



# The Supreme Court of South Carolina

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December 2, 2015

The Honorable Paul B. Wickensimer  
Greenville Courthouse  
305 E North St  
Greenville SC 29601-2121

## REMITTITUR

Re: Russell W. Rice, Jr. v. The State  
Lower Court Case No. 2008CP2303945  
Appellate Case No. 2014-002602

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court along with the earlier decision of the South Carolina Court of Appeals is enclosed.

Very truly yours,



CLERK

cc: Robert M. Pachak, Esquire  
Karen Christine Ratigan, Esquire  
John Walter Whitmire, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

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

Russell W. Rice, Jr., Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2014-002602

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**ON WRIT OF CERTIORARI TO THE COURT OF APPEALS**

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Appeal From Greenville County  
Robin B. Stilwell, Circuit Court Judge.

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Opinion No. 2015-MO-069  
Heard November 5, 2015 – Filed December 2, 2015

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**CERTIORARI DISMISSED AS IMPROVIDENTLY  
GRANTED**

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Appellate Defender Robert M. Pachak, of Columbia, for  
Petitioner.

Attorney General Alan McCrory Wilson, Senior  
Assistant Deputy Attorney General Karen C. Ratigan,

and John Walter Whitmire, of McCabe, Trotter &  
Beverly, P.C., all of Columbia, for Respondent.

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**PER CURIAM:** We granted certiorari to review the court of appeals' opinion in *Rice v. State*, Op. No. 2014-UP-361 (S.C. Ct. App. filed Oct. 15, 2014). We now dismiss the writ of certiorari as improvidently granted.

**DISMISSED AS IMPROVIDENTLY GRANTED.**

**TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ.,  
concur.**

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Russell W. Rice, Jr., Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2011-186254

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Appeal From Greenville County  
C. Victor Pyle, Jr., Trial Court Judge

Appeal From Greenville County  
Robin B. Stilwell, Post-Conviction Relief Judge

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Unpublished Opinion No. 2014-UP-361  
Heard September 8, 2014 – Filed October 15, 2014

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**AFFIRMED**

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Appellate Defender Robert M. Pachak, of Columbia, for  
Appellant.

Attorney General Alan McCrory Wilson and Assistant  
Attorney General Karen Christine Ratigan, both of  
Columbia, for Respondent.

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**PER CURIAM:** Russell W. Rice appeals the post-conviction relief court's denial of his claim for ineffective assistance of counsel. On appeal, Rice claims his counsel was ineffective for failing to conduct an independent investigation of the alleged murder weapon found in Rice's vehicle. We affirm pursuant to Rule 220(b), SCACR, and the following authorities: *Strickland v. Washington*, 466 U.S. 668, 687 (1984) (stating to prove trial counsel was ineffective, the defendant must show (1) trial counsel's performance was deficient and (2) the deficiency prejudiced the defendant); *Lounds v. State*, 380 S.C. 454, 462, 670 S.E.2d 646, 650 (2008) (stating when trial counsel has a valid reason for employing a certain strategy, it is not deemed to be ineffective assistance of counsel); *Frasier v. State*, 306 S.C. 158, 160-61, 410 S.E.2d 572, 573 (1991) (holding trial counsel's failure to procure an expert witness was not unreasonable under prevailing professional norms where counsel vigorously cross-examined and attacked the accuracy of the evidence); *Cherry v. State*, 300 S.C. 115, 119, 386 S.E.2d 624, 626 (1989) (holding the appropriate scope of review is that any evidence of probative value is sufficient to support the findings of the PCR court).

**AFFIRMED.**

**HUFF, SHORT, and KONDUROS, JJ., concur.**