

# The Supreme Court of South Carolina

Leon A. Goodman, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-213366

Lower Court Case No. 2010-CP-14-00705

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## ORDER



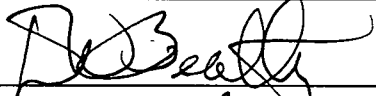
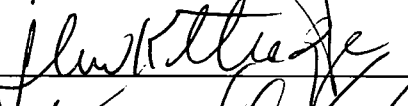

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This matter is before the Court by way of a petition for a writ of certiorari, pursuant to Rule 243, SCACR, to review an order of the circuit court finding trial counsel was not ineffective in failing to perfect petitioner's direct appeal. We find there is probative evidence in the record to support the circuit court's finding that *trial counsel* was not ineffective in perfecting petitioner's appeal; therefore, we deny the petition for a writ of certiorari pursuant to Rule 243. However, because we find petitioner clearly did not waive his right to direct appeal, and his direct appeal was dismissed due to no fault of his own, we construe the petition as alternatively seeking a writ of certiorari in this Court's original jurisdiction. *See* Rule 245, SCACR. We grant the petition in order to review petitioner's direct appeal issues. The Commission on Indigent Defense, Division of Appellate Defense, is hereby relieved as counsel for petitioner. We appoint Tara D. Shurling to assume representation of petitioner in this matter.

The appendix currently before the Court in this matter shall serve as the record on appeal; therefore, we dispense with the filing of initial briefs. Instead, petitioner shall, within thirty days of the date of this order, serve and file a final brief addressing his direct appeal issues.<sup>1</sup> The State shall have thirty days after service of petitioner's brief to serve and file a respondent's final brief. Finally, petitioner will have ten days following service of the respondent's brief to serve and file a reply brief.

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<sup>1</sup> Petitioner is not limited to briefing the issues in the statement of issues on direct appeal attached to his petition for a writ of certiorari.

 C.J.  
 J.  
 J.  
 J.  
 J.

Columbia, South Carolina

September 24, 2014

cc:

Megan Elizabeth Harrigan, Esquire

Wanda H. Carter, Esquire

Tara D. Shurling, Esquire

Leon A. Goodman, #321501