

STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO SPARTANBURG COUNTY
Court of Common Pleas

The Honorable Robin B. Stilwell, Circuit Court Judge

Appellate Case No. 2014-000693

RECEIVED

JAN 29 2015

S.C. Supreme Court

Anthony Neil Briggs,.....Respondent-Petitioner.

v.

State of South Carolina,.....Petitioner-Respondent,

**PETITION FOR
WRIT OF CERTIORARI**

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TABLE OF CONTENTS

QUESTION PRESENTED.....2

STATEMENT OF THE CASE.....3

STANDARD OF REVIEW.....4

ARGUMENT

 The PCR court erred when it recognized the doctrine of cumulative error in the Order Granting Relief, which the State of South Carolina has not found to be proper in post-conviction relief matters5

 The PCR court erred when it found Counsel ineffective for failing to object to the qualification of Arroyo-Staggs as an expert witness, when she was qualified in the area of child abuse assessment, failing to object to improper vouching by Arroyo-Staggs, and for eliciting improper vouching testimony, when the finding was based upon improper consideration of the facts and an error of law.....6

 The PCR court erred in granting Respondent’s application where no evidence of probative value supports the PCR court’s finding that Counsel was ineffective for failing to request a jury charge regarding expert testimony.....14

CONCLUSION.....16

QUESTIONS PRESENTED

1. Did the PCR court err when it recognized the doctrine of cumulative error in the Order Granting Relief, which the State of South Carolina has not found to be proper in post-conviction relief matters?
2. Did the PCR court err when it found Counsel ineffective for failing to object to the qualification of Arroyo-Staggs as an expert witness, when she was qualified in the area of child abuse assessment, failing to object to improper vouching by Arroyo-Staggs, and for eliciting improper vouching testimony, when the finding was based upon improper consideration of the facts and an error of law?
3. Did The PCR court erred in granting Respondent's application where no evidence of probative value supports the PCR court's finding that Counsel was ineffective for failing to request a jury charge regarding expert testimony?

STATEMENT OF THE CASE

The Respondent is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. The Respondent was indicted at the May 2009 term of the Spartanburg County Grand Jury for criminal sexual conduct with a minor under 11 years of age, first offense (2009-GS-42-2627). The Respondent was then indicted at the August 2010 term of the Spartanburg County Grand Jury for sex/lewd act upon a minor (victim 0-15 years of age) (2010-GS-42-4657). Respondent was represented by Max B. Singleton, Esquire. On August 26, 2010, the Respondent was convicted of the charges by a jury. The Respondent was sentenced by the Honorable J. Derham Cole to confinement for life for criminal sexual conduct with a minor and a concurrent sentence of fifteen (15) years confinement for sex/lewd act upon a minor/

A timely Notice of Appeal was filed on Respondent's behalf and an appeal was perfected. The South Carolina Court of Appeals affirmed Respondent's conviction and sentence. State v. Briggs, Op. No. 2012-UP-323 (S.C. Ct. App. filed May 30, 2012). The Remittitur was returned on June 19, 2012.

The Respondent filed his application for post-conviction relief on June 26, 2012 (2012-CP-42-2064), and an amendment to the application on October 30, 2013. An evidentiary hearing was held on November 12, 2013, at the Spartanburg County Courthouse. The Respondent was present and represented by Jeremy A. Thompson, Esquire. The State of South Carolina was represented by Suzanne H. White, Assistant Attorney General. The Honorable Robin B. Stilwell granted the application by written Order on February 1, 2014. Petitioner filed a timely 59(e) Motion and Judge Stilwell denied the Motion by written Order on February 28, 2014. This Petition for Writ of Certiorari follows.

STANDARD OF REVIEW

In a post-conviction relief proceeding, the Petitioner bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). The reviewing Court may reverse the PCR judge's factual findings where the record lacks "any evidence of probative value" to sustain them. See Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007); Brown v. State, 340 S.C. 590, 594, 533 S.E.2d 308, 310 (2000) (citing Holland v. State, 322 S.C. 111, 470 S.E.2d 378 (1996)) ("[A] PCR judge's findings should not be upheld if there is no probative evidence to support them"). Further, where the PCR court's decision is premised on an error of law, this Court must reverse. Ard v. Catoe, 372 S.C. at 331, 642 S.E.2d at 596 ("The Court will reverse the PCR court's decision when it is controlled by an error of law.").

ARGUMENT

I. The PCR court erred when it recognized the doctrine of cumulative error in the Order Granting Relief, which the State of South Carolina has not found to be proper in post-conviction relief matters.

Although relief was not granted on this issue, Petitioner submits that the PCR court improperly considered the cumulative error doctrine. The Fourth Circuit does not recognize the cumulative error doctrine to find error where the individual errors are not proven; rather, the Fourth Circuit has instructed that each claim is analyzed individually under the appropriate constitutional framework. Fisher v. Angelone, 163 F.3d 835, 852–53 (4th Cir. 1998); see also Causey v. McCall, Civil Action No. 4:13-581-TMC, 2014 WL 130447, *16 (D.S.C. Jan. 14, 2014) (“Petitioner argues that the cumulative effect [of] the errors raised was in violation of his rights to due process and warrants relief. Having found that none of the issues raised by Petitioner amounted to error, he cannot aggregate them to form a constitutional violation.”).

Further, South Carolina has not recognized a separate review independent of specific allegation of actual error and prejudice. See Lorenzen v. State, 376 S.C. 521, 657 S.E.2d 771 n. 3 (2008) (“Although we recognize that whether the cumulation of several errors, ‘which by themselves are not prejudicial, would warrant relief is an unsettled question in South Carolina,’ we do not believe the facts of this case present an opportunity to definitively decide this question.”); Simpson v. Moore, 367 S.C. 587, 604, 627 S.E.2d 701, 710 (2006) (“Because the PCR court found that only one of Simpson’s allegations had merit, there was no need to conduct a cumulative-error analysis.”). Thus, there is no basis by which the court could find Counsel ineffective as a result of the cumulation of errors and the court improperly considered this.

II. The PCR court erred when it found Counsel ineffective for failing to object to the qualification of Arroyo-Staggs as an expert witness, when she was qualified in the area of child abuse assessment, failing to object to improper vouching by Arroyo-Staggs, and for eliciting improper vouching testimony, when the finding was based upon improper consideration of the facts and an error of law.

Petitioner respectfully submits that the PCR court erred in finding Counsel ineffective for failing to object to the qualification of Michelle Arroyo-Staggs, failing to object to improper vouching testimony and eliciting improper vouching testimony. There is no probative evidence to support the finding that not only was Counsel deficient in these regards, but that there was a reasonable probability that, but for his Counsel's failure to request the expert jury instruction, the outcome of his trial would have been different. See Strickland, 466 U.S. at 694, 104 S.Ct. at 2068.

Qualification as Expert Witness

The State called Arroyo-Staggs, who testified that at the time of her employment with the Children's Advocacy Center and her involvement in the present case, she provided both forensic assessments as well as therapy for children at the Center. (App. Vol. I. p. 160). Arroyo-Staggs testified as to her undergraduate and graduate education and licensure in social work, as well as her training in the areas of assessment of children who have been sexually abused and counseling victims of sexual abuse in both South Carolina and Massachusetts. (App. Vol. I. p. 160-161). Arroyo-Staggs testified to her more than 19 years of experience in the field of social work. (App. Vol. I. p. 161). Arroyo-Staggs testified that she was also trained in the field of forensic interviewing and explained what a forensic interview was. (App. Vol. I. p. 160). Following the presentation of her qualifications, Arroyo-Staggs was qualified by the State as an expert in the field of child abuse assessment and treatment. (App. Vol. I. p. 162).

During her testimony, Arroyo-Staggs testified that her role during a forensic interview of a child is to "find out at the child's developmental abilities . . . whether or not the child is able to

know the difference between a truth and a lie.” (App. Vol. I p. 164). She also testified that she uses three rules in her interviews with victims, including (1) only talk about the truth, (2) no guessing, and (3) the victim is allowed to say they do not know or cannot remember. (App. Vol. I. p. 164). Arroyo-Staggs provided testimony regarding the assessment of a child’s competency to be interviewed as well as the process and procedures in regards to who is allowed in the interview, recording, family history obtained, and tools used. (App. Vol. I. p. 165-8). Arroyo-Staggs testified as to partial and delayed disclosures and how a child, specifically, might react following sexual abuse and what factors affect the disclosure. (App. Vol. I. p. 168-171). She also testified as to the term “coaching,” which she defined as “if and when the child is being coerced to think about the trauma from somebody else’s viewpoint perspective for words.” (App. Vol. I. p. 171-2). Also, Arroyo-Staggs testified that part of her job is to take numerous factors in consideration and to “explore alternate explanations as to why this may have happened, why is the child saying that something happened or didn’t happen.” (App. p. Vol. I. p. 172).

First, Petitioner submits that the Court improperly relies predominantly on the Kromah case to find Counsel ineffective for failing to object to the qualification of Arroyo-Staggs as an expert and for failing to object to improper vouching. State v. Kromah, 401 S.C. 340, 737 S.E.2d 490 (2013). Kromah was not decided until 2013, three years following Respondent’s trial. Id. The Court also utilized State v. Jennings, 394 S.C. 473, 716, S.E.2d 91 (2011), which was decided after Respondent’s trial. As this Court has stated, “[w]e have never required an attorney to be clairvoyant or anticipate changes in the law which were not in existence at the time of trial.” Gilmore v. State, 314 S.C. 453, 445 S.E.2d 454 (1994), overruled on other grounds by Brightman v. State, 336 S.C. 348, 520 S.E.2d 614 (1999). See also Thornes v. State, 310 S.C. 306, 426 S.E.2d

764 (1993); see also Robinson v. State, 308 S.C. 74, 417 S.E.2d 88 (1992); Arnette v. State, 306 S.C. 556, 413 S.E.2d 803 (1992); Kirkpatrick v. State, 306 S.C. 359, 412 S.E.2d 389 (1991).

Respondent argues that the decision in State v. Douglas, 380 S.C. 499, 502, 671 S.E.2d 606, 608 (2009), should have provided notice to Counsel that he should raise an objection to the qualification of Arroyo-Staggs. However, this Court in Douglas simply found that in that particular case, the testimony provided by the witness qualified as an expert was not required to be presented by an expert. Id. Petitioner submits that at the time of Respondent's August 2010 trial, Counsel had no obligation to object to Arroyo-Staggs' qualification as an expert based upon the later rulings in Jennings and Kromah.

Second, Petitioner submits that Kromah does not bar a person from being qualified as an expert in a field other than forensic interviewing. The qualification of the Arroyo-Staggs and her testimony were entirely appropriate under State v. Schumpert, 312 S.C. 502, 435 S.E.2d 859 (1993) and State v. Weaverling, 337 S.C. 460, 523 S.E.2d 787 (Ct. App. 1999). Arroyo-Staggs was properly qualified and properly allowed to testify regarding partial and delayed disclosure and coaching, as well as this particular victim's disclosure during her interview. The trial court properly qualified Arroyo-Staggs as a professional in the area of "child abuse assessment and treatment." (App. Vol. I. p. 162). The Supreme Court's opinion in Kromah does not bar her qualification as an expert in child abuse assessment and treatment. Further, based on her education, expertise, and training she was clearly qualified to offer the expert testimony she offered regarding delayed and partial disclosure, coaching, and this victim's specific disclosure.

While Kromah specifically found a person cannot be qualified as an expert in forensic interviewing, the case did not preclude a person from being qualified in another area solely because that person also acted as a forensic interviewer. See Kromah, 401 S.C. at 357 n.5, 737

S.E.2d at 499 n.5. The case dealt solely with testimony regarding the interview of a child abuse victim by a forensic interviewer. It did not involve any testimony regarding behavioral characteristics of victims of trauma such as sexual abuse, nor did it relate to any other testimony an expert may give on a subject outside of forensic interviewing.

As the South Carolina Court of Appeals very recently explained:

Expert testimony differs from lay testimony in that an expert is permitted to state an opinion based on facts not within his firsthand knowledge or may base his opinion on information made available before the hearing so long as it is the type of information that is reasonably relied upon in the field to make opinions. On the other hand, a lay witness may only testify as to matters within his personal knowledge and may not offer opinion testimony which requires special knowledge, skill, experience, or training.

....

First, the [circuit] court must find that the subject matter is beyond the ordinary knowledge of the jury, thus requiring an expert to explain the matter to the jury. Next, while the expert need not be a specialist in the particular branch of the field, the [circuit] court must find that the proffered expert has indeed acquired the requisite knowledge and skill to qualify as an expert in the particular subject matter. Finally, the [circuit] court must evaluate the substance of the testimony and determine whether it is reliable.

State v. Brown, No. 2012-213548, 2015 WL 80630, at *3 (S.C. Ct. App. Jan. 7, 2015) (quoting Watson v. Ford Motor Co., 389 S.C. 434, 699 S.E.2d 169 (2010)).

The Kromah decision merely provided a roadmap for the use of the testimony of a forensic interviewer when testifying solely about the forensic interview. Because the issues raised in this appeal, and addressed by the Supreme Court in Schumpert and this Court in Weaverling, were not addressed in Kromah, the Kromah case is not dispositive precedent on the issue. See Hutto v. Southern Farm Bureau Life Ins. Co., 259 S.C. 170, 173, 191 S.E.2d 7, 8 (1972) (“It is, of course, settled law that ‘a case cannot be considered as a binding precedent on a legal point that was not argued in the case and not mentioned in the opinion.’”).

Petitioner submits that the PCR court, in applying Kromah, incorrectly held that Counsel should have objected based not on what the law actually was at the time of Respondent's trial, but what the law would become. In other words, the PCR court's ruling suggests Counsel should have been clairvoyant. The law, however, is unequivocal on this point: South Carolina courts "have never required an attorney to be clairvoyant or anticipate changes in the laws which were not in existence at the time of trial." Gilmore v. State, 314 S.C. 453, 457, 445 S.E.2d 454, 456 (1994) (holding Counsel "could not be ineffective" for failing to request a jury charge that would not have been applicable for at least other year). Further, Petitioner submits that the testimony would still be allowable under Kromah because of the expert qualification and focus of the testimony being directed towards how children are assessed regarding disclosures and possible coaching.

Improper Vouching

Arroyo-Staggs' testimony did not include any references to the victim's testimony being compelling, consistent, credible, or truthful but focused on issues with delayed disclosure and whether or not there was evidence of coaching. Although the Order granting relief states that Arroyo-Staggs "unequivocally testified that it was her opinion that the victim told her the truth," the PCR court's interpretation of the testimony is inaccurate. (App. Vol. II. p. 600). The question asked of Arroyo-Staggs during trial was how could she assess or determine if the child was telling the truth and her response was simply, "I can definitely assess it, which I have I believe accurately and appropriately, again, basing on age appropriateness, information she's provided." (App. Vol. I. p. 198). Further, she testified, "well, as I said before, based on her age and based on the information that she was able to give me, what I deducted was a disclosure based on the appropriateness of the - - what I saw, what I heard, her statements, behavior and affect - - were all appropriate for her age." (App. Vol. I. p. 198).

Arroyo-Staggs does not state that she believed the victim or that the victim was telling the truth, but she instead focuses on whether or not she can assess if the child is telling the truth based upon whether or not the words and statements used by the victim were appropriate for her age. (App. Vol. II. p. 600).

“[E]ven though experts are permitted to give an opinion, they may not offer an opinion regarding the credibility of others.” State v. Kromah, 401 S.C. 340, 737 S.E.2d 490, 499 (2013). “For an expert to comment on the veracity of a [victim’s] accusations of sexual abuse is improper.” State v. Jennings, 394 S.C. 473, 480, 716 S.E.2d 91, 94 (2011). This Court recently stated:

“Improper bolstering occurs when an expert witness is allowed to give his or her opinion as to whether the complaining witness is telling the truth, because that is an ultimate issue of fact and the inference to be drawn is not beyond the ken of the average juror.” State v. Douglas, 367 S.C. 498, 521, 626 S.E.2d 59, 71 (Ct. App. 2006), rev’d in part on other grounds, 380 S.C. 499, 671 S.E.2d 606 (2009). Generally, the prohibition against bolstering is for the purpose of preventing a witness from testifying whether another witness is telling the truth and to maintain “the assessment of witness credibility . . . within the exclusive province of the jury.” State v. McKerley, 397 S.C. 461, 464, 725 S.E.2d 139, 141 (Ct. App. 2012).

State v. Taylor, 404 S.C. 506, 514, 745 S.E.2d 124, 128 (Ct. App. 2013). Any time an expert testifies or provides evidence which supports the underlying charge levied by the victim, it does not result in improper or impermissible bolstering or vouching. It is only when the testimony invades the province of the jury and makes a comment on the credibility or veracity of the victim.

The Courts of this state have examined behavioral testimony in several cases. Initially in State v. Hudnall, 293 S.C. 97, 359 S.E.2d 59 (1987), this Court held expert testimony regarding common behavioral characteristics exhibited by child victims of sexual abuse was not admissible to establish abuse had occurred. This Court held this evidence admissible only to rebut a defense claim that the victim's response was inconsistent with such a trauma. Id. at 100-101, 359 S.E.2d at

61. This Court changed direction in State v. Alexander, 303 S.C. 377, 401 S.E.2d 146 (1991), holding trauma testimony of a rape victim is relevant to prove the elements of criminal sexual conduct since such evidence makes it more or less probable that the offense occurred.

In State v. Schumpert, 312 S.C. 502, 435 S.E.2d 859 (1993), this Court considered expert testimony regarding rape trauma syndrome. The expert testified to characteristics commonly found in sexual assault victims. Id. at 505, 435 S.E.2d at 861. This Court overturned its holding in Hudnall, and specifically found: “both expert testimony and behavioral evidence are admissible as rape trauma evidence to prove a sexual offense occurred where the probative value of such evidence outweighs its prejudicial effect.”

The South Carolina Court of Appeals has also had a chance to address similar behavior testimony in State v. Weaverling, 337 S.C. 460, 523 S.E.2d 787 (Ct. App. 1999). In Weaverling, an expert testified regarding behavior and characteristics of a sexually abused victim. The Court of Appeals stated: “Expert testimony concerning common behavioral characteristics of sexual assault victims and the range of responses to sexual assault encountered by experts is admissible.” Id. at 474-475, 523 S.E.2d at 794 (citing Frenzel v. State, 849 P.2d 741 (Wyo.1993); State v. Lujan, 192 Ariz. 448, 967 P.2d 123 (1998) (opinion testimony describing behavioral characteristics outside jurors’ common experience is permitted as long as it meets other admissibility requirements)). The Court of Appeals explained:

Such testimony is relevant and helpful in explaining to the jury the typical behavior patterns of adolescent victims of sexual assault. Frenzel, supra. It assists the jury in understanding some of the aspects of the behavior of victims and provides insight into the sexually abused child's often strange demeanor. Id. See also Lujan, supra (when facts of case raise questions of credibility or accuracy that might not be explained by experiences common to jurors—like reactions of child victims of sexual abuse—expert testimony on general behavioral characteristics of such victims should be admitted).

Id. at 475, 523 S.E.2d at 794. Further, the Court in Brown very concisely and correctly explained:

We believe the unique and often perplexing behavior exhibited by child sex abuse victims does not fall within the ordinary knowledge of a juror with no prior experience—either directly or indirectly—with sexual abuse. The general behavioral characteristics of child sex abuse victims are, therefore, more appropriate for an expert qualified in the field to explain to the jury, so long as the expert does not improperly bolster the victims’ testimony.

Brown, No. 2012-213548, 2015 WL 80630, at *3 (S.C. Ct. App. Jan. 7, 2015); see also, State v. White, 361 S.C. 407, 415, 605 S.E.2d 540, 544 (2004) (“Expert testimony on rape trauma may be more crucial in situations where children are victims. The inexperience and impressionability of children often render them unable to effectively articulate the events giving rise to criminal sexual behavior.”).

Petitioner submits that the testimony of Arroyo-Staggs did not rise to the level of improper vouching for the victim. Further, testimony was presented from Judy Petty, who testified that the victim had informed her of a sexual assault happening at her home on the pull-out couch while her brother and sister were at school and her mom was at work. (App. Vol. I. p. 149). Demetrius Martin and Dwight Spears also testified that in conversations with Respondent while in jail awaiting trial, Respondent acknowledged rubbing his penis in between the victim’s legs or butt area and ejaculating. (App. Vol. I. p. 294, lines 20-22; p. 304, lines 15-19). There is no probative evidence that had Counsel objected to various portions of testimony by Arroyo-Staggs, in light of the other testimony presented, the outcome of Respondent’s trial would have been different. Therefore, Petitioner asks that the lower court be reversed and relief denied.

III. The PCR court erred in granting Respondent’s application where no evidence of probative value supports the PCR court’s finding that Counsel was ineffective for failing to request a jury charge regarding expert testimony.

Petitioner submits that no probative evidence supports the PCR court’s finding that Counsel was ineffective for failing to request a jury charge regarding expert testimony.

When reviewing jury charges for error, the jury charge is considered as a whole and in light of the evidence and issues presented at trial. State v. Logan, 405 S.C. 83, 90-91, 747 S.E.2d 444, 448 (2013). Further, if the charge is “substantially correct and covers the law,” the charge does not require reversal. Id.

The same tests which are commonly applied in the evaluation of ordinary evidence are to be used in judging the weight and sufficiency of expert testimony. Anderson v. Campbell Tile Co., 202 S.C. 54, 24 S.E.2d 104 (1943). “As with any witness, the jury is free to accept or reject the testimony of an expert witness.” State v. Douglas, 380 S.C. 499, 503, 671 S.E.2d 606, 609 (2009). When reviewing the instructions as a whole, paying particular attention to the charge related to witness credibility, Petitioner submits that the jury instructions clearly state how the jury can view witnesses and their credibility.

The jury instructions regarding witness credibility were stated as:

You will decide what weight, value and effect to give to any particular witness’ testimony, or even portions of testimony. And there are several factors which you should consider in arriving at your assessment as to a particular witness’ credibility . . .

. . . .

You should also consider how the witness came to know the facts to which a particular witness has testified to. In other words, what was that witness’ opportunity to perceive the existence of those facts to which that witness has testified by having previously used his or her senses. And then what is that witness’ ability to be able to come into court and to accurately recollect to you as to what that witness has previously perceived.

....
Now, because you are the judges of the facts and because you are the judges of the credibility of each witness who has testified you are permitted to believe as much or as little of what a witness has testified to as you deem appropriate.

And therefore you may believe everything that a witness testified to; you may choose to believe none of it. You may believe one portion of a witness' testimony and reject some other portion of that same witness' testimony.

You may believe one witness as opposed to several, or several as opposed to one. And a witness' testimony does not need to be corroborated by other evidence if you find it to be credible in the case.

Simply put, you have to determine what is the most credible and believable testimony and evidence, and that's the testimony and evidence you should accept. And you should reject any testimony or other evidence that you find not to be credible or believable.

App. Vol. I. p. 440-442.

Petitioner submits that the jury charge correctly states the law and informs the jury that they have the option of believing all, nothing, or some of what any witness testified.

Although there is no South Carolina case directly addressing this issue, Petitioner submits that the decision in the Federal Habeas case, Hernandez v. Florida Dep't of Corr., 470 F. App'x 721 (11th Cir. 2012), reflects an appropriate standard for a finding of ineffective assistance of counsel based upon the failure to request a jury instruction regarding expert testimony. In Hernandez, the court found that the trial court had provided the jury with instructions indicating it was "up to them to decide what evidence was reliable or unreliable," and an instruction similar to the present case regarding the credibility of witness testimony. Id. The court found that, "[i]n light of these instructions, it [was] highly unlikely that the jury believed that it had to accept [the expert's] testimony as true." Hernandez v. Florida Dep't of Corr., 470 F. App'x 721, 724 (11th Cir. 2012).

The Respondent failed to provide any testimony or evidence that would indicate a reasonable probability that, but for his Counsel's failure to request the expert jury instruction, the

outcome of his trial would have been different. See Strickland, 466 U.S. at 694, 104 S.Ct. at 2068. There is no probative evidence to support a finding that Counsel's failure to request an expert jury instruction led the jury to accord Arroyo-Staggs' testimony any greater weight than that given to any other witness. Accordingly, the PCR court erred in finding that Respondent satisfied his burden of proof.

CONCLUSION

For the reasons stated above, this Court should grant the Petition for Writ of Certiorari and reverse the PCR Court's ruling. Should this Court grant Certiorari, the Respondent requests permission under the rules to brief the issues discussed above fully.

Respectfully submitted,

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January 29, 2015.

STATE OF SOUTH CAROLINA
In The Supreme Court

Certiorari to Spartanburg County
Court of Common Pleas

The Honorable Robin B. Stilwell, Circuit Court Judge

ANTHONY NEIL BRIGGS,

PETITIONER,

v.

THE STATE OF SOUTH CAROLINA,

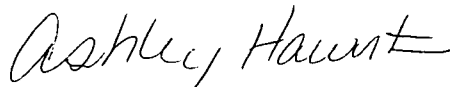
RESPONDENT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of **Petition for Writ of Certiorari**, has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

Jeremy A. Thompson, Esquire
Law Office of Jeremy A. Thompson, LLC
Post Office Box 12891
Columbia, SC 29211

This 29th day of January, 2015.



ASHLEY HAWORTH
LEGAL ASSISTANT



ALAN WILSON
ATTORNEY GENERAL

January 29, 2015

RECEIVED

JAN 29 2015

S.C. Supreme Court

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

RE: Anthony Neil Briggs v. State of South Carolina
Lower Court Case No: 2012-CP-42-2674
Appellate Case No. 2014-000693

Dear Mr. Shearouse:

Enclosed for filing are the original and six (6) copies of the **Petition for Writ of Certiorari** along with an original and one bound Appendix in the above-referenced case. By copy of this letter we are serving opposing counsel today.

Sincerely,

Suzanne H. White
Assistant Deputy Attorney General
SC Bar No. 78225

SHW/ah
Enclosures

cc: Jeremy A. Thompson, Esquire (2 copies)
Trisha Allen, Victim Services (1 copy)