

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

 ORIGINAL

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Certiorari to Williamsburg County

NOV - 6 2015

R. Ferrell Cothran, Jr., Circuit Court Judge **S.C. Supreme Court**

EDMOND GOODMAN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-002471

PETITION FOR WRIT OF CERTIORARI

WANDA H. CARTER
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South Carolina Commission on Indigent Defense
Division of Appellate Defense
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ATTORNEY FOR PETITIONER

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ISSUE PRESENTED

The PCR judge ruled properly in granting petitioner's request for a belated PCR appeal per Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991).

STATEMENT

Petitioner Edmond Goodman was convicted of murder and possession of a weapon during the commission of a violent crime during the March 2009 term of the Williamsburg County General Sessions Court before Judge Michael G. Nettles. Petitioner was sentenced to an aggregate prison term of thirty years. App. 1 – 140. Petitioner was represented by Legrand Carraway, and Assistant Solicitors Kimberly V. Barr and Ronnie A. Sabb appeared on behalf of the state. Petitioner appealed, but his convictions and sentences were affirmed by the South Carolina Court of Appeals. See State v. Goodman, Op. No. 2011-UP-541 (Ct. App. filed December 5, 2011).

On June 8, 2012, petitioner filed a PCR application with the Williamsburg County Office of the Clerk of Court. App. 412 – 419. The respondent filed a return dated June 27, 2013, requesting that a hearing be held in the case. App. 420 – 425.

A PCR hearing was convened on December 16, 2013, and at the Williamsburg County Courthouse before Judge R. Ferrell Cothran. App. 427 – 451. Petitioner was present at the hearing and represented by David Carricker, and Assistant Attorney General Daniel Gourley appeared on behalf of the state. On January 14, 2014, Judge Cothran issued an Order of Dismissal therein denying petitioner's allegations of ineffective assistance of trial counsel in the case. App. 461 – 469.

On April 21, 2014, petitioner filed a second PCR application for post-conviction relief requesting a belated PCR appeal in the case. See Supp. App. A second PCR hearing was convened on October 2, 2014, at the Sumter County Courthouse before Judge Clifton B. Newman. App. 453 – 459. Petitioner was present at the hearing and represented by Charles T. Brooks, III, and Assistant Attorney General Daniel Gourley appeared on behalf of the state. On November 10, 2014, Judge

Newman issued an Order granting petitioner's request for a belated PCR appeal per Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). App. 470 – 471. Petitioner appealed. This brief follows.

ARGUMENT

The PCR judge ruled properly in granting petitioner's request for a belated PCR appeal per Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991).

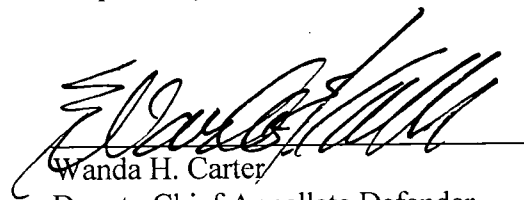
Petitioner requested a belated PCR appeal in the case. See petitioner's second PCR application at Supp. App. 1-9. During a second PCR hearing held regarding the matter, the state conceded and consented to the grant of petitioner's belated PCR appeal request because PCR counsel failed to appeal the first PCR judge's Order of Dismissal issued in the case. App. 453 – 459. The second PCR judge issued an Austin Order granting petitioner's belated PCR appeal request. App. 470-471.

Petitioner has a right to appellate review of the denial of his PCR action where PCR counsel failed to appeal the same. Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1998). The PCR judge ruled properly in granting petitioner's request for a belated PCR appeal in the case.

CONCLUSION

Based on the foregoing argument, petitioner requests that the Court grant the petition and allow full briefing on the above raised issue.

Respectfully submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 6th day of November, 2015.

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IN THE SUPREME COURT

Certiorari to Williamsburg County

R. Ferrell Cothran, Jr., Circuit Court Judge

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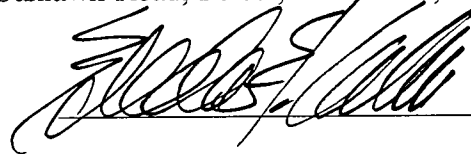
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

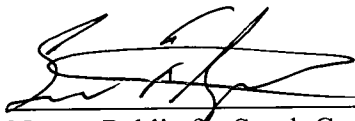
I certify that a true copy of the petition for writ of certiorari and a copy of the appendix and supplemental appendix in this case have been served on Daniel Gourley, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Edmond Goodman #271444, at Perry Correctional Institution, 430 Oaklawn Road, Pelzer, SC 29669, this 6th day of November, 2015.



Wanda H. Carter
Deputy Chief Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 6th day
of November, 2015.



(L.S.)

Notary Public for South Carolina
My Commission Expires: October 30, 2022.