



ALAN WILSON  
ATTORNEY GENERAL

PCR DIVISION: 803.734.3737  
PCR FACSIMILE: 803.734.4113

September 15, 2011

*Via Hand Delivery*

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

**RECEIVED**

SEP 15 2011


S.C. Supreme Court

**RE: James Keith Grindle v. State of South Carolina  
2008-CP-11-1058**

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the Return to Petition for Writ of Certiorari in the above matter for filing in your office. By copy of this letter I am serving opposing counsel with this return today.

With highest regards,

  
Suzanne H. White  
Assistant Attorney General

SHW/aam  
Enclosures

cc: Robert M. Pachak, Esquire (w/enclosure)





ALAN WILSON  
ATTORNEY GENERAL

PCR DIVISION: 803.734.3737  
PCR FACSIMILE: 803.734.4113

August 22, 2011

**RECEIVED**

AUG 22 2011

**S.C. Supreme Court**

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

**RE: James Keith Grindle v. State of South Carolina  
2008-CP-11-1058**


(2)

Dear Mr. Shearouse:

The Return to the Petition for Writ of Certiorari in the above appeal is due to be served and filed on today's date. However, this is to respectfully request a 30-day extension in which to serve and file this Return.

This extension request is not intended for the purpose of delay. Rather, this extension request is necessitated by a heavy workload and made for good cause.

Yours very truly,

  
Suzanne H. White  
Assistant Attorney General

SHW/aam

cc: Robert M. Pachak, Esquire





ALAN WILSON  
ATTORNEY GENERAL

PCR DIVISION: 803.734.3737  
PCR FACSIMILE: 803.734.4113

July 22, 2011

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

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S.C. Supreme Court

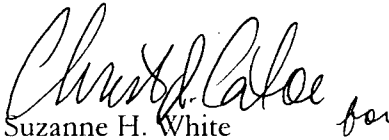
RE: James Keith Grindle v. State of South Carolina  
2008-CP-11-1058

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This extension request is not intended for the purpose of delay. Rather, this extension request is necessitated by a heavy workload.

Yours very truly,

  
Suzanne H. White  
Assistant Attorney General

SHW/aam

cc: Robert M. Pachak, Esquire



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) 734-1343  
Facsimile: (803) 734-1397

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

**RECEIVED**

APR 11 2011

April 11, 2011

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

**S.C. Supreme Court**

Dear Mr. Shearouse:

The following case falls under the 60 day rule for appeals, and the date we received the transcript is listed to the side.

James Keith Grindle v. State of South Carolina

4/8/2011

I would appreciate you beginning our time limits from the above date, and if you need additional information, or have any questions please contact me.

Thank you for your assistance in this matter.

Sincerely,

  
Lorie French  
Legal Services Coordinator



# 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

March 21, 2011

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MAR 21 2011

Ms. Pamela E. Green  
Circuit Court Reporter  
121 Bradford Crossing Drive  
Roebuck, SC 29376

S.C. Supreme Court

Dear Ms. Green:

Please provide us with the following transcript:

James Keith Grindle v. State of South Carolina      Case #:              08-CP-11-01058.

County: Cherokee                      Date of Trial: January 14, 2010

Presiding Judge: Roger L. Couch

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

Please number the lines on the paper from 1-25, and include any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments.

If you are aware of any co-defendants or if the Attorney General's Office has already requested a transcript, please let us know.

Sincerely,

  
Lorie French  
Legal Services Coordinator

cc: S.C. Supreme Court  
Attorney General's Office

***SHERYL CLARKSON BLAND***

Attorney at Law  
116 East Robinson Street  
Gaffney, S.C. 29340  
(864) 489-3997 (telephone)  
(864) 489-3666 (facsimile)

March 8, 2011

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

RE: JAMES KEITH GRINDLE, JR. VS. THE STATE  
Case Number 08-CP-11-1058

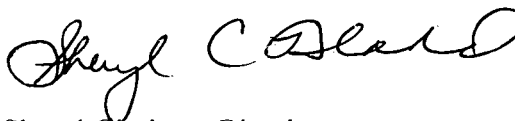
Dear Mr. Shearouse:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Original Proof of Service upon opposing counsel.
- (2) Order of Dismissal.

If I can be of any further assistance please feel free to call me.

Sincerely,



Sheryl Clarkson Bland  
Attorney at Law

\scb  
Encl.  
cc: file

**RECEIVED**  
MAR 09 2011  
S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM CHEROKEE COUNTY  
Court of Common Pleas

The Honorable Roger L. Couch, Circuit Court Judge

Case No. 2008-CP-11-1058

James Keith Grindle, Jr.

Appellant

v.

The State,

Respondent,

FILED IN OFFICE OF  
CLERK OF COURT  
CHEROKEE COUNTY, S.C.  
2011 MAR - 8 1 P 3: 18  
BRANDY W. MCBEE

NOTICE OF INTENT TO APPEAL

James Keith Grindle, Jr., appeals the denial of his application for Post-Conviction Relief in this case. The Order of Dismissal was signed by the Honorable Roger L. Couch on February 10, 2011 and filed on February 24, 2011. Appellant received notice of the same on March 2, 2011.

March 8, 2011



Sheryl Clarkson Bland  
116 E. Robinson Street  
Gaffney, SC 29340  
(864) 489-3997  
ATTORNEY FOR APPELLANT

Other Counsel of Record:  
Suzanne H. White  
Assistant Attorney General  
P.O. Box 11549  
Columbia, SC 29211-11549  
(803) 734-3737

**RECEIVED**  
MAR 09 2011  
S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM CHEROKEE COUNTY  
Court of Common Pleas

The Honorable Roger L. Couch, Circuit Court Judge

Case No. 2008-CP-11-1058

James Keith Grindle, Jr.

Appellant

v.

The State,

Respondent,

PROOF OF SERVICE

FILED IN OFFICE OF  
CLERK OF COURT  
CHEROKEE COUNTY, S.C.  
2011 MAR - 8 1 P 3: 18  
BRANDY W. MCBEE

The undersigned, Sheryl Clarkson Bland, hereby certifies that she is a person of such age and discretion as to be competent to serve papers and that a copy of the **Notice of Intent to Appeal**, was served upon the following person(s) on the State, by depositing copies of the same in the United States Mail, with sufficient postage affixed thereto, on March 8, 2011, addressed as follows:

Suzanne H. White  
Assistant Attorney General  
P. O. Box 11549  
Columbia, S.C. 29211-11549



Sheryl Clarkson Bland

SWORN BEFORE ME THIS  
*8th* DAY OF March, 2011.

*Wanda B. Hightis*  
NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES: 01/21/19

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

JUDGMENT IN A CIVIL CASE  
CASE NO: 2008CP1101058

FILED IN OFFICE OF  
CLERK OF COURT  
CHEROKEE COUNTY, S.C.  
2011 FEB 28 A 10:50  
BRANDY W. MCBEE

**James Keith Grindle Jr vs. State of South Carolina**

**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.

**IT IS ORDERED AND ADJUDGED:**  See attached order;  Statement of Judgment by the Court:

**Order of Dismissal**

Dated at Gaffney, South Carolina, this the 24th day of February, 2011.

Court Reporter:

s/ Roger L. Couch

**PRESIDING JUDGE - Roger L. Couch**

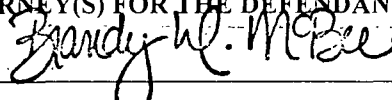
This judgment was entered on the the 10th day of February, 2011, and a copy mailed first class this the 24th day of February, 2011, to attorneys of record or to parties (when appearing pro se) as follows:

Sheryl Clarkson Bland Attorney at Law P.O. Box  
8037 Gaffney, SC 29342

State of South Carolina, Michelle J Parsons  
P.O. Box 11549, Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)



Brandy W. McBee - Clerk of Court

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHEROKEE )  
 )  
 James Keith Grindle, #319064, )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 State of South Carolina, )  
 )  
 Respondent. )

---

FILED IN OFFICE OF  
 CLERK OF COURT  
 IN THE COURT OF COMMON PLEAS  
 SEVENTH JUDICIAL CIRCUIT

2011 FEB 24 A 9:25

BRANDY W. MGBEE  
 2008-CP-111058

**ORDER OF DISMISSAL**

2011 FEB 24 10:32  
 ERROR  
 CLOCKED  
 MGBEE

This matter comes before the Court by way of an Application for Post-Conviction Relief filed December 5, 2008. An evidentiary hearing into the matter was convened on January 14, 2010, at the Spartanburg County Courthouse. The Applicant was present at the hearing and was represented by Sheryl C. Bland, Esquire. Suzanne H. White of the South Carolina Attorney General's Office represented the Respondent.

At the hearing, the Applicant testified on his own behalf. Charlene Grindle, Applicant's mother, also testified on Applicant's behalf. Trent N. Pruett, Esquire testified on behalf of the State. At Applicant's request, a deposition was taken of Deborah Howard, on April 2, 2010, and submitted to the Court. This Court also had before it a copy of the transcript of the proceedings against the Applicant, the records of the Cherokee County Clerk of Court, the Applicant's appellate records, and the Applicant's records from the South Carolina Department of Corrections.

**PROCEDURAL HISTORY**

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Cherokee County. The Applicant

*[Handwritten signature]*  
*[Handwritten initials]*

was indicted at the May 2006 term of the Court of General Sessions for criminal sexual conduct with a minor, first degree (2006-GS-11-408). Trent N. Pruett, Esquire, represented him. On December 6, 2008, the Applicant proceeded to trial after which he was found guilty as indicted. The Honorable J. Mark Hayes, II to confinement for a period of thirty (30) years for this charge.

A timely Notice of Appeal was filed on Applicant's behalf and an appeal was perfected. The South Carolina Court of Appeals affirmed Applicant's conviction and sentence. State v. Grindle, Op. No. 2008-UP-618 (S.C. Ct. App. filed November 10, 2008).

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

1. Ineffective assistance of trial counsel, in that;
  - a. Counsel failed to object to indictment being altered in court,
2. "Judicial error," in that;
  - a. Judge erred by not directing a verdict of not guilty.

Prior to the hearing, Applicant amended his application to include the following:

1. Ineffective assistance of trial counsel, in that;
  - b. Counsel failed to call specific witnesses for the defense,
  - c. Counsel failed to investigate,
  - d. Counsel failed to object to indictment,
  - e. Counsel failed to zealously represent Applicant;
2. Trial court lacked jurisdiction, in that;
  - a. No evidence at trial that alleged acts occurred in SC,
  - b. New evidence has been discovered.

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STATE OF SOUTH CAROLINA  
2011  
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M. ROSE BLANCKLEY

### 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 (2003).

### **Ineffective Assistance of Trial Counsel**

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel 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, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. 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.



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Failure to Investigate & Zealously Advocate for Applicant

Regarding Applicant's allegation that Counsel was ineffective for failing to investigate and zealously advocate for the Applicant, this Court finds that Applicant has failed to meet his burden of proof. This Court also finds Counsel's testimony to be more credible than Applicant's testimony. This Court finds that Counsel is an experienced trial attorney, who received and reviewed discovery materials and met with Applicant several times. Counsel also testified that he discussed with Applicant the DSS cases involving the children, trial strategy and potential witnesses. Counsel zealously cross-examined State witnesses and attacked the credibility of the witnesses and their testimony.

Applicant alleged that Counsel should have subpoenaed the records from the North Carolina DSS case to support his claim that the children were in North Carolina at the time of the incident. However, Applicant did not produce the records to this Court for examination and therefore, it would be speculation to assess that the records would have helped Applicant's case. "Failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result." Moorehead v. State, 329 S.C. 329, 496 S.E.2d 415 (1998). Applicant failed to offer any evidence or testimony of information that Counsel could have discovered had any additional investigation been completed or a more zealous representation had been undertaken. Therefore, this claim is denied and dismissed.

Failure to Call Witnesses

In regards to Applicant's allegation that Counsel should have contacted additional witnesses to testify on his behalf at trial, this Court finds that Applicant has failed to meet his burden of proof. Applicant specifically alleged that Counsel should have contacted Debbie and

*Dee*  
p 4

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Scott Howard, the victim's mother, Erica, and Applicant's mother to testify. This Court finds Counsel's testimony to be more credible than Applicant's as to this issue.

Applicant testified that he informed Counsel that the Howards could testified regarding the fact that Erica and the children, including the victim in this case, were living in North Carolina at the time of the incidents. Applicant also testified that Counsel was aware that the Howards were involved in the DSS case in North Carolina. Counsel testified that the Applicant did inform him of the Howards; however there was never any discussion regarding calling them as witnesses to discuss jurisdictional issues because that issue did not come up until trial. Ms. Howard testified that Erica and the children lived with her family for a while in Gastonia, NC. Ms. Howard also testified that she was not aware of where the Applicant lived during that time, but would see him occasionally when he came to bring money to Erica. Ms. Howard also testified that Erica would sometimes leave the house and stay gone for several days with the children and Howard testified that she did not know where she was at these times.

Applicant also alleged that Counsel should have called Erica to testify on his behalf. Counsel testified that he spoke and met with Erica, but she was not very cooperative.

Finally, in regards to Applicant's mother, Counsel testified that he did not call her as a witness because he did not believe the mother could offer anything to help with the substantive issues of the case. Applicant alleged that his mother should have been called to testify as to Applicant and Erica living in different states at the time of the incidents. Applicant's mother testified that she had receipts from where she paid Applicant's rent in North Carolina during May through August. However, again, Counsel testified that with Applicant's admission that he had contact with the children during that time in South Carolina, there would have been no point to her testimony.

*PSL*  
*P5*

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ERIK POPE  
CLERK OF COURT

Prejudice from trial counsel's failure to interview or call witnesses cannot be shown where the witnesses do not testify at post conviction relief. Underwood v. State, 309 S.C. 560, 425 S.E.2d 20 (1992); Bassette v. Thompson, 915 F.2d 932 (4th Cir. 1990), cert. denied, 499 U.S. 982 (1991). The Applicant's mere speculation as to what a witnesses' testimony would have been cannot, by itself, satisfy his burden of showing prejudice. Clark v. State, 315 S.C. 385, 434 S.E.2d 266 (1993); Glover v. State, 318 S.C. 496, 458 S.E.2d 538 (1995). An Applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice from the witness' failure to testify at trial. Bannister v. State, 333 S.C. 298, 509 S.E.2d 807 (1998).

The Applicant has failed to meet his burden of proof as to this claim. This Court would be required to speculate as to any testimony or evidence that could have been provided by Erica. Testimony provided by the Applicant's mother and Ms. Howard focused solely on the jurisdictional issue and claims that Applicant was not with the children in South Carolina during the times alleged on the indictment. This Court finds that Counsel was not ineffective for failing to call either witness, as the outcome of the case would not have changed if either witness had been present at trial. Therefore, this claim is denied and dismissed.

Failure to Object to Indictment

Regarding Applicant's allegation that Counsel was ineffective for failing to object the indictment, this Court finds that the Applicant has failed to meet his burden of proof. This Court finds that this claim lacks merit. The amendments to the indictment were a reduction in the time frame and the striking of surplus language, changes which did not affect the nature of the allegation and were discussed with the Applicant at the time by Counsel. Therefore, this Court finds that this claim should be denied and dismissed.

*PSL*  
*D 6*

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JAMES W. HANCOCK  
JUNIOR COURT

Therefore, this Court finds that the Applicant failed to carry his burden to show that trial counsel's representation fell below the standard of professional reasonableness for a criminal defense attorney in this regard. Strickland v. Washington; Cherry v. State. The Court finds that the Applicant cannot satisfy either requirement of the Strickland test.

### Judicial Error

The Applicant alleged judicial error because the court failed to grant his directed verdict motion. This allegation raises a direct appeal issue that is procedurally barred by S.C. Code Ann. §17-27-20(b) (2003). Post-conviction relief is not a substitute for a direct appeal. Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on direct appeal. Ashley v. State, 260 S.C. 436, 196 S.E.2d 501 (1973). The Applicant could have raised this issue at trial or on appeal. His failure to do so has waived this allegation as a ground for relief. Therefore, this claim is denied and dismissed.

### Lack of Jurisdiction

The Applicant also alleged that the trial court lacked jurisdiction because there was no evidence that the incidents occurred in South Carolina and there was evidence that the victim was living in North Carolina at the time. However, this Court finds that this allegation lacks merit. This Court also finds that Counsel's testimony regarding this issue is more credible than the Applicant's.

Applicant testified that he was in South Carolina and the children and Erica were in North Carolina at the time of the alleged incidents. However, at trial, testimony was presented by George Johnson, which placed the Applicant and the victim in South Carolina during that time. Furthermore, the record reflects that the Applicant testified to being with the victim in

CLERK OF COURT  
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MAYOR BELMONT

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South Carolina during the time on the indictments. Counsel testified that the issue of jurisdiction and claims of the Applicant not being in contact with the child in South Carolina did not come up until trial. Counsel also testified that based on Applicant's own admissions at trial, Applicant placed himself in South Carolina with the victim. Counsel further testified that because of the testimony of Mr. Johnson, the court denied his directed verdict motion.

As to Applicant's claims that the information presented regarding jurisdiction is after-discovered evidence, this Court finds that Applicant has failed to meet his burden of proof. A defendant requesting a new trial based on after discovered evidence must show that the evidence:

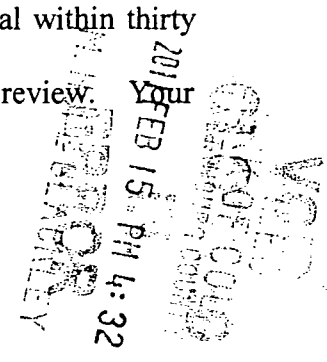
- (1) Is such as would probably change the result if a new trial was had;
- (2) Has been discovered since the trial;
- (3) Could not by the exercise of due diligence have been discovered before the trial;
- (4) Is material to the issue of guilt or innocence; and
- (5) Is not merely cumulative or impeaching. Hayden v. State, 278 S.C. 610, 611-12, 299 S.E.2d 854, 855 (1983).

It is clear that this information was available to the Applicant at the time of trial because testimony was presented as to where the incidents occurred. Also, this Court finds that the information is not material to the issue of guilt or innocence and would not change the result if a new trial were held. Therefore, this claim is denied and dismissed.

### CONCLUSION

Based on all 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 his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

This Court advises Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order to secure the appropriate appellate review.

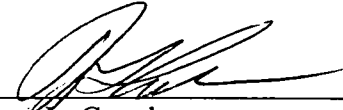



attention is directed to South Carolina Appellate Court Rule 243<sup>1</sup> for appropriate procedures for appeal.

**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 10<sup>th</sup> day of February, 2011.

  
\_\_\_\_\_  
Roger L. Couch  
Presiding Judge  
Seventh Judicial Circuit

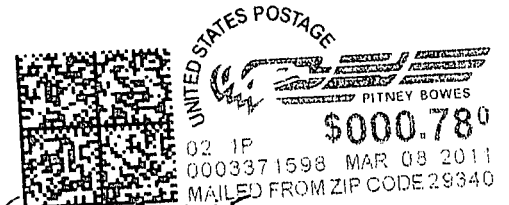
  
\_\_\_\_\_, South Carolina.

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M. HOPE BLAIR  
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SOUTH CAROLINA

<sup>1</sup> Formerly Rule 227, SCACR. Rules 224 through 230, SCACR, were renumbered as Rules 240 through 246, SCACR, by order of the South Carolina Supreme Court dated April 29, 2009.

Sheryl Clarkson Bland  
Attorney at Law  
116 E. Robinson Street  
Gaffney, S.C. 29340

00E131125Z



*James  
Keith  
Mindle, Jr.*

THE HONORABLE DANIEL E. SHEAROUSE  
CLARK, SOUTH CAROLINA SUPREME COURT  
P O BOX 11330  
COLUMBIA SC 29211

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