

RECEIVED

OCT 29 2014

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

R. Knox McMahon, Circuit Court Judge

Case No.: 2013-CP-02-600

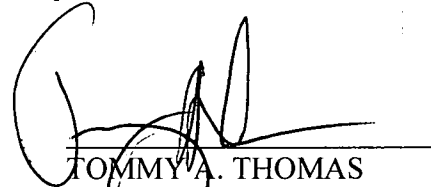
Anthony Sapp #351929,..... Appellant,

vs.

State of South Carolina,Respondent.

NOTICE OF APPEAL

Anthony Sapp #351929, appeals the Order of Dismissal signed by The Honorable R. Knox McMahon on September 12, 2014 and filed on September 29, 2014 and received by Appellant on October 26, 2014.



TOMMY A. THOMAS
Attorney for Appellant
P.O. Box 88
Irmo, SC 29063
(803) 732-5507

Other Counsel of Record:
Daniel Gourley, Esq.
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211
Attorney for Respondent

Irmo, South Carolina
October 28, 2014

RECEIVED

OCT 29 2014

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

R. Knox McMahon, Circuit Court Judge

Case No.: 2013-CP-02-600

Anthony Sapp #351929,..... Appellant,

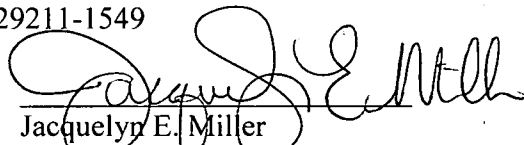
vs.

State of South Carolina,Respondent.

CERTIFICATE OF SERVICE

I, Jacquelyn E. Miller, secretary to Tommy A. Thomas, Attorney for the Appellant hereby certify that I placed in the United States Mail, a copy of a Notice of Appeal, with postage prepaid and the return address clearly shown on said envelope to Joshua L. Thomas, Esq. of the Attorney General's Office, at:

Daniel Gourley, Esq.
Attorney General's Office
P.O. Box 11549
Columbia, SC 29211-1549



Jacquelyn E. Miller
Secretary to Tommy A. Thomas
Attorney for Applicant
P.O. Box 88
Irmo, SC 29063
(803) 732-5507

Irmo, SC
October 28, 2014

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

Anthony Sapp, # 351929,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SECOND JUDICIAL CIRCUIT

Case No. 2013-CP-02-600

ORDER OF DISMISSAL

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on March 14, 2013. Respondent made its return on June 13, 2013. An evidentiary hearing into the matter was convened on August 1, 2014, at the Aiken County Courthouse. Applicant was present at the hearing and was represented by Tommy Thomas, Esquire. Respondent was represented by Assistant Attorney General Daniel Gourley of the South Carolina Attorney General's Office.

PROCEDURAL HISTORY

The records before this Court indicate that the Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. The Applicant was true billed indicted at the August 2012 term of the Aiken County Grand Jury for three counts of Distribution of Cocaine Base within proximity of a school (2012-GS-02-1082; -1083; -1084); three counts of Trafficking in cocaine base (2012-GS-02-1079; -1080; -1081); and Distribution of Cocaine base (2012-GS-02-1078). Wayne Floyd, Esquire, represented him. Applicant pled guilty as indicted three counts Distribution of cocaine base within proximity of a school, distribution of cocaine base- 2nd offense, one count trafficking in cocaine base- 10 grams or more, but less than 28 grams- 2nd offense and ~~two counts of the~~ ^{9/24/14}

9/24/14
Deputy Clerk
Deputy Clerk

lesser included offense of Trafficking in cocaine base- 10 grams or more, but less than 28 grams-
2nd offense. On August 7, 2012, the Honorable Doyet A. Early, III, sentenced Applicant
pursuant to negotiations to the following sentence structure:

2012-GS-02-1084	10 years, concurrent
2012-GS-02-1083	10 years, concurrent
2012-GS-02-1082	10 years, concurrent
2012-GS-02-1081	15 years, concurrent
2012-GS-02-1080	15 years, concurrent
2012-GS-02-1079	15 years, concurrent
2012-GS-02-1078	15 years.

All sentences to run concurrently to 2012-GS-02-1078. The Applicant did not appeal his
sentence or conviction.

ALLEGATIONS

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

1. Ineffective Assistance of Counsel.
 - a. "Plea Counsel advice"
 - b. "Counsel fail to challenge and investigate"
 - c. "Counsel failed to discuss"
 - d. "Plea counsel unprepared to try my case."
 - e. Failed to file an appeal
 - f. "Errors and advice to plea guilty for me not having the true facts before me about me being eligible for parole a 3rd of my time. I would not have pled guilty and would have insisted on going to trial."
 - g. "Plea Counsel failure to challenge the indictments. I didn't see the indictments until after I was in SCDC when the clerk of court sent me a copy of the indictments. "Also my plea counsel failing to challenge the plea of a second time offender."
 - h. Plea counsel failed to prepare and adequate defense.
 - i. "Plea counsel failed to advise me that I could withdraw my plea prior to the court accepting the plea."
 - j. Counsel failed to challenge the indictments.
2. "Double Jeopardy/Multiple Counts"
 - a. "The Double Jeopardy clauses of both the State and federal constitution protect the accused in criminal proceeding from multiple punishment for the same offense...I did not get to see

- my indictment until I got to the (SCDC) South Carolina Department of Corrections, when I requested a copy of my indictments from the clerk of court.”
- b. “In the indictments I have 7 seven, the courts has previously recognized that South Carolina Code ann.: 17-25-50 is part of an overall legislative scheme for recidivist sentencing statute, directing trial courts to treat as one offense nay number of offenses committed at times so closely connected in point of time that they may be considered as one offense.”
3. Involuntary guilty plea
 - a. “Plea under duress”
 4. “Due Process”
 - a. “Possesses and understanding”
 - i. “I went to court on August 6, 2012 and August 7, 2012 at that time I did not understand what was going on. The 1st day we were going to trial, then the next thing I know we were coming back the next day.
 - b. “Abuse of discretion”
 - i. “Plea judge did error, and abuse his discretion, by refusing to let my plea counsel have more time to prepare for trial. My lawyer told the judge that he was not prepare for trial, but he made us come back the next day for a plea.”
 - c. “The audio and video that the state had was not good at all, you could not tell who was talking at times or see transactions made and my lawyer only let me just 2 dvd recordings on August 3, 2012. The State suppresses the Audio and video until the week we was going to trial.”

At the PCR hearing, Applicant proceeded only on the allegations of ineffective assistance of counsel for failing to provide proper representation, failing to challenge the chain of custody, and improperly advising him of his parole eligibility.

SUMMARY OF TESTIMONY PRESENTED

At the evidentiary hearing, Applicant testified on his own behalf. The State presented testimony from Wayne Floyd, Esquire. (hereinafter “Plea Counsel”). This Court also had before it a copy of the guilty plea transcript, the Aiken County Clerk of Court records, Applicant’s South Carolina Department of Correction records, the PCR application, and return.



During the evidentiary hearing Applicant testified on his own behalf. Applicant stated that he turned himself into police around February 2012. Applicant stated he retained Plea Counsel to represent him. Applicant stated he was incarcerated for approximately two months prior to being released on bond. Applicant stated he spent three months out on bond prior to his plea. Applicant stated he met with Plea counsel three times. Specifically, Applicant stated he met with Plea Counsel at his bond hearing, once prior to his plea for ten minutes, and during his plea. Applicant stated he received the discovery material at his bond hearing, but he never reviewed the material with Plea Counsel. Applicant further stated he never discussed the elements of the crimes, any possible defenses, or trial strategy. However, Applicant recalled telling the plea judge that he was satisfied with Plea Counsel's services. Applicant further recalled telling the plea court that Plea Counsel had enough time to research the law, investigate the facts, and meet with Applicant prior to his plea.

Applicant stated Plea Counsel should have requested a suppression hearing because there were errors in the chain of custody regarding the drug evidence. Specifically, Applicant stated the evidence bag was not notarized or signed. Applicant stated Plea Counsel could have brought up supplemental reports and confidential informant reports during trial. Applicant stated that he was charged with multiple counts of distribution and trafficking cocaine. Applicant stated he sold the cocaine to the same confidential informant. Applicant stated that the weight of the drugs did not meet the ten gram threshold requirement to be charged with trafficking. Applicant stated that the weight calculated by South Carolina Law Enforcement Division (hereinafter "SLED") included the cocaine, water, and bag.

Applicant stated he wanted to proceed to trial and the case was called for trial on August 6, 2012. Applicant stated he was only proceeding to trial on one of the several counts of



distribution. Applicant stated he received a negotiated plea offer on August 7, 2012. Applicant stated his lawyer coerced him into accepting the plea offer by telling him that he would be eligible for parole in five years. Applicant stated he understood that a negotiated fifteen year offer meant that the plea judge would sentence him to fifteen years. Applicant stated he felt like he had no other choice because his lawyer was not prepared to proceed to trial. However, Applicant recalled telling the plea judge that no one was promising him or coercing him in an effort to get him to plead guilty. Applicant further recalled the plea judge advising him that this was a violent offense and he would be required to serve eighty-five percent of his sentence.

Applicant concluded that his plea was freely and voluntarily but not intelligently entered into. Applicant stated he would not have plead guilty had he known he was not going to be parole eligible after five years. Applicant further stated that he did not feel he was guilty of trafficking, but was guilty of distribution. Applicant recalled telling the plea judge that he wanted to plead guilty and was guilty of all the charges. Applicant further recalled waiving his constitutional rights.

Following Applicant's testimony, Annabelle Kenya (hereinafter "Kenya") was called to testify. Kenya stated she was Applicant's mother. Kenya stated she was present during Applicant's meeting with Plea Counsel. Kenya stated she was concerned about Applicant proceeding to trial. Kenya stated Plea Counsel told Applicant that he would be eligible for parole after five years. Kenya stated that knowing Applicant would receive fifteen years and be eligible for parole after five years was the deciding factor for Applicant to plead. Kenya stated she was present for both the start of trial and plea.

Following Kenya's testimony, Plea Counsel was called to testify. Plea Counsel testified that he has been practicing law for approximately forty years. Plea Counsel testified that he was



retained in the case. Plea Counsel testified that he met with Applicant three or four times prior to his plea. Plea Counsel stated Applicant was out on bond. Plea Counsel stated he filed Rule 5 and Brady motions. Plea Counsel stated he reviewed all discovery material with Applicant. Plea Counsel stated they discussed Applicant's version of facts. Plea Counsel stated that he reviewed the elements of the charges with Applicant prior to his plea. Plea Counsel stated Applicant did not give him any leads or witnesses to investigate on his behalf.

Plea Counsel recalled reviewing Applicant's constitutional rights prior to his plea. Plea Counsel stated the State offered twenty years initially, but they were able to agree on fifteen years. Plea Counsel stated he discussed the plea offer with Applicant and he wanted to accept the offer. Plea Counsel stated he told Applicant that he was going to be required to serve eighty-five percent of the sentence. Plea Counsel stated that he did not tell him that he was going to serve only five years. Plea Counsel stated it was Applicant's decision to plead guilty. Plea Counsel stated Applicant's mother and several family members were present during the plea.

Plea Counsel stated he felt there was a sufficient chain of custody, but he was prepared to challenge it if they proceeded to trial. Plea Counsel stated his trial strategy would have been to attempt to suppress the evidence in some fashion. Plea Counsel stated it was his policy to file a suppression motion and characterized the suppression motion as a "process of trial." Plea Counsel stated he did not file a written suppression motion and that typically a suppression motion would have been heard at the start of trial.

Plea Counsel stated he has argued that moisture being part of the weight; however he has not been successful in his argument. Plea Counsel stated Applicant was charged with trafficking ten grams or more of cocaine and the weight was around eleven or twelve grams. Plea Counsel stated the weight of the cocaine satisfied the minimum requirement for the charges Applicant



faced. Plea Counsel stated he reviewed the test and weight of drugs with Applicant prior to his plea.

Plea Counsel stated it was the Solicitor's intent to try Applicant on each charge separately. Plea Counsel stated Applicant had very few defenses as the evidence against him was "overwhelming." Specifically, Plea Counsel explained that SLED came to Aiken to conduct surveillance and set up the buys from Applicant. Plea Counsel stated there were four separate buys from a confidential informant. Plea Counsel stated all four buys were recorded both by video and audio. In addition to the audio and videos, Plea Counsel stated the State had telephone records linking Applicant to the buys. Plea Counsel further stated the confidential informant was prepared to testify against Applicant if they proceeded to trial.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. Specifically, this Court finds Counsel's testimony credible and Applicant's testimony not credible. Additionally, this Court finds Applicant's family member's (Kenya's) testimony self-serving and not credible. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

INEFFECTIVE ASSISTANCE OF COUNSEL

In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged 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, (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating 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 professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985). After careful review based on the standard discussed above, the Applicant has failed to carry his burden in this action.

Plea Counsel failed to provide effective representation.

This Court finds Applicant's allegation that he received ineffective assistance of counsel for failing to provide proper representation and investigate to be without merit. Plea Counsel testified that he met with Applicant three or four times prior to his plea. Plea Counsel stated



Applicant was out on bond. Plea Counsel he filed Rule 5 and Brady motions. Plea Counsel stated he reviewed all discovery material with Applicant. Plea Counsel stated they discussed Applicant's version of facts. Plea Counsel stated that he reviewed the elements of the charges with Applicant prior to his plea. Plea Counsel stated Applicant did not give him any leads or witnesses to investigate on his behalf.

Plea Counsel recalled reviewing Applicant's constitutional rights prior to his plea. Plea Counsel stated the State offered twenty years initially, but they were able to agree on fifteen years. Plea Counsel stated he discussed the plea offer with Applicant and he wanted to accept the offer. Plea Counsel stated he told Applicant that he was going to be required to serve eighty-five percent of the sentence. Plea Counsel stated that he did not tell him that he was going to serve only five years. Plea Counsel stated it was Applicant's decision to plead guilty.

This Court notes that the plea transcript reflects Applicant stating he was fully satisfied with Plea Counsel's services and Plea Counsel had enough time to research, investigate the facts, and meet with the Applicant prior to his plea. (Pl. tr. p. 10--11). This Court finds Applicant's testimony not credible. Furthermore, this Court finds Plea Counsel's representation of Applicant well within the bounds of "professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland).

Additionally, this Court finds Applicant can show no prejudice as a result of Plea Counsel's alleged deficiencies. This Court agrees with Plea Counsel's testimony that the evidence against Applicant was overwhelming. Applicant was captured both on video and audio selling cocaine to a confidential informant on four separate occasions. Plea Counsel further stated the State was prepared to present testimony for the confidential informants used in the buys. Additionally, Applicant stated he did not dispute that he was guilty of distribution. Where



there is overwhelming evidence of guilt, a trial counsel's deficient representation will not be prejudicial. See Franklin v. Catoe, 346 S.C. 563, 570 n. 3, 552 S.E.2d 718, 722 n. 3 (2001) (finding overwhelming evidence of guilt negated any claim that counsel's deficient performance could have reasonably affected the result of defendant's trial). Additionally, this Court notes Applicant entered a guilty plea based on a favorable plea offer from the State that was secured after Plea Counsel's competent performance. Accordingly, this Court finds that Applicant has failed to meet his burden of proof and thus, this allegation is denied and dismissed with prejudice.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that Plea Counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that Plea Counsel committed either errors or omissions in his representation of the Applicant. This Court also finds the Applicant has failed to prove the second prong of Strickland – that he was prejudiced by Plea Counsel's performance.

The Court concludes the Applicant has not met his burden of proving Plea Counsel failed to render reasonably effective assistance. This Court also concludes the Applicant has failed to meet his burden of proving his guilty plea was not knowing and voluntary. See Frasier v. State, 351 S.C. at 389, 570 S.E.2d at 174.

Plea Counsel was ineffective for failing to file a suppression motion.

This Court finds Applicant's allegation that Plea Counsel was ineffective for failing to challenge the chain of custody to be without merit. Plea Counsel stated he felt there was a sufficient chain of custody, but he was prepared to challenge it if they proceeded to trial. Plea Counsel stated his trial strategy would have been to attempt to suppress the evidence in some



fashion. Plea Counsel stated it was his policy to file a suppression motion and characterized the motion as a "process of trial." Plea Counsel stated he did not file a written suppression motion and that typically a suppression motion would have been heard at the start of trial had Applicant not pled guilty. However, Plea Counsel stated that he did not see any basis to suppress the evidence. This Court agrees and finds plea counsel was not deficient. The Applicant cannot prove he was prejudiced by the lack of a suppression motion because such a motion would have been unsuccessful. See Sikes v. State, 323 S.C. 28, 30, 448 S.E.2d 560, 562 (1994) ("When the defendant claims that counsel's failure to articulate a Fourth Amendment claim was ineffective assistance, defendant must show that such claim is meritorious and that the verdict would have been different absent the evidence that should have been excluded." (citation omitted)). This Court finds that Applicant has not shown that Plea Counsel's performance fell below "professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Accordingly, this Court finds that Applicant has failed to meet his burden of proof in regards to this allegation, and accordingly this allegation must be denied and dismissed with prejudice.

Additionally, this Court finds Applicant can show no prejudice as a result of Plea Counsel's alleged deficiencies. This Court agrees with Plea Counsel's testimony that the evidence against Applicant was overwhelming. Applicant was captured both on video and audio selling cocaine to a confidential informant on four separate occasions. Plea Counsel further stated the State was prepared to present testimony for the confidential informants used in the buys. Additionally, Applicant stated he did not dispute that he was guilty of distribution. Where there is overwhelming evidence of guilt, a trial counsel's deficient representation will not be prejudicial. See Franklin v. Catoe, 346 S.C. 563, 570 n. 3, 552 S.E.2d 718, 722 n. 3 (2001) (finding overwhelming evidence of guilt negated any claim that counsel's deficient performance



could have reasonably affected the result of defendant's trial). Additionally, this Court notes Applicant entered a guilty plea based on a favorable plea offer from the State that was secured after Plea Counsel's competent performance. Accordingly, this Court finds that Applicant has failed to meet his burden of proof and thus, this allegation is denied and dismissed with prejudice.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that Plea Counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that Plea Counsel committed either errors or omissions in his representation of the Applicant. This Court also finds the Applicant has failed to prove the second prong of Strickland – that he was prejudiced by Plea Counsel's performance.

The Court concludes the Applicant has not met his burden of proving Plea Counsel failed to render reasonably effective assistance. This Court also concludes the Applicant has failed to meet his burden of proving his guilty plea was not knowing and voluntary. See Frasier v. State, 351 S.C. at 389, 570 S.E.2d at 174.

Plea Counsel was ineffective for advising improperly advising Applicant regarding parole eligibility.

This Court finds Applicant's allegation that Plea Counsel was ineffective for misadvising him about his parole eligibility to be without merit. Parole eligibility has been held to be a collateral consequence of sentencing of which a defendant need not be specifically advised before entering a guilty plea. Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983). However, if the defendant's attorney undertakes to advise the defendant about parole eligibility and gives erroneous advice, then the plea may be collaterally attacked. See Hinson v. State, 297 S.C. 456, 377 S.E.2d 338 (1989). In the instant case, Applicant alleges that Plea Counsel told him he



would be eligible for parole in five years. However, Plea Counsel stated he did not tell him that he would be eligible for parole in five years. To the contrary, Plea Counsel stated he told Applicant that he was going to be required to serve eighty-five percent of the sentence. This Court finds Plea Counsel's testimony credible, while Applicant's testimony not credible. Additionally, the plea transcript reveals Applicant was advised by the plea court that he would be required to serve eighty-five percent of his sentence. This Court finds that Applicant has not shown that Plea Counsel's performance fell below "professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Accordingly, this Court finds that Applicant has failed to meet his burden of proof in regards to this allegation, and accordingly this allegation must be denied and dismissed with prejudice.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that Plea Counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that Plea Counsel committed either errors or omissions in his representation of the Applicant. This Court also finds the Applicant has failed to prove the second prong of Strickland – that he was prejudiced by Plea Counsel's performance.

The Court concludes the Applicant has not met his burden of proving Plea Counsel failed to render reasonably effective assistance. This Court also concludes the Applicant has failed to meet his burden of proving his guilty plea was not knowing and voluntary. See Frasier v. State, 351 S.C. at 389, 570 S.E.2d at 174.

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 testimony, argument, or evidence at the hearing regarding such allegations. Accordingly, this Court finds the Applicant has abandoned any such allegations.

CONCLUSION

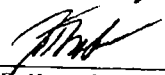
Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes that that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 12th day of Sept, 2014.



R. KNOX MCMAHON
Presiding Judge
Second Judicial Circuit

2014 Sept, South Carolina

Tommy A. Thomas

ATTORNEY AND COUNSELOR AT LAW

TELEPHONE:
(803) 732-5507
(803) 732-5508

HARRINGTON BUILDING
7588 WOODROW STREET
IRMO, SOUTH CAROLINA 29063

PLEASE REPLY TO:
PO Box 88
IRMO, SC 29063

FACSIMILE:
(803) 781-4228

RECEIVED

INMATE LINE
(803) 732-6542

OCT 29 2014

October 28, 2014

S.C. SUPREME COURT

The South Carolina Supreme Court
P.O. Box 11330
Columbia, SC 29211

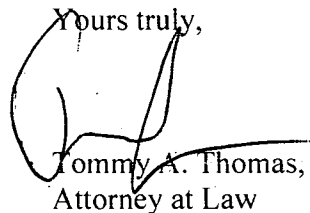
RE: Anthony Sapp #351929 v. State of South Carolina
Docket No.: 2013-CP-02-600

Dear Sir or Madam:

Enclosed please find an Original and a copy of a Notice of Appeal, along with a Certificate of Service and attachments.

Kindly return a clocked copy to me in the enclosed envelope. Thank you and should you have any questions, or need any additional information, please do not hesitate to contact me.

Yours truly,


Tommy A. Thomas,
Attorney at Law

TAT/jem
cc: Daniel Gourley, Esq.
Anthony Sapp #351929
Appellate Defense

Tommy A. Thomas, P.C.
ATTORNEY AND COUNSELOR AT LAW
HARRINGTON BUILDING
POST OFFICE BOX 88
IRMO, SOUTH CAROLINA 29063

The South Carolina Supreme Court
P.O. Box 11330
Columbia, SC 29211



29211330 BOSS

