

STATE OF SOUTH CAROLINA
In the Supreme Court

CERTIORARI TO KERSHAW COUNTY
Court of Common Pleas
James R. Barber, III, Circuit Court Judge

Appellate Case No. 2014-000447

RECEIVED

MAY - 8 2015

JARVIS GIBBS,

Petitioner, **S.C. Supreme Court**

vs.

STATE OF SOUTH CAROLINA,

Respondent.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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ISSUES PRESENTED

- I. Is there evidence of probative value to support the post-conviction relief court's ruling that trial counsel was not ineffective regarding testimony and closing argument references to possible intimidation of State's witness Arthur Macklin?
- II. Is there evidence of probative value to support the post-conviction relief court's finding that trial counsel was not ineffective for failing to object to alleged misattributions of identification testimony during the State's closing argument?

STATEMENT OF THE CASE

Petitioner was indicted by the Kershaw County Grand Jury during the October 2008 term for kidnapping (2008-GS-28-01555), use of a firearm during a violent crime (2008-GS-28-01556) and during the November 2009 term for entering a bank with intent to steal (2009-GS-28-1548). All three charges arose out of the July 25, 2008 robbery of the First Palmetto Savings Bank in Camden, South Carolina. Samuel Ogburn, Esquire, represented him. Petitioner proceeded to a jury trial before the Honorable G. Thomas Cooper, Jr., where he was convicted as indicted. On November 18, 2009, Judge Cooper sentenced Petitioner to eighteen years imprisonment for both kidnapping and entering a bank with intent to steal and five years imprisonment for use of a firearm during a violent crime, with all sentences to be served concurrently.

Petitioner filed a notice of appeal and an appeal was perfected on his behalf. The South Carolina Court of Appeals affirmed Petitioner's convictions and sentences after briefing. State v. Jarvis Gibbs, Op. No. 2011-UP-511 (S.C. Ct. App. filed December 19, 2011). The Remittitur was issued on December 19, 2011.

Thereafter, Petitioner filed an application for post-conviction relief on March 26, 2012. In his Application, Petitioner alleged he was being held in custody unlawfully based on the following grounds:

1. "Ineffective Assistance of Counsel – failure to call witnesses own [sic] my behalf";
2. "Failure to move to suppress line up identification evidence";
3. "Failure to question State witness, pro-trial [sic], and investigate";
and
4. "Under the compulsory process I the defendant my lawyer never moved to suppress a line up my lawyer never questioned the State witness"

Respondent made its Return on June 20, 2012, requesting an evidentiary hearing be held.

Thereafter, Petitioner, through his counsel, filed an amended application on June 3, 2013, alleging the following grounds for relief:

1. Trial Counsel was ineffective for failing to impeach state witness Chad Moore concerning his own pending charges, his sentencing exposure on his charges, and his motivation to testify against the Applicant in hopes of earning a favorable deal with the State;
2. Trial Counsel provided the Applicant ineffective assistance of counsel in that they failed to seek to exclude the identification testimony of Melissa Roberts from evidence despite facts and circumstances which rendered her identification inherently unreliable;
3. Trial Counsel was ineffective for failing to cross-examine Melissa Roberts concerning her testimony on direct in which she stated, "when I *thought* I saw him prior";
4. Trial Counsel was ineffective for failing to point out during closing argument that although Melissa Roberts claimed to be certain of her identification of the Applicant *in a mask* she acknowledged that she "thought" she saw him in the bank previously without a mask;
5. Trial Counsel was ineffective for failing to object the first and every time the State introduced testimony asserting the Applicant's admission to the distribution of crack cocaine;
6. Trial Counsel failed to provide the Applicant reasonable professional assistance of counsel when they neglected to request an appropriate curative charge after their request for a mistrial, based upon the introduction of improper testimony concerning drugs, was denied;
7. Trial Counsel was ineffective [sic] for failing to object to a line of testimony in which a key witness for the prosecution, Arthur Macklin, was allowed to testify that he had been threatened and physically assaulted as a consequence of his cooperation with the Applicant's prosecution thereby improperly bolstering the witnesses' credibility and attacking the Applicant's character where there was no evidence connection between the Applicant and the behavior in question;
8. Trial Counsel was ineffective for failing to object to testimony that the three wheeler allegedly used in this robbery was stolen;
9. Trial Counsel was ineffective for failing to ask the jury to specifically observe multiple tattoos and scars [sic] on the Applicant's arms where the eye witness testimony presented at trial made no mention of these obvious physical traits;

10. Trial Counsel was ineffective for neglecting to object to an improper and highly inflammatory closing argument in which the State emphasized threats to witness Macklin where they was no evidence tying the Applicant to any such activity;
11. Trial Counsel was ineffective for failing to introduce testimony to refute the claim of witness Melissa Roberts that the Applicant and his family had been in a restaurant owned by her in-laws "at times" since she knew the Applicant at school;
12. Trial Counsel was ineffective for inaccurately repeating the testimony of Melissa Roberts during his closing argument in a manor [sic] which actually bolstered the testimony of this key State witness;
13. Trial Counsel was ineffective for failing to object to a portion of the Stat's closing argument in which the prosecutor erroneously claimed that the witness Melissa Roberts has testified that the Applicant had been in her branch of the bank "a couple of days earlier" where the record did not support that claim;
14. Trial Counsel was ineffective for neglecting to object to a portion of the prosecutor's closing argument in which he erroneously claimed that witness Melissa Roberts had said that when she saw the Applicant at the bank, on a different date from the robbery, he was wearing what . . . could have been even the same white shirt";
15. Trial Counsel was ineffective for failing to object to a portion of the State's closing argument in which the prosecution erroneously argued that the Applicant's testimony wasn't credible because he claimed to have heard about the bank robbery before he left the barber shop at 11:00 a.m. when the robbery actually took place at 11:00 a.m.

An evidentiary hearing into the matter was convened on June 6, 2013, at the Richland County Courthouse before the Honorable James R. Barber, III. Petitioner was present at the hearing and was represented by counsel Tara D. Shurling, Esquire. Respondent was represented by Assistant Attorney General Megan Harrigan Jameson of the South Carolina Attorney General's Office. Petitioner proceeded forward on the grounds as set forth in his amended application. Petitioner testified on his own behalf and presented testimony from trial counsel, Samuel Ogburn, Esquire and his half-sister, Jada Gibbs. Petitioner also presented an Affidavit from Ronald W. Moak, the former Assistant Solicitor who prosecuted this case.

After a review of all materials presented, post-conviction relief court denied and dismissed Petitioner's application by written order signed January 14, 2014 and filed on January 17, 2014. Thereafter, Petitioner filed a "Rule 59 SCRCR, Motion to Alter or Amend." Respondent filed a return to this motion on January 31, 2014. The post-conviction relief court denied and dismissed Petitioner's motion by written order filed February 11, 2014.

Petitioner filed a Notice of Appeal on March 4, 2014. Thereafter, Petitioner filed a Petition for Writ of Certiorari on January 7, 2015. This Return follows.

STANDARD OF REVIEW

The post-conviction relief court's findings of fact and conclusions of law receive great deference during appellate review. Caprood v. State, 338 S.C. 103, 109, 525 S.E.2d 514, 517 (2000). The proper standard of review of a post-conviction relief decision is whether "any evidence of probative value" exists to sustain the lower court's findings. Cherry v. State, 300 S.C. 115, 119, 386 S.E.2d 624, 626 (1989) (emphasis added). The reviewing court will affirm if there is any evidence to support the post-conviction relief court's findings. Moore v. State, 399 S.C. 641, 646, 732 S.E.2d 871, 873 (2012). This Court will reverse the post-conviction relief court if it is controlled by an error of law. Suber v. State, 371 S.C. 554, 558-59, 640 S.E.2d 884, 886 (2007) (citing Sheppard v. State, 357 S.C. 646, 651, 594 S.E.2d 462, 465 (2004)).

In a post-conviction relief action, an applicant bears the burden of proving the allegations in his 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 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813.

The proper measure of performance is whether an 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. Strickland, 466 U.S. 668. An applicant must overcome this presumption in order to receive relief. Cherry, 300 S.C. 115, 386 S.E.2d 624.

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of counsel, and both prongs must be established by an applicant to receive relief.

Strickland, 466 U.S. 668. First, an 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, 466 U.S. 668. 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.

This Court has held that "when counsel articulates a valid reason for employing a certain strategy, such conduct generally will not be deemed ineffective assistance of counsel. The validity of counsel's strategy is viewed under an 'objective standard of reasonableness.'" Edwards v. State, 392 S.C. 449, 456-57, 710 S.E.2d 60, 64 (2011) (quoting Lounds v. State, 380 S.C. 454, 462, 670 S.E.2d 646, 650 (2008)). The United States Supreme Court has cautioned that "every effort be made to eliminate the distorting effects of hindsight" and to evaluate counsel's decisions at the time they were made. Strickland, 466 U.S. at 689. Accordingly, courts must be wary of second-guessing trial counsel's tactics. Whitehead v. State, 308 S.C. 119, 122, 417 S.E.2d 529, 531 (1992)).

ARGUMENT

I. There is evidence of probative value to support the post-conviction relief court's ruling that trial counsel was not ineffective regarding testimony and closing argument references to possible intimidation of State's witness Arthur Macklin.

On July 25, 2008, a masked assailant robbed the Dusty Bend branch of the First Palmetto Savings Bank in Camden, South Carolina. (App. pp. 102, 103, 109-10). Based on surveillance footage and accounts from the four tellers working during the robbery, law enforcement knew the assailant was an African-America male over six feet tall wearing gloves, a short-sleeved white shirt and a ski mask. (App. pp. 103, 115, 117, 136, 194, 196). One of the tellers reported that the robber fled the bank on a bicycle. (App. p. 137). Law enforcement searched the area surrounding the bank and found an abandoned bicycle, which was placed into the trunk of a police cruiser. (App. pp. 189, 193, 166-67).

Earlier that morning, Petitioner borrowed a bicycle from Arthur Macklin, a fellow resident of the Dusty Bend area. (App. pp. 162-63). Following the robbery, Macklin noticed the bicycle in the trunk of a police cruiser looked strikingly similar to his bike he had loaned Petitioner. (App. pp. 166-67). Macklin, through his attorney, contacted law enforcement regarding the bicycle and informed them Petitioner had borrowed the bicycle that morning. (App. pp. 166-67). Shortly thereafter, Petitioner was located on a park bench nearby and taken into custody. (App. pp. 314-17).

During Petitioner's trial, Macklin testified as a State's witness. (App. pp. 162-186). Macklin was clearly hesitant to testify, often uncooperative with both the prosecuting Assistant Solicitor and Petitioner's counsel, and attempted to invoke his Fifth Amendment right to silence in response to several questions. (App. pp. 162-186). Macklin testified unequivocally that Petitioner had borrowed his bicycle the morning of the robbery and it was never returned to him.

(App. pp. 163, 182, 184) He testified definitively several times that the bicycle he saw in the police cruiser the day of the robbery was his bike. (App. pp. 164, 166, 167, 168, 182, 185). However, Macklin did express slight hesitancy in confirming the bike brought into the courtroom was his, noting a minor difference in the shocks, but eventually testified it was indeed his bicycle. (App. pp. 183-86).

During his direct examination, Macklin testified he did not want to have any involvement in the investigation, citing concern for his safety. (App. pp. 169-73). Macklin elaborated he had been assaulted by several men after his name appeared in a local newspaper article about the case. (App. pp. 170-71). He testified he did not know his attackers and they did not say anything or give any reason for the attack. (App. pp. 171-72). During cross examination, Petitioner's counsel asked Macklin if Petitioner had ever threatened him, to which Macklin replied "No way at all." (App. p. 184). Petitioner's counsel later asked Macklin if he had seen Petitioner since the robbery, and Macklin responded he had and Petitioner had not said anything to him. (App. p. 186). Macklin never testified Petitioner or anyone connected to Petitioner had assaulted him or threatened him in any way.

During its closing argument, the State mentioned Macklin's reluctance and uncooperative nature on the witness stand. (App. pp. 403-04). The prosecuting Assistant Solicitor attempted to explain Macklin's hesitancy and difficult nature by again citing to Macklin's safety concerns following his assault. (App. pp. 403-404). However, he never stated Petitioner had inflicted those injuries on Macklin or the attack was at Petitioner's direction.

Petitioner argues trial counsel was ineffective for failing to object to Macklin's testimony regarding the assault and his subsequent fears in cooperating with authorities. Petitioner also asserts trial counsel was ineffective for not objecting when the State again referenced Macklin's

assault and reluctance to testify during its closing argument. Petitioner contends the post-conviction relief court erred in finding that trial counsel was not ineffective and asserts this Court should reverse the lower court.

In its Order of Dismissal, the post-conviction relief court found Petitioner failed to satisfy his burden of proof regarding alleged witness intimidation of Macklin, citing that trial counsel was able to successfully highlight to the jury to Petitioner had never hurt, attempted to hurt, or threatened Petitioner and that Petitioner was in no way involved with the assault on Macklin. (App. p. 701). The post-conviction relief court also noted the testimony and closing comments were rather innocuous to Petitioner's case, as Macklin unwaveringly affirmed that Petitioner was not involved in his attack and therefore Petitioner was not prejudiced. (App. p. 701). The post-conviction relief court found Petitioner failed to establish both deficiency of trial counsel or any resulting prejudice and denied relief. (App. pp. 701-02). These findings are supported by ample evidence in the record and should be affirmed. See Cherry, 300 S.C. at 119, 386 S.E.2d at 626.

At the evidentiary hearing, trial counsel testified he did not object to the line of questioning regarding Macklin's assault because Macklin was not an unreliable witness who changed his story multiple times during his testimony, which he believes was conveyed to the jury. (App. pp. 541-44). He testified instead of objecting to this testimony, which could have highlighted it for the jury or implied that Petitioner was trying to hide something, he squarely addressed the issue during cross examination and elicited that Petitioner was in no way whatsoever involved in the attack. (App. pp. 602-03). Trial counsel also testified this was a strategic decision on his part, as Macklin was "sort of a loose cannon" on the witness stand. (App. p. 603).

Petitioner cites to various cases on witness intimidation to support his position. See State v. Rogers, 96 S.C. 350, 80 S.E. 620 (1914) (unsigned letter sent to a witness with a coffin drawn on it was meant to intimidate but was inadmissible because State could not establish that the defendant was the source of the letter); Mincey v. State, 314 S.C. 355, S.E.2d 510 (1994) (failure to object to prosecutor's closing comments suggesting witness intimidation led to false testimony was ineffective assistance of counsel); State v. Edwards, 383 S.C. 66, 678 S.E.2d 405 (2009) (witness intimidation admissible if linked to the defendant). See also United States v. Hayden, 85 F.3d 153 (4th Cir. 1995) (threatening letter and telephone calls to witnesses were admissible because sufficient connection to defendant was shown). However, Petitioner's case is readily distinguishable, as the witness involved in the alleged intimidation freely and unequivocally declared that Petitioner was not the perpetrator of his attack and had not threatened him at all. Therefore, the testimony of Macklin's attack and its use by the State in its closing argument had no impact on Petitioner's case.

Based on the foregoing, it is clear that trial counsel made well-reasoned, thoughtful, and informed strategic decisions regarding the allegations of possible witness intimidation of Macklin. As counsels articulated valid strategic logic behind his decisions regarding Macklin's testimony, the post-conviction relief court correctly denied relief. These findings are supported by more than ample evidence of probative value and should be affirmed. See Cherry, 300 S.C. at 119, 386 S.E.2d at 626.

II. There is evidence of probative value to support the post-conviction relief court's finding that trial counsel was not ineffective for failing to object to alleged misattributions of identification testimony during the State's closing argument.

During Petitioner's trial, all four tellers working during the robbery testified. Melissa Roberts, one of the four tellers, had been a bank teller for over ten years and been employed at the Dusty Bend Branch of First Palmetto Savings Bank for more than five years. (App. p. 119). Roberts was the only teller who identified Petitioner as the robber. (App. pp. 126, 132, 138, 139, 141). Roberts testified she had gone to the same high school as Petitioner, which contained students from seventh to twelfth grade. (App. pp. 120, 131, 133). She could not remember if she had any classes with Petitioner, but recalled attending school with him for at least one year and knew he had dropped out of school around ninth grade. (App. pp. 120, 133-34, 140). She testified she had also seen Petitioner and his family approximately five years earlier at a store owned by her mother-in-law. (App. pp. 134-35). Roberts testified she had also seen Petitioner in the bank shortly before the robbery, although she did not give a specific date. (App. pp. 120-22, 131). She testified Petitioner had come in on a "very, very busy day" and she recalled it well because she thought it was peculiar Petitioner was there when he had no banking relationship with First Palmetto Savings Bank. (App. pp. 120-22). She testified that he never approached any tellers or conducted any business, but rather, appeared to leave after looking around the branch. (App. p. 121-22). She testified Petitioner had on a white shirt, which the assailant was also wearing. (App. pp. 122, 124).

Roberts provided law enforcement with a statement immediately after the robbery on Friday, but did not name Petitioner as the assailant until the following Monday. (App. pp. 137-38). However, Roberts testified her first thought after the robbery was that Petitioner was the assailant and his visit to the bank prior. (App. p. 126). She testified she was able to identify

Petitioner as the assailant based on his size, mannerisms, and the shape of his head. (App. pp. 126, 132, 139).

Leah Bailey, another one of the tellers, also testified during Petitioner's trial. Bailey testified she could not identify the robber, but described him as very tall and wearing a white shirt, blue surgical gloves, and a mask. (App. pp. 109-11). She testified earlier that same week, a suspicious individual came into the bank on a "very busy day." (App. p. 111). She described the suspicious man as dressed in a shirt similar to the assailant. (App. p. 112).

During closing arguments, the State summarized Roberts and Bailey's testimony. During the State's closing on the law, Assistant Solicitor Derieg argued the following:

Melissa Roberts, she recognized [Petitioner]. She knew him from high school. She has seen him over the years. She had seen him earlier that week. She viewed the video tape on her own and came to that conclusion on her own without ever knowing that Lee Boan had gone to arrest Jarvis Gibbs already.

When she was sitting there over the weekend after the robbery thinking about what she had seen and what she had heard, she said, I know that was Jarvis Gibbs. You heard her, no doubt in her mind that Jarvis Gibbs was the man that came in and put a gun in her face and robbed her.

(App. p. 364 lines 5-17). During the State's closing argument, Assistant Solicitor Moak argued the summarized the testimony of Roberts and Bailey as follows:

[Roberts] showed you the video. She showed everything in [the bank].

And what did she show you? She showed you where Mr. Gibbs, the Defendant, stood a couple of days earlier, by that potted plant at her manager's office.

She showed you where on the bank video the robber, who she identified as the Defendant, as part of it turns and looks right back where he saw the manager at when he was there a couple of days earlier, when he was there casing the bank out.

She shows you the shape of the head. It is not just the shape of his head that helps her identify him, she identified him because he was in there a couple of days earlier with no mask on wearing what she said could have been even the same white shirt standing right back there where the manager's office was, and she had kind of filed that away as something strange.

Leah Bailey even testified that she saw a guy back there, she didn't know him. Again, Melissa knew his name, that's a perfect example.

(App. p. 406 line 4 – 407 line 3).

Petitioner argues these portions of the closing arguments are inaccurate and misconstrue the testimony as presented by the witnesses. Specifically, Petitioner argues that these arguments “misattributed the specific time frame in Bailey’s testimony about the vaguely describes, suspicious individual to Roberts’ more specific identity testimony about having previously seen Petitioner at the bank at an undetermined date prior to the robbery.” (PWC p. 15). Petitioner asserts these comments were objectionable and trial counsel was deficient for failing to object. Petitioner further avers that this omission prejudicially affected the outcome of his trial by “so infect[ing] the trial with unfairness as to make the resulting conviction a denial of due process” by improperly enhancing Robert’s identification testimony. (PWC p. 19).

In its Order of Dismissal, the post-conviction relief court rejected Petitioner’s argument, as well as the numerous other challenges Petitioner logged against trial counsel regarding his handling of State’s witness Roberts. The court noted that trial counsel “vigorously cross-examine[d] Roberts regarding the unreliability and incredibility of her identification.” (App. p. 698). The court further noted that trial counsel “was able to highlight to the jury during his closing argument that Roberts’ testimony and identification of Applicant was undependable at best.” (App. p. 698). The court further elaborated that trial counsel testified his strategy for

handling Roberts was to show the jury “how wholly unbelievable Roberts’ identification was and that it could not be relied upon, much like the State’s case as a whole.” (App. p. 698). These findings are supported by ample evidence in the record. (App. p. 589-591).

Additionally, the State’s arguments during closing were not objectionable and certainly did not rise to the level of “infecting the trial with unfairness” as Petitioner asserts. “A solicitor’s closing argument must not appeal to the personal biases of the jurors nor be calculated to arouse the jurors’ passions or prejudices, and its content should stay within the record and reasonable inferences to it.” Sigmon v. State, 403 S.C. 120, 128, 742 S.E.2d 394, 398 cert. denied, 134 S. Ct. 646, 187 L. Ed. 2d 428 (U.S.S.C. 2013) (citing Humphries v. State, 351 S.C. 362, 373, 570 S.E.2d 160, 166 (2002)). “A solicitor has a right to state his version of the testimony and to comment on the weight to be given such testimony.” Humphries, 351 S.C. at 373, 570 S.E.2d at 166 (citing State v. Cooper, 334 S.C. 540, 514 S.E.2d 584 (1999)). “Improper comments do not automatically require reversal if they are not prejudicial to the defendant, and the appellant has the burden of proving he did not receive a fair trial because of the alleged improper argument.” Humphries, 351 S.C. at 373, 570 S.E.2d at 166 (citing Simmons v. State, 331 S.C. 333, 503 S.E.2d 164 (1998)). “The relevant question is whether the solicitor’s comments so infected the trial with unfairness as to make the resulting conviction a denial of due process.” Id. (citations omitted). In Petitioner’s case, the comments with which Petitioner takes issue are merely reasonable inferences to the testimony presented. Both Roberts and Baily testified to a suspicious encounter with a man in a white shirt on an exceptionally busy day at the bank. While Roberts did not provide a specific timeframe as to when this encounter occurred, it is reasonable that it was shortly before the robbery, as it was so fresh on her mind that it was the first thing she thought of immediately after the robbery. Bailey recalled that the encounter occurred on the

Monday of the same week. Therefore, the State's comments in closing were merely "reasonable inferences" to the testimony presented. See Sigmond, 403, S.C. at 128, 742 S.E.2d at 398.

Based on the foregoing, it is clear that trial counsel's performance was not deficient and no prejudiced resulted for any purported deficiency. These findings are supported by more than ample evidence of probative value and should be affirmed. See Cherry, 300 S.C. at 119, 386 S.E.2d at 626.

CONCLUSION

For the foregoing reasons, this Court should deny this Petition. Should this Court grant the Petition for Writ of Certiorari, Respondent requests permission to more fully brief the issues herein.


Respectfully submitted,

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STATE OF SOUTH CAROLINA
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CERTIORARI TO KERSHAW COUNTY
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S.C. Supreme Court

JARVIS GIBBS,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.


PROOF OF SERVICE

I, Megan Harrigan Jameson, certify that I have served the within **Return to Petition for Writ of Certiorari** on Petitioner by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

John Strom, Esquire
South Carolina Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211-1589

I further certify that all parties required by Rule to be served have been served.

This 8th day of May, 2015.


MEGAN HARRIGAN JAMESON
ASSISTANT ATTORNEY GENERAL

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Columbia, SC 29211
(803) 734-3737



ALAN WILSON
ATTORNEY GENERAL

May 8, 2015

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S.C. Supreme Court

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

Re: Jarvis Gibbs v. State of South Carolina
Appellate Case No. 2014-000447

Dear Mr. Shearouse:

I am enclosing the original and six copies of the Return to Petition for Writ of Certiorari in the above case.

Sincerely,

Megan Harrigan Jameson
Assistant Attorney General
S.C. Bar No. 100108

MEH
Enclosures

cc: John Strom, Esquire
Trisha Allen, Victim Services Director