



The Brough Law Firm



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May 13, 2015

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

RECEIVED

MAY 20 2015

SC SUPREME COURT

RE: THE STATE VS. Vikki Mason Corbin

Dear Mr. Shearouse:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Original Proof of Service upon opposing counsel.
- (2) Order of Dismissal.

If I can be of any further assistance please feel free to call me.

Sincerely,

Christopher D. Brough

Enclosure

cc: South Carolina Office of the Attorney General
Vikki Corbin

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

MAY 20 2015

The Honorable Roger L. Couch, Circuit Court Judge

SC SUPREME COURT

Case No.: 2013-CP-42-3890

The State,

Respondent,

v.


Vikki Mason Corbin ,

Appellant.

NOTICE OF INTENT TO APPEAL

Vikki Mason Corbin appeals the denial of her application for Post-Conviction Relief in this case. The Order of Dismissal was imposed by the Honorable Roger L. Couch on May 8, 2015. Appellant received notice of the same on that date.

May 13, 2015


CHRISTOPHER D. BROUGH
175 Magnolia St., Suite 202
SPARTANBURG, SC 29306
(864) 585-3088
ATTORNEY FOR APPELLANT

Other Counsel of Record:
Suzanne H. White
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211-11549
(803) 734-3737

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

MAY 20 2015

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

SC SUPREME COURT

The Honorable Roger L. Couch, Circuit Court Judge

Case No.: 2013-CP-42-3890

The State, Respondent,

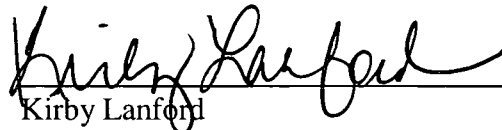
v.

Vikki Mason Corbin, Appellant.

PROOF OF SERVICE

The undersigned hereby certifies that she is a person of such age and discretion as to be competent to serve papers and that a copy of the **Notice of Intent to Appeal**, was served upon the following person(s) on the State, by depositing copies of the same in the United States Mail, with sufficient postage affixed thereto, on May 15, 2015, addressed as follows:

The Honorable Alan Wilson
SC Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, S.C. 29201


Kirby Lanford

SWORN BEFORE ME THIS
15 DAY OF May, 2015.


NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 8/19/2024

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)
)
)
 Vikki Mason Corbin, #292858,)
)
)
 Applicant,)
)
)
 v.)
)
 State of South Carolina,)
)
)
 Respondent.)
)

IN THE COURT OF COMMON PLEAS
 SEVENTH JUDICIAL CIRCUIT

RECEIVED

MAY 20 2015

2013-CP-42-3890 **SC SUPREME COURT**

ORDER OF DISMISSAL

This matter comes before the Court by way of an Application for Post-Conviction Relief filed September 19, 2013. The Respondent made its Return on or about August 13, 2014. An evidentiary hearing into the matter was convened on March 24, 2015, at the Spartanburg County Courthouse. The Applicant was present at the hearing and was represented by Christopher D. Brough, Esquire. Suzanne H. White, Esquire, of the South Carolina Attorney General's Office, represented the Respondent.

At the hearing, the Applicant testified on her own behalf. Beverly D. Jones, Esquire, also testified. This Court also had before it a copy of the records of the Spartanburg County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the Return, and the plea transcript.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. She was indicted at the April 2013 term of the Spartanburg County Grand Jury on eleven counts of forgery, less than \$10,000 (2013-GS-42-0640; -0641; -0642; -0643; -0644; -0645; -0646; -0647; -0648; -

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 CLERK OF COURT
 SPARTANBURG COUNTY



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0649; -0650). The Applicant was represented by Beverly Jones, Esquire. On October 4, 2012, the Applicant pled guilty to all of the charges as indicted. The Honorable J. Mark Hayes II, sentenced the Applicant to ten (10) year terms on each count, to run concurrently. The Applicant did not appeal her sentence or conviction.

ALLEGATIONS

In her application and amended application, the Applicant alleges she is being held in custody unlawfully for the following reasons:

Ineffective assistance of counsel; specifically:

- i. Counsel failed to object to testimony that was related solely to breach of trust and not the forgery charges,
- ii. Counsel failed to fully explain charges and evidence,
- iii. Counsel told the Applicant that she "had talked enough,"
- iv. Counsel failed to explain to the Applicant that she could appeal

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

Ineffective Assistance of Counsel

The Applicant alleges she received ineffective assistance of counsel. This Court found the testimony of Counsel to be more credible than the testimony of Applicant as to all allegations raised at the hearing. This Court notes that the credibility of Applicant was significantly diminished in the Court's eyes based upon the Applicant's colloquy with Judge Hayes regarding the charges and sentencing ranges.

In a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a

CONCLUSION

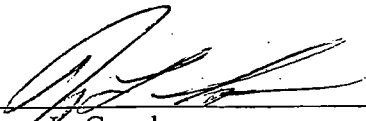
Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant her application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

This Court cautions Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCR, provides that if the applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 7th day of May, 2015.



 Roger L. Couch
 Presiding Judge

CLERK OF COURT
 SPARTANBURG COUNTY
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 M. HOPE BLACKLEY

The Brough Law Firm
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The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
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