copy in the U.S. Mail, first-class postage affixed thereto, this 24th day of July 2014, addressed as follows:

Karen Ratigan
Assistant Attorney General
Office of South Carolina Attorney General

P.O. Box 1549
Columbia, SC 29211-1549

Lanelle Cantey Durant
Assistant Appellate Defender
S.C. Office of Appellate Defense

P.O. Box 1589
Columbia, SC 29211-1589


JOSEPH DOMINICK URATO
#349299
Lieber Correctional Institution
Post Office Box 205
Ridgeville, South Carolina 29472

PETITIONER, pro se