



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

 ORIGINAL

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

April 9, 2012

RECEIVED

APR 9 2012

S.C. Supreme Court

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

Re: Jameek Williams v. State of South Carolina

Dear Mr. Shearouse:

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

By copy of this letter to Assistant Attorney General Matthew Friedman, I am informing him of this request.

Thank you for your assistance in this matter.

Sincerely,

Dayne C. Phillips
Assistant Appellate Defender

DCP/fkb

cc: Matthew Friedman, Esquire



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

February 8, 2012

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FEB - 8 2012

S.C. Supreme Court

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

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.

Jameek J. Williams v. State of South Carolina

2/8/2012

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,

Sharon A. Graham
Administrative Coordinator



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

December 8, 2011

RECEIVED

DEC - 8 2011

S.C. Supreme Court

Ms. Amanda K. Haffenden
Circuit Court Reporter
P O Box 424
Summerville, SC 29484

Dear Ms. Haffenden:

Please provide us with the following transcript:

Jameek J. Williams v. State of South Carolina Case #: 10-CP-10-03082

County: Charleston Date of Trial: May 23, 2011

Presiding Judge: Deadra L. Jefferson

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,

Sharon A. Graham
Administrative Coordinator

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



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

December 8, 2011

RECEIVED

DEC - 8 2011

H. Stanley Feldman, Esquire
89 Broad Street
Charleston, SC 29401

S.C. Supreme Court

Re: Jameek J. Williams v. State of South Carolina

Dear Mr. Feldman:

The Chief Appellate Defender has reviewed the Affidavit of Indigency for the above case and has approved for this Office to perfect the appeal for Mr. Williams.

Pursuant to my letter to you dated September 13, 2011, I would appreciate receiving the list of documents at your earliest possible convenience.

Please do not hesitate to contact me if you have any questions concerning this matter.

Sincerely,

Sharon A. Graham
Administrative Coordinator

cc: S.C. Supreme Court

The Supreme Court of South Carolina

Jameek J. Williams, Petitioner,

v.

State of South Carolina, Respondent.

The Honorable Deadra L. Jefferson
Charleston County
Trial Court Case No. 2010-CP-10-03082

ORDER

For good cause shown, the request for an extension until December 14, 2011 to order the transcript is granted. Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause and must be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY Drenda J. Shealy
Clerk

Columbia, South Carolina *Chief Deputy*

November 15, 2011

cc: Appellate Defense
H. Stanley Feldman, Esquire
Assistant Attorney General Matthew J. Friedman

Johnson, Janet

From: Stanley Feldman <sf24@mac.com>
Sent: Tuesday, November 15, 2011 1:04 PM
To: Johnson, Janet
Cc: Stanley Feldman
Subject: Jameek Williams - Appellate Defense

Janet,

I misunderstood the requirement for an affidavit of indigency in this case. I would respectfully request additional time, as I thought I had a properly executed order of substitution of counsel to submit. I am sorry to inconvenience the court. If for any reason this additional extension would not be approved, please advise so that I may request the transcript myself.

Thank you for your courtesy!

Respectfully,

Stanley Feldman

Johnson, Janet

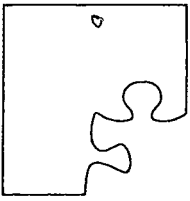
From: Stanley Feldman <sf24@mac.com>
Sent: Wednesday, October 12, 2011 3:30 PM
To: Johnson, Janet
Cc: Stanley Feldman; Matt Friedman
Subject: Jameek Williams

Janet,

I would respectfully request additional time to get the affidavit of indigence and other materials to appellate defense. Thank you for your consideration in this matter.

Respectfully,

Stanley Feldman



H. Stanley Feldman
Attorney at Law

89 Broad Street
Charleston, SC 29401
sf24@mac.com
843.763.6600
1.866.665.2697 (Fax)

August 31, 2011

RECEIVED

SEP 01 2011

S.C. SUPREME COURT

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

Re: *Jameek J. Williams, # 191622 vs. State of South Carolina*
Appeal from denial of Post Conviction Relief
2010-CP-10-3082

Dear Mr. Shearouse:

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

- 1- Notice of Appeal
- 2- Proof of Service of the Notice of Appeal on Respondent
- 3- Copy of transmittal letter to Charleston Clerk of Court
- 4- Order of Dismissal

RECEIVED

SEP 01 2011

S.C. SUPREME COURT

Respectfully,

H. Stanley Feldman

/sf

Copy: Matthew J. Friedman, Assistant Attorney General



THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Case No. 2010-CP-10-3082

JAMEEK J. WILLIAMS, #191622Appellant

vs.

THE STATE OF SOUTH CAROLINA,Respondent

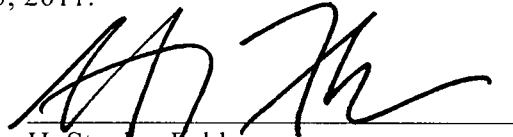
NOTICE OF APPEAL

Notice is hereby given that JAMEEK J. WILLIAMS appeals the Order of The Honorable Deadra L. Jefferson dated and filed July 25, 2011, which dismissed Appellant's Application for Post Conviction Relief. Appellant received written notice of entry of the order of Dismissal on August 3, 2011.

RECEIVED

SEP 01 2011

S.C. SUPREME COURT



H. Stanley Feldman
Attorney for Jameek J. Williams
89 Broad Street
Charleston, SC 29401
843.763.6600
sf24@mac.com
South Carolina Bar number: 1979

August 31, 2011

Other counsel of record:
Matthew J. Friedman
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211
803.734.3970

RECEIVED

SEP 01 2011

S.C. SUPREME COURT

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Case No. 2010-CP-10-3082

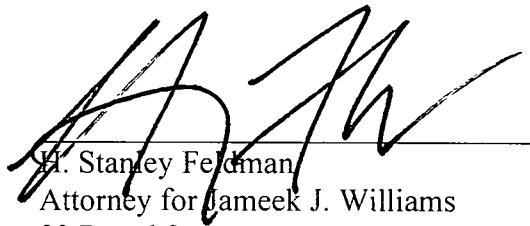
JAMEEK J. WILLIAMS, #191622Appellant

vs.

THE STATE OF SOUTH CAROLINA,Respondent

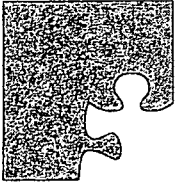
PROOF OF SERVICE

I certify that I have served the Notice of Appeal on The State of South Carolina, by First Class Mail, on Wednesday, August 31, 2011, addressed to its attorney of record, Matthew J. Friedman, Assistant Attorney General, P.O. Box 11549, Columbia, SC 29211 803.734.3970



M. Stanley Feldman
Attorney for Jameek J. Williams
89 Broad Street
Charleston, SC 29401
843.763.6600
sf24@mac.com
South Carolina Bar number: 1979

August 31, 2011
Charleston, South Carolina



H. Stanley Feldman

Attorney at Law

89 Broad Street
Charleston, SC 29401
sf24@mac.com

843.763.6600
1.866.665.2697 (Fax)

August 31, 2011

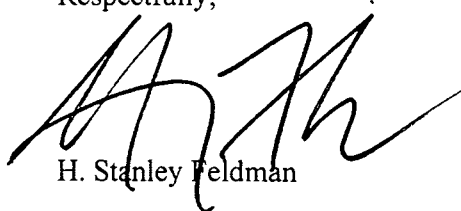
Julie J. Armstrong, Clerk of Court
Common Pleas and General Sessions
100 Broad Street, Suite 106
Charleston, South Carolina 29401-2258

Re: ***Jameek J. Williams, # 191622 vs. State of South Carolina***
Appeal from denial of Post Conviction Relief
2010-CP-10-3082

Dear Ms. Armstrong:

Enclosed for filing is a notice of appeal in the above case.

Respectfully,



H. Stanley Feldman

/sf

Copy: Matthew J. Friedman, Assistant Attorney General



ME 9

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 Jameek J. Williams, #191622,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE NINTH JUDICIAL CIRCUIT
 Case No.: 2010-CP-10-3082

ORDER OF DISMISSAL

2011 JUL 25 PM 3:58
 CLERK OF COURT

Presiding Judge: Deadra L. Jefferson
 Applicant's Attorney: H. Stanley Feldman, Esq.
 Respondent's Attorney: Matthew J. Friedman, Esq.
 Plea Counsel: Leon Stavrinakis, Esq.
 Date of Hearing: May 23, 2011
 Court Reporter: Amanda Haffenden

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed April 14, 2010. The Respondent made its Return on July 14, 2010 which was filed on July 15, 2010. An evidentiary hearing into the matter was convened on May 23, 2011 at the Charleston County Courthouse. The Applicant was present at the hearing and was represented by H. Stanley Feldman, Esquire. Matthew J. Friedman, Esquire, of the South Carolina Attorney General's Office represented the Respondent.

Applicant and plea counsel, Leon Stavrinakis, Esquire, testified at the PCR hearing. This Court had before it the guilty plea transcript, the records of the Charleston County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections, the PCR application, and Respondent's Return thereto.

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PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Charleston County Clerk of Court. The Applicant was indicted at the August 2007 term of the Charleston County Grand Jury for failure to stop for a blue light (2007-GS-10-9497), trafficking heroin (more than 14 grams) (2007-GS-10-9498), possession of heroin with intent to distribute within the proximity of a school (2007-GS-10-9499), and assault on a police officer while resisting arrest (2007-GS-10-9500). Leon Stavrinakis, Esquire, represented the Applicant. On November 12, 2009, the Applicant pled guilty to the lesser-included offense of trafficking in heroin—1st offense (4–14 grams). The State dismissed the other three (3) offenses in exchange for the plea. The State requested a sentence in the upper range due to the Applicant's prior manslaughter charge and the facts and conditions of that charge.¹ The Honorable Thomas L. Hughston, Jr. sentenced Applicant to confinement for seven (7) years for trafficking in heroin. Applicant did not appeal the guilty plea or sentence.

ALLEGATIONS

The Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel in that counsel
 - a. Did not build a defense.
 - b. Failed to obtain Rule 5 evidence.
 - c. Failed to obtain exculpatory evidence (dispatch tape and transcript of the officer's dash cam video).
 - d. Used scare tactics and terrorized Applicant into following counsel's ill-advised instruction.
2. Prosecutorial misconduct in that the State did not turn over the dispatch tape, the officers' incident reports, the dash cam video with sound, the transcript of the dispatch tape, or the transcript of the dash cam video.

¹ Trafficking in heroin—1st offense (4-14 grams) carries a penalty of seven (7) to twenty-five (25) years and a maximum fine of \$25,000.00 pursuant to S.C. Code Ann. § 44-53-370(e)(3)(a)(1).

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3. Applicant was denied due process because he was not given all the evidence under Rule 5.

At the hearing, Applicant alleged the following additional grounds for relief:

1. Counsel was not prepared for trial.
2. Counsel did not advise Applicant of his right to appeal.
3. Applicant was pressured to plead guilty.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court had the opportunity to review the record in its entirety and hear 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 his or her 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. § 17-27-80 (2003).

The Applicant testified that counsel failed to obtain certain discovery materials, including the audio from the dash cam video and the dispatch tape. He testified that counsel was not fully prepared for trial and scared him into pleading guilty. He asserted that counsel told him he would get twenty-five (25) years if he did not plead guilty. Applicant testified that counsel never challenged the weight or substance of the drugs. He also asserted that he did not know the affiant on the arrest warrant, R.E. Stone. Applicant testified that he was not advised of his right to appeal, although he admitted that he did not ask counsel to file an appeal.

Plea counsel testified that he was retained and met with Applicant at least ten (10) to twenty (20) times. Counsel testified he discussed with the Applicant the elements of the charges and potential defenses. He testified that he requested the videos and audio from the solicitor, but the solicitor informed him there were no videos or audio. Counsel testified he later sent a subpoena to the City of North Charleston, and the in-car video was subsequently produced. He testified that he reviewed the discovery with Applicant, including the video that contained audio.

3 of 10
[Signature]

He testified that he requested dispatch logs and some items were received, but no tape was ever received. Counsel asserted that there was no recording of the dispatch call. He testified that the affiant on the arrest warrant was Officer Stone of North Charleston who handles bond court paperwork and often presents affidavits to magistrates. Counsel testified that the solicitor agreed to keep the plea offer open after the suppression hearing. Counsel testified the suppression hearing was held before the Honorable J.C. Nicholson, Jr. at which time counsel moved for the case to be dismissed on the following grounds: the search incident to arrest was unlawful under Arizona v. Gant; the subsequent search and seizure was unlawful; and an illegal arrest took place when the officer tried to handcuff the Applicant. He testified that the suppression hearing went well, but the judge ultimately denied the motion. Counsel testified that he would have been prepared for trial and would have looked into challenging the weights of the drugs at trial. Counsel asserted that he told Applicant he would get at least twenty-five (25) years if he was convicted at trial because the original charge carried a mandatory minimum of twenty-five (25) years. He testified that all offers were communicated to the Applicant as well as the consequences of a plea. He asserted that it was Applicant's decision to plead guilty to the lesser-included offense. He testified that he told Applicant the only way to appeal the ruling from the suppression hearing was to go to trial. Counsel testified that Applicant did not ask him to file an appeal.

Ineffective Assistance of Counsel / Involuntary Guilty Plea

The Applicant alleges that he received ineffective assistance of counsel and that he was pressured to plead guilty. In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). Where ineffective assistance of counsel is alleged as a ground

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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, 686, 104 S. Ct. 2052, 2064 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

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. at 690, 104 S. Ct. at 2066. The applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

Courts use a two-pronged test to evaluate allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under prevailing professional norms." Id. at 117, 386 S.E.2d at 625 (citing Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). 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." Id. at 117-18, 386 S.E.2d at 625. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997). When there has been a guilty plea, the applicant must prove that counsel's representation was below the standard of reasonableness, and that, but for counsel's unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59, 106 S. Ct. 366, 370 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

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To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238, 243-44, 89 S. Ct. 1709, 1712 (1969); Dover v. State, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991). "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." Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 650 (2000) (citing Harres v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984)). When a defendant pleads guilty on the advice of counsel, the plea may only be attacked through a claim of ineffective assistance of counsel. Roscoe, 345 S.C. at 20, 546 S.E.2d at 419.

This Court finds counsel's testimony credible. This Court finds that counsel is a trial practitioner who has experience in the trial of serious offenses. Counsel conferred with the Applicant on numerous occasions. During conferences with the Applicant, counsel discussed the pending charges, discovery, the elements of the charges and what the State was required to prove, Applicant's constitutional rights, Applicant's version of the facts, and possible defenses or lack thereof. This Court finds the record reflects that Applicant's plea was entered freely, voluntarily, knowingly, and intelligently. Applicant acknowledged that he understood the nature of the charges and the range of punishment. (Tr. 2:15-18.) The record reflects the Applicant was advised by the plea judge of his constitutional right to a jury trial, and the Applicant stated that he did not wish to have a jury trial. (Tr. 2:19-4:1.) He told the court that no one had threatened him or promised him anything to get him to plead guilty. (Tr. 4:7-10.) Applicant told the court that he was pleading guilty of his own free will. (Tr. 4:11-13.) He admitted that he was, in fact, guilty of this offense. (Tr. 4:1-6, 4:17, 15:17-20.) The facts published for the record (Tr. 4:22-6:4) reflect that three (3) bags of heroine weighing a total of 16.54 grams, in addition to other

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items, were found inside the Applicant's vehicle. (Tr. 5:23-25, 6:11-12.) The record also reflects counsel for the Applicant argued to mitigate the penalty received by the Applicant. (8:14-10:23.) The Applicant indicated that he understood that if he pled guilty he could not challenge the court's ruling on the suppression hearing (Tr. 11:19-24), and his attorney confirmed. (Tr. 11:25-12:4.) This Court finds that it was Applicant's decision to plead guilty with a full understanding of the consequences of the plea.

Regarding the Applicant's claims of ineffective assistance of counsel, this Court finds the Applicant has failed to meet his burden of proof. This Court finds that Applicant's attorney demonstrated the normal degree of skill, knowledge, professional judgment, and representation that are expected of an attorney who practices criminal law in South Carolina. State v. Pendergrass, 270 S.C. 1, 5, 239 S.E.2d 750, 752 (1977); Strickland, 466 U.S. at 687-88, 104 S. Ct. at 2064-65; Butler, 286 S.C. at 442, 334 S.E.2d at 814. This Court finds counsel adequately conferred with the Applicant, conducted a proper investigation, reviewed the discovery with Applicant, and was thoroughly competent in his representation. The Court further finds no evidence of scare tactics used by counsel to persuade the Applicant to plead guilty. This Court finds that counsel's representation did not fall below an objective standard of reasonableness.

This Court finds there is no evidence that counsel failed to build a defense. The Court finds it credible that counsel would have been prepared for trial had Applicant elected to proceed to trial. As for the independent weight of the drugs, the Court finds it would not have mattered due to the fact the Applicant pled to a lesser weight. The Court further finds there was no failure to obtain Rule 5, SCRCrimP documentation. Counsel issued a subpoena for the videos and audio, and the in-car video was produced. Counsel testified that the video had audio, and he was able to review the video and the rest of the discovery with the Applicant. The Court finds that

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the items that were not turned over would have made no appreciable difference in developing or presenting a defense. There is no requirement that there be audio, as the officer's statement is sufficient for the State to meet its burden of proof. Further, there is no testimony that the missing audio would have aided the defense relative to any theory of the defense (i.e. credibility or impeachment of a witness). A mere assertion without more does not meet the required burden of proof.

The Court finds that counsel asked everything he possibly could at the suppression hearing, but the motion was eventually denied. The Applicant's main concern was mitigation of time he would receive due to his amount of exposure. Counsel and the plea judge both informed Applicant that he would not be able to appeal the ruling on the suppression motion if he pled guilty. The Court finds it credible that counsel communicated each plea offer to the Applicant and informed him of the consequences of pleading guilty in advance.

This Court finds that Applicant is not entitled to a belated appeal pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974). The United States Supreme Court has rejected a bright-line rule that counsel must always file an appeal in a criminal case. Roe v. Flores-Ortega, 528 U.S. 470, 120 S. Ct. 1029 (2000). The Court went on to hold that a professionally reasonable attorney should, in most cases, consult with the defendant regarding an appeal. Id.

In determining whether an attorney should consult with the criminal defendant concerning an appeal, the totality of the circumstances must be considered. Id. In examining the totality of the circumstances, courts should consider: (1) whether a rational defendant would want to appeal (for example, because there are non-frivolous grounds for appeal); or (2) whether a particular defendant reasonably demonstrated to counsel that he was interested in appealing. Id. at 480, 120 S. Ct. at 1036. Where the PCR judge determines that the applicant did not freely and

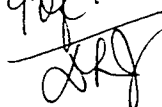
voluntarily waive his appellate rights, the applicant may petition the South Carolina Supreme Court for review of direct appeal issues pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974). See Rule 243(i), SCACR; Davis v. State, 288 S.C. 290, 342 S.E.2d 60 (1986).

Trial counsel is not required to file a notice of appeal without specifically being asked to do so. Roe, 528 U.S. 470, 120 S. Ct. 1029. In the present case, there is no indication that Applicant specifically asked counsel to file a notice of appeal. In fact, counsel and Applicant both testified that Applicant did not ask counsel to file an appeal. Moreover, Applicant received a favorable sentence under the circumstances so there was no reason for counsel to believe that Applicant wanted to appeal.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test, specifically that counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that counsel committed either errors or omissions in his representation of the Applicant. The Applicant failed to show that counsel's performance was deficient. This Court also finds the Applicant has failed to prove the second prong of Strickland, specifically that he was prejudiced by plea counsel's performance. The Court finds no indication that the Applicant would not have pled guilty but for counsel's performance. Applicant's complaints concerning counsel's performance are without merit and are denied and dismissed.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds the Applicant waived such allegations and failed to meet his burden of proof regarding them. Therefore, they

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are hereby denied and dismissed.

CONCLUSION

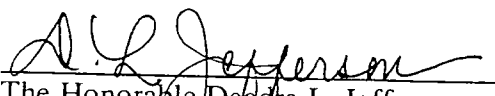
Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his guilty plea and sentencing proceedings. Counsel was not deficient in any manner, nor was the Applicant prejudiced by counsel's representation. Therefore, this application for PCR 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 written notice of entry of this Order to secure appropriate appellate review. His attention is also 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 served and filed.

IT IS THEREFORE ORDERED:

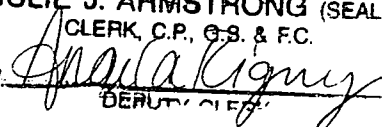
1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 25th day of July, 2011.

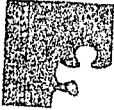

The Honorable Debra L. Jefferson
Presiding Judge, Ninth Judicial Circuit

Charleston, South Carolina.

10 of 10
XP 8

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., C.S. & F.C.
By 
DEPUTY CLERK

FIRST CLASS MAIL



H. Stanley Feldman
Attorney at Law
89 Broad Street
Charleston, SC 29401

Daniel E. Williams

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
P.O. Box 11330
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