

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM MARLBORO COUNTY
Court of Common Pleas

The Honorable William H. Seals, Jr., Circuit Court Judge

RECEIVED

OCT 11 2011

S.C. Supreme Court

Case No. 2010-CP-34-0323

Dewayne L. Littles, #246422.....Appellant,

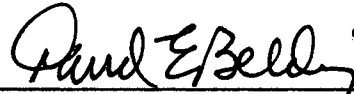
v.

State of South Carolina.....Respondent.

NOTICE OF APPEAL

Dewayne L. Littles, #246422, appeals from the *Order of Dismissal* of the Honorable William H. Seals, Jr., Circuit Court Judge, in this case, dated September 26, 2011, and filed September 30, 2011, dismissing Appellant's post-conviction relief application. Appellant's counsel received notice of entry of this *Order* on October 5, 2011.

BY:



David E. Belding (S.C. Bar #00623)
Post Office Box 11964
Columbia, South Carolina 29211
(803) 665-3161
ATTORNEY FOR APPELLANT

Columbia, South Carolina
October 11, 2011

Other Counsel of Record:
Karen C. Ratigan, Esquire
Assistant Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-3970
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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OCT 11 2011

APPEAL FROM MARLBORO COUNTY
Court of Common Pleas
The Honorable William H. Seals, Jr., Circuit Court Judge **SC Supreme Court**

Case No. 2010-CP-34-0323

Dewayne L. Littles, #246422.....Appellant,

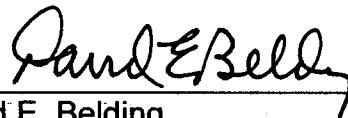
v.

State of South Carolina.....Respondent.

PROOF OF SERVICE

I certify that I have served the *Notice of Appeal* on Karen C. Ratigan, Esquire, counsel for Respondent, by depositing a copy of same in the United States Mail, postage prepaid, on October 11, 2011, addressed to her as counsel of record at Post Office Box 11549, Columbia, South Carolina, 29211-1549.

October 11, 2011



David E. Belding
Post Office Box 11964
Columbia, South Carolina 29211
(803) 665-3161
ATTORNEY FOR APPELLANT.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF MARLBORO)
)
 Dewayne L. Littles,¹)
 S.C.D.C. No. 246422,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
 C.A. No. 2010-CP-34-0323

William B. Bunder
 CLERK OF COURT
 MARLBORO COUNTY

ORDER OF DISMISSAL

FILED
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 WILLIAM B. BUNDER
 CLERK OF COURT
 MARLBORO COUNTY

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed November 19, 2010. The Respondent made its return on March 7, 2011. An evidentiary hearing into the matter was convened on September 13, 2011 at the Darlington County Courthouse. The Applicant was present at the hearing and represented by David E. Belding, Esquire. Karen C. Ratigan, Esquire of the South Carolina Office of the Attorney General represented the Respondent.

The Applicant testified on his own behalf at the PCR hearing. Also testifying was the Applicant's plea counsel, Daniel L. Blake, Esquire. The Court had before it the transcript of the guilty plea hearing, the records of the Marlboro County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, and the Respondent's return.

PROCEDURAL HISTORY

The Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Marlboro County Clerk of Court. The Applicant was indicted at

¹ SCDC records list the Applicant's name as Dwayne Little.

the September 2009 term of the Marlboro County Grand Jury for distribution of cocaine base (2009-GS-34-0682) and at the January 2010 term for distribution of cocaine base (2010-GS-34-0031). He was represented by Daniel L. Blake, Esquire.

On May 11, 2010, the Applicant pled guilty to two counts of distribution of cocaine base, second offense. The Honorable Paul M. Burch sentenced the Applicant to concurrent terms of six (6) years imprisonment for each count. The Applicant did not appeal.

ALLEGATIONS

In his application, the Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel.
2. Denial of due process of law.
3. Denial of equal protection of law.

At the PCR hearing, the Applicant proceeded upon the following allegations regarding his guilty plea:

1. Ineffective assistance of counsel.
2. Involuntary guilty plea.

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/Involuntary Guilty Plea

The Applicant alleges his guilty plea was involuntary and that he received ineffective assistance of counsel. In a PCR action, “[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence.” Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002).

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel’s ineffective performance. See Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). When there has been a guilty plea, the applicant must prove that counsel’s representation was below the standard of reasonableness and that, but for counsel’s unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58, 59, 106 S. Ct. 366, 370 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238, 243-44, 89 S. Ct. 1709, 1712 (1969); Dover v. State, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991). When determining issues relating to guilty pleas, the court will consider the entire record, including the transcript of the guilty plea and the evidence presented at the PCR hearing. Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 657 (2000).

The Applicant stated he was arrested in July 2009 and was released on bond soon thereafter. The Applicant stated he was rearrested in December 2009 and pled guilty in May 2010. The Applicant stated he retained plea counsel to represent him on nine (9) charges and

that counsel met with him three (3) times between January – May 2010. The Applicant stated he told plea counsel his version of events but that counsel never reviewed the charges or discovery materials. The Applicant testified he never saw the SLED drug analysis reports before his plea hearing. The Applicant testified he saw the surveillance videos the day before the plea and that they did not incriminate him. The Applicant testified plea counsel relayed a plea offer to him on the day he pled guilty. The Applicant testified that, while he wanted to go to trial, plea counsel pressured him into pleading guilty. The Applicant stated the prosecutor told him he was facing a life sentence for a federal weapons charge. The Applicant stated he felt threatened by the potential federal sentence and the maximum sentences he could receive on his charges. The Applicant stated that he did not realize he was in court to plead guilty when plea counsel told him to sign the sentencing sheets. The Applicant stated that he believed he was in court for a bond hearing that day and plea counsel told him to just go along with the plea hearing.

Plea counsel confirmed he was retained by the Applicant to represent him on nine (9) charges. Plea counsel testified he and the Applicant reviewed the charges, the elements of the offenses, and the potential sentences. Plea counsel testified he filed four (4) different discovery motions and received those materials from the State. Plea counsel testified he and the Applicant reviewed the discovery materials, which included SLED reports and police reports. Plea counsel testified he gave the Applicant copies of the discovery materials twice. Plea counsel stated he viewed the surveillance videos and discussed them with the Applicant. Plea counsel stated that, while they had been preparing for trial, the Applicant began discussing a plea deal after he saw the videos. Plea counsel stated the Applicant was very involved in the plea negotiations on the day before the plea hearing. Plea counsel stated the Applicant ultimately agreed to plead guilty in exchange for a recommendation of six (6) years, the reduction of the charges to second

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CLERK

offenses, and the dismissal of numerous charges. Plea counsel stated the Applicant was happy with the plea deal and he did not pressure the Applicant to plead guilty. Plea counsel testified the Applicant never wavered during the plea hearing. Plea counsel testified the Applicant knew he was in court to plead guilty that day and that they would have reviewed the sentencing sheets before the Applicant signed them. Plea counsel testified he did not recall whether they discussed the right to appeal after the plea, but stated the Applicant never asked him to file an appeal. Plea counsel testified there were no legal errors to appeal from the plea proceeding.

Regarding the Applicant's claims of ineffective assistance of counsel, this Court finds the Applicant has failed to meet his burden of proof. This Court finds the Applicant's testimony is not credible, while also finding plea counsel's testimony is credible. This Court further finds plea counsel adequately conferred with the Applicant, conducted a proper investigation, and was thoroughly competent in his representation.

The Applicant told the plea judge that he understood the trial rights he was waiving in pleading guilty, was satisfied with counsel, and had not been coerced in any way. (Plea transcript, pp.5-7). The Applicant told the plea judge he wanted to plead guilty and he did not dispute the facts recited by the solicitor. (Plea transcript, p.7; p.9).

This Court finds the Applicant failed to meet his burden of proving plea counsel did not adequately meet with him about the case or properly investigate the charges. Plea counsel testified he had numerous meetings with the Applicant in which they discussed the discovery materials, the charges, and possible penalties. Plea counsel testified both he and the Applicant watched the police surveillance videotapes before the plea hearing. Plea counsel testified he and the Applicant discussed the SLED drug analysis reports and that they were not favorable to their case. This Court finds plea counsel's testimony is more credible than that of the Applicant. This

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WILLIAMSON COUNTY
CLERK OF COURT
JENNIFER L. HARRIS
COURT HOUSE
1000 B.C.

Court also finds the Applicant failed to articulate what more counsel should have done in order to prepare his case for either the guilty plea hearing or a jury trial. See Davis v. State, 326 S.C. 283, 486 S.E.2d 747 (1997) (denying relief where applicant failed to present witnesses or specific testimony establishing he would have had a defense with additional time to prepare for trial); Skeen v. State, 325 S.C. 210, 481 S.E.2d 129 (1997) (holding applicant not entitled to relief where no evidence presented at PCR hearing to show how additional preparation would have had any possible effect on the result at trial).

This Court finds the Applicant failed to meet his burden of proving his guilty plea was involuntary. Plea counsel testified the Applicant was very involved in the plea negotiations and was aware he was in court that day to plead guilty. Plea counsel testified the Applicant was satisfied with the plea recommendation and did not waver during the course of the plea hearing. This Court finds plea counsel's testimony is more credible than that of the Applicant. This Court further finds the guilty plea transcript refutes the Applicant's allegation that his plea was involuntary. See Stalk v. State, 375 S.C. 289, 300, 652 S.E.2d 402, 407 (Ct. App. 2007). This Court also finds that no threat or pressure can be inferred from the statements by plea counsel and the prosecutor about the possible sentences the Applicant could receive on his various charges. See Pittman v. State, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999) (finding that, before a defendant can enter a guilty plea, he "must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived").

This Court finds the Applicant did not meet his burden of proving plea counsel failed to advise him about the right to appeal. Plea counsel has a constitutionally imposed duty to consult with the defendant about an appeal only when there is reason to think either: (1) that a rational

defendant would want to appeal or (2) that this defendant reasonably demonstrated to counsel that he was interested in appealing. Roe v. Flores-Ortega, 528 U.S. 470, 480, 120 S. Ct. 1029, 1036 (2000). In order to make this determination, “courts must take into account all the information counsel knew or should have known.” Id. (citing Strickland, 466 U.S. at 690, 104 S. Ct. at 2066). Although not determinative, a highly relevant factor will be whether the conviction follows a trial or a guilty plea, both because a guilty plea reduces the scope of potentially appealable issues and because a plea may indicate the defendant seeks an end to judicial proceedings. Id. There being nothing in the record to indicate that the Applicant reasonably demonstrated to plea counsel that he was interested in appealing, this Court finds the allegation is without merit. To the extent the Applicant argues that plea counsel failed to file a notice of appeal after he was asked to do so, this Court finds the Applicant has not met his burden of proof. Plea counsel testified the Applicant never asked him to file an appeal and this Court finds counsel’s testimony is credible.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that plea counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that plea counsel committed either errors or omissions in his representation of the Applicant. This Court also finds the Applicant has failed to prove the second prong of Strickland that he was prejudiced by plea counsel’s performance.

This Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance. This Court also concludes the Applicant has failed to meet his burden of proving his guilty plea was not knowing and voluntary. See Frasier v. State, 351 S.C. at 389, 570 S.E.2d at 174.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds the Applicant waived such allegations and failed to meet his burden of proof regarding them. Therefore, they are hereby denied and dismissed.

CONCLUSION

Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his guilty plea and sentencing proceedings. Counsel was not deficient in any manner and the Applicant was not prejudiced by counsel's representation. Furthermore, the Applicant's guilty plea was entered knowingly and voluntarily within the mandates of Boykin. Therefore, this PCR application must be denied and dismissed with prejudice.

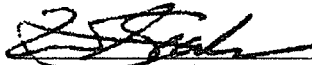
This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

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WILLIAM E. SMITH, CLERK
SOUTH CAROLINA APPELLATE COURT
COLUMBIA, S.C.

IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 26 day of Sept., 2011.



William H. Seals, Jr.
Presiding Judge
Fourth Judicial Circuit

Marion, South Carolina.

FILED
2011 SEP 30 PM 2 10
WILLIAM H. SEALS, JR.
CLERK
MARLBORO COUNTY, S.C.

STATE OF SOUTH CAROLINA)

COUNTY OF MARLBORO)

DEWAYNE LITTLES, 246422)

Applicant,)

vs)

STATE OF SOUTH CAROLINA,)

Respondent.)

) IN THE COURT OF COMMON PLEAS

ACERTIFIED
TRUE COPY

William B. Swadlow 2011-09-30 CP 94-0323

CLERK OF COURT
MARLBORO COUNTY

AFFIDAVIT OF SERVICE BY MAIL

FILED
2011 SEP 30 PM 2 10
WILLIAM B. SWADLOW, CLERK
MARLBORO COUNTY, S.C.

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Order of Dismissal** of the Respondent in the above-captioned matter on the following person(s) by depositing same in the United States mail, postage prepaid:

David E. Belding, Esquire
Post Office Box 11964
Columbia SC 29211

DATED this 28th day of September, 2011.

Judy A. C. Carey

 Judy A. C. Carey, Legal Assistant
 For Respondent

DAVID E. BELDING
Attorney at Law
South Carolina Bar #00623
Federal ID # 57-1101784
1201 Main Street, Suite 1980
Columbia, South Carolina 29201

Mailing Address:
Post Office Box 11964
Columbia, S.C. 29211

Phone: 803-665-3161
Fax: 866-220-6352
Email: dar820@sc.rr.com

October 11, 2011

RECEIVED

OCT 11 2011

HAND DELIVERED

The Honorable Daniel E. Shearouse
Clerk of the South Carolina Supreme Court
1231 Gervais Street
Columbia, South Carolina 29201

S.C. Supreme Court

Re: Dewayne L. Littles #246422 vs. State of South Carolina
Civil Action No.: 2010-CP-34-0323

Dear Mr. Shearouse:

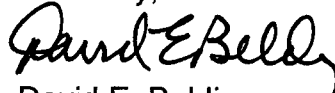
Enclosed for filing is a *Notice of Appeal* in the above-referenced case. Also enclosed are the following:

1. Proof of Service of the *Notice of Appeal* on the Respondent.
2. A copy of the *Order of Dismissal* which is challenged on appeal.

Since the Appellant is indigent, and the undersigned appeared as Court-appointed counsel in this matter, I respectfully request that the filing fee be waived pursuant to Rule 203(d), *South Carolina Appellate Court Rules*.

Thank you very much for your assistance.

Sincerely,



David E. Belding
Attorney for Appellant

DEB/ym

cc: Karen C. Ratigan, Esquire
Attorney for Respondent



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

November 9, 2011

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S.C. Supreme Court

Ms. Pamela Ozment-Cartee
Circuit Court Reporter
531 East Carolina Avenue
Hartsville, SC 29550

Dear Ms. Ozment-Cartee:

Please provide us with the following transcript:

Dewayne L. Littles v. State of South Carolina Case #: 10-CP-34-00323

County: Marlboro Date of Trial: September 13, 2011

Presiding Judge: William H. Seals, Jr.

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

Please number the lines on the paper from 1-25, and include any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments.

If you are aware of any co-defendants or if the Attorney General's Office has already requested a transcript, please let us know.

Sincerely,

Sharon A. Graham
Administrative Coordinator

cc: S.C. Supreme Court
Attorney General's Office



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1343
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

January 17, 2012

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JAN 17 2012

S.C. Supreme Court

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

Dear Mr. Shearouse:

The following case falls under the 60 day rule for appeals, and the date we received the transcript is listed to the side.

Dewayne L. Littles v. State of South Carolina

1/13/2012

I would appreciate you beginning our time limits from the above date, and if you need additional information, or have any questions please contact me.

Thank you for your assistance in this matter.

Sincerely,

Sharon A. Graham
Administrative Coordinator



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

 ORIGINAL

Division of Appellate Defense
1330 Lady Street, Suite 401
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1343
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

March 13, 2012

The Honorable Daniel E. Shearouse
Clerk, S.C. Supreme Court
P.O. Box 11330
Columbia, SC 29211

RECEIVED
MAR 13 2012
S.C. Supreme Court

Re: Dewayne L. Littles v. State

Dear Mr. Shearouse:

The petition for writ of certiorari and accompanying appendix are due to be served and filed with the Court today. However, because of my heavy workload at this time, I am requesting a thirty day extension in which to serve and file the petition.

By copy of this letter, I am informing Karen Ratigan, Esquire, of the Attorney General's Office, of my request.

Sincerely,

Elizabeth A. Franklin-Best
Appellate Defender

EAF/cms

cc: Karen Ratigan, Esquire

The Supreme Court of South Carolina

Dewayne L. Littles, Petitioner,

v.

State of South Carolina, Respondent.

The Honorable William H. Seals, Jr.
Marlboro County
Trial Court Case No. 2010-CP-34-00323

ORDER

The request for an extension until April 12, 2012 to serve and file the Petition for Writ of Certiorari and Appendix is granted. Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY 

Clerk

Columbia, South Carolina

March 14, 2012

cc: Appellate Defender Elizabeth A. Franklin-Best
Assistant Attorney General Karen Ratigan

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Marlboro County

William H. Seals, Jr., Circuit Court Judge

RECEIVED

APR 12 2012

S.C. Supreme Court

DEWAYNE L. LITTLES,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

(2)

PETITION FOR EXTENSION OF TIME
IN WHICH TO FILE THE
PETITION FOR WRIT OF CERTIORARI
AND ACCOMPANYING APPENDIX

Counsel for Dewayne L. Littles respectfully petitions this Court for an additional 30 days to file the petition for writ of certiorari and accompanying appendix on behalf of her client. In support of this petition, counsel shows:

1. The petition for writ of certiorari and accompanying appendix are due today. The Court has granted one previous extension.
2. Counsel respectfully submits that good cause exists to warrant the granting of an additional extension of time.

3. Specifically, counsel, because of her substantial caseload, has not had the time to complete her client's case, consistent with her duty to provide effective assistance of counsel as guaranteed by the U.S.C.A. 6, 14. *See* Evitts v. Lucey, 469 U.S. 387 (1985) (to be effective appellate counsel must give assistance of such quality as to make appellate proceedings fair). *See also* Ezell v. State, 345 S.C. 312, 548 S.E.2d 852 (2001); Southerland v. State, 337 S.C. 610, 524 S.E.2d 833 (1999); South Carolina Bar Ethics Advisory Committee, Advisory Op. 04-12 (2004) (citing the 2002 ABA maximum caseload standards of 25 appeals). *See generally* Polk County v. Dodson, 454 U.S. 312 (1981); Gideon v. Wainwright, 372 U.S. 335 (1963). Counsel has prioritized her caseload to complete the cases with the largest number of extensions first.

4. Counsel diligently works to keep up with her case load.

5. In the month of April, counsel is assigned to file 24 briefs and writ of certioraris.

6. Counsel makes this request in good faith and not for purposes of delay.

Respectfully, counsel requests a 30 day extension in which to file her client's petition for writ of certiorari and appendix.

Respectfully submitted,



Elizabeth A. Franklin-Best
Appellate Defender

April 12, 2012

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Marlboro County
William H. Seals, Jr., Circuit Court Judge

DEWAYNE L. LITTLES,

PETITIONER,


V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

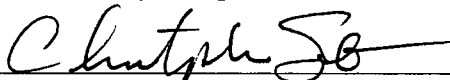
The undersigned attorney hereby certifies that a true copy of the petition for extension of time in which to file the petition for writ of certiorari and accompanying appendix in the above referenced case has been served upon Karen Ratigan, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 12th day of April, 2012.

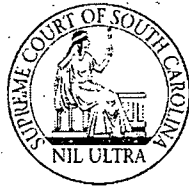


Elizabeth A. Franklin-Best
Appellate Defender

ATTORNEY FOR APPELLANT.

SUBSCRIBED AND SWORN TO before me
this 12th day of April, 2012.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: May 16, 2021.



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1080

FAX: (803) 734-1499

www.sccourts.org

May 21, 2012

Dewayne L. Littles #246422
Tyger River Correctional Institution
200 Prison Road
Enoree SC 29355

Re: Dewayne L. Littles v. The State
Appellate Case No. 2011-201110

Dear Petitioner:

Your counsel has submitted a petition for writ of certiorari indicating that this appeal is without merit and moves to be relieved as your counsel. *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988). The records of this Court reflect that counsel served you with a copy of the Petition and Appendix.

You may, within forty-five (45) days of the date of this letter, file with this Court a *pro se* response to the petition filed by your counsel. In this response, you may raise and argue any issues you believe the Court should consider in this appeal. Upon receipt of your *pro se* response or the expiration of forty-five (45) days, the matter will be submitted to the Court for its consideration.

If you do decide to file a *pro se* response, the response must be either typewritten or legibly hand printed, and must have at least a one inch margin on all sides. Further, you will need to only submit one copy of your response, and this copy should not be stapled or bound in any manner.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a series of loops and a long horizontal stroke extending to the right.

CLERK

cc: Karen Christine Ratigan
Elizabeth Anne Franklin-Best

Dewayne L. Little #246422

S.M.U #4

Tyger River Correctional Institution

200 Prison Road

Enoree, SC 29335

January 28, 2013

South Carolina Court of Appeals

P.O. Box 11629

Columbia, SC 29211

RECEIVED

JAN 31 2013

SC Court of Appeals

To: Hon. Jenny Kitchening;

I am and inmate within South Carolina Department Corrections,

I have been advise that this court will be able to assist me and can give me all available information on the progress of my [case no. 2011-20110].

If so, could this court give me and update on this case. It would be more helpful and appreciated.

Sincerely,

Dewayne L. Little

Dewayne L. Little #246422

DLL

Enclosure



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
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www.sccourts.org

February 13, 2013

Dewayne L. Littles, #246422
Tyger River Correctional Institution
200 Prison Road
Enoree SC 29355

Re: Dewayne L. Littles v. The State
Appellate Case No. 2011-201110

Dear Counsel:

This will acknowledge receipt of your letter we received on January 31, 2012, regarding the status of the above case on appeal.

Your case is still pending in this Court and is being processed in the normal fashion. When a final decision has been made on your case, you and your attorney will be immediately notified.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Karen Christine Ratigan
LaNelle Cantey DuRant

The South Carolina Court of Appeals

Dewayne L. Littles, Petitioner,

v.

State of South Carolina, Respondent.

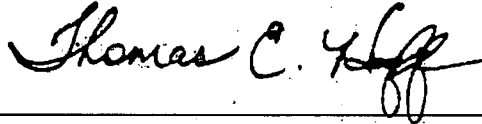
Appellate Case No. 2011-201110

ORDER


This matter is before the Court on a petition for a writ of certiorari following the denial of Petitioner's application for post-conviction relief.

Petitioner's counsel asserts that the petition is without merit and requests permission to withdraw from further representation. Petitioner has filed a pro se petition.

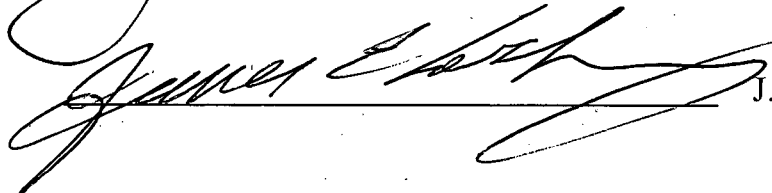
After careful consideration of the entire appendix as required by *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988), we deny the petition and grant counsel's request to withdraw.



J.



J.



J.

Columbia, South Carolina

FILED

12/18/13

cc:

Karen Christine Ratigan, Esquire

LaNelle Cantey DuRant, Esquire

Dewayne L. Littles, 00246422



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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January 03, 2014

The Honorable William B. Funderburk
PO Drawer 996
Bennettsville SC 29512-0996

REMITTITUR

Re: Dewayne L. Littles v. The State
Lower Court Case No. 2010CP3400323
Appellate Case No. 2011-201110

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in cursive script, appearing to read "J. A. Kitchings".

CLERK

Enclosure

cc: Karen Christine Ratigan, Esquire
LaNelle Cantey DuRant, Esquire
Dewayne L. Littles, 00246422
The Honorable William H. Seals, Jr.