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STATE OF SOUTH CAROLINA
In the Supreme Court

S.C. Supreme Court

On Writ of Certiorari to Richland County
The Honorable Robert E. Hood, Post-Conviction Relief Judge
The Honorable R. Knox McMahon, Trial Court Judge

Appellate Case No. 2015-001013

VANDER DAVON MEETZE,

Respondent,

vs.

THE STATE OF SOUTH CAROLINA,

Petitioner.

PETITION FOR A WRIT OF CERTIORARI

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STATEMENT OF ISSUE ON CERTIORARI

The post-conviction relief court erred granting Meetze relief and remanding his case to the court of general sessions for a new trial based on its finding Meetze was actively misinformed he would be parole eligible, where counsel properly informed Meetze he would not be eligible for any type of early release until after serving at least 85% of his sentence and Meetze acknowledged his misinformation came from family, friends, and the general community.

STATEMENT OF THE CASE

Procedural History

During its April 2010 term, the Richland County Grand Jury indicted Vander Davon Meetze for murder (2010-GS-40-09525). Nathaniel Roberson, Esquire, represented him. On April 24, 2013, Meezte proceeded to jury trial before the Honorable R. Knox McMahon. On April 25, 2013, Meezte decided forgo trial and pled guilty to the lesser-included offense of Voluntary Manslaughter; sentencing was deferred to allow a pre-sentencing investigation and report to be completed. On May 24, 2012, Judge McMahon sentenced Meezte to twenty-one years imprisonment. Meezte elected not to pursue a direct appeal.

Thereafter, Meetze filed a timely application for post-conviction relief on May 23, 2013, alleging he was being held in custody unlawfully based on the following:

1. Ineffective assistance of counsel
 - a. Counsel provide [Meetze] with erroneous advice regarding parole eligibility; and
 - b. Counsel failed to object to the sentence recommendation presented by the solicitor.
2. Involuntary guilty plea due to Counsel's failure to adequately inform [Meetze].

The State made its Return on September 25, 2013, requesting an evidentiary hearing be held. An evidentiary hearing into the application was convened November 21, 2013, at the Richland County Courthouse before the Honorable Robert E. Hood. Meetze was present at the hearing and represented by Tom Young, Jr., Esquire, and Andrew Walden, Esquire. The State was represented by Assistant Attorney General Megan Harrigan Jameson of the South Carolina Attorney General's Office.

At the evidentiary hearing, Meetze expressly abandoned and waived all grounds for relief beyond his allegation counsel was ineffective for providing erroneous advice as

to parole eligibility. Meetze testified on his own behalf. The State presented testimony from plea counsel Nathaniel Roberson, Esquire (hereinafter counsel) and the prosecuting Assistant Solicitor Dolly J. Garfield, Esquire (hereinafter Garfield). At the conclusion of the evidentiary hearing, this Court instructed both parties to prepare proposed orders for the Court's consideration.

The State submitted its proposed order of dismissal on January 7, 2014. Meetze submitted his proposed order granting post-conviction relief on January 20, 2014. On June 2, 2014, the post-conviction relief court signed Meetze's order granting post-conviction relief. This order was filed with the Richland County Clerk of Court on June 9, 2014. The State received a copy of this order on June 13, 2014.

On June 18, 2014, the State served its Motion to Reconsider, Alter, or Amend Pursuant to Rule 59(e), SCRPC, on Meetze and the post-conviction relief court; the motion was filed by the Richland County Courthouse on July 26, 2014. A hearing on this motion was held on March 3, 2015, at the Richland County Courthouse. On April 27, 2015, the post-conviction relief court denied the State's motion to reconsider, alter, or amend its previous order; this order was filed on May 5, 2015, and received by the State on May 8, 2015.

The State served its notice of appeal on May 8, 2015. This Petition for a Writ of Certiorari follows.

Factual History

At approximately 10:00 a.m. on October 4, 2009, Glenn Ford and his girlfriend argued in the roadway of their neighborhood in Columbia, South Carolina. (App. 58, 67). Ford, who is intellectually disabled, was out late the evening before celebrating his 48th birthday with friends at a neighbor's house. (App. 57-58, 66, 97). Ford's girlfriend was

upset he was out all night instead of coming home. (App. 57-58). The arguing upset Michelle Meetze, who lived across the street, and she came outside and argued with them. (App. 58, 66-67). Michelle insisted she was unable to sleep due to the commotion. (App. 58, 67). Ford responded by calling Michelle a profane name. (App. 58). Michelle went back inside her home. (App. 58).

An hour later, her son Meetze came outside, got into a red Crown Victoria, and drove around the neighborhood. (App. 58, 69). Meetze spotted Ford walking alone near the corner of Hawthorne and Hanover Streets, got out of his car, and charged towards Ford. (App. 58, 67, 97-99). Ford began to run away from Meetze, who was much larger and younger than Ford. (App. 67). Meetze responded by tripping Ford. (App. 67). While Ford was on the ground, Meetze kicked him approximately twenty times in the face and upper body. (App. 58, 68).

Meetze then loudly declared he should have run over Ford and called him profane names. (App. 68, 94). Meetze threatened to kill any witnesses who attempted to intervene and stop the violent assault on Ford. (App. 68, 94). Meetze also bragged to others he had beaten Ford. (App. 68).

Once Meetze left Ford unconscious on the ground, neighbors rushed over to attend to Ford and called 911. (App. 68). Two officers with the Columbia Police Department responded to the call on the corner of Hawthorn and Hanover Streets. (App. 57). When the officers arrived, they found Ford lying in the roadway. (App. 57). Ford was unconscious and bleeding from the mouth. (App. 57, 68). Emergency medical services arrived and transported Ford to Richland Memorial Hospital. (App. 57, 68). Ford was admitted with a severely broken jaw and other facial and internal injuries. (App. 57, 68, 95). He underwent surgery to repair his jaw, which was successful, but lead to a rare,

deadly strain of pneumonia only contracted in a hospital setting. (App. 57, 68, 95, 157, 169). Ford died on October 7, 2009. (App. 57).

Testimony Adduced at the Evidentiary Hearing

During the evidentiary hearing, Meetze testified counsel was retained to represent him “a couple of days after [he] was first arrested.” (App. 138-39). He testified he met with counsel five times prior to his guilty plea, and also discussed the case with counsel by telephone. (App. 139-40). He testified counsel reviewed discovery with him, including various witness statements, but did not provide him with a copy of discovery materials. (App. 140-41). He testified he was originally charged with murder and counsel informed him carried a sentence range of a mandatory minimum of thirty years imprisonment, which must be served day-for-day, up to a maximum sentence of life without parole. (App. 140-42). He testified counsel advised him the lesser-included offense of voluntary manslaughter carried a sentence range of a mandatory minimum of two years imprisonment up to a maximum sentence of thirty years imprisonment. (App. 142-43). He testified he understood his guilty plea was being entered without any recommendation or negotiation as to sentence range but he thought the sentence would be parole eligible. (App. 136-38, 143-44, 148-49). He testified counsel did not define what parole eligibility meant, but based on his discussions with family, friends, and other various members of the community, he thought parole eligibility meant he would only be required to serve approximately one-third of his sentence before becoming parole eligible. (App. 143-45, 150-53). He testified he thought “worst case scenario” would require him to serve ten years of a thirty year sentence before becoming parole eligible. (App. 136-38). Meetze testified this belief was based on the information he received from various community and family members, *not counsel*. (App. 143-45, 150-53). Meetze acknowledged he

understood being parole eligible does not guarantee early release, but merely makes one eligible for early release. (App. 144-45). He testified he now understands voluntary manslaughter requires an inmate to serve at least eighty-five percent of his term of imprisonment before becoming eligible for early release. He testified if he had understood this at the time of his guilty plea, he would not have pled and would have continued forward with his trial. (App. 137-38, 145).

Meetze testified he recalled his guilty plea proceeding clearly because it was taken after his trial began. (App. 136, 141). He testified he recalled counsel, prosecuting assistant solicitor Garfield, and the plea court all stating voluntary manslaughter was parole eligible at a hearing held the day prior to his guilty plea. (App. 136). However, he acknowledged his understanding as to what parole eligibility meant came for various other sources in the community, not counsel. (App. 143-45, 150-53). He testified he recalled telling the plea court he wanted to plead guilty, he was guilty, and admitted to kicking the victim several times while he was on the ground injured. (App. 146). He testified he is indeed guilty. (App. 146)

Following Meetze's testimony, the State presented testimony from Garfield. Garfield testified she has been practicing law for sixteen years and is the Chief Prosecutor for the City of Columbia. (App. 154-55). She testified she oversees ten other attorneys at the Fifth Circuit Solicitor's Office and has extensive experience prosecuting violent and most serious crimes. (App. 154-55). Garfield testified she was the lead prosecutor assigned to Meetze's case, along with Katherine Luck Campbell and Meghan Walker, also from the Fifth Circuit Solicitor's Office, who assisted with trial preparation. (App. 155). She testified this case involved Meetze kicking and violently beating the victim, who needed hospitalization for his injuries and ultimately died a few days later as a result

of a specific strain of pneumonia that can only be contracted within a hospital setting. (App. 155-57). She testified the victim had an extremely low intellect and was developmentally delayed. She testified at the time of the altercation, the victim was walking alone following a verbal altercation with Meetze's mother. (App. 155-57). She testified multiple witnesses gave statements to law enforcement that Meetze was the sole aggressor and Meetze made threats to other observers during and immediately following the beating. (App. 155-57).

Garfield testified Meetze was indicted for murder, but the State made an initial plea offer for the lesser-included offense of voluntary manslaughter without any recommendation or negotiation as to sentence length. (App. 157-58). She testified Meetze originally turned down this offer and a jury was selected for his trial. (App. 157-58). She testified following jury selection, Meetze accepted the State's offer to plead guilty to voluntary manslaughter without any negotiations or recommendation as to sentence length. (App. 157-58). She testified she recalled discussing parole eligibility on the record with the plea court and counsel and her meaning of "parole eligible" in this context was Meetze would be eligible for early release under the community supervision program after serving eighty-five percent of his sentence as opposed to murder, which who require Meetze to serve thirty years day-for-day without any possibility of early release. (App. 158-60). She testified was before Judge McMahon numerous times and worked with counsel multiple times, and she believes this was the meaning all parties were attributing to the term "parole" in the context of Meetze's case. (App. 159-60).

Following Garfield's testimony, the State presented testimony from counsel. Counsel testified he has practiced law for more than twenty years and approximately seventy percent of his practice is criminal defense. (App. 161). He testified he has ample

experience representing clients charged with both violent and most serious crimes. (App. 161). He testified he was retained by Meetze days following his arrest and met with Meetze between eight to ten times before his guilty plea. (App. 161-62). Counsel testified he also met with various members of Meetze's family as his standard practice is to meet with parents or a trusted friend or family member whenever a client is charged with a crime carrying a sentence of more than ten years. (App. 162-63). He testified he thoroughly explained the elements of murder, what the State would be required to prove at trial, and Meetze's constitutional rights to Meetze and his family members. (App. 162-64). He testified he advised Meetze and his family members that murder carries a mandatory minimum sentence of thirty years, which must be served day-for-day, up to a maximum sentence of life without parole. (App. 163-65). He testified he also explained the lesser-included offense of voluntary manslaughter carries a mandatory minimum of two years imprisonment up to maximum sentence of thirty years imprisonment. (App. 164-65). He testified he explained to Meetze and his family members a significant benefit of pleading to voluntary manslaughter was Meetze would be eligible for early release after serving eight-five percent of his sentence as opposed to day for day thirty years minimum if convicted of murder. (App. 164-65). He testified he never advised Meetze of a particular sentence he would serve or exactly when he should expect to become eligible for parole. (App. 165-66). He adamantly denied ever informing Meetze or any member of Meetze's family that Meetze would be eligible for parole or any type of early release after serving one-third of his sentence. (App. 166). Counsel agreed with the characterization provided to the plea court by Garfield regarding the term "parole" as discussed by the court and both parties, with all having the understanding that Meetze would be eligible for early release after serving approximately eight-five percent of his

sentence as opposed to murder, which requires day-for-day service would a possibility of early release. (App. 171-72).

STANDARD OF REVIEW

The proper standard of review of a post-conviction relief decision is whether “any evidence of probative value” exists to sustain the lower court’s findings. Cherry v. State, 300 S.C. 115, 119, 386 S.E.2d 624, 626 (1989). The reviewing court should reverse the post-conviction relief court if there is no probative evidence to support the lower court’s ruling or if it is controlled by an error of law. Suber v. State, 371 S.C. 554, 558-59, 640 S.E.2d 884, 886 (2007) (citing Sheppard v. State, 357 S.C. 646, 651, 594 S.E.2d 462, 465 (2004)).

In a post-conviction relief action, an applicant has the burden of proving the allegations in his or her application. Rule 71.1(e), SCRPC; Caprood v. State, 338 S.C. 103, 109, 525 S.E.2d 514, 517 (2000); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant alleges ineffective assistance of counsel as a ground for relief, he or she 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 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813. The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. “There is a strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in the case.” Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007), *cert. denied*, 552 U.S. 944 (2007). The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. 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. With respect to guilty plea counsel, the applicant must show that there is a reasonable probability that, but for counsel’s alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985).

“A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of a plea by showing that counsel’s representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel’s errors, the defendant would not have pled guilty, but would have insisted on going to trial.” Holden v. State, 393 S.C. 565, 572, 713 S.E.2d 611, 615 (2011), citing Rolen v. State, 384 S.C. 409, 413, 683 S.E.2d 471, 474 (2009). “In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing.” Holden, 393 S.C. at 573, 713 S.E.2d at 615 (citing Suber, 371 S.C. at 558, 640 S.E.2d at 886). The post-conviction relief court must consider both the transcripts from a guilty plea *and testimony provided at an evidentiary hearing* when determining if a guilty plea was voluntarily entered. Harres v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984). The post-conviction relief court commits reversible error when it disregards testimony given at a post-conviction relief hearing and exclusively relies upon the plea colloquy when determining if a guilty plea was voluntarily entered. Id.

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged.

A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies. If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. Strickland, 466 U.S. 668.

ARGUMENT

The post-conviction relief court erred granting Meetze relief and remanding his case to the court of general sessions for a new trial based on its finding Meetze was actively misinformed he would be parole eligible, where counsel properly informed Meetze he would not be eligible for any type of early release until after serving at least 85% of his sentence and Meetze acknowledged his misinformation came from family, friends, and the general community.

In its order of dismissal and subsequent order denying the State's motion to reconsider, the post-conviction relief court found Meetze was "actively misinformed of his parole eligibility." (App. 196, 230). The court found "[e]ven though Trial Counsel did not inform Applicant of his lack of parole eligibility prior to the plea, Trial Counsel during the plea affirmed the Court's statement that voluntary manslaughter was parole eligible." These findings are not supported by the record, as the record clearly shows trial counsel correctly advised Meetze as to his parole eligibility. Furthermore, these findings are premised exclusively on a small exchange between counsel, Garfield, and the plea court in a motion to relieve counsel *the day before* Meetze's guilty plea and completely disregard the rest of the record in its entirety (which itself constitutes an error of law). The post-conviction relief court erred in its ruling, as counsel properly informed Meetze he would not be eligible for any type of early release until after serving at least 85% of his sentence. Furthermore, Meetze acknowledged his misinformation came from family, friends, and the general community—not counsel. Therefore, the post-conviction relief court's findings constitute are not supported by probative evidence and are premised on an error of law. This Court should grant certiorari and ultimately reverse the post-conviction relief court's grant of a new trial to Meetze.

To support of its finding, the post-conviction relief court relied entirely on a small portion of the record from a motion to relieve counsel hearing that took place the day

before Meetze pled guilty and a month before he was sentenced, while simultaneously ignoring the testimony from all three witnesses—the prosecutor, trial counsel, and Meetze—as to what took place in this case. The following portion of the record, a discussion between the plea court and the involved parties, is on what the lower court exclusively based its decision:

The Court: And, of course, he's indicted for murder. What is his potential minimum and maximum sentence on murder?

Mr. Roberson: Your Honor, as I understand it if he's convicted of murder the minimum is 30 and I believe the max is life.

The Court: Is there any eligibility for parole on any of these offenses -

Mr. Roberson: Your Honor, I -

The Court: Any of those sentences?

Mr. Roberson: Your Honor, I believe this is a most serious offense and as a result of that parole just isn't a reality. I think you must serve because of it is murder and because it's in the most serious category he has to serve the 30 which is the minimum.

The Court: And how is your -how old is Mr. Meetze?

Mr. Roberson: 22 years old.

The Court: 22?

The Defendant: Yeah.

The Court: Now, you said there was a plea offer to voluntary manslaughter?

Mr. Roberson: Yes, Your Honor.

The Court: And what - what is the minimum sentence and the maximum sentence on voluntary manslaughter?

Mr. Roberson: Your Honor, I shared with them the statutory language and I believe the minimum is two and the maximum is 30.

The Court: Is there any offer as to a range of sentencing?

Ms. Garfield: No, sir.

The Court: So it's two to 30?

Ms. Garfield: Yes, sir.

The Court: Be up to the sentencing judge?

Ms. Garfield: Yes, sir, that's right.

The Court: Is voluntary manslaughter parole eligible?

Mr. Roberson: I believe it is, Your Honor.

The Court: You agree with that, Solicitor?

Ms. Garfield: Yes, sir.

(App. 7-8). The court then found “[e]ven though Trial Counsel did not inform Applicant of his lack of parole eligibility prior to the plea, Trial Counsel during the plea affirmed the Court’s statement that voluntary manslaughter was parole eligible.” The court relied exclusively on this small portion of the motion to be relieved transcript and completely ignored the vast majority of testimony from all witnesses—including Meetze himself. This is an error of law warranting reversal. See Harres, 282 S.C. 131, 318 S.E.2d 360 (finding the post-conviction relief court must consider both the transcripts from a guilty plea and testimony provided at an evidentiary hearing when determining if a guilty plea was voluntarily entered and a court commits reversible error when it disregards testimony given at a post-conviction relief hearing and exclusively relies upon the plea colloquy when determining if a guilty plea was voluntarily entered).

Additionally, there is no probative evidence to support the post-conviction relief court's findings. The uncontroverted testimony before the lower court revealed counsel gave no such advice to Meetze. Counsel testified he informed Meetze and various trusted members of Meetze's family he would be required to serve approximately eighty-five percent of whatever sentence was imposed by the plea court before he would become eligible for early release. Counsel testified he never informed Meetze or any member of Meetze's family he would only be required to serve one-third of his sentence before becoming parole eligible. Crucially, Meetze testified he received this erroneous information about parole eligibility from family, friends, and various other members of the community—*not counsel*. As the undisputed testimony establishes counsel did not provide any erroneous advice to parole eligibility, but rather, appropriately, correctly, and adequately advised Meetze as to his parole and possible early release from his term of incarceration. The post-conviction relief court erred in its finding that trial counsel did not advise Meetze correctly as to his parole eligibility and that this misinformation from counsel induced his guilty plea as there is no probative evidence to support this finding.

Furthermore, the post-conviction relief applied an incorrect standard of law in granting relief warranting reversal. The post-conviction relief court found Meetze “was actively misinformed of his parole eligibility.” (App. 196). The court then found counsel did not inform Meetze of his lack of parole eligibility prior to the plea. Therefore, the misinformation (and inducement to plead guilty based on this misinformation) came from outside knowledge—not counsel. To grant post-conviction relief based on misadvice as to parole eligibility, the incorrect advice must have come from counsel, not outside sources. See Randall v. State, 356 S.C. 639, 591 S.E.2d 608 (2004) (finding counsel did not have a duty to advise his client of the collateral consequences of parole eligibility before

entering his guilty plea); Smith v. State, 329 S.C. 280, 494 S.E.2d 626 (1997) (finding unless counsel gives erroneous parole advice, parole information is not a ground for collateral attack of a guilty plea). Here, the uncontroverted testimony firmly establishes Meetze's misinformation that he would be parole eligible after serving one-third of his sentence came from outside sources—not counsel. The only evidence in the record as to whether counsel provided advice is from counsel, whose unchallenged testimony reveals counsel correctly advised Meetze that he would be eligible for early release after serving eight-five percent of his sentence. The unrefuted testimony established counsel never advised Meetze of a particular sentence he would serve or exactly when he should expect to become eligible for parole. Furthermore, counsel adamantly denied ever informing Meetze or any member of Meetze's family that Meetze would be eligible for parole or any type of early release after serving one-third of his sentence and Meetze agreed, stating his misinformation came from outside sources in the community. Therefore, Meetze failed to establish that counsel's erroneous advise concerning parole eligibility induced his guilty plea and the post-conviction relief court erred in granting relief. See Griffin v. Martin, 278 S.C. 620, 3000 S.E.2d 482 (1983) (finding applicant was not entitled to relief when he failed to prove that his attorney's erroneous advice concerning parole eligibility induced his guilty plea). The post-conviction relief court applied the wrong standard of review when it granted relief based on misinformation provided by outside sources. This is an error of law warranting reversal.

In its order, the post-conviction relief court relied upon Brown v. State, 306 S.C. 381, 412 S.E.2d 399 (1991) and Hunter v. State, 316 S.C. 105, 447 S.E.2d 203 (1994) abrogated on other grounds by Simpson v. State, 329 S.C. 43, 495 S.E.2d 429 (1998), in support of its ruling. In Brown, the plea court misadvised Brown that he would be

eligible for parole after serving one-third of his sentence when Brown was ineligible for parole based on his prior convictions. Brown, 306 S.C. at 383, 412 S.E.2d at 401. The court granted post-conviction relief, concluding, “We think that when a trial judge misinforms a defendant that he is eligible for parole when in fact he is ineligible for parole, his plea does not represent ‘a voluntary and intelligent choice among alternative courses of action’ available to him.” Brown, 306 S.C. at 383, 412 S.E.2d at 401 (citing North Carolina v. Alford, 400 U.S. 25 (1970)). However, the Court’s apparent strict stance as to whether an applicant was entitled to relief every time the plea court provided a defendant with erroneous plea advice as set forth in Brown was modified three years later by Hunter, when this Court held that “something more” than erroneous parole advice from the bench was needed to grant relief. Hunter, 316 S.C. 105, 447 S.E.203. In Hunter, the plea court provided Hunter with a correct explanation of the minimum criteria for parole eligibility prior to accepting his guilty plea though Hunter was not eligible for parole. Id. Hunter’s counsel had provided him with correct advice as to his parole eligibility. Id. The Hunter court held that Hunter was not entitled to relief, noting that it would be “wholly impractical to maintain a rule which requires the automatic reversal of a guilty plea without something more” and that the record was “replete with evidence that [Hunter] received correct parole information from his trial counsel prior to his plea of guilty.” Id. at. 109-10, 447 S.E.2d at 206.

Despite striking similarities between Meetze’s case and Hunter, the post-conviction relief court found that “Hunter is a ‘stark contrast’ from the complete misstatement of law presented [in Meetze’s case].” (App. 197). This finding is incorrect and not supported by the record. The uncontroverted testimony presented at the post-conviction relief hearing establishes that the record is “replete with evidence” that Meetze

“received correct parole information from his trial counsel prior to his plea of guilty.” Id. Therefore, the post-conviction relief court’s finding that Hunter is a “stark contrast” from the present case is incorrect.

Based on the foregoing, the post-conviction relief court erred in granting Meetze relief and remanding his case to the court of general sessions for a new trial based. Therefore, the State asks this Court to grant certiorari and ultimately reverse the lower court’s grant of post-conviction relief.

CONCLUSION

For all the foregoing reasons, the State requests that this Court grant this petition for a writ of certiorari and reverse the post-conviction relief court's grant of a new trial.

Respectfully submitted,

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ATTORNEYS FOR PETITIONER

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STATE OF SOUTH CAROLINA
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Respondent,

vs.

THE STATE OF SOUTH CAROLINA,

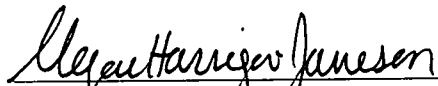
Petitioner.

PROOF OF SERVICE

I, Megan Harrigan Jameson, certify that I have served the within Petition for Writ of Certiorari and Appendix on Respondent by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Robert M. Dudek, Chief Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 23rd day of November, 2015.


MEGAN HARRIGAN JAMESON
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NOV 23 2015

S.C. Supreme Court

ALAN WILSON
ATTORNEY GENERAL

November 23, 2015

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

Re: Vander Davon Meetze v. State – Appellate Case No. 2015-001013

Dear Mr. Shearouse:

Enclosed please find the original and six copies of the Petition for a Writ of Certiorari and Appendix, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Megan Harrigan Jameson
Assistant Attorney General
S.C. Bar No. 100108

MHJ/
Enclosures

cc: Robert M. Dudek, Esquire
Victim Services