THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas
Post Conviction Relief

RECEIVED
SEP 26 2014
S.C. Supreme Court

Honorable R. Lawton McIntosh, Circuit Court Judge

Case No.: 2011-CP-32-0402

Timothy J. Wilson, Respondent-Petitioner,

vs.

State of South Carolina, Petitioner-Respondent.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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ISSUES PRESENTED

PETITIONER-RESPONDENT'S ISSUES PRESENTED:

I. Did the post-conviction relief court err in finding trial counsel rendered ineffective assistance for failing to object to testimony of Dr. Alicia Benedetto and Heather Smith as improper vouching where: (1) counsel articulated a valid defense strategy of offering evidence of a pertinent trait of character of the victim as being a liar; (2) the testimony of Dr. Benedetto and Smith would have been admissible in reply to rebut Respondent/Petitioner's character evidence pursuant to Rule 404(a)(2) of the South Carolina Rules of Evidence; and (3) counsel effectively minimized the impact of Smith and Dr. Benedetto's testimony by allowing it to be presented during the case in chief rather than waiting for it to be elicited on reply?

II. Even if counsel's performance was deficient for failing to object to testimony from Dr. Benedetto and Smith as improper vouching, did the post-conviction relief court err in concluding counsel's failure to object prejudiced Respondent/Petitioner where, because of the overwhelming evidence of guilt, there is no reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different?

RESPONDENT-PETITIONER'S COUNTER STATEMENT OF ISSUES PRESENTED:

I. Petitioner-Respondent's argument that trial counsel's failure to object to the impermissible trial testimony was due to strategy and that such testimony would have been permissible in reply is a post hoc rationalization not offered by trial counsel, which is grounded in pure speculation, and clearly ignores the legal precedent relied upon and addressed in great detail by the lower court as well as the evidence in the record, which fully supports the lower court's finding of ineffective assistance of counsel.

II. The lower court did not err in finding that Respondent-Petitioner was prejudiced and the outcome of trial affected by trial counsel's ineffective assistance.

STANDARD OF REVIEW

In a Post Conviction Relief Appeal, great deference is given to the lower court's findings of fact and conclusions of law. McCray v. State, 317 S.C. 557, 455 S.E.2d 686 (1995). The existence of "any evidence" of probative value is sufficient to uphold the lower court's ruling. Webb v. State, 281 S.C. 237, 314 S.E.2d 839 (1984).

STATEMENT OF THE CASE

Respondent-Petitioner adopts Petitioner-Respondent's Statement of the Case for purposes of this appeal.

ARGUMENT

I. Petitioner-Respondent's argument that trial counsel's failure to object to the impermissible trial testimony was due to strategy and that such testimony would have been permissible in reply is a post hoc rationalization not offered by trial counsel, which is grounded in pure speculation, and clearly ignores the legal precedent relied upon and addressed in great detail by the lower court as well as the evidence in the record, which fully supports the lower court's finding of ineffective assistance of counsel.

In support of the State's argument that the lower court committed an error of law in his well-reasoned finding of ineffective assistance, the State has set forth a post hoc rationalization based upon a trial strategy that was not testified to by trial counsel. See Lounds v. State, 380 S.C. 454, 670 S.E.2d 646 (2008) (Reversing the lower court's finding of reasonable trial strategy for failing to call witnesses when trial counsel did not articulate such a strategy as he did not testify.). Simply put, the State has created the fiction that trial counsel did not object to the vouching and/or bolstering testimony elicited from Heather Smith and Alicia Benedetto due to the common excuse of trial strategy. Ingle v. State, 348 S.C. 467, 560 S.E.2d 401 (2002) (When counsel articulates a valid reason for employing a certain strategy, such conduct generally will not be deemed ineffective assistance of counsel.). As will be discussed in detail, the lower court's

finding of ineffective assistance is fully supported by the record, but this fictional trial strategy argument is not. App. pp. 799-800. When on the stand, trial counsel made it clear that he should have objected, wished he would have objected, and had no valid reason for not objecting. App. pp. 1021-2, 1027-8. After acknowledging the body of cases on point, the only excuse that trial counsel offered for not objecting to the testimony at issue was that he had not seen other public defender's be successful with similar objections and that his only thinking when he did not object was that he may get overruled.[6] App. pp. 1021-2. Trial counsel also made it clear that his admission regarding his failure was not just post hoc remorse because he knew he should have done more, specifically be more "aggressive with objections". App. p. 1027-28. Similarly to Lounds, where trial counsel failed to testify and the lower court erroneously excused his failure to call witnesses due to trial strategy, here, the State is asking this Court to find that trial counsel's admitted failure to object was grounded in reasonable trial strategy when trial counsel never testified that he did not object due to his trial strategy.[7] Lounds, 380 S.C. 454, 670 S.E.2d 646 (2008). Since the trial strategy argument is grounded in a fiction created by the State and contradicts trial counsel's testimony, it is clear that the lower court correctly held that "counsel did not provide a reasonable strategic basis for not objecting." App. p. 801.

Interestingly, the State's argument fails to mention or even acknowledge the body of case law relied upon by the lower court, yet the State argues the lower court committed an error of law in finding trial counsel rendered ineffective assistance of counsel when he failed to object to the testimony that this Court has clearly found to be vouching and

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[6] In the Order Granting Application for Post Conviction Relief, the lower court cited to the testimony of trial counsel regarding his failure to object. App. pp. 799-800.

[7] Respondent-Petitioner testified that he understood trial counsel's strategy was to get a continuance. App. p. 931. Regarding strategy, trial counsel testified that his failure to object to specific instances of pitting was part of his trial strategy. App. pp. 1035 ln. 24 – 1036, ln. 6.

inadmissible. By way of the Order Granting Application for Post Conviction Relief, the lower court explained:

> It is well established that it is improper for an expert to comment on the veracity of a child's accusations of sexual abuse. See State v. Dawkins, 297 S.C. 386, 393-94, 377 S.E.2d 298, 302 (1989) (Finding therapist indicating he believed victim's allegations were genuine was improper.); See also State v. Dempsey, 340 S.C. 565, 571, 532 S.E.2d 306, 309 (Ct.App.2000) (Finding therapist's testimony children were being truthful in ninety-five percent of instances in which sexual abuse was alleged was improper vouching for child), State v. Hill, 394 S.C. 280, 294, 715 S.E.2d 368, 376 (Ct. App. 2011) ("The law is clear that it is improper for a witness to give testimony as to his or her opinion about the credibility of a child victim in a sexual abuse matter.").
>
> Recently, in State v. Kromah, 401 S.C. 340, 737 S.E.2d 490 (2013), the South Carolina Supreme Court explained:
>
>> Even though experts are permitted to give an opinion, they may not offer an opinion regarding the credibility of others. It is undeniable that the primary purpose for calling a "forensic interviewer" as a witness is to lend credibility to the victim's allegations. When this witness is qualified as an expert the impermissible harm is compounded. Our courts have previously held that "[t]he assessment of witness credibility is within the exclusive province of the jury," and that witnesses generally are "not allowed to testify whether another witness is telling the truth." State v. McKerley, 397 S.C. 461, 464, 725 S.E.2d 139, 141 (Ct. App. 2012); see also L.A. Bradshaw, Annotation, *Necessity and Admissibility of Expert Testimony as to Credibility of Witness*, 20 A.L.R.3d 684 (1968 & Supp. 2012) (stating an expert witness should not vouch for the truthfulness of a witness). Specifically, it is improper for a witness to testify as to his or her opinion about the credibility of a child victim in a sexual abuse matter. State v. Hill, 394 S.C. 280, 294, 715 S.E.2d 368, 376 (Ct. App. 2011); cf. Smith v. State, 386 S.C. 562, 564-65, 689 S.E.2d 629, 631 (2010) (observing the forensic interviewer interjected impermissible hearsay into the trial, which improperly bolstered the victim's testimony; the forensic interviewer testified that the victim told her that the defendant had sexually assaulted her and that she found the victim's statement "believable").

In Jolly v. State, 314 S.C. 17, 20, 443 S.E.2d 566, 568 (1994), the South Carolina Supreme Court found trial counsel ineffective for failing to object to the introduction of a social worker's testimony that the child Victim had discussed her sexual abuse by Jolly. The Court reversed the PCR court's denial of relief after finding there was a "reasonable probability" that the social worker's testimony affected the outcome of Jolly's trial. Id. at 21, 443 S.E.2d at 569.

Additionally, in State v. Jennings, 394 S.C. 473, 716 S.E.2d 91 (2011), the South Carolina Supreme Court held that the trial court erred in allowing the State to introduce portions of a forensic interviewer's written reports about interviews conducted with the three alleged minor victims. The Court stated, "In each report, the forensic interviewer stated that during the interviews, each child had 'provide[d] a compelling disclosure of abuse by [appellant].'" Id. at 480, 716 S.E.2d at 94 (alterations in original). The Court found this was error as "[t]here is no other way to interpret the language used in the reports other than to mean the forensic interviewer believed the children were being truthful." Id.

In State v. McKerley, 397 S.C. 461, 725 S.E.2d 139 (Ct. App. 2012), the South Carolina Court of Appeals reversed and remanded finding that the trial court erred in permitting an expert in forensic interviewing (Heather Smith) to give testimony that bolstered the credibility of the victim. The Court of Appeals explained:

> Smith never testified directly that she believed what the victim stated in her interviews or in her testimony. McKerley argues, however, that there is no way to interpret Smith's testimony other than as her opinion that the victim was telling the truth. We agree.
>
> Smith's testimony in this case describing what forensic interviewers do demonstrates that virtually all of her testimony indicates she believed the victim was truthful, and thus is inadmissible for the same reason identified by the court in Jennings. Smith explained:
>
>> We want to be able to, . . . after assessing [the child's] behavior and what they are stating in an interview, look at that along with the other information that we may have had at the beginning of the interview and give an opinion as to whether we think something happened . . . .

> Smith's "opinion as to whether [she thinks] something happened" is nothing other than her inadmissible opinion as to whether the victim was telling the truth.
>
> Id. at 465, 725 S.E.2d at 142.

After citing to Smith's testimony that she "found [both interviews with the victim] to be compelling for sexual abuse," the Court of Appeals noted a number of specific portions of her testimony that were improper.[8] Id. at 466-7, 725 S.E.2d at 142. The Court concluded: "In this particular case, none of this testimony has any relevance except insofar as it informs the jury Smith believes the story told by the victim." Id. at 467, 725 S.E.2d at 143.

In State v. Kromah, 401 S.C. 340, 359, 737 S.E.2d 490, 500 (2013), the South Carolina Supreme Court addressed the trial testimony of Heather Smith and held:

> We find Smith's testimony about a "compelling finding" to be inappropriate here. Smith should not have been allowed to testify about a compelling finding of child abuse as that was the equivalent of Smith stating the Child was telling the truth.

---

[8] "We are looking for accuracy of information" given by the victim; "we are going to . . . make sure that what the child is telling us is based on something they would have experienced on their own body or that they would have seen or heard, the sensory information"; "those statements have a level of detail that . . . they would be able to tell [only] if something were to have happened"; "we are also looking at . . . are there other possible reasons, are there other possible explanations"; "we are looking to see if [this] could . . . be explained in another way"; "we are looking to be sure it adds up"; "we are looking to see if what they tell us throughout the interview is the same from the beginning to the end"; "we are also looking at their behavior and the way they are expressing themselves in the interview . . . their behavior and their language".

In forming her "opinion as to whether . . . something happened," she considered whether the victim's statements were "consistent with the other information" she has on the case; and in forming her "opinion as to whether . . . something happened," she considered "does this child appear to be giving statements that are similar to, in my experience, in my training and what I have learned, similar to what other children with the same experience may have had."

Finally, in response to a question asking her to "explain what a compelling finding would be," she stated:

> The compelling findings are the things that we look at, that we talked about looking at earlier in terms of how the disclosure comes about in the interview with me; whether it is detailed, does it have consistency, does it have the sensory level of detail that a child typically wouldn't have, or only would have if something had happened to them. [Tricia – I'm not saying this absolutely needs to come out, but it seems unnecessary to go into all of these details from McKerley where you have a good argument and in the facts of this case.].

The Court also took the opportunity to provide a non-exclusive list of statements that should be avoided by forensic interviewers when testifying at trial, the Court explained:

> Because the admissibility of forensic interviews and the testimony based thereon at trial has been the subject of several recent appeals, we believe it would be helpful to set forth, by way of example, the kinds of statements that a forensic interviewer should avoid at trial: that the child was told to be truthful; a direct opinion as to a child's veracity or tendency to tell the truth; any statement that indirectly vouches for the child's believability, such as stating the interviewer has made a "compelling finding" of abuse; any statement to indicate to a jury that the interviewer believes the child's allegations in the current matter; or an opinion that the child's behavior indicated the child was telling the truth.
>
> A forensic interviewer, however, may properly testify regarding the following: the time, date, and circumstances of the interview; any personal observations regarding the child's behavior or demeanor; or a statement as to events that occurred within the personal knowledge of the interviewer.
>
> Id. at 360, 737 S.E.2d at 500-01.

App. pp. 795-8.

After thoroughly addressing the law on point, the lower court noted:

> At the evidentiary hearing and at this Court's request following the hearing, Applicant, through counsel, provided a detailed list of citations from the trial testimony of Heather Smith and Alicia Benedetto that Applicant submitted were objectionable.[9] What this Court finds most troubling in the referenced trial testimony is the repeated use of the terms "compelling" and "consistent," along with the repeated explanation of the accuracy of the information obtained from the victim. Trial Transcript pp.

[9] The list provided to the Court is as follows: Trial Transcript pp. 332, lns. 12-14, 346, lns. 1-11, 348, lns. 7-10, 349, lns. 4-16, 350, lns. 19-20, 352, lns. 6-25, 353, lns. 10-25, 354-56, 357, lns. 7-13, 379, lns. 6-22, 381, lns. 10-25, 387, lns. 16-25, 388, lns. 11-12, 389, lns. 6-25, 390-91, 392, lns. 24-25, 393, 394, lns. 5-11, 396, lns. 10-16, 399, lns. 21-22, 402, lns. 10-11, 455, lns. 24-25, 456, lns. 1-7, 461-62, 464, lns, 4-7, 466-68, 469, lns. 8-11, 471-72, 476, 479, lns. 11-14 (Parallel Appendix Citations at pp. 387, lns. 12-14, 401, lns. 1-11, 403, lns. 7-10, 404, lns. 4-16, 405, lns. 19-20, 407, lns. 6-25, 408, lns. 10-25, 409-11, 412, lns. 7-13, 434, lns. 6-22, 436, lns. 10-25, 442, lns. 16-25, 443, lns. 11-12, 444, lns. 6-25, 445-46, 447, lns. 24-25, 448, 449, lns. 5-11, 451, lns. 10-16, 454, lns. 21-22, 457, lns. 10-11, 510, lns. 24-25, 511, lns. 1-7, 516-17, 519, lns, 4-7, 521-23, 524, lns. 8-11, 526-27, 531, 534, lns. 11-14).

348, lns. 7-10, 352, lns. 6-25, 353, lns. 10-25, 354-56, 388, lns. 11-12, 389, lns. 6-25, 390-91, 392, lns. 24-25, 393, 394, lns. 5-11, 399, lns. 8-13, 466-68, 469, lns. 8-11, 471, 479, lns. 11-14.

App. p. 799.

Thereafter, the lower court concluded:

> After fully considering trial counsel's testimony and arguments from both parties, it is clear that counsel did not provide a reasonable strategic basis for not objecting. As summarized above, the appellate courts have made it clear that the exact testimony offered in this case has no place in a trial, yet trial counsel admittedly failed to object to it.[10] Based upon the record, the testimony at the evidentiary hearing, the case law submitted by counsel and the arguments made by both parties, this Court finds that trial counsel rendered ineffective assistance of counsel that prejudiced Applicant when he failed to object to portions of the testimony of Heather Smith and Alicia Benedetto.

App. p. 801-2.

Under the guise of an argument that the lower court found to be a "fallacy", the State is asking this Court to carve out an exception to the above discussed cases and find that counsel was not ineffective since the testimony at issue could be considered proper rebuttal testimony. App. p. 1065, lns. 2-3. As the lower court responded when the State made this argument at the evidentiary hearing, "The fallacy of that is that it came into the State's case-in-chief." App. p. 1065, lns. 2-3. After which, the following took place:

> State: And I asked him about that, but it was going to come in rebuttal, isn't it better to get it out in the State's case-in-chief before it comes in defense?
>
> Court: I disregard that. That's not -- that doesn't get anywhere. You can't say, I was going to be – it came out in my case-in-chief because it would have come out in rebuttal. That's – rebuttal is exactly what it is, rebuttal.

[10] This Court has addressed the cases decided after Applicant's trial in 2008 since such cases are directly on point. This Court does not find that counsel should have been clairvoyant and made objections based upon the cases handed down after trial, but this Court does find that the body of case law was in place prior to trial, as was admitted by counsel, for an objection to be made to the testimony at issue.

App. p. 1065, lns. 4-12. To circumvent the court's response to the State's argument, the State now argues that it was a matter of strategy for counsel to allow the testimony in the State's case-in-chief since it would have been more prejudicial in rebuttal. Once again, this claim of strategy is a post hoc rationalization created by the State, which was never testified to by trial counsel and was properly shot down by the lower court.[11]

In contrast to the State's argument, the lower court made a finding of ineffective assistance based solely upon fact and not fiction. It is clear from the record before this court that the lower court relied upon the trial transcript, properly considered the testimony offered at the evidentiary hearing and set forth a thorough analysis of the law in making his finding that the State now attacks with arguments that the lower court considered and found to be meritless. As a result, Respondent-Petitioner would urge this Court to also find such arguments to be meritless and uphold the lower court's finding of ineffective assistance of counsel.

II. The lower court did not err in finding that Respondent-Petitioner was prejudiced and the outcome of trial affected by trial counsel's ineffective assistance.

Respondent-Petitioner submits that the lower court did not err in finding that R-P was prejudiced and the outcome of trial affected by trial counsel's ineffective assistance. It appears that the State's argument to the contrary is three-fold: 1) the lower court failed to make the required finding of prejudice, and 2) the court's finding of prejudice ignores trial counsel's "valid trial strategy," and 3) counsel's error was harmless due to the

[11] In furtherance of this argument that State attempted to get trial counsel to say that putting the victim's character into question was his trial strategy. App. pp. 1039-40. In response to the State's question about calling four defense witnesses and questions they were asked about the victim, counsel stated that character trait was not the proper word that he was trying to show that she was "prone to fibbing, you know, when she gets in trouble."App. p. 1040, lns. 18-23. Counsel never said it was a matter of trial strategy to not object to the testimony of Heather Smith and Alicia Benedettto in the State's case-in-chief to keep it from coming in during rebuttal.

overwhelming evidence from the "compelling" forensic interview video. R-P submits that there is clear error in the State's argument not in the lower court's finding.

At the evidentiary hearing and in the Order, the lower court clearly addressed the prejudice prong of the Strickland analysis. The lower court held:

> Based upon the record, the testimony at the evidentiary hearing, the case law submitted by counsel and the arguments made by both parties, this Court finds that trial counsel rendered ineffective assistance of counsel that prejudiced Applicant when he failed to object to portions of the testimony of Heather Smith and Alicia Benedetto. Furthermore, this Court is not convinced of the State's harmless error argument. As Applicant and counsel stated, it is clear from the transcript that the entire case hinged on the credibility of the victim.[12] In their opening arguments, both parties argued that the entire case boiled down to credibility. Trial Transcript pp. 231-32. Therefore, it is inconceivable that counsel's admitted error was harmless and did not affect the outcome of Applicant's trial when the testimony at issue clearly bolstered the credibility of the victim.

App. p. 802. Clearly, the lower court made the necessary prejudice finding and provided his reasoning as to why the State's argument regarding harmless error failed.

It is true that the lower court did not balance the "positive effects" of calling four defense witnesses against the prejudicial impact of counsel's failure to object to inadmissible vouching testimony. This assertion is correct since there was no reason for the court to conduct a balancing test when the court found that counsel did not offer trial strategy as his excuse for failing to object to the inadmissible testimony. Therefore, as is addressed above, the State's arguments involving trial strategy is merely a post hoc rationalization, which was not offered by trial counsel, and was not a matter for the trial court to balance. As a result, the lower court could not err in failing to balance trial

[12] When asked by this Court at the evidentiary hearing, the State agreed that "this is a credibility case, that there is no abuse physical findings of abuse by an qualified medical doctor." PCR Transcript p. 242, lns. 7-15.

counsel's strategy, which was not articulated by counsel, against the prejudicial impact of counsel's ineffective assistance.

Ironically, the State's also argues "the videotape was compelling," therefore, the error committed by counsel was harmless due to the overwhelming evidence of guilt derived from the video tape and the victim's testimony. In making this argument, the State distinguishes the instant case from State v. McKerley since the video tape of the forensic interview in the instant case was admitted and was "compelling." State v. McKerley, 397 S.C. 461, 725 S.E.2d 139 (Ct. App. 2012). This argument is flawed for two reasons. First, the State is asking this Court to rely upon the inadmissible testimony of the experts that the video was compelling to reach a finding that the video is compelling; thus, rendering the error of testifying to such as harmless error. At best, this argument is highly circular, confusing and does not pass common sense. Secondly, the lower court correctly held that in a case that admittedly boiled down to credibility the inadmissible vouching testimony impacted the outcome of the trial and prejudiced R-P. As is listed above, the instances of impermissible testimony were riddled throughout the testimony of Benedetto and Smith and the language this Court has found to be inadmissible and prejudicial was repeatedly before the jury. In McKerley, the South Carolina Court of Appeals set forth the standard for determining if such an error is harmless:

> "To deem an error harmless, this court must determine 'beyond a reasonable doubt the error complained of did not contribute to the verdict obtained.'" State v. Fonseca, 383 S.C. 640, 650, 681 S.E.2d 1, 6 (Ct. App. 2009) (quoting Taylor v. State, 312 S.C. 179, 181, 439 S.E.2d 820, 821 (1993)), aff'd, 393 S.C. 229, 711 S.E.2d 906 (2011); see also State v. Baccus, 367 S.C. 41, 55, 625 S.E.2d 216, 223 (2006) ("When guilt is conclusively proven by competent evidence, such that no other rational

conclusion could be reached, this Court will not set aside a conviction for insubstantial errors not affecting the result.").

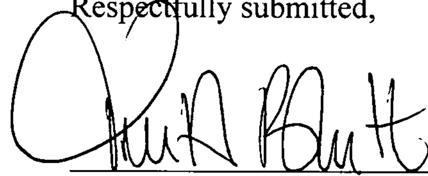
State v. McKerley, 397 S.C. 461, 467, 725 S.E.2d 139, 143 (S.C. Ct. App.2012).

Here, both parties conceded that the case boiled down to credibility. Therefore, it is inconceivable to even imagine beyond a reasonable doubt that the verbatim testimony addressed in Kromah and present in the instant case did not contribute to the verdict obtained. State v. Kromah, 401 S.C. 340, 737 S.E.2d 490 (2013). Unlike Kromah, where this Court found the admission of the vouching testimony was harmless error due to the overwhelming evidence of physical abuse, here the vouching testimony repeatedly bolstered the credibility of the victim's testimony and the video evidence in a case where the credibility of the victim's story was admittedly the only factor for the jury to consider. As the lower court found, R-P submits a new trial is warranted since counsel's error was substantial and clearly affected the result of his trial.

CONCLUSION

For the above stated reasons, Respondent-Petitioner respectfully requests that this Court affirm the PCR Court's Order and deny the Petition for Writ of Certiorari. However, if this Court grants certiorari, the Respondent requests permission under the rules to brief the issues requested by the Court.

Respectfully submitted,



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This 26th day of September, 2014.

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas
Post Conviction Relief

Honorable R. Lawton McIntosh, Circuit Court Judge

Case No.: 2011-CP-32-0402
Appellate Case No.: 2013-002473

Timothy J. Wilson, Respondent-Petitioner,

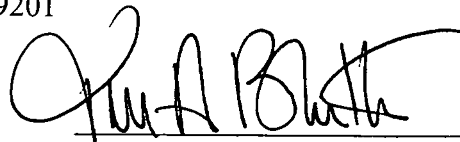
vs.

State of South Carolina, Petitioner-Respondent.

CERTIFICATE OF SERVICE

I, Tricia A. Blanchette, Attorney for Respondent-Petitioner, hereby certify that I hand-delivered this 26th day of September 2014, a copy of a Return to Petition for Writ of Certiorari, to J. Benjamin Aplin of the Attorney General's Office, at:

Office of the Attorney General
ATT: J. Benjamin Aplin, Ast. Attorney General
1000 Assembly Street, 5th Floor
Columbia, SC 29201



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September 26, 2014

LAW OFFICE OF TRICIA A. BLANCHETTE

September 26, 2014
VIA HAND DELIVERY

RECEIVED
SEP 26 2014
S.C. Supreme Court

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

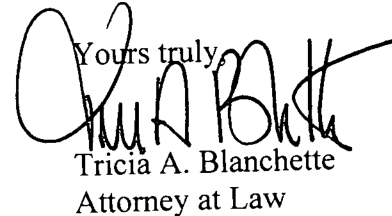
RE: Timothy J. Wilson v. State; App. Case No.: 2013-002473

Dear Sir:

For filing in the above referenced PCR Appeal, I have attached an original and six copies of the Return of Respondent-Petitioner. I have also attached the Certificate of Service.

Thank you for your assistance with this matter. Please contact my office if any additional information is needed.

Yours truly,



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