

ALAN WILSON
ATTORNEY GENERAL



RECEIVED

APR 23 2012

April 23, 2012

S.C. Supreme Court

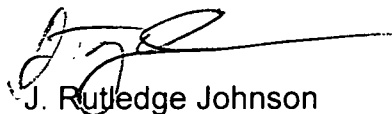
The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

**RE: Jamul Ratub El v. State of South Carolina
2009-CP-46-0166**

Dear Mr. Shearouse:

I am enclosing the original and fourteen (14) copies of the Brief of Respondent in the above case.

Sincerely,


J. Rutledge Johnson
Assistant Attorney General

JRJ:cey
Enclosures

cc: Susan Barber Hackett, Esquire
Trisha Allen, Victim Services

The Supreme Court of South Carolina

Jamul Ratub El,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable Lee S. Alford
York County
Trial Court Case No. 2009-CP-46-00166

ORDER

For good cause shown, the request for an extension until ~~March~~ ^{April} 23, 2012 ^{W.} to serve and file the Brief of Respondent 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 and must be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



Clerk

Columbia, South Carolina

March 23, 2012

cc: Appellate Defender Susan B. Hackett

~~Staff Attorney~~ J. Rutledge Johnson

Asst Atty Gen.

The Supreme Court of South Carolina

Jamul Ratub El,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable Lee S. Alford
York County
Trial Court Case No. 2009-CP-46-00166

ORDER

For good cause shown, the request for an extension until March 23, 2012 to serve and file the Brief of Respondent 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 and must be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



Clerk

Columbia, South Carolina

March 23, 2012

cc: Appellate Defender Susan B. Hackett
Staff Attorney J. Rutledge Johnson



ALAN WILSON
ATTORNEY GENERAL

RECEIVED

MAR 22 2012

S.C. Supreme Court

March 22, 2012

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

RE: Jamul Ratub El v. State of South Carolina
2009-CP-46-0166

Dear Mr. Shearouse:

The Brief of Respondent in the above appeal is due to be served and filed today. However, this is to respectfully request a 30-day extension to serve and file this Brief of Respondent.

This extension request is not intended for the purpose of delay. Rather, this extension request is necessitated by a heavy workload.

Sincerely,

J. Rutledge Johnson
Assistant Attorney General

JRJ:cey

cc: Appellate Defense

The Supreme Court of South Carolina

Jamul Ratub El,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable Lee S. Alford
York County
Trial Court Case No. 2009-CP-46-00166

ORDER

The request for an extension until March 22, 2012 to serve and file the Brief of Respondent 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 *Juenda I. Shealy*
Clerk

Columbia, South Carolina *Chief Deputy*

February 22, 2012

cc: Appellate Defender Susan B. Hackett
Staff Attorney J. Rutledge Johnson



ALAN WILSON
ATTORNEY GENERAL

RECEIVED

February 21, 2012

FEB 21 2012

S.C. Supreme Court

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

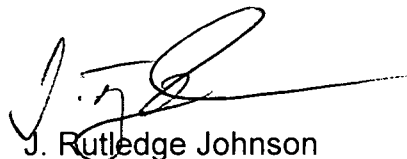
RE: Jamul Ratub El v. State of South Carolina
2009-CP-46-0166

Dear Mr. Shearouse:

The Brief of Respondent in the above appeal is due to be served and filed today. However, this is to respectfully request a 30-day extension to serve and file this Brief of Respondent.

This extension request is not intended for the purpose of delay. Rather, this extension request is necessitated by a heavy workload.

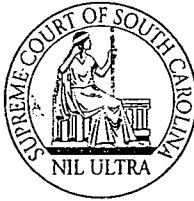
Sincerely,



J. Rutledge Johnson
Assistant Attorney General

JRJ:cey

cc: Appellate Defense



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

(803) 734-1080

FAX (803) 734-1499

December 21, 2011

Appellate Defender Susan B. Hackett
South Carolina Commission on Indigent Defense
P O Box 11589
Columbia, SC 29211

Re: El, Jamul Ratub v. The State

Dear Counsel:

The following Order has been endorsed on your request for a final thirty (30) days to serve and file the Brief of Petitioner in the above entitled case on appeal.

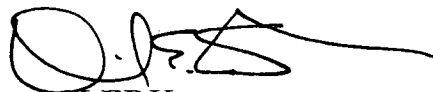
“Granted.

s/ Jean H. Toal C.J.
For the Court

December 21, 2011.”

Please be advised we have also substituted you as counsel of record replacing Appellate Defender Breen R. Stevens.

Very truly yours,



CLERK

DES/jj

cc: Staff Attorney J. Rutledge Johnson



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

December 19, 2011

RECEIVED

DEC 19 2011

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

S.C. Supreme Court

Re: Jamul Ratub El v. The State

Dear Mr. Shearouse:

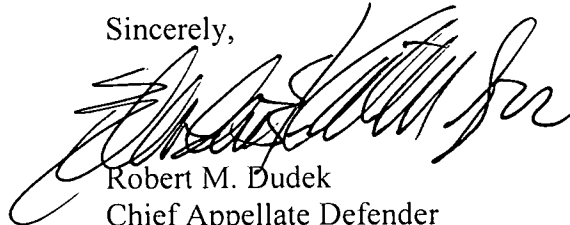
I am writing to respectfully request a **final thirty (30) day extension until January 18, 2012** in the post-conviction relief case of Jamul El due to a recently discovered conflict of interest. The Petition of Certiorari was previously submitted by Ms. M. Celia Robinson on April 30, 2010. Certiorari was granted on August 19, 2011. Due to Ms. Robinson's departure from Appellate Defense, the case was reassigned to Mr. Breen R. Stevens,

Mr. Stevens was preparing the Brief of Petitioner during the third extension, and was troubled because the facts of the case seemed familiar. A more thorough examination of the unpublished opinion from Mr. El's direct appeal explained why: he worked on this case with another clerk in the chambers of the Honorable Daniel F. Pieper at the time it was reviewed and decided by the Court of Appeals.

I do apologize for this late discovery of a conflict, and respectfully request a **final thirty (30) day extension until January 18, 2012** in order to give newly appointed counsel, Ms. Susan B. Hackett, sufficient time to file the Brief of Petitioner in this case. Further, conflict prevention protocol has been put in place: all of Mr. El's files have been removed from Mr. Stevens' computer and office, and he will have no contact with Ms. Hackett regarding this case going forward.

Again, I offer my most sincere apologies for not detecting this at an earlier date. In order to avoid the possibility of repeating such an oversight in the future, Mr. Stevens is reviewing every criminal law opinion (published and unpublished) during the time frame he worked in Judge Pieper's chambers, and where Judge Pieper was a member of the deciding panel.

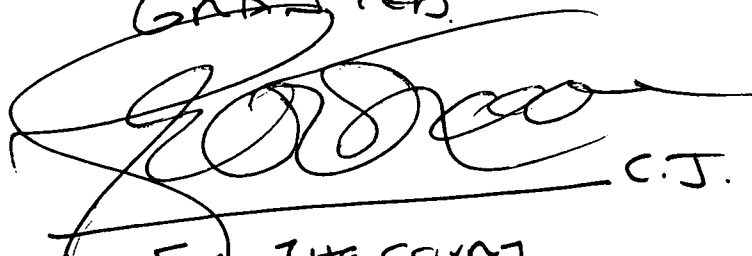
Sincerely,



Robert M. Dudek
Chief Appellate Defender

RMD:pds

cc: J. Rutledge Johnson, Esquire

GRANTED

C.J.
FOR THE COURT

December 21, 2011

The Supreme Court of South Carolina

Jamul Ratub El,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable Lee S. Alford
York County
Trial Court Case No. 2009-CP-46-00166

ORDER

For good cause shown, the request for an extension until December 19, 2011 to serve and file the Brief of Petitioner in this matter is granted. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what measures are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



Clerk

Columbia, South Carolina

November 21, 2011

cc: Appellate Defender Breen R. Stevens
Staff Attorney J. Rutledge Johnson

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to York County
Lee S. Alford, Circuit Court Judge

ORIGINAL

RECEIVED

NOV 18 2011

JAMUL RATUB EL,

PETITIONER, ^{S.C.} Supreme Court

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

(3)

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE BRIEF OF PETITIONER

Counsel for Jamul R. El respectfully requests **a final extension of thirty (30) days until December 19, 2011** in which to file the brief of petitioner in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third request for an extension. In support of this request, counsel shows:

1. The brief of petitioner is due to be served and filed with the Court today, November 18, 2011.
2. Counsel for Mr. El respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.
3. Counsel is preparing to file the initial brief of appellant and designation of matter in the case of State v. Theodore Manning in the Court of Appeals. On November 17, 2011, counsel filed the

17, 2011, counsel filed the petition for writ of certiorari and appendix in the case of James Stancil v. State in this Court. On November 10, 2011, counsel filed the initial brief of appellant and designation of matter in the case of State v. Roman Millen in the Court of Appeals. On November 7, 2011, counsel filed the petition for writ of certiorari and appendix in the case of Neal Robinson v. State in this Court. On November 4, 2011, counsel filed the initial brief of appellant and designation of matter in the case of State v. Donald Hallman in the Court of Appeals. On October 31, 2011, counsel had an oral argument in the case of State v. Edward Harlin in the Court of Appeals and filed the petition for writ of certiorari and appendix in the case of Bryan Ladner v. State in this Court. On October 24, 2011, counsel filed the petition for writ of certiorari and appendix in the case of Nathaniel Muhammad v. The State in this Court. On October 21, 2011, counsel filed the petition for writ of certiorari and appendix in the case of David Rhodes v. State in this Court. On October 20, 2011, counsel had an oral argument in the case of State v. Marlon Smith in the Court of Appeals. On October 18, 2011, counsel had an oral argument in the case of State v. Richard Kough in the Court of Appeals. On October 14, 2011, counsel filed the petition for writ of certiorari and appendix in the case of Ernest Hall v. State in this Court. On October 10, 2011, counsel filed the initial brief of appellant and designation of matter in the case of State v. Crystal Turner in the Court of Appeals. On October 5, 2011, counsel filed the petition for writ of certiorari and appendix in the case of Damon Jackson v. State in this Court.

4. Counsel makes this request in good faith and not for purpose of delay.
5. Counsel for the Attorney General's office consents to this request as shown by signature below.

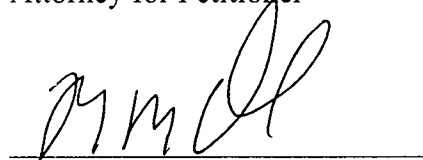
WHEREFORE, the undersigned counsel would respectfully request **a final thirty day extension until December 19, 2011**, in which to file the brief of petitioner in this case based upon the above exigent circumstances.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Breen R. Stevens", written over a horizontal line.

Breen R. Stevens
Appellate Defender

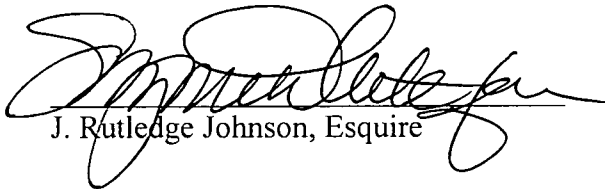
Attorney for Petitioner

A handwritten signature in black ink, appearing to read "Robert M. Dudek", written over a horizontal line.

Robert M. Dudek
Chief Appellate Defender

This 18th day of November, 2011

I Consent:

A handwritten signature in black ink, appearing to read "J. Rutledge Johnson", written over a horizontal line.

J. Rutledge Johnson, Esquire

The Supreme Court of South Carolina

Jamul Ratub El,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable Lee S. Alford
York County
Trial Court Case No. 2009-CP-46-00166

ORDER

For good cause shown, the request for an extension until November 18, 2011 to serve and file the Brief of Petitioner 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 and must be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY *Arenda I. Shealy*
Clerk

Columbia, South Carolina *Chief Deputy*

October 20, 2011

cc: Appellate Defender Breen R. Stevens
Staff Attorney J. Rutledge Johnson

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to York County
Lee S. Alford, Circuit Court Judge

RECEIVED

OCT 19 2011

JAMUL RATUB EL,

S.C. Supreme Court

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE BRIEF OF PETITIONER

(2)

Counsel for Jamul R. El respectfully requests an extension of thirty (30) days in which to file the brief of petitioner in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix is due to be served and filed with the Court today, October 19, 2011.
2. Counsel for Mr. El respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.
3. Counsel is preparing for the oral argument in the case of State v. Marlon Smith in the Court of Appeals tomorrow, October 20, 2011. On October 18, 2011, counsel had an oral argument in the

case of State v. Richard Kough in the Court of Appeals. On October 14, 2011, counsel filed the petition for writ of certiorari and appendix in the case of Ernest Hall v. State in this Court. On October 10, 2011, counsel filed the initial brief of appellant and designation of matter in the case of State v. Crystal Turner in the Court of Appeals. On October 5, 2011, counsel filed the petition for writ of certiorari and appendix in the case of Damon Jackson v. State in this Court. On September 26 – 28, 2011, counsel attended the South Carolina Public Defender's Conference in Myrtle Beach, SC. On September 23, 2011, counsel filed the petition for writ of certiorari and appendix in the case of Shannon Todd v. State in this Court. On September 21, 2011, counsel filed the petition for writ of certiorari and appendix in the cases of William Seich v. State and Terry Mays v. State in this Court. On September 19, 2011, counsel filed the petition for writ of certiorari and appendix in the case of Stacy Pringle v. State in this Court. On September 16, 2011, counsel filed the expedited petition for writ of certiorari and appendix in the case of Elkin Perez v. State to this Court.

4. Counsel makes this request in good faith and not for purpose of delay.
5. Counsel for the Attorney General's office has been informed of this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the brief of petitioner in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Breen R. Stevens", with a long horizontal flourish extending to the right.

Breen R. Stevens
Appellate Defender

Attorney for Petitioner

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to York County

Lee S. Alford, Circuit Court Judge

JAMUL RATUB EL,

PETITIONER,

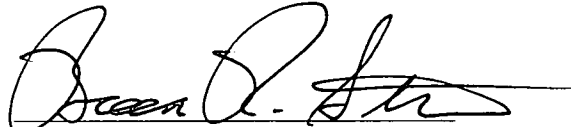
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

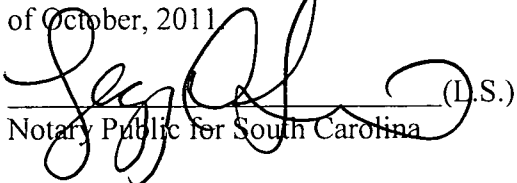
I certify that a true copy of the motion for an extension of time in which to file the brief of petitioner in the above case has been served upon J. Rutledge Johnson, Esquire, this 19th day of October, 2011.



Breen R. Stevens
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 19th day
of October, 2011



(L.S.)
Notary Public for South Carolina

My Commission Expires: December 4, 2017.



ALAN WILSON
ATTORNEY GENERAL

September 26, 2011

RECEIVED

SEP 27 2011

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

S.C. SUPREME COURT

RE: Jamul Ratub El v. The State

Dear Mr. Shearouse:

I will be representing the State regarding this matter. Please note me as counsel of record for the State and forward all future correspondence regarding this case directly to me.

Sincerely,

J. Rutledge Johnson
Staff Attorney

JRJ:cey

cc: Breen R. Stevens
Ms. Trisha Allen

The Supreme Court of South Carolina

Jamul Ratub El,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable Lee S. Alford
York County
Trial Court Case No. 2009-CP-46-00166

ORDER

The request for an extension until October 19, 2011 to serve and file the Brief of Petitioner 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

September 20, 2011

cc: Appellate Defender Breen R. Stevens
Assistant Attorney General Harrison Brant



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

September 19, 2011

RECEIVED

SEP 19 2011

S.C. Supreme Court

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

Re: Jamul Ratub El v. The State

Dear Mr. Shearouse:

The brief of petitioner in this case is due to be served and filed with the Court September 19, 2011. However, because of my heavy workload at this time, I am requesting an extension for 30 days, in which to serve and file the brief.

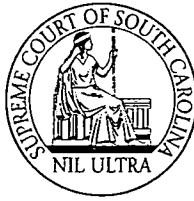
By copy of this letter, I am informing Ashley McMahan, of the Attorney General's Office, of my request.

Sincerely,

Breen R. Stevens
Appellate Defender

BRS/pds

cc: Ashley McMahan, Esquire



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

(803) 734-1080

FAX (803) 734-1499

August 19, 2011

Chief Appellate Defender Robert M. Dudek for M. Celia Robinson
South Carolina Commission on Indigent Defense
P O Box 11589
Columbia, SC 29211

Re: El, Jamul Ratub v. The State

Dear Counsel:

Enclosed is the Order granting your Petition for Writ of Certiorari in the above entitled matter.

It will be necessary for you to furnish this office with an additional thirteen (13) **bound** copies of the appendix within thirty (30) days from the date of this letter.

Brief of Petitioner should be served and filed on or before September 19, 2011. The brief is not properly filed until we have proof of service.

Brief of Respondent should be served and filed within thirty (30) days after petitioner's brief is filed. We must have proof of service. Any reply brief should be served and filed within ten (10) days after filing of respondent's brief.

Very truly yours,

CLERK

DES/jj

cc: Assistant Attorney General Jennifer Kinzeler (Harrison Brant)

The Supreme Court of South Carolina

Jamul Ratub El,

Petitioner,

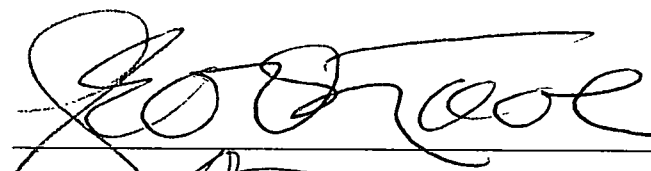
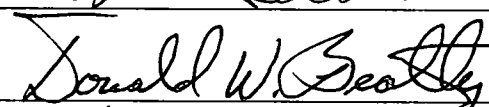
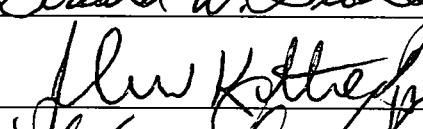
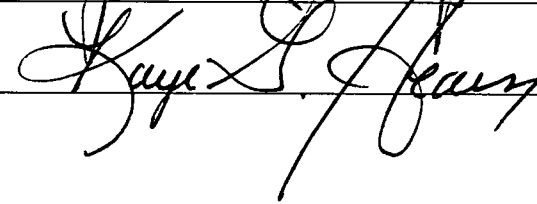
v.

State of South Carolina,

Respondent.

ORDER

This matter is before the Court on a petition for a writ of certiorari. The petition for a writ of certiorari is granted. The parties shall proceed to serve and file the appendix and briefs as provided by Rule 243(j), SCACR.

 C.J.
 J.
 J.
 J.
 J.

Columbia, South Carolina

August 19, 2011



HENRY McMASTER
ATTORNEY GENERAL

July 12, 2010

RECEIVED

JUL 12 2010

S.C. SUPREME COURT

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

RE: Jamul Ratub El, 305416 v. State of South Carolina
2009-CP-46-0166

Dear Mr. Shearouse:

I am enclosing the original and six (6) copies of the Return to Petition for Writ of Certiorari in the above case.

Sincerely,

Jennifer A. Kinzeler
Assistant Attorney General

JAK:cey
Enclosures

cc: M. Celia Robinson, Esquire
Trisha Allen, Victim Services

The Supreme Court of South Carolina

Jamul Ratub El,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable Lee S. Alford
York County
Trial Court Case No. 2009-CP-46-00166

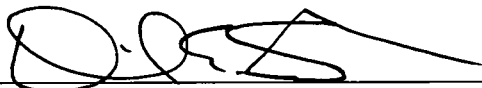
ORDER

The request for an extension until July 14, 2010 to serve and file the Return to the Petition for Writ of Certiorari 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

June 15, 2010

cc: Appellate Defender M. Celia Robinson
Assistant Attorney General Jennifer Kinzeler



HENRY McMASTER
ATTORNEY GENERAL

June 14, 2010

RECEIVED

JUN 14 2010

S.C. SUPREME COURT

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

RE: Jamul Ratub El v. State of South Carolina
2009-CP-46-0166

Dear Mr. Shearouse:

The Return to Petition for Writ of Certiorari in the above appeal is due to be served and filed today. However, this is to respectfully request a 30-day extension to serve and file this Return to Petition for Writ of Certiorari.

This extension request is not intended for the purpose of delay. Rather, this extension request is necessitated by a heavy workload.

Sincerely,

Jennifer A. Kinzeler
Assistant Attorney General

cc: M. Celia Robinson, Esquire

The Supreme Court of South Carolina

Jamul Ratub El,

Petitioner,

v.

State of South Carolina,

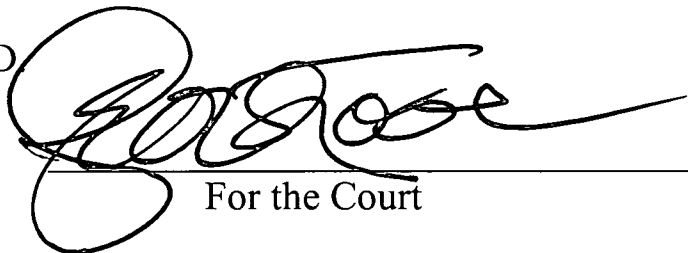
Respondent.

The Honorable Lee S. Alford
York County
Trial Court Case No. 2009-CP-46-00166

ORDER

Petitioner seeks an extension until April 30, 2010 to serve and file the Petition for Writ of Certiorari and Appendix, and asserts that extraordinary circumstances justify this extension. The opposing party consents to the extension. The request for an extension is granted. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extensions will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED


C.J.
For the Court

Columbia, South Carolina

April 1, 2010

cc: Appellate Defender M. Celia Robinson
Assistant Attorney General Jennifer Kinzeler

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from York County

Lee S. Alford, Circuit Court Judge

RECEIVED

MAR 31 2010

S.C. SUPREME COURT

JAMUL RATUB EL,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

(4)

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

Counsel for Jamul El petitions the Court for a thirty extension in which to file the petition for writ of certiorari and accompanying appendix in this case. In support of this petition, counsel shows:

1. The petition for writ of certiorari and accompanying appendix are due to be filed with the Court today. The Court has granted counsel three previous extensions.
2. Counsel for Mr. El respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.
3. Counsel filed the initial brief of appellant and designation of matter in State v. Joseph Sizemore on March 1, 2010. Counsel had an oral argument in the Court of Appeals on March 2, 2010 In the Interest of Richard D., a minor under the age of seventeen and an oral argument on March 3, 2010 in State v. Joe Campbell. Counsel filed the initial brief of appellant and designation of matter in State v. Michael Morris on March 5, 2010. Counsel filed the initial brief of appellant and designation of matter in State v. Edward Harlin on March 8, 2010. The petition for writ of certiorari and accompanying appendix in Robert Thompson v. State was filed on March 10, 2010.

Counsel filed the petition for writ of certiorari and accompanying appendix for State v. Nearin Blackwell-Selim on March 11, 2010. Counsel filed the petition for writ of certiorari and accompanying appendix in State v. Nearin Blackwell-Selim on March 12, 2010. Counsel filed the petitions for writ of certiorari and accompanying appendices in Stephon Hill v. State and Dallas Laney v. State on March 15, 2010. The initial brief of appellant and designation of matter In the Interest of Zakei H., a minor under the age of seventeen was filed on March 17, 2010. Counsel filed the petitions for writ of certiorari and accompanying appendices in Adam Winningham v. State and Lisa Ramirez v. State and the brief of petitioner in Cookie Medlock v. State on March 19, 2010. Counsel filed the reply to petition for writ of certiorari in John T. Robinson v. State and the initial brief of respondent and designation of matter in State v. Jimmy Skelton on March 22, 2010. Counsel filed the initial brief of appellant and designation of matter in State v. Frederick Jeter on March 24, 2010. Counsel filed the initial brief of appellant and designation of matter in State v. Gerald Fripp on March 26, 2010. Counsel is filing the petitions for writ of certiorari and accompanying appendices in Billy Johnson v. State, and Gregory Woods v. State on March 31, 2010.

4. Counsel has not had time to complete the petition for writ of certiorari and accompanying appendix in this case. As a result, counsel respectfully asks this Court for a thirty day extension in which to file the petition for writ of certiorari and accompanying appendix. Counsel is striving to limit the number of extensions requested. Counsel is attempting to complete the cases with the most number of extensions first.

5. As indicated by signature below, Matthew T. Freidman, of the South Carolina Attorney General's Office, does not oppose this request.

5. Counsel believes that extraordinary circumstances warrant this extension request made pursuant to the Supreme Court's recent order of March 18, 2009, concerning Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings.

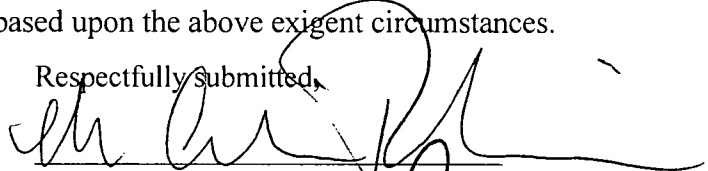
The Office of Appellate Defense agrees that extensions should be kept to a minimum for several reasons, not least of which the need for finality is felt by the victims, the defendants and their families. But regrettably, we only have 8 attorneys to handle approximately 1,000 appeals per year. The Spangenberg Report on Appellate Defense (February 2008) concluded, among other things, that Appellate Defense had too few attorneys handling too many cases.

Chief Counsel of Appellate Defense has brought the Supreme Court's order on extensions to the attention of the Commission on Indigent Defense and recommended that the office be permitted to fill the vacant attorney position and to explore the possibility of ceasing to handle certain PCR

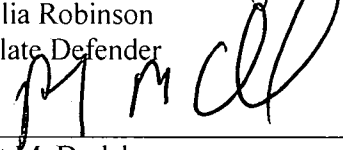
cases until the Division is adequately funded and fully staffed. The Commission has taken these recommendations under advisement. In the meantime, Chief Counsel has advised staff that we must bring Appellate Defense into compliance with the Court's order with the limited resources at hand.

Counsel respectfully requests a thirty day extension, in which to file the petition for writ of certiorari and accompanying appendix in this case based upon the above exigent circumstances.

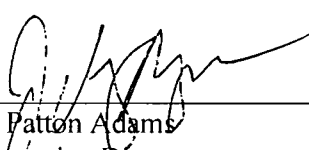
Respectfully submitted,



M. Celia Robinson
Appellate Defender

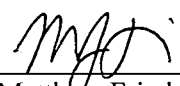


Robert M. Dudek
Chief Appellate Defender



T. Patton Adams
Executive Director
J. Hugh Ryan, III
General Counsel

March 31, 2010
I do not oppose:



Matthew Friedman

The Supreme Court of South Carolina

Jamul Ratub El,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable Lee S. Alford
York County
Trial Court Case No. 2009-CP-46-00166

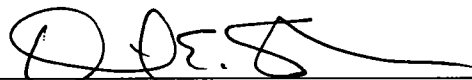
ORDER

For good cause shown, the request for an extension until March 31, 2010 to serve and file the Petition for Writ of Certiorari and Appendix in this matter is granted. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what measures are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



Clerk

Columbia, South Carolina

March 2, 2010

cc: Appellate Defender M. Celia Robinson
Assistant Attorney General Jennifer Kinzeler

STATE OF SOUTH CAROLINA

 ORIGINAL

IN THE SUPREME COURT

Appeal from York County

Lee S. Alford, Circuit Court Judge

RECEIVED

MAR - 3 2010

JAMUL RATUB EL,

S.C. SUPREME COURT

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CORRECTED

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

Counsel for Jamul El petitions the Court for a thirty day extension in which to file the petition for writ of certiorari and accompanying appendix in this case. In support of this petition, counsel shows:

1. The petition for writ of certiorari and accompanying appendix are due to be filed with the Court today. The Court has granted counsel two previous extensions.
2. Counsel for Mr. El respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.
3. On February 1, 2010, counsel filed the initial brief of appellant and designation of matter in State v. Charles Coleman and the petition for writ of certiorari and accompanying appendix in Edward Pennington v. State. On February 3, 2010, counsel filed the petitions for writ of certiorari and the accompanying appendices in Luther Ford v. State and Johnnie Sanders v. State. Counsel

filed the return to petition for writ of certiorari in Julie Bellamy Roe v. State, and the initial briefs of appellant and designations of matter in State v. James Cantrell, State v. Quentin Tobbie, and State v. Leon Hill on February 8, 2010. Counsel filed the initial brief of appellant and designation of matter in State v. Norwood Jordan on February 24, 2010. Counsel filed a motion to reconstruct the hearing in John Tinsley v. State on Friday, February 26, 2010.

4. As indicated by signature below, Jennifer Kinzeler, of the South Carolina Attorney General's Office, does not oppose this request.

5. Counsel has not had time to complete the petition for writ of certiorari and accompanying appendix in this case. As a result, counsel respectfully asks this Court for a thirty day extension in which to file the petition for writ of certiorari and accompanying appendix. Counsel is striving to limit the number of extensions requested. Counsel is attempting to complete the cases with the most number of extensions first.

6. Counsel believes that extraordinary circumstances warrant this extension request made pursuant to the Supreme Court's recent order of March 18, 2009, concerning Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings.

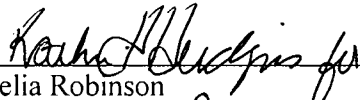
The Office of Appellate Defense agrees that extensions should be kept to a minimum for several reasons, not least of which the need for finality is felt by the victims, the defendants and their families. But regrettably, we only have 8 attorneys to handle approximately 1,000 appeals per year. The Spangenberg Report on Appellate Defense (February 2008) concluded, among other things, that Appellate Defense had too few attorneys handling too many cases.

Chief Counsel of Appellate Defense has brought the Supreme Court's order on extensions to the attention of the Commission on Indigent Defense and recommended that the office be permitted to fill the vacant attorney position and to explore the possibility of ceasing to handle certain PCR cases until the Division is adequately funded and fully staffed. The Commission has taken these recommendations under advisement. In the meantime, Chief Counsel has advised staff that we

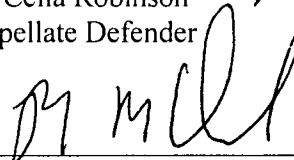
must bring Appellate Defense into compliance with the Court's order with the limited resources at hand.

Counsel respectfully requests a thirty day extension, in which to file the petition for writ of certiorari and accompanying appendix in this case based upon the above exigent circumstances.

Respectfully submitted,



M. Celia Robinson
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

March 3, 2010
I do not oppose:



Jennifer Kinzeler

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

ORIGINAL

Appeal from ^{York} Charleston County

Roger M. Young, Circuit Court Judge

See Affid

RECEIVED

MAR 01 2010

JAMUL RATUB EL,

S.C. SUPREME COURT

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

(3)

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

Counsel for Jamul El petitions the Court for a thirty day extension in which to file the petition for writ of certiorari and accompanying appendix in this case. In support of this petition, counsel shows:

1. The petition for writ of certiorari and accompanying appendix are due to be filed with the Court today. The Court has granted counsel two previous extensions.
2. Counsel for Mr. El respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.
3. On February 1, 2010, counsel filed the initial brief of appellant and designation of matter in State v. Charles Coleman and the petition for writ of certiorari and accompanying appendix in Edward Pennington v. State. On February 3, 2010, counsel filed the petitions for writ of certiorari and the accompanying appendices in Luther Ford v. State and Johnnie Sanders v. State. Counsel

filed the return to petition for writ of certiorari in Julie Bellamy Roe v. State, and the initial briefs of appellant and designations of matter in State v. James Cantrell, State v. Quentin Tobbie, and State v. Leon Hill on February 8, 2010. Counsel filed the initial brief of appellant and designation of matter in State v. Norwood Jordan on February 24, 2010. Counsel filed a motion to reconstruct the hearing in John Tinsley v. State on Friday, February 26, 2010.

4. As indicated by signature below, Matthew Freidman, of the South Carolina Attorney General's Office, does not oppose this request.

5. Counsel has not had time to complete the petition for writ of certiorari and accompanying appendix in this case. As a result, counsel respectfully asks this Court for a thirty day extension in which to file the petition for writ of certiorari and accompanying appendix. Counsel is striving to limit the number of extensions requested. Counsel is attempting to complete the cases with the most number of extensions first.

6. Counsel believes that extraordinary circumstances warrant this extension request made pursuant to the Supreme Court's recent order of March 18, 2009, concerning Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings.

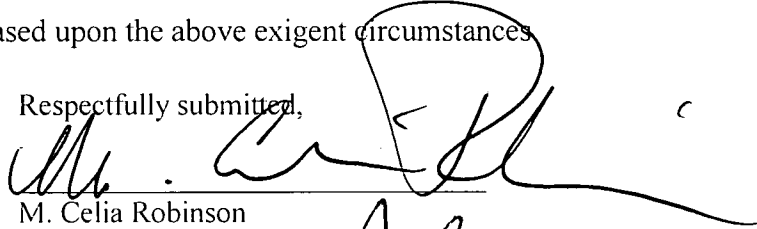
The Office of Appellate Defense agrees that extensions should be kept to a minimum for several reasons, not least of which the need for finality is felt by the victims, the defendants and their families. But regrettably, we only have 8 attorneys to handle approximately 1,000 appeals per year. The Spangenberg Report on Appellate Defense (February 2008) concluded, among other things, that Appellate Defense had too few attorneys handling too many cases.

Chief Counsel of Appellate Defense has brought the Supreme Court's order on extensions to the attention of the Commission on Indigent Defense and recommended that the office be permitted to fill the vacant attorney position and to explore the possibility of ceasing to handle certain PCR cases until the Division is adequately funded and fully staffed. The Commission has taken these recommendations under advisement. In the meantime, Chief Counsel has advised staff that we

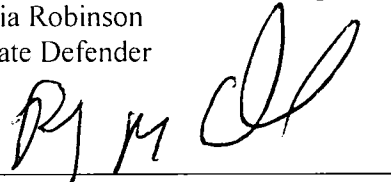
must bring Appellate Defense into compliance with the Court's order with the limited resources at hand.

Counsel respectfully requests a thirty day extension, in which to file the petition for writ of certiorari and accompanying appendix in this case based upon the above exigent circumstances

Respectfully submitted,

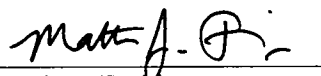


M. Celia Robinson
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

March 1, 2010
I do not oppose:



Matthew Friedman

The Supreme Court of South Carolina

Jamul Ratub El,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable Lee S. Alford
York County
Trial Court Case No. 2009-CP-46-00166

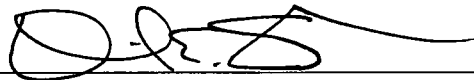
ORDER

For good cause shown, the request for an extension until March 1, 2010 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 and must be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



Clerk

Columbia, South Carolina

January 29, 2010

cc: Appellate Defender M. Celia Robinson
Assistant Attorney General Jennifer Kinzeler

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Charleston County
Roger M. Young, Circuit Court Judge

 ORIGINAL

RECEIVED

JAN 28 2010

S.C. SUPREME COURT

JAMUL RATUB EL,

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 Jamal Ratub El petitions the Court for an additional thirty days in which to file the petition for writ of certiorari and accompanying appendix in this case. In support of this petition, counsel shows:

1. The petition for writ of certiorari and accompanying appendix are due to be filed with the Court today. The Court has granted counsel one previous extension.
2. Counsel for Mr. El respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.
3. Counsel filed the petition for writ of certiorari and accompanying appendix in Brice Mills v. State and the initial brief of appellant and designation of matter in State v. Barbara Grant on December 30, 2009. Counsel filed the petition for writ of certiorari and accompanying appendix in Joseph Dickerson v. State on January 4, 2010. Counsel filed the return to petition for writ of

certiorari in State v. Jimmy Pollard on January 6, 2010. Counsel will be filing the initial briefs of appellant and designations of matter in State v. Bradley Senter and State v. Anthony Acanfora on January 8, 2010. Counsel filed the petitions for writ of certiorari and accompanying appendices in Christopher Jackson v. State and John Robinson v. State on January 13, 2010. Counsel filed the petition for writ of certiorari and accompanying appendix in Ronald Skipper v. State and Billy Lisenby v. State on January 21, 2010. Counsel filed the petition for writ of certiorari and accompanying appendix in Maurice Franklin v. State and the initial brief of appellant and designation of matter in State v. Barbara Rogers on January 22, 2010. Counsel filed the initial briefs of appellant and designations of matter in State v. Eugene Singleton and State v. John Abraham on January 25, 2010.

4. Counsel has not had time to complete the petition for writ of certiorari and accompanying appendix in this case. As a result, counsel respectfully asks this Court for an additional thirty day extension of time to file the petition for writ of certiorari and accompanying appendix. Counsel is striving to limit the number of extensions requested. Counsel is attempting to complete the cases with the most number of extensions first.

5. Counsel believes that extraordinary circumstances warrant this extension request made pursuant to the Supreme Court's recent order of March 18, 2009, concerning Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings.

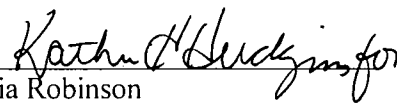
The Office of Appellate Defense agrees that extensions should be kept to a minimum for several reasons, not least of which the need for finality is felt by the victims, the defendants and their families. But regrettably, we only have 8 attorneys to handle approximately 1,000 appeals per year. The Spangenberg Report on Appellate Defense (February 2008) concluded, among other things, that Appellate Defense had too few attorneys handling too many cases.

Chief Counsel of Appellate Defense has brought the Supreme Court's order on extensions to the attention of the Commission on Indigent Defense and recommended that the office be permitted

to fill the vacant attorney position and to explore the possibility of ceasing to handle certain PCR cases until the Division is adequately funded and fully staffed. The Commission has taken these recommendations under advisement. In the meantime, Chief Counsel has advised staff that we must bring Appellate Defense into compliance with the Court's order with the limited resources at hand.

Counsel respectfully requests a further thirty day extension, in which to file the petition for writ of certiorari and accompanying appendix in this case based upon the above exigent circumstances.

Respectfully submitted,



M. Celia Robinson
Appellate Defender

ATTORNEY FOR PETITIONER.

January 28, 2010

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Charleston County

Roger M. Young, Circuit Court Judge

JAMUL RATUB EL,

PETITIONER,

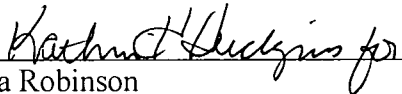
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

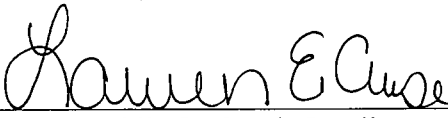
CERTIFICATE OF SERVICE

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 Matthew T. Freidman, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 28th day of January, 2010.


M. Celia Robinson
Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me
this 28th day of January, 2010.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: August 23, 2014.

The Supreme Court of South Carolina

Jamul Ratub El,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable Lee S. Alford
York County
Trial Court Case No. 2009-CP-46-00166

ORDER

The request for an extension until January 28, 2010 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

Linda A. Shealy

Clerk

Columbia, South Carolina *Chief Deputy*

December 30, 2009

cc: Appellate Defender M. Celia Robinson,
Assistant Attorney General Jennifer Kanzler



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ORIGINAL

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

Joseph L. Savitz, III, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

December 29, 2009

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

RECEIVED

DEC 29 2009

S.C. SUPREME COURT

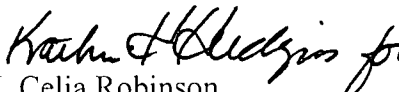
Re: Jamul Ratub El v. The State

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 Matthew T. Friedman, Esquire, of the Attorney General's Office, of my request.

Sincerely,


M. Celia Robinson
Appellate Defender

MCR/lec

cc: Matthew T. Freidman, Esquire



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

Joseph L. Savitz, III, Chief Attorney
Wanda H. Carter, Deputy Chief Attorney

October 27, 2009

RECEIVED

OCT 27 2009

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.

Jamul Ratub El v. State of South Carolina

10/27/2009

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

Thank you for your assistance in this matter.

Sincerely,

Loriane French
Legal Services Coordinator



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

Joseph L. Savitz, III, Chief Attorney
Wanda H. Carter, Deputy Chief Attorney

October 21, 2009

RECEIVED
OCT 21 2009
S.C. SUPREME COURT

Mr. Michael Watts
Circuit Court Reporter
489 Edgewater Drive
Gaffney, SC 29340

Dear Mr. Watts:

Our office has been requested to perfect the appeal arising out of:

Jamul Ratub El v. State of South Carolina Indictment #: 09-CP-46-00166.

County: York Date of Trial: August 4, 2009

Presiding Judge: Lee S. Alford

It is my understanding that you were the court reporter at this time. That being the case, I request that you send this office the original trial transcript along with your bill. If you send a copy to this office, please bill us accordingly. To ensure prompt payment of this bill, please prepare it on the enclosed CID FORM 3500 (Substitution for SCCA DI-4) and include the original criminal case number (Indictment number) where the space is provided.

We request that the lines on the paper be numbered from 1-25, and that you include in the transcript 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. We have found that even if there are no objections, we need to review both opening and closing arguments for appeal.

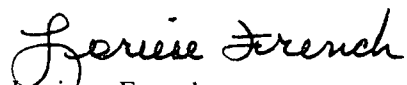
If you are aware of the existence of co-defendants not listed in the prior captioned case, please contact us prior to transcribing the transcript. In this manner, we can consult our records to ensure that in ordering a transcript, a duplication has not occurred. In addition, if the Attorney General's Office has already requested an original transcript, please notify us.

Mr. Michael Watts
October 21, 2009
Page Two

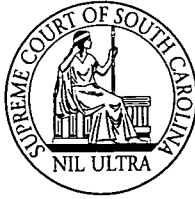
I am sorry for any inconvenience this may cause, but I appreciate your assistance in this matter. If you have any questions, or problems, please contact me.

Thank you for your kind cooperation in this matter.

Sincerely,


Lorie French
Legal Services Coordinator

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



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

(803) 734-1080

FAX (803) 734-1499

October 8, 2009

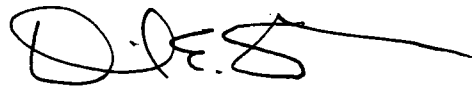
Jamul Ratub El #315405
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

Re: El, Jamul Ratub v. The State

Dear Mr. El:

Please be advised that the Notice of Appeal filed from the written order of The Honorable Lee Alford dated August 27, 2009, will be combined with the Notice of Appeal previously filed in this matter by your counsel, Jeremy T. Canipe, Esquire.

Very truly yours,



CLERK

DES/jj

cc: Appellate Defense
Jeremy Todd Canipe, Esquire
Assistant Attorney General Ashley McMahan

The State of South Carolina
(Supreme Court)

Appeal from York County
(Court of Common Pleas)

Lee Alford, Judge

Case No. 2009CP4600166

Jamul El.....Appellant

V.

State of South Carolina.....Respondent

NOTICE OF APPEAL

Jamul El appeals order of Lee Alford dismissing the PCR
application dated August 27th, 2009 and received on September
8, 2009.

Date 9/28/09

Henry D. McMaster
S.C. Attorney General
P.O. Box 11549
Columbia, S.C. 29211549

/s/ Jamul El
Jamul El

RECEIVED

OCT 02 2009

S.C. SUPREME COURT

The State of South Carolina
(Supreme Court)

Appeal from York County
(Court of Common Pleas)

Lee Alford, Judge

Case No. 2009CP4600166

Jamul El.....Appellant

V.

State of South Carolina.....Respondent

PROOF OF SERVICE

I Jamul El certify that I have this day served appellants notice of appeal against Judge Lee Alford's order (August 27, 2009); and a copy of the actual order; upon the Supreme Court of South Carolina. By depositing the original and one copy of the same in the U.S. mail (By and through the Perry Correctional Institution's Legal mail system).

Date: 9/28/09

/s/ Jamul El

The following parties were served at the below addresses:

1) S.C. Supreme Court
Daniel H. Sherouse
P.O. Box 11330
Columbia, SC 29211

2) Henry D. McMaster
S.C. Attorney General
P.O. Box 11549
Columbia, SC 29211

3) Jeremy Canipe
P.O. Box 30397
Charlotte, NC 29230

RECEIVED

OCT 02 2009

S.C. SUPREME COURT

Sworn to and subscribed before me

This 28th day of Sept., 2009

Notary [Signature]

Exp: May 12th, 2014

/s/ Jamul EP #315406

Jamul E1 #315406

P.C.I. Q4A-202

430 Oaklawn Rd.

Pelzer, SC 29669

STATE OF SOUTH CAROLINA

COUNTY OF YORK

IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO: 2009CP4600166

Jamul Ratub vs. South Carolina State Of

CHECK ONE:

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other:
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy: ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

IT IS ORDERED AND ADJUDGED:

☒ See attached order;

☐ Statement of Judgment by the Court:

Order of Dismissal

Dated at York, South Carolina, this 27th day of August, 2009.

Court Reporter:

s/ Lee S. Alford

PRESIDING JUDGE - LEE S. ALFORD

This judgment was entered on the 2nd day of September, 2009, and a copy mailed first class this 2nd day of September, 2009, to attorneys of record or to parties (when appearing pro se) as follows:

Jeremy Todd Canipe Hedrick Eatman Gardner & Kincheloe, Llp P.O. Box 30397 Charlotte, NC 28230

ATTORNEY(S) FOR THE PLAINTIFF(S)

Daniel E. Grigg Office Of The Attorney General P.O. Box 11549 Columbia, SC 292111549

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

SCRPC APP-24/FORM 4

David Hamilton - Clerk of Court

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE COURT OF COMMON PLEAS
FOR THE 16TH JUDICIAL CIRCUIT
Case No.: 2009-CP-46-0166

Jamul Ratub El, #315406,
Applicant,

v.

State of South Carolina,
Respondent.

ORDER OF DISMISSAL

FILED-RECEIVED
2009 SEP -2 AM 8:53
DAVID J. HAMILTON
CLERK OF COURT
YORK COUNTY, SC

This matter comes before the Court by way of an Application for Post-Conviction Relief filed January 14, 2009. The Respondent made its Return on or about May 7, 2009. An evidentiary hearing into the matter was convened on August 4, 2009, at the Moss Justice Center in York, SC. The Applicant was present at the hearing and was represented by Jeremy T. Canipe, Esquire. Ashley A. McMahan, Esquire, of the South Carolina Attorney General's Office, represented the Respondent.

At the hearing, the Applicant testified on his own behalf. Also testifying was Michael L. Brown, Jr., Esquire. This Court also had before it a copy of the records of the York County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the Return, the Appellate Court records, and the trial transcript.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the York County Clerk of Court.

Handwritten signature/initials

Applicant was indicted at the March 2006, term of the York County Grand Jury Trafficking in Cocaine (2006-GS-46-0851). Michael L. Brown, Jr., Esquire, represented him. On May 3, 2006, Applicant underwent trial, pursuant to which he was found guilty as indicted. The Honorable John C. Hayes, III, sentenced him to confinement for a period of twenty (20) years.

A timely Notice of Appeal was filed on Applicant's behalf and an appeal was perfected. The South Carolina Court of Appeals affirmed Applicant's conviction and sentence. State v. El, Op. No. 2008-UP-579 (S.C. Ct. App. filed October 15, 2008). The Remittitur was sent on October 31, 2008.

ALLEGATIONS

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

1. Ineffective assistance of trial counsel.

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 he received ineffective assistance of counsel. In a PCR

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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) (citing Rule 71.1(e), SCRCP). Where ineffective assistance of counsel is alleged 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, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the 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. Butler, *Id.* The Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625, *citing* Strickland. 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. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186,

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480 S.E.2d 733, 735 (1997) (citing Strickland).

illegal wire tapping

A paid police informant, Amanda Page, informed the police that she could purchase two ounces of cocaine for \$2,000 from Charles "Chuck" Horne who has a supplier. In the presence of police officers, she set up the drug deal and the telephone call to Horne was recorded. Horne instructed her to be at his house in 25 minutes. The police had surveillance vehicles go to Horne's home. A white Ford Expedition with a North Carolina license plate was parked in front of the home. The supplier was supposed to come from Charlotte. They could see the driver but did not know who else was in the vehicle. A light in the vehicle indicated a cell phone was being used. The police believed this to be Horne's supplier. They parked and observed.

The Expedition remained parked there for about twenty minutes. Police officers testified that they did not know if the cocaine was in the house or in the vehicle. If the cocaine was in the house, Horne could flush it before they got in. The informant was in a police car with a female officer but not at the scene. They devised a plan in which the informant would call Horn, tell him she was in the vicinity but had been stopped by police and had no driver's license. She wanted Horne to come get the car. She told Horne the money was in the glove box and she would leave car keys under the floor mat.

After that phone call, Horne went out of the house and talked to the Applicant in the Expedition. Horne then walked down the street (it was later learned that he was looking for a neighbor to take him to where the informant's car

was stopped but no one was home) and came back to the Expedition. He then got in the Expedition and they drove to the location where the informant's vehicle was supposed to be. A marked police car and a uniformed officer were placed near the location and fell in behind the Expedition. Applicant and Horne became confused at the location and started to turn around. The marked police vehicle turned on its blue lights to stop the Expedition. Applicant then made a U-turn and tried to flee the scene but was hemmed in by other officers who arrived with blue lights on. The officers testified that they wanted to get the vehicle away from the house and to get Horne to leave the house. If the cocaine had not been found in the Expedition as they thought it would be, they could have gotten a search warrant for the home.

Motion to Suppress

Trial counsel testified that he probably should have made a motion to suppress the admission of the cocaine found in the Applicant's vehicle. He testified that he did not believe the motion would have been granted. In light of the recent U.S. Supreme Court case of Arizona v. Gant, 129 S.Ct. 1710, 173 Led.2d 485 (2009), he thought the motion should have been made. However, this change in case law did not exist at the time of the Applicant's trial and changed the law as to the search of vehicles for weapons allegedly made for the protection of police officers when the driver or occupant was removed from the vehicle and prevented from having immediate access to the contents of the vehicle. This case did not change the law, which allows the search of a vehicle driven on a public road creating exigent circumstances when the police have probable cause to believe that contraband such

as illegal drugs will be found in the vehicle.

Neither Horne's attorney nor the Applicant's attorney made a motion to suppress the cocaine. This Court finds that even if the Applicant's attorney rendered ineffective assistance in failure to move to suppress the cocaine, he suffered no prejudice. The totality of the circumstances clearly established probable cause to search the Expedition. A motion to suppress would have been properly denied.

Motion for Mistrial

A motion for mistrial based on prosecutorial misconduct (fact statement made by Solicitor Springs not supported by the record) was made by trial counsel and denied. The trial judge gave a curative instruction. This issue was raised on direct appeal and denied. This Court finds no prejudice to the Applicant because the misstatement by the Solicitor did not rise to the level required for a mistrial and was properly cured by trial judge's curative instruction.

Further, trial counsel was effective in that he objected to the misstatement. Whether or not a mistrial should have been granted is a legal issue that was addressed by the appellate court. Post-conviction relief is not a substitute for a direct appeal. Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on direct appeal. Ashley v. State, 260 S.C. 436, 196 S.E.2d 501 (1973).

Summary

This Court finds in regards to the allegation of ineffective assistance of

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counsel, the Applicant's testimony is not credible, while also finding trial counsel's testimony is credible. This Court further finds trial counsel adequately conferred with the Applicant, conducted a proper investigation, was thoroughly competent in their representation, and that trial counsel's conduct does not fall below the objective standard of reasonableness.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that trial counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that trial 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 trial counsel's performance. This Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance. See Frasier *supra*. Therefore, this allegation is denied.

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 his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

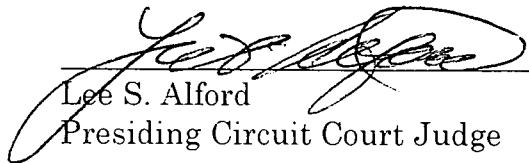
This Court cautions Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of

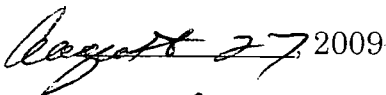
judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRPC, provides that if the applicant wishes to seek appellate 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!


Lee S. Alford
Presiding Circuit Court Judge

 2009

, South Carolina



HEDRICK GARDNER

HEDRICK GARDNER KINCHELOE & GAROFALO LLP
ATTORNEYS AT LAW

CHARLOTTE • RALEIGH • WILMINGTON • COLUMBIA

September 28, 2009

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

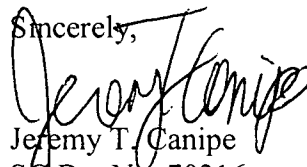
Reply To: Jeremy T. Canipe
Direct: (704) 602-8008
Fax: (704) 602-8108
Email: jcanipe@hedrickgardner.com

RE: Jamal Rabub El v. State of South Carolina
Case No. 2009-CP-46-0166

Dear Mr. Shearouse:

Enclosed please find the Notice of Appeal to the South Carolina Supreme Court on behalf of Jamal Rabub El of the denial of his Application for Post-Conviction Relief entered on September 2, 2009. I am copying the applicant as well as Ms. Ashley McMahan of the South Carolina Attorney General's Office who has appeared as counsel of record for the State of South Carolina at the PCR hearing level.

I would also request to be relieved of my appointment to represent the Applicant. I would ask for an attorney from the AG office's appellate defense group be substituted in my place. If you have any other questions or if there are other steps that I must take, please let me know.

Sincerely,

Jeremy T. Canipe
SC Bar No. 70316

Enclosures

cc: Jamal Ratub El (w/enc.)
Ashley McMahan (w/enc.)

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SEP 30 2009

S.C. SUPREME COURT

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

**APPEAL FROM YORK COUNTY
Court of Common Pleas**

Lee S. Alford, Presiding Circuit Court Judge

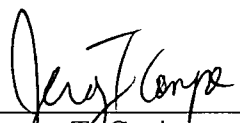
Case No. 2009-CP-46-0166

Henry McMaster, Attorney General of South Carolina,
for the State of South Carolina.....Respondent

Jamul Ratub El.....Appellant

Jamul Ratub El appeals the Order of the Honorable Lee S. Alford, dated August 27,
2009, and received by the Defendants on September 8, 2009.

This is the 28th day of September, 2009.



Jeremy T. Canipe
Hedrick, Garnder Kincheloe & Garofalo, LLP
P.O. Box 30397
Charlotte, NC 28230
(704) 366-1101
Attorney for Appellant

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

**APPEAL FROM YORK COUNTY
Court of Common Pleas**

Lee S. Alford, Presiding Circuit Court Judge

Case No. 2009-CP-46-0166

Henry McMaster, Attorney General of South Carolina,
for the State of South Carolina.....Respondent

Jamul Ratub El.....Appellant

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on The State of South Carolina by depositing a copy of in the United States Mail, postage prepaid, on September 28, 2009, addressed to his attorney of record, Ashley A. McMahan, at her office at P.O. Box 11549, Columbia, South Carolina .

This is the 28th day of September, 2009.



Jeremy T. Canipe
Hedrick, Gardner Kincheloe & Garofalo, LLP
P.O. Box 30397
Charlotte, NC 28230
(704) 366-1101
Attorney for Appellant

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SEP 28 2009

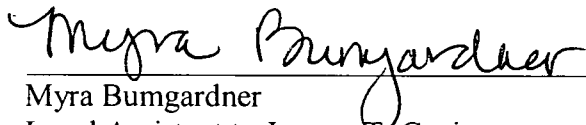
S.C. SUPREME COURT

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Decision and Order has been served upon the following parties by placing the same in the United States mail, first-class postage pre-paid, addressed as shown below this 28th day of September, 2009.

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

Ashley A. McMahan
Office of the SC Attorney General
PO Box 11549
Columbia, SC 29211



Myra Bumgardner
Legal Assistant to Jeremy T. Canipe
Hedrick, Gardner, Kincheloe & Garofalo, L.L.P.
P.O. Box 30397
Charlotte, NC 28230
(704) 366-1101
Attorney for the Applicant

STATE OF SOUTH CAROLINA
COUNTY OF YORK
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NO: 2009CP4600166

Jamul Ratub vs. South Carolina State Of

CHECK ONE:

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other:
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy: ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

IT IS ORDERED AND ADJUDGED: ☒ See attached order; ☐ Statement of Judgment by the Court:

Order of Dismissal

Dated at York, South Carolina, this 27th day of August, 2009.

Court Reporter:

s/ Lee S. Alford

PRESIDING JUDGE - LEE S. ALFORD

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ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

SCRPC APP-24/FORM 4

David Hamilton - Clerk of Court

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COUNTY OF YORK

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ALLEGATIONS

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

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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 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) (citing Rule 71.1(e), SCRCP). Where ineffective assistance of counsel is alleged 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, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

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as illegal drugs will be found in the vehicle.

Neither Horne's attorney nor the Applicant's attorney made a motion to suppress the cocaine. This Court finds that even if the Applicant's attorney rendered ineffective assistance in failure to move to suppress the cocaine, he suffered no prejudice. The totality of the circumstances clearly established probable cause to search the Expedition. A motion to suppress would have been properly denied.

Motion for Mistrial

A motion for mistrial based on prosecutorial misconduct (fact statement made by Solicitor Springs not supported by the record) was made by trial counsel and denied. The trial judge gave a curative instruction. This issue was raised on direct appeal and denied. This Court finds no prejudice to the Applicant because the misstatement by the Solicitor did not rise to the level required for a mistrial and was properly cured by trial judge's curative instruction.

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This Court also finds the Applicant has failed to prove the second prong of Strickland – that he was prejudiced by trial counsel's performance. This Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance. See Frasier *supra*. Therefore, this allegation is denied.

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 his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

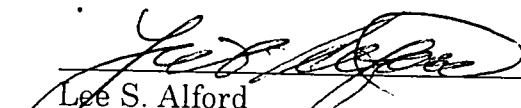
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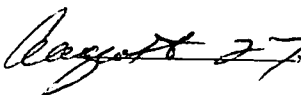
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IT IS THEREFORE ORDERED:

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!


Lee S. Alford
Presiding Circuit Court Judge

 27 2009

, South Carolina



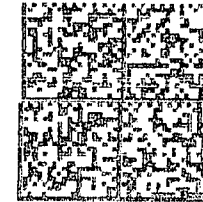
HEDRICK GARDNER

HEDRICK GARDNER KINCHELOE & GAROFALO LLP
ATTORNEYS AT LAW

P.O. Box 30397
CHARLOTTE, NC 28230

*Daniel
Ratub
EL*

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



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