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**Irma R. Brooks**  
**Attorney**

October 8, 2014

**RECEIVED**

OCT 14 2014

South Carolina Supreme Court  
PO Box 11330  
Columbia, SC 29211

RE: Eddie C. Golson v State of South Carolina  
Case No. 2009-CP-32-2479

**S.C. SUPREME COURT**

Dear Sir or Madam:

Enclosed herewith you will find the **Notice of Appeal, Order of Dismissal**, along with a **Proof of Service** in reference to the above named Applicant.

If you have any questions or concerns, please contact my office at the number stated above.

With kind regards, I am

Sincerely,



Charles T. Brooks, III  
CTB/jlb

Enclosed as stated

Cc: Walt Whitmire, Office of Attorney's General  
South Carolina Office of Appellate Defense  
Eddie Golson, 303012

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas  
Honorable Brian M. Gibbons, Circuit Court Judge

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Case No: 2009-CP-32-2479

Eddie C. Golson..... Appellant  
S.C.D.C. No.: 303012

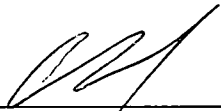
v.  
The State . . . . . Respondent

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NOTICE OF APPEAL

Eddie C. Golson appeals his Denial for Post Conviction Relief in this case. The Order of Dismissal was imposed and signed by the Honorable Brian M. Gibbons on September 21, 2014, which I, Charles T. Brooks, III received on October 8, 2014

October 8, 2014

  
\_\_\_\_\_  
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Other Counsel on Record:  
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**RECEIVED**

OCT 14 2014

**S.C. SUPREME COURT**

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas  
Honorable Brian M. Gibbons, Circuit Court Judge

Case No: 2009-CP-32-2479

Eddie C. Golson.....Appellant  
S.C.D.C. No.: 303012

v.  
The State.....Respondent

PROOF OF SERVICE

I, the undersigned, do hereby certify that on this 8<sup>th</sup> day of October, 2014, I served the foregoing **Notice of Appeal, Order of Dismissal**, as well as **Proof of Service** in this matter by depositing a true copy of it in the United States Mail, postage prepaid, on October 8, 2014, addressed to the following as indicated below:

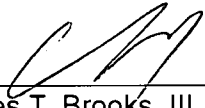
South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

South Carolina Office of Appellate Defense  
1330 Lady Street, Suite 401  
PO Box 11589  
Columbia, SC 29211-1589

Office of Attorney's General  
Attn: Walt Whitmire, Esquire  
Post Office Box 11549  
Columbia, South Carolina 29211-1549

Eddie C. Golson, 303012  
Lieber Correctional Institution  
Post Office Box 205  
Ridgeville, S. C. 29472

Dated: October 8, 2014

  
Charles T. Brooks, III  
Attorney for the Appellant  
309 Broad Street  
Sumter, South Carolina 29150  
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A timely notice of appeal was filed on Applicant's behalf and was perfected M. Celia Robinson, Esq., of the Office of Appellate Defense. The South Carolina Court of Appeals affirmed Applicant's convictions and sentences in an unpublished opinion. State v. Eddie C. Golson, Op. No. 2012-UP-246 (filed April 25, 2012). The Remittitur soon followed.

Applicant filed a timely *pro se* PCR Application. On May 8, 2013, Applicant filed his first of four amended pleadings. The other three followed on June 14, 2013, October 20, 2013, and November 27, 2013.

At the PCR hearing, Applicant moved forward on the following claims:

1. Trial Judge lacked subject matter jurisdiction over his case:
  - a. The arrest warrants were purportedly invalid based upon fraudulently procedure;
  - b. The arrest warrants were purportedly invalid based upon non-compliance with Rule 3, SCrimP;
  - c. The convictions were illegal based a collateral expungement order.
2. Ineffective assistance of counsel
  - a. failure to quash the arrest warrants, indictments, and convictions;
  - b. failure to investigate purportedly exculpatory D.N.A. evidence and latent finger print evidence.

#### **SUMMARY OF TESTIMONY AND EVIDENCE PRESENTED AT TRIAL**

Victim Olson testified that he returned to his residence at eleven p.m. to rest before he returned to work for 6 a.m. shift. He testified that he was sleeping downstairs when he was awoken to an intruder breaking into his home. He described the assailant as a black man who wore a "do rag" on his head. He located a firearm to confront the assailant; Victim Olson's posture resulted in the assailant taking one of the victim's firearms followed by his attempt to break through a window and flee. The assailant ultimately escaped; Victim Olson testified to

hearing a nearby vehicle's tire screech. The assailant stole several military metals, military memorabilia, among other things. Victim Olson testified the assailant left a Hurricane beer at the scene.

Investigator Hickman collected broken glass that contained visible blood and the Hurricane beer from the scene. A clerk of a nearby convenience clerk store identified Applicant as customer that she had three interactions with on night of the burglary. The clerk testified that Applicant was the first person to purchase a Hurricane beer that night. She testified Applicant returned to the store before three a.m. with cuts on his hands. Applicant again entered the store another time before her shift concluded.

Agent Shehan, an expert D.N.A. and serology examiner with S.L.E.D., testified that she successfully examined the blood found on the broken glass retrieved at Victim Olson's residence. Agent Shehan gave the expert opinion that Applicant's D.N.A. profile matched the profile of the blood collected at the scene with a 1 to 3.4 quadrillion chance of error.

The jury found Applicant guilty as indicted. During sentencing Applicant showed remorse and apologized to victim Olson. Applicant explained that he suffered drug addiction and was also coping with the dissolution of a romantic relationship when he burglarized victim Olson's residence.

#### **SUMMARY OF TESTIMONY AND EVIDENCE PRESENTED AT THE PCR HEARING**

Applicant testified at the PCR hearing and alleged that his convictions were illegal because the General Sessions Court purportedly lacked jurisdiction to preside over his trial. Applicant made incredible insinuations concerning his presence at trial. Applicant submitted what appeared to be magistrate clerks records, over Respondent's objection, to support his

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assertion here. See Applicant's Exh 1<sup>2</sup>. Applicant asserted that he never served with the arrest warrants and that the police purportedly forged the magistrate's signature on the documents. In the alternative, he challenged jurisdiction in asserting that the General Sessions Court lacked jurisdiction because the wrong Magistrate Judge issued the arrest warrants. Applicant surmised that the proper venue was Gaston, South Carolina based on the location of Applicant's residence. Applicant also submitted, over Respondent's objection, what appeared to be Lexington County law enforcement documents in Applicant's Exh. 2<sup>3</sup>, Applicant's Exh. 3<sup>4</sup>, and an apparent

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<sup>2</sup> Applicant Exh. 1 consisted of 3 separate arrest warrants: First, J-830115 for burglary, first-degree. This Court notes that the Record shows that Applicant was indicted on October 13, 2008. Next, Applicant submitted arrest warrants J-840116 and J-830117. Again this Court notes that the State indicted Applicant and/or proceeded on 2008-GS-32-0254; 2008-GS-32-STR-0224.

<sup>3</sup> Applicant's Exh. 2 consisted of 12 pages of disparate documents. **Page 1** consisted of a document issued by a "Gail Fox" of LCSD in October of 2009, months after Applicant's jury trial, to the Department of Corrections. Applicant failed to present "Gail Fox" to explain what if any import and evidentiary value the documents held. **Page 1** consisted of unidentified handwriting that denoted the LCSD, Warrant division's, purported dismissal of J830115. **Page 2** consisted of a document requested by Mona Hudgins, of the Lexington County Clerk's Office, in 2012, that detailed the status of J830116 as dismissed at a March 3, 2008 preliminary hearing. Applicant again failed to present Mona Hudgins or the originator of the document to explain what if any import and evidentiary value the documents held. **Page 3** mirrored Page 2 but, it reference to J830117. **Page 4** mirrored Pages 2-3 but it referred to J830118 and noted the charge had been *not proseed* on April 1, 2009. This Court notes that Hudgins was present and available to testify at the PCR hearing had Applicant decided to call her as a witness. **Page 5** consisted of a purported personal receipt of property from the Lexington County Detention Center dated November 6, 2007. Again, Applicant did not present its originator to explain what if any import or evidentiary value the document held. **Page 6** consisted of a document that noted Applicant's discharge from custody in County Detention on November 19, 2007 for an unrelated offense. Again, Applicant did not present its originator to explain what if any import or evidentiary value the document held. **Page 7** consisted of document that appears to be a generic booking form dated January 1, 2008. Again, Applicant did not present its originator to explain what if any import evidentiary value the document held. **Page 8** mirrored Page 7 but was dated September 23, 2008. Again, Applicant did not present its originator to explain what if any import or evidentiary value the document held. **Page 9** consists of a document that appears to be a non-specified detainer for warrants. Again, Applicant did not present its originator to explain what if any import or evidentiary value the document held. **Pages 10-11** consist of documents that appear to be an incomplete certificate of transmittal. Again, Applicant did not present its originator to explain what if any import or evidentiary value the document held. **Page 12** consists of a letter from Magistrate Whittle to Applicant dated July, 2, 2012. The letter appears to concern the status of indictments that had been dismissed from a preliminary hearing.

<sup>4</sup> Applicant's Exh. 3 consists 6 pages of unspecified disclosures made by the Lexington County Clerk of Court's Office to Applicant. **Page 1** consists of a document that appears to be correspondence regarding General Sessions discovery disclosures to Applicant dated June 18, 2013. Again, Applicant did not present a custodian from the Clerk's Office or anyone else to explain what if any import or evidentiary value the document held. **Page 2** consists mirrors Page 1 but was dated July 16, 2012. Again, Applicant did not present a custodian from the Clerk's Office or anyone else to explain what if any import or evidentiary value the document held. **Page 3** mirrors Pages 1-2 but was dated January 28, 2013. Again, Applicant did not present a custodian from the Clerk's Office or anyone else to explain what if any import or evidentiary value the document held. **Page 4** mirrors Pages 1-3 but was dated



Expungement Order in Applicant's Exh. 6<sup>5</sup> in support of his incredible assertion that his conviction was a purported nullity. Applicant alternatively challenges the Trial Judge's jurisdiction based on a purported Rule 3, SCrimP, violation regarding non-compliance in issuing a transmittal order. However, Applicant acknowledged that he was originally detained in Calhoun County on citation of a collateral probation violation prior. Applicant also acknowledged that entered Corrections after his probation was revoked. Applicant was represented by other counsel on the probation matter. He stated that he did not discuss his concerns regarding the Lexington County arrest warrants with his attorney.

Again in the alternative, Applicant alleges counsel's performance was ineffective in failing to object to the Trial Judge's purported lack of subject matter jurisdiction to preside over his case. He testified that he was never provided sufficient notice of the charges he faced prior to the State calling his case trial.

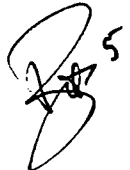
Applicant testified that counsel was ineffective for failing to investigate and present exculpatory evidence at his trial. He claimed counsel should have investigated the State's lack of trace evidence, in particular the collection of latent prints, that could have been used to identify the assailant. Applicant submitted, over Respondent's objection, Applicant's Exh. 4<sup>6</sup> that

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December 14, 2012. Again Applicant did not present a custodian from the Clerk's Office or anyone else to explain what if any import or evidentiary value the documents held. **Page 5** is a cover sheet for a document titled "Lexington County Sheriff's Department Photo Identification Tag" that was issued on August 18, 2007 that named J.L. Hickman" as the photographer. Again, Applicant did not present Hickman or anyone else to explain what if any import or evidentiary value the document held. **Page 6** is a purported evidence and property collection printout of a document produced by "J.L. Hickman" dated August 23, 2006. Again Applicant failed to produce Hickman or anyone else to explain what if any import or evidentiary value the document held.

<sup>5</sup> Applicant's Exh. 6 consists of 3 pages of a document produced by a "David C. Kennan" Expungement Services, Eleventh Judicial Circuit on July 31, 2013 directed to "Expungement Applicant." **Page 2** contains of an order from the Honorable William P. Keesley that notes J830116; -0117 (original arrest warrants for weapons possession during violent crime & possession of a stolen weapon). Applicant failed to present any witness to explain how this document creates a meritorious argument concerning the validity of his convictions.

<sup>6</sup> Applicant's Exh. 4 consisted of 9 pages of a document titled "Latent Print Examination" issued by Investigator Brian Anderson on August 12, 2008. **Pages 2-7** consist of grainy pictures of various lifted prints that appear to be smudged. Each page details a separate print along with time and location of where it was obtained. **Page 8** appears



purportedly and according to Applicant, showed the State's lack of evidence against him. Applicant also testified that counsel was ineffective for failing to investigate and present evidence that, according to Applicant, showed the D.N.A. match was inaccurate. Applicant submitted, over Respondent's objection, Applicant's Exh. 5<sup>7</sup> to support his incredible assertion.

Counsel testified to her course of conduct during the representation. She provided the Court a summary of her professional background. Counsel recalled the representation and noted it was procedurally unusual based upon the pendency of another General Sessions matter in a separate county. She noted that Applicant was cited for a probation violation at the outset of her representation that resulted in his pre-hearing detention. The separate matter ultimately resulted in a revocation and Applicant's return to Corrections. She noted that she discovered minor defects in the charging documents at the outset of the representation. Counsel recalled moving to quash the arrest warrants at a preliminary hearing that yielded a temporary success for Applicant. She noted that the State ultimately made the decision to not pursue the intimidation charge.

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to be a nonspecified boot print. Page consists of typed notes regarding case that do not identify its originator and appear to be fraudulently attached to the exhibit. Applicant failed to present "Investigator Brian Anderson" or anyone else qualified to explain what if any import this report held.

<sup>7</sup> Applicant's Exh5 consists of 9 pages of an assortment of various documents purportedly produced by S.L.E.D. **Pages 1-4** consists of a letter and attached report from "Nancy J. Skraba" of the DNA Database Unit sent to Detective Anderson on November 13, 2008. **Page 1** states that a hit within the C.O.I.D.I.S. Database matched Applicant's blood to the scene. Applicant did not present Nancy Skraba or Detective Anderson to testify to what if any import or evidentiary value the document held in this collateral proceeding. **Pages 2-3** consists of Agent Maryann's report from her examination. Applicant did not present Agent Maryann or any other qualified witness to explain what if any import or evidentiary value the report held previously not developed at trial. **Page 4** is a nonspecified document titled "Statistics Report." Applicant did not present its originator or an otherwise qualified witness to explain what if any import or beneficial value the document held. **Page 5** is an invoice to PCR counsel regarding Applicant's F.O.I.A. request. The correspondence is completely irrelevant to Applicant's case and cannot act as a substitute for witness testimony to authenticate Applicant's Exhibits. **Page 6** is a blank Form A (Rule 6) affidavit of chemist. **Page 7** is correspondence from "Stephanie Willis" Assistant Division Direct, Inmate Records Office, to Applicant addressing privacy concerns regarding disclosure of Applicant's blood type that was dated November 5, 2012. Again, Applicant did not present Stephanie Willis to explain what if any import or evidentiary value this letter held. **Pages 8-9** are documents titled "Forensic DNA Analysis" dated November 25, 2008. Applicant, again did not identify its originator or present a qualified witness to explain what if any import or evidentiary value the report held previously not developed at trial.

Additionally, counsel recalled her representation at the Shermerber hearing and at an arraignment. She stated that Applicant was certainly aware of the charges he faced.

Counsel testified that she made four trips to Corrections to meet with Applicant prior to trial. Counsel testified she independently reviewed the State's evidence and discovery disclosures and formulated an impression of the State's case. During her four consultations with Applicant, counsel discussed the State's evidence with Applicant. Counsel rejected Applicant's assertion that he was not timely noticed on the charges he faced. She opined that Applicant's case was not particularly complex. Counsel further summarized her labors on behalf of Applicant at trial.

#### APPLICABLE LAW

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, (1984); Butler, 286 S.C. at 441, 334 S.E.2d at 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. at 668, 104 S.Ct. at 2064. 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, *supra*. 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.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court reviewed the Clerk of Court records regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, Applicant's appellate records, the transcripts and documents from the prior proceedings, and legal arguments of the attorneys. Pursuant to S.C. Code Ann. §17-27-80 (2003), this Court makes the following findings of fact based upon all of the probative evidence presented.

As a matter of general impression, this Court's finds Applicant's testimony and assertions to be mostly incredible and farcical. He attempted to collaterally attack the Trial Judge's subject matter jurisdiction to preside over his case in about every imaginable pseudo-junk jailhouse theory of "jurisdiction" that typically originates from Corrections. Applicant presented numerous exhibits, that without any authentication or foundation, failed to establish an evidentiary basis to any of his allegations. Furthermore, Applicant utterly failed to meet his burden of proof on the few cognizable allegations that he proceeded on. See Jones v. Gomez, 66 F.3d 199, 204 (9th Cir. 1995) ("Conclusory allegations not supported by specifics do not warrant relief."). In contrast,

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this Court finds counsel's testimony to be credible, convincing, and reflective of her well established reputation as an exemplary criminal defense attorney.

A.

Applicant's allegation that the Trial Judge lacked subject matter to preside over his trial and render a judgment accordingly is without merit and thereby is summarily dismissed. The indictment is a notice document, and any challenges to its sufficiency must be made in accordance with S.C. Code Ann. § 17-19-90 (2003). "An indictment is sufficient if the offense is stated with sufficient certainty and particularity to enable the court to know what judgment to pronounce, the defendant to know what he is called upon to answer, and if an acquittal or a conviction thereon may be pleaded as a bar to any subsequent prosecution." State v. Towery, 300 S.C. 86, 386 S.E.2d 462 (1989). In post-conviction relief, an Applicant wishing to raise challenges to the sufficiency of an indictment must do so in the context of ineffective assistance of counsel. Subject matter jurisdiction is the power of a court to hear a particular class of cases, and it has nothing to do with the indictment document. See Gentry, 610 S.E.2d 494; Dove v. Gold Kist, Inc., 314 S.C. 235, 442 S.E.2d 598 (1994).

This Court finds that Applicant's assertions regarding the sufficiency of his arrest warrants were incredible and solely rested upon speculation. Regardless, the subsequent indictments and conviction established the validity of his convictions and sentences. Therefore, Applicant's "Rule 3" allegation is non-availing, although it too rested upon unproven speculation. Last, Applicant produced a collateral expungement order that has no bearing on his current and legal convictions. For the sake of judicial efficiency, this Court has made the above mentioned findings despite the fact that the allegation does not support a claim for relief in this forum. Therefore, this Court summarily denies and dismisses this allegation on its various

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facially flawed grounds. For similar reasoning, Applicant's baseless attack upon this Court's jurisdiction based on a purported error in the case caption is wholly without merit.

Alternatively, Applicant has failed to meet his burden to prove counsel's performance was either deficient or ineffective for failing to attack the purported deficits regarding the Trial Judge's subject matter jurisdiction to preside over the case. In contrast to counsel's compelling testimony that she met with Applicant on four occasions prior to trial and thoroughly prepared the case with him, this Court finds Applicant's has failed to provide credible testimony that he was unaware of the charges that he was called to answer. Applicant made admissions of guilt to the Trial Judge in sentencing that show otherwise. Therefore, this Court readily denies and dismisses this allegation.

**B.**

This Court finds Applicant has failed to meet his burden to prove counsel's performance was deficient or ineffective for failing to adequately investigate the purportedly exculpatory evidence. "This Court has stated previously that criminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case." Edwards v. State, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011). First, Applicant asserts that counsel failed to exploit the purportedly exculpatory DNA evidence that linked him to the crime scene. This Court finds that Applicant's assertions rested upon unqualified and conclusory speculation. See Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998) ("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."). Applicant introduced an unauthenticated exhibit from S.L.E.D. that provides him no support here; facially it confirms the

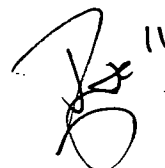
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S.L.E.D.'s expert's trial testimony. See U.S. v. Taylor, 802 F.2d. 1108, 1119. (9th Cir. 1986) (Vague and speculative assertions are deficient.). In contrast, counsel provided credible testimony regarding her efforts in attacking the evidence at trial. This Court finds counsel's performance more than sufficient on the matter. See U.S. v. Taylor, 832 F.2d 1187, 1195-96 (10th Cir. 1987) ("The record of counsel's performance in examination and cross-examination of witnesses may show preparation and knowledge of the case."). Therefore, this Court readily denies and dismisses this allegation.

Last, this Court summarily dismisses Applicant's allegation that counsel performance was ineffective or deficient for failing to further investigate the State's lack of trace evidence, particularly latent finger print evidence, that failed to connect Applicant or anyone else to the scene. The record shows that counsel covered the matter during his closing argument. This Court finds further investigation into the nonexistence of the evidence would have yielded Applicant no tangible benefit. Therefore, this allegation is readily denied and dismissed.

C.

This Court finds Applicant has further failed to meet his burden to prove Strickland's prejudice prong in light of the overwhelming evidence of guilt presented by the State at his trial. "Error is harmless when it could not reasonably have affected the result of the trial." State v. Mitchell, 286 S.C. 573, 336 S.E.2d 151 (1985). "Where a review of the entire record establishes the error is harmless beyond a reasonable doubt, the conviction should not be reversed. State v. Pickens, 320 S.C. 528, 466 S.E.2d 364 (1996). This Court notes the State presented compelling D.N.A. evidence that identified Applicant's blood on the glass broken by the perpetrator in his flight from the scene, the clerk's identification testimony corroborates his purchase of the particular beverage and shows Applicant bleeding after the commission of the offense. Last,

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Applicant's admissions during sentencing were telling. Despite Applicant falling well short of proving deficiency on any of the above mentioned allegations of ineffective assistance of counsel, he certainly fell well short of proving Strickland's prejudice prong.

**D.**

Except as discussed above, this Court finds that the Applicant affirmatively abandons the remaining allegations set forth in his application at the hearing. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282 (Ct. App. 1987). The Applicant's failure to address these issues at the hearing indicates a voluntary and intentional relinquishment of his right to do so. Therefore, any and all remaining allegations are denied and dismissed.

**CONCLUSION**

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

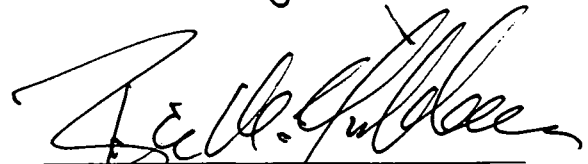
This Court notes that Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this Order to secure the appropriate appellate review. See Rule 203, SCACR. Rule 71.1(g), SCRCP; Bray v. State, 336 S.C. 137, 620 S.E.2d 743 (2005), for the obligation of Applicant's counsel to file and serve notice of appeal. The Applicant's attention is

also directed to South Carolina Appellate Court Rule 243 for appropriate procedures after notice has been timely filed.

**IT IS THEREFORE ORDERED**

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. Applicant must be remanded to the custody of Respondent

AND IT IS SO ORDERED this 21 day of September, 2014.

  
BRIAN M. GIBBONS  
Presiding Judge  
Eleventh Judicial Circuit

Chesler, South Carolina

FILED  
2014 SEP 24 P 12:04  
BETH A. CARRIGG  
CLERK OF COURT  
LEXINGTON, SC

ORIGINAL

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SUMTER, S.C. 29151

South Carolina Supreme Court  
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Columbia, SC 29211



