Janet, Jenner & Suggs, LLC
ATTORNEYS AT LAW

Howard A. Janet, P.C.* | Kenneth M. Suggs• | Robert K. Jenner, P.C.*±
Dov Apfel*± | Stephen C. Offutt*±= | Giles H. Manley, M.D., J.D.* | Gerald D. Jowers, Jr.• | Brian D. KettererΔ | Sharon R. Morgan* | Kimberly A. Dougherty◊

Francis M. Hinson, IV• | Hal J. Kleinman*Δ‡ | Tara J. Posner*±† | Justin A. Browne* | Jessica H. Meeder*±
Lindsey M. Craig* | Jason B. Perm*± | Seth L. Cardeli*§≠ | William F. Burnham* | Patrick A. Thronson* | Lisa S. Lee◊≠
Jacob H. Raehn•□° | Adam P. Janet* | Robert S. Lewis* | Kathleen R. Kerner*

OF COUNSEL
John C. Hensley, Jr.° | Steven J. Germain§≠± | Joel M. Rubenstein§≠

BAR MEMBERSHIPS
* Maryland | • South Carolina | ◊ Massachusetts | ± District of Columbia | = Minnesota | Δ Pennsylvania
‡ Illinois | † Florida | ° North Carolina | § New York | ≠ New Jersey | □ Georgia

April 14, 2015

South Carolina Commission on Indigent Defense
Division of Appellate Defense
P.O. Box 11589
Columbia, SC 29211-1589

Re: Quincy M. Holley v. The State of South Carolina
Docket No. 2011-CP-32-4154

To Whom It May Concern:

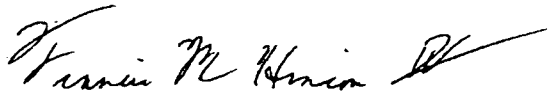
Enclosed please find a copy of the following:

1. Notice of Appeal;
2. Proof of Service; and
3. Order of Dismissal signed by Judge Edgar W. Dickson on August 4, 2014, and received on April 12, 2015.

Mr. Holley filed for post-conviction relief, which was denied after a hearing by Judge Dickson. By copy of this letter I am notifying the Supreme Court that I am requesting that Appellate Defense assume the responsibility of this Appeal pursuant to Rule 602(e)(4), SCACR, since Mr. Holley is indigent and has no family to hire a private attorney.

I was previously appointed to represent Mr. Holley in the post-conviction relief action in circuit court. Please advise if you need anything further from me, and I will be happy to comply.

Very truly yours,



Francis M. "Brink" Hinson, IV
bhinson@myadvocates.com

Enc.

cc: Walt Whitmire, SC Attorney General's Office
Quincy M. Holley, Petitioner
The Honorable **Daniel E. Shearouse, Clerk of the Supreme Court**

IN THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM RICHLAND COUNTY

COURT OF COMMON PLEAS

EDGAR W. DICKSON, CIRCUIT COURT JUDGE

2011-CP-32-4154

Quincy M. Holley,.....Petitioner.

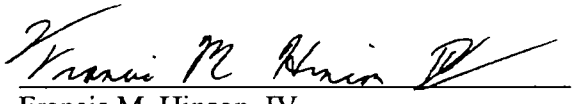
vs.

The State of South Carolina,.....Respondent.

NOTICE OF APPEAL

Quincy M. Holley appeals the Honorable EDGAR W. DICKSON's August 4, 2014, order denying post-conviction relief to the Petitioner. Undersigned counsel received notice of entry of the order on April 12, 2014. A copy of the order on appeal is attached to this notice.

Respectfully submitted,



Francis M. Hinson, IV
JANET, JENNER & SUGGS, LLC
500 Taylor Street, Suite 301
Columbia, South Carolina 29201
803-726-0050 (tel)
803-727-1059 (fax)
Attorney for the Petitioner

April 14, 2015

OTHER COUNSEL OF RECORD:
South Carolina Attorney General's Office
Attn. J. Walt Whitmire, Esq.
Post Office Box 11549
Columbia, SC 29211-1549

IN THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM RICHLAND COUNTY

COURT OF COMMON PLEAS

EDGAR W. DICKSON, CIRCUIT COURT JUDGE

2011-CP-32-4154

Quincy M. Holley,.....Petitioner.

vs.

The State of South Carolina,.....Respondent.

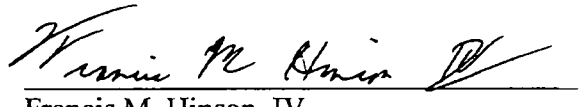
PROOF OF SERVICE

I, Francis M. Hinson, IV, certify that I have today served the within notice of appeal upon the Respondent by depositing a copy of it in the United States Mail, postage prepaid, addressed to the attorney of record:

South Carolina Attorney General's Office
Attn. J. Walt Whitmire, Esq.
Post Office Box 11549
Columbia, SC 29211-1549

I further certify that all parties required to be served have been served this 14 day of April, 2015.

Respectfully submitted,



Francis M. Hinson, IV
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803-727-1059 (fax)
Attorney for the Petitioner

ALAN WILSON
ATTORNEY GENERAL

April 10, 2015

Mr. Francis M. Hinson, IV, Esquire
Janet Jenner & Suggs, LLC
500 Taylor Street, Ste. 301
Columbia, SC 29201

Re: **Quincy Holley, #332439 v. State of South Carolina**
2011-CP-32-4154

Dear Mr. Hinson:

Enclosed please find a copy of the signed and filed **Order of Dismissal** in the above mentioned Post Conviction Relief case. Therefore, with this letter, we are closing our post-conviction relief file in this matter.

Sincerely,

J. Walt Whitmire
Assistant Attorney General

JWW/ah
Enclosure(s)

3

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	ELEVENTH JUDICIAL CIRCUIT
COUNTY OF LEXINGTON)	
)	**Case No: 2011-CP-32-4154**
Quincy Holley,)	
S.C.D.C. No. 332439)	
)	
Applicant,)	**ORDER OF DISMISSAL**
)	
v.)	
)	
State of South Carolina,)	
)	
Respondent.)	

This matter comes before the Court pursuant to an Application for Post-Conviction Relief (PCR) filed November 3, 2011. Respondent made its Return on April 9, 2012. An evidentiary hearing into the matter was convened on at the Lexington County Courthouse on August 15, 2013. Applicant was present at the hearing and was represented by Francis M. Hinson IV, Esq., Respondent was represented by Walt Whitmire, Esq., of the South Carolina Attorney General's Office.

At the hearing, Applicant testified on his own behalf. Sarah A. Hahn, ("plea counsel") Esquire, testified. This Court also had before it the records of the Lexington County Clerk of Court, the transcript of the proceedings against the Applicant, and the Applicant's records from the South Carolina Department of Corrections.

I. PROCEDURAL HISTORY

Applicant is presently confined in the Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. Applicant was indicted at the February 2011 term of the Lexington County Grand Jury for Burglary, first-degree (2011-GS-32-0358). He was represented by Ola A. Johnson, Esq. On May 12, 2011, the State called its case.

Applicant pled guilty as charged. The Honorable Thomas A. Russo sentenced Applicant to a term of twenty (20) years imprisonment. Applicant did not appeal his conviction or sentence.

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

1. Ineffective assistance of counsel:
   a. failure to investigate the State evidence;
   b. failure to prepare a defense;
   c. failure to move to suppress an unlawful in-court identification and evidence obtained from an illegal search and seizure;
   d. failure to make a Brady motion[1];
   e. failure to file a notice of appeal;
2. Involuntary guilty plea:
   a. counsel allegedly coerced Applicant to plead guilty

SUMMARY OF TESTIMONY

Applicant testified counsel was ineffective for failing to prepare a defense and he claimed that since his incarceration, he has discovered sixty errors in the State's evidence. Applicant spent a year confined at the Lexington County Detention Center prior to the disposition of his charges. He testified his mother made numerous phone calls to counsel but could not remember if his mother was able to reach him. Since the plea hearing, Applicant received his case file and has extensively reviewed it in preparation for the hearing. He noted the alleged absence of a filed Brady motion and claimed he was prejudiced because counsel was not provided adequate access to the victims prior to the plea. For instance, he explained that one of the victim's birthdays was inaccurately recorded. He further elaborated that the three victims gave inconsistent statements. He stated that each victim provided different identifications of the license plate on the getaway vehicle. Applicant also testified to the alleged variances in the statements provided by the victims. Applicant testified he met with counsel two times in March

[1]Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194 (1963)

and once in May prior to his plea. Applicant testified counsel advised him that he reviewed the discovery disclosures from the State. Applicant claimed that he showed counsel "things he did not know about" regarding the State's evidence. Applicant testified that he was never identified in a photo lineup by the victims. He also claimed State did not collect latent prints from the gun used by the assailants in the robbery. Last he claimed the State did not have medical records to support one of the victim's accounts that he incurred injuries from being pistol whipped by one of the assailants. Applicant testified that he would not have pled guilty had he known of these alleged weaknesses in the State's evidence. Its Applicant's contention that counsel advised him that he had a chance of success at trial. However, Applicant also testified that counsel never discussed "going to trial" with him.

Applicant alleged counsel was ineffective for failing to have State's evidence suppressed. Applicant testified that he asked counsel to make a motion to suppress the post-burglary items recovered during immediate traffic stop and asserted counsel never followed through. He believed the evidence constituted fruits of an unlawful search and seizure.

Applicant alleged counsel was ineffective for failing to file a Brady motion in his case. This allegation was supported by Applicant's own post-disposition review of his case file. He noted the alleged absence of a filed Brady motion and claimed he was prejudiced because counsel was not provided adequate access to the victims prior to the plea. Next, Applicant alleged counsel was ineffective for failing to file a timely notice of appeal on his behalf.

Applicant alleged his guilty plea was rendered involuntary as a result of counsel's conduct. Applicant claimed he always wanted a trial despite counsel's contrary advice. Applicant claimed he was confined in the Lexington County Detention Center for a year while he waited for his day in Court. Applicant claimed he recently spoke with counsel about the merits of his

case prior to entering the plea. He claimed they were set to take the case to trial when counsel had Applicant's mother advise him he was looking at a life sentence upon conviction, the State was going to present overwhelming evidence of guilt, and that he would be a monumental mistake to decline a favorable plea offer from the State. He claimed that he was brought to Court on the day of plea without knowing the purpose of the appearance. He explained that he did not feel personally prepared for a jury trial and stated, "I spent an entire year in county and was prepping to go to trial. I was coerced because I didn't have access to be up on my law like how I was supposed to be." He testified that he suffered from behavioral disorders and mood defects.

At the PCR hearing, Applicant's mother, Ruth Holley, testified to efforts she made in helping Applicant reach a favorable disposition in the case. She testified she would leave messages for counsel throughout the case and noted she had numerous conversations with counsel at the outset of representation and prior to the plea hearing. She testified that she did not know Applicant was going to Court to enter a guilty plea on the day of his plea hearing. However she testified she spoke in mitigation during the sentencing phase of the hearing. She detailed Applicant's mental health history but noted she conveyed this information to the Plea Judge. Holley testified counsel explained to her Applicant's possible sentencing exposure without discussing the evidence of the case.

At the PCR hearing, Kimberly Tompkins, a distant relative, testified to her attempts to contact counsel during Applicant's case. She testified that she allegedly phoned counsel forty or more times to get information about Applicant's case. After the plea, she phoned counsel and requested an appeal but was informed counsel was no longer Applicant's attorney. She believed counsel provided meaningful representation to Applicant. Last, she testified that she did not want to see Applicant imprisoned.

At the PCR hearing, counsel testified to his course of conduct during the representation. Counsel had over twelve years experience as a criminal attorney in South Carolina. He worked as a Public Defender in the Second Judicial Circuit and he worked as a Solicitor in both the Second and Eleventh Judicial Circuits. As a result of Applicant's motion to have his prior counsel, David Mauldin, Esq., relieved, counsel was appointed on the case. Counsel met with Mauldin to obtain necessary files and to discuss Applicant's case. Counsel also discussed Applicant's mental health among other relevant matter with Holley. Counsel reviewed Applicant's Department of Mental Health files and noted Applicant had no problem communicating with him. Counsel found Applicant to be competent and well-versed in aiding the defense. Based on counsel's experience, he did not believe an insanity defense was applicable in Applicant's case.

Counsel testified to the posture of the case from the outset of his representation. Counsel met with Applicant four times prior to the plea hearing. Counsel reviewed the State's discovery disclosure and testified to his detailed notes on the matter. Counsel's investigation of the State's case included a visit to the police department to inspect the State's evidence. While at the police department, counsel photographed the evidence and catalogued it to aid in his subsequent review. Two days later, counsel met with Applicant and discussed his findings. Additionally, counsel traveled to the residence of the victims and attempted to interview them. Furthermore, counsel discussed the viability of a suppression defense had the case gone to trial with Applicant. Applicant claimed one of the victim's saw him at a previous bond hearing which led to discussions about a motion to suppress a future in-court identification. Yet, counsel advised Applicant on the strength of the State's evidence where Applicant and his co-defendants were apprehended while in flight from the scene of the offense. Personal effects that belonged to the

victims were found in the vehicle at the time of arrest. Applicant brought the technical discrepancies not discovered by counsel to his attention during their consultations. Counsel noted that he had exhausted a possible investigation in Applicant's case and was fully prepared to take Applicant's case to trial had Applicant not voluntarily entered a guilty plea.

According to counsel, Applicant's ultimate goal was unclear. Applicant did not want to proceed to trial yet he did not want to plead guilty. Applicant's version of the facts comported with the State's evidence of guilt. He told counsel that he and his cousin did commit the offense. Counsel testified Applicant explained his version of the facts of the offenses as a narcotics deal gone bad.

It was counsel's opinion that the case turned on the availability of the victims as trial witnesses. Counsel advised Applicant that just because the victims were foreign nationals, it did not mean they would shy away from testifying against him. Counsel also advised Applicant that minor inconsistencies, such as a variation in the victims' identification of the license tag, would not have resulted in an acquittal. Applicant changed course and decided to plead guilty during Counsel's last consultation with Applicant. Ultimately, the victims were present at the plea hearing. At that time, the State provided counsel the opportunity to meet with the victims with an interpreter present. Applicant instructed counsel to decline the occasion and explained that he just wanted to put these charges behind him and enter the guilty plea. Counsel advised Applicant that based upon his experience, Applicant was looking at a sentence in the neighborhood of twenty-years. At the plea hearing, counsel would have notified the Court had Applicant expressed a desire to withdraw his plea. Last, counsel expressly notified Applicant that if he desired an appeal, the burden was on him to contact counsel within ten days. Counsel received a

letter on the matter from Applicant over ten days after the plea hearing. Counsel contacted the Court of Appeals for advice and was informed that the statute of limitations was non-negotiable.

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's records regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, the transcripts and exhibits from the prior proceedings, and legal arguments of counsel. 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 finds that Applicant was not deprived of effective assistance of counsel. This Court finds counsel's testimony credible and Applicant's testimony not credible. Furthermore, this Court finds Holley and Thompkins' testimonies to be suspect and irrelevant. Defense counsel's decisions and conduct were reasonable in the circumstances, and did not fall below professional norms of reasonableness. This Court finds that the evidence against Applicant was overwhelming. Applicant also claims that his guilty plea was not entered into voluntarily. The Court disagrees. The Court finds that defendant was aware of the discrepancies in eyewitness testimony, and that this did not affect his plea. The Court finds that Applicant's plea was freely and voluntarily given. Counsel's preparation for the PCR hearing equated to the quality expected in representation of Applicant.

A.

This Court finds Applicant's allegation that counsel was ineffective for failing to investigate the State's evidence and prepare a defense is without merit. "Without a doubt, [a] criminal defense attorney has a duty to investigate, but this duty is limited to reasonable investigation." Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 597 (2007) (citing Thompson v. Wainwright, 787 F.2d 1447, 1450 (11th Cir.1986) (internal citations omitted). This Court's

denial of this allegation is of a rudimentary nature when counsel in fact investigated everything at issue at the PCR hearing. Counsel independently investigated the victims' statements, the absence of fingerprint evidence, was provided the opportunity to interview the victims, etc. Not only was counsel's investigation sufficient, this Court finds the manner in which he complied materials and presented them to Applicant to be exemplary. Counsel's wealth of experience in criminal law was evident. Furthermore, counsel testified that the possible benefits to presenting minor inconsistencies in the State's evidence and a meritorious suppression defense to the victims' identification of Applicant would not have resulted in an acquittal at trial. This Court agrees. Applicant made an exculpatory admissible statement subsequent to his arrest. A statement is not admissible unless it was voluntarily made. See State v. Von Dohlen, 322 S.C. 234, 243, 471 S.E.2d 689, 694 (1996) ("A statement is not admissible unless it was voluntarily made."). Similar admissions from co-defendants strengthened the potency of the statement. In addition, guilt was corroborated by the personal effects of the victims found in the vehicle. Not only did the Applicant lack standing to challenge the search, the search was a valid search. See State v. Tynes, 402 S.C. 211, 217, 740 S.E.2d 512, 515 (Ct. App. 2013) (citing State v. Bultron, 318 S.C. 323, 332, 457 S.E.2d 616, 621 (Ct.App.1995) ("upholding a warrantless search of a vehicle in which police agents observed a handgun on the floor before arresting the occupants and stating the standard for a warrantless search as "a justifiable determination, based on the totality of the circumstances and in view of all the evidence available to law enforcement officials at the time of the search."). See State v. Tynes, 402 S.C. 211, 217, 740 S.E.2d 512, 515 (Ct. App. 2013). Applicant has posited no logical reason to explain how it would have been in his best interest to forgo a guilty plea to have the opportunity to mount a suppression defense at trial. Therefore, these allegations are denied and dismissed.

This Court finds Applicant failed to prove counsel was ineffective for failing to properly prepare a defense. This Court finds counsel's preparations in formulating a defense theory of the case to be reasonable. Notably, the overwhelming evidence of Applicant's guilt provided counsel few options in pursuing potential defenses. Counsel advised Applicant of the insignificant manner in which he would poke holes in the State's case at trial. The only substantial defense was to hold out and see if the State would be able to make its case and present the victims as witnesses at trial. In light of the victim attendance at court appearances, including the plea hearing, this prospect was product of wishful thinking. See Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 371 (1997). Regardless, Applicant did not produce credible evidence of what defense strategy counsel should have pursued but did not. See Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998) ("Respondent failed to present any evidence of what counsel could have discovered or what other defenses respondent would have requested counsel pursue had counsel more fully prepared for the trial."). Therefore, this allegation is denied and dismissed.

Last, this Court finds Applicant failed to meet his burden to prove counsel was ineffective for failing to file a Brady motion. This allegation rests solely on Applicant's suspect testimony that because he did not locate a Brady motion in the file provided to him after his plea, then counsel by inference did not file one. Again this Court reiterates its finding that counsel's testimony was credible and Applicant's testimony was not credible. In addition, counsel inherited the case where prior counsel certainly would have made the fundamentally preliminary motions. Counsel notably had full access to the State's evidence and witnesses. See Strickler v. Greene, 527 U.S. 263, 283 n. 23, 119 S.Ct. 1936, 1949 n. 23 (1999). Regardless, this allegation rests upon mere speculation. Porter v. State, 368 S.C. 378, 386, 629 S.E.2d 353, 358 (2006)

("Mere speculation of what a witness' testimony may be is insufficient to satisfy the burden of showing prejudice in a petition for PCR."). Therefore, this allegation is denied and dismissed.

B.

Applicant failed to meet his burden to prove counsel was ineffective for failing to file a notice of appeal on Applicant's behalf. "[C]ounsel has a constitutionally imposed duty to consult with the defendant about an appeal when there is reason to think either (1) that a rational defendant would want to appeal (for example, because there are non-frivolous grounds for appeal), or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing." Roe v. Flores–Ortega, 528 U.S. 470, 480, 120 S.Ct. 1029 (2000). In the present case, Applicant received the approximate sentence that counsel advised him was most probable within the sentencing scheme. Counsel testified Applicant committed to the plea. This Court finds that there was no rational reason that a criminal defendant in Applicant's position would have desired an appeal. Thus, counsel adequately put Applicant on notice that he had exactly ten days to inform counsel that he desired an appeal. The credible evidence shows Applicant had an untimely case of buyer's remorse.

C.

Last, this Court finds Applicant failed to prove his plea was entered involuntarily as a result of counsel's allegedly coercive conduct. "In order for a defendant to knowingly and voluntarily plead guilty, he must have a full understanding of the consequences of the plea." Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). "To ensure the defendant understands the consequences of his guilty plea, the trial judge usually questions the defendant about the facts surrounding the crime and punishment that could be imposed." Id. at 434-435, 405 S.E.2d at 392. "Defendant's knowing and voluntary waiver of statutory or constitutional rights must be

established by a complete record, and may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993). Here, the Plea Judge's colloquy was sufficiently thorough. This Court finds Applicant was competent. From the onset of representation, counsel determined Applicant was able to effectively communicate and aid in his defense. Applicant testified before this Court in a matter that failed to indicate otherwise. Thus there was no reason to believe Applicant's mental faculties would bolster his allegation. Applicant has presented no credible reason of why this Court should depart from statements and assurances he made at the plea hearing. See Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63, 97 S.Ct. 1621 (1977) ("A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed."). Therefore, this allegation is denied and dismissed.

D.

Except as discussed above, this Court finds that the Applicant affirmatively waived 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 4th day of August, 2014.

EDGAR W. DICKSON
Presiding Judge
Eleventh Judicial Circuit

Orangeburg, South Carolina

AUG152014

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2011CP3204154

Quincy Holley #332439	State of South Carolina
PLAINTIFF(S)	**DEFENDANT(S)**
Submitted by:	**Attorney for:** ☐ Plaintiff ☐ Defendant ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

8/14/2014

Circuit Court Judge **Judge Code** **Date**

For Clerk of Court Office Use Only

AUG152014

This judgment was entered on **14th of August 2014**, and a copy mailed first class or placed in the appropriate attorney's box on **14th of August 2014**, to attorneys of record or to parties (when appearing pro se) as follows:

Quincy Holley #332439
Lieber Corr Inst CB-18 PO Box 205 Ridgeville, SC 29472
Francis M. Hinson IV
500 Taylor Street Suite 301 Columbia, SC 29201

State of South Carolina
J Walt Whitmire SCAG Office

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Beth A. Carrigg/mh

Court Reporter

Beth A. Carrigg - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON
IN THE COURT OF COMMON PLEAS

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APR 16 2015
S.C. Supreme Co.

Case No: 2011-CP-32-4154

QUINCY HOLLEY, 332439, Applicant,

v.

STATE OF SOUTH CAROLINA, Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Order of Dismissal** has been served upon the applicant by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

Mr. Francis M. Hinson, IV, Esquire
Janet Jenner & Suggs, LLC
500 Taylor Street, Ste. 301
Columbia, SC 29201

This 10th day of April, 2015.

J. Walt Whitmire
Attorney for Respondent

SWORN to before me this 10th day of April, 2015.

Ashley Haverty
Notary Public for South Carolina.
My Commission Expires: 3-18-2023

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JANET, JENNER & SUGGS, LLC
Attorneys at Law

500 Taylor Street
P.O. Box 927
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To

Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211