

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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JUN 24 2015

S.C. SUPREME COURT

APPEAL FROM YORK COUNTY  
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

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Appellate Case No.: 2014-002071

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Ronald Boozer #342268,..... Petitioner,

vs.

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

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REPLY

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The Respondent asserts that the issue of whether the PCR Court erred in not granting Post-Conviction Relief on the basis that counsel failed to adequately argue the Suppression Motion is not preserved for Appeal and is without merit.

The Court in its Amended Order dated August 28, 2014, specifically notes the testimony of Trial Counsel's discussion of the Suppression Motion. Part of Counsel's theory of defense was "to attack the items seized from the Applicant's residence". (App. p. 361) Counsel discussed law enforcement's claim that they found one hundred car batteries used in the manufacture of methamphetamine. (App. p. 362)

The Appellant argues that counsel was deficient in not adequately pointing out the conflicting testimony of the presence of these batteries. Counsel testified that he did not

recall seeing these batteries. (App. p. 362) No batteries were taken into evidence or presented at trial. (App. p. 362)

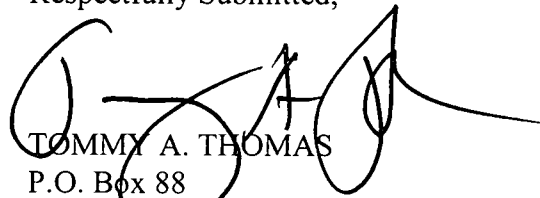
The Appellant testified that he did not talk about the car batteries with his attorney because there were not batteries at his residence. (App. p. 363) The Appellant's Mother testified there were no batteries found. (App. p. 364)

Sulfuric Acid is a major component in the production of Methamphetamine. Without the batteries, a key ingredient would be missing. How could you have the elements necessary for a protective sweep without the batteries?

The PCR Court found that trial counsel was not ineffective. That the Appellant failed to prove the first or second prongs of the Strickland test.

The Appellant argued that trial counsel failed to provide effective representation regarding his Suppression Motion. The Court ruled that the Appellant failed to meet his burden under Strickland. Therefore, this issue is preserved for review as contained in the Appellant's Petition for Writ of Certiorari.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Tommy A. Thomas', is written over the typed name and address.

TOMMY A. THOMAS

P.O. Box 88

Irmo, SC 29063

(803) 732-5507

ATTORNEY FOR APPELLANT

June 22, 2015

THE STATE OF SOUTH CAROLINA  
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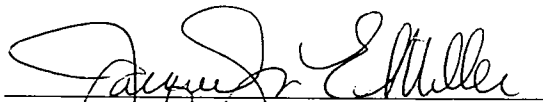
vs.

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

**CERTIFICATE OF SERVICE**

I, Jacquelyn E. Miller, Secretary to Tommy A. Thomas, Attorney for the Petitioner, hereby certify that I have served a Reply on the Office of the Attorney General, by depositing a copy of it in the United States Mail, postage prepaid and the return address clearly shown on said envelope to:

Office of the Attorney General  
Atten: J. Rutledge Johnson, Esq.  
P.O. Box 11549  
Columbia, SC 29211-1549



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

Irmo, South Carolina  
June 22, 2015

**Tommy A. Thomas**

**ATTORNEY AND COUNSELOR AT LAW**

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

**HARRINGTON BUILDING**  
**7588 WOODROW STREET**  
**IRMO, SOUTH CAROLINA 29063**

**PLEASE REPLY TO:**  
**PO Box 88**  
**IRMO, SC 29063**

**FACSIMILE:**  
**(803) 781-4226**

**INMATE LINE**  
**(803) 732-6542**

June 22, 2015

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

**S.C. SUPREME COURT**

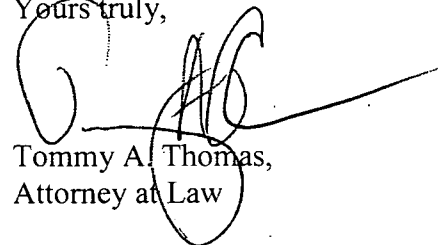
RE: Ronald Boozer #342268 v. State  
Appellate Case No.: 2014-002071

Dear Sir or Madam:

Enclosed please find for filing, an original and six copies of a Reply and Certificate of Service by Mail in the above referenced matter. Kindly return a clocked copy to me in the enclosed envelope.

Thank you and should you have any questions, please feel free to contact me.

Yours truly,



Tommy A. Thomas,  
Attorney at Law

TAT/jem  
cc: J. Rutledge Johnson, Esq.  
Ronald Boozer #342268