

THE

GIESE

LAW FIRM, LLC

RECEIVED

December 1, 2015

DEC 04 2015

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

S.C. SUPREME COURT

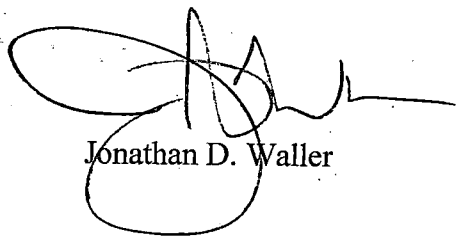
Re: Vincent Rice vs. State of South Carolina
C/A No: 2014-CP-40-01246

Dear Mr. Shearouse:

Please find enclosed one (1) original and one (1) copy each of Applicant's Notice of Appeal and Certificate of Service in the above referenced case. I would appreciate you filing the original and returning the clocked copies in the enclosed envelope.

I was appointed to represent Mr. Rice in this matter and am also enclosing a copy of the Order of Dismissal. If you have any questions, please do not hesitate to ask. My telephone number is 803-708-6767.

Sincerely,



Jonathan D. Waller

Cc: J. Clayton Mitchell, South Carolina Office of Attorney General

Enclosures

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Tanya A. Gee, Circuit Court Judge

2014-CP-40-01246

RECEIVED

DEC 04 2015

S.C. SUPREME COURT

Vincent Rice, #316178,

Appellant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

NOTICE OF APPEAL

Vincent Rice, #316178, appeals the Order Granting Relief in Part and Denying Relief in Part in his Application for Post-Conviction Relief filed October 29, 2015 and served on counsel by letter dated November 3, 2015, issued by the Honorable Tanya A. Gee, Presiding Judge, Fifth Judicial Circuit.



Jonathan D. Waller

Giese Law Firm
SC Bar No.: 76290
1315 Blanding Street
Columbia, SC 29201
803-708-6767 (phone)
803-708-6769 (fax)
jwaller@thegieselawfirm.com
ATTORNEY FOR PETITIONER

This 1 day of December, 2015.

Other Counsel of Record:

J. Clayton Mitchell, Assistant Attorney General

Post Office Box 11549

Columbia, SC 29211

(803) 734-3319

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Tanya A. Gee, Circuit Court Judge

2014-CP-40-01246

RECEIVED

DEC 04 2015

S.C. SUPREME COURT

Vincent Rice, #316178,

Appellant,

v.

STATE OF SOUTH CAROLINA,

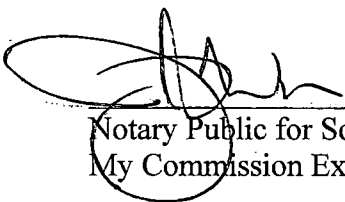
Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that one copy of the Appellant's Notice of Appeal in the above-entitled case has been served upon opposing counsel, J. Clayton Mitchell, Assistant Attorney General, by mailing in an envelope properly addressed with postage prepaid on this 1 day of December 2015.


Charlotte Giese

SWORN TO BEFORE me this 1 day
of December, 2015.


Notary Public for South Carolina
My Commission Expires: 3/25/2023

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

CASE NUMBER: 2014CP4001246

Vincent #316178 Rice

State of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (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 _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 2 November 2015 to attorneys of record or to parties (when appearing pro se) as follows:

Vincent #316178 Rice

Jonathan D Waller

James Clayton Mitchell III

Vincent #316178 Rice

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court

Jeannette W. McBride

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Vincent Rice, #316178,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

2014-CP-40-01246

**ORDER GRANTING RELIEF IN PART
AND DENYING RELIEF IN PART**

2015 OCT 29 AM 10:42
JEANETTE W. NORRIS
P. 2 G.S.
RICHLAND COUNTY
FILED

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed February 27, 2014. Respondent made its Return on June 26, 2014, requesting an evidentiary hearing be convened. Jonathan D. Waller, Esquire was appointed by the Richland County Clerk of Court. An evidentiary hearing was held on August 26, 2015, at the Richland County Courthouse. Applicant was present and represented by Counsel Waller. J. Clayton Mitchell, Esquire, of the South Carolina Attorney General's Office represented Respondent.

At the PCR hearing, Applicant testified on his own behalf. Also testifying was Applicant's plea counsel, Mathias G. Chaplin, Esquire. This Court had before it the Richland County Clerk of Court records, Applicant's South Carolina Department of Corrections records, the PCR application, the Return, and the guilty plea transcript.

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Richland County Clerk of Court. Applicant was indicted during the March 2012 term of the Richland County Grand Jury for Possession with Intent to Distribute Marijuana (PWID), 3rd / Subsequent Offense (2012-GS-40-00888), Possession/Attempt to Possess Crack Cocaine - 3rd & Subsequent Offense (2012-GS-40-00889), Possession of

Schedule I – V Controlled Substance – 2nd or Subsequent Offense (2012-GS-40-00890), and Possession with Intent to Distribute Cocaine, 3rd / Subsequent Offense (2012-GS-40-00891). Applicant was also indicted during the July 2012 term of the Richland County Grand Jury for Possession with Intent to Distribute Marijuana within Proximity of a School or Park (2012-GS-40-02680) and Possession with Intent to Distribute Cocaine within Proximity of a School or Park (2012-GS-40-02681), and during the April 2012 term for Possession with Intent to Distribute Marijuana (2012-GS-40-01613), Possession with Intent to Distribute Cocaine (2012-GS-40-01614), Possession of a Schedule I – V Drug (2012-GS-40-01616). Applicant was represented by Counsel Chaplin. On December 3, 2013, Applicant appeared before the Honorable DeAndrea G. Benjamin, where he pleaded guilty pursuant to Alford¹. Judge Benjamin sentenced Applicant as follows:

Indictment Number	Indicted Charge	Pleaded Charge	Statute	Sentence
2012-GS-40-00889	Possession of less than one gram of cocaine base, 3 rd or subsequent	As indicted	§ 44-53-0375(A)	7 years
2012-GS-40-000888	Possession of other substance in Sch. I, II, III withd, 3 rd of subsequent	As indicted	§ 44-53-0370(b)(2)	7 years
2012-GS-40-01613	Possession of marijuana withd, 3 rd or subsequent	As indicted	§ 44-53-0370(b)(2)	7 years
2012-GS-40-00891	PWID Cocaine, 3 rd	PWID Cocaine, 2 nd	§ 44-53-0370(b)(1)	7 years
2012-GS-40-01614	PWID Cocaine, 3 rd	PWID Cocaine, 2 nd	§ 44-53-0370(b)(1)	7 years
2012-GS-40-02681	PWID Cocaine, near school	As indicted	§ 44-53-0445(B)(1)	7 years
2012-GS-40-00890	Possession of substance in Sch. I-V – 2 nd or subsequent	As indicted	§ 44-53-0370(d)(2)	2 years

¹ North Carolina v. Alford, 400 U.S. 25 (1970).

2012-GS-40-01616	Possession of substance in Sch. I-V, 2 nd or subsequent	As indicted	§ 44-53-0370(d)(2)	2 years
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Counsel filed a notice of appeal at Applicant's ^{July} request. The South Carolina Court of Appeals dismissed Applicant's ^{July} appeal for failure to provide a sufficient explanation as required by Rule 203(d)(1)(B)(iv), SCACR. The Remittitur was sent on March 19, 2014

In this action, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Involuntary and unintelligent guilty plea;
2. Counsel failed to object when Applicant was sentenced to two years imprisonment on indictment numbers 2012-GS-40-00890 and 2012-GS-40-1616 where the maximum allowed by S.C. § 44-53-370(d)(2) is one year imprisonment.
3. Counsel failed to challenge the State's evidence.
 - a. Applicant's charge of PWID Cocaine, 3rd and PWID Cocaine, near school, as the analyses concluded the substance was crack.
 - b. Counsel failed to challenge the drug analyses because of discrepancies in the weights of the marijuana and cocaine base.
 - c. Counsel failed to challenge the chain of custody relating to the marijuana charge.

II. APPLICABLE LAW

In a post-conviction relief action, Applicant bears the burden of proving the allegations in the application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, 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, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel

rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. Applicant must overcome this presumption in order 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. Id. at 117, 386 S.E.2d at 625. First, Applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show 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, 59 (1985).

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the Clerk of Court records regarding the subject convictions, the guilty plea transcript, Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80 (2003), this Court makes the following findings of fact based upon all of the probative evidence presented.

As a matter of general impression, this Court finds Applicant's testimony and assertions to be not credible. In contrast, this Court finds counsel's testimony to be credible and persuasive.

These credibility findings have been applied to the Court's findings and conclusions set forth below.

Involuntary and Unintelligent Guilty Plea

Applicant argues he did not plead guilty knowingly and voluntarily. Applicant argues he pled guilty on the faulty advice of Counsel. He testified Counsel did not review the State's evidence with him and believes he could have successfully challenged admission of some of the State's evidence. He testified he did not have a full understanding of how the State planned to prove their case. He noted that he and Counsel never discussed whether he should go to trial. He also testified Counsel did not review the charges with him. He testified Counsel advised him that he would serve 65% of his sentence and that his prior drug convictions would be admitted before the jury.

Counsel testified he met with Applicant numerous times where he reviewed all discovery materials. Counsel noted Applicant was previous represented by Mark A. Sawyer, Esquire, and that Applicant received copies of some discovery from him. Counsel testified he did not believe Applicant appreciated everything he said. Counsel noted Applicant had copies of discovery in a folder that he had with him in their meetings. Counsel testified he was prepared to take the case to trial where he would challenge all evidence the State intended to offer including law enforcement's search and seizure of the drugs, a possible break in the chain of custody, discrepancies in the weights of the drugs, and discrepancies in the results of the drug analysis reports. Counsel explained that according to law enforcement, Applicant was found asleep in his car with drugs in his lap. Counsel testified that in order to convince the jury that law enforcement's version of events is not accurate, Applicant would have to take the stand. Counsel

explained that Applicant's prior convictions may then be used to impeach him on cross examination.

This Court finds Applicant's guilty plea was entered freely, knowingly, and voluntarily. To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L.Ed.2d 274 (1969). Defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton v. State, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63, 97 S. Ct. 1621, 52 L.Ed.2d 136 (1977)). Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. United States, 519 F.2d 347 (4th Cir.1975).

Applicant claims he did not plead guilty knowingly and voluntarily for a number of reasons. This Court finds these contentions without merit. This Court finds the record reflects Applicant was advised of the waiver of his constitutional rights by the plea court. Applicant's testimony regarding Counsel's advice and actions is not credible. This Court finds very credible Counsel's testimony regarding his preparation and advice concerning the case and the amount of time Applicant was facing. Counsel's testimony that he reviewed the charges, possible

punishment, and the discovery materials is persuasive. Counsel also noted that he believed Applicant to have a full understanding of the rights he was waiving by pleading guilty and did so voluntarily. This Court finds Applicant took advantage of a favorable plea offer to avoid facing exposure of upwards of 140 years' imprisonment. Counsel's testimony as to his advice of how Applicant's prior convictions may be presented to the jury is also credible and persuasive.

The record reflects Applicant pleaded guilty pursuant to Alford and conceded that the State had sufficient evidence to convict him at trial. This Court finds that Applicant presented *no* evidence that he was coerced or forced to plead guilty. This Court finds Applicant's intent to plead guilty was made clear to the plea judge. Applicant was fully informed of the nature and consequences of his plea by his attorney and was advised further by the plea court.

As far as Applicant has alleged Counsel did not properly advise him of the details of the plea agreement, this Court finds otherwise. Applicant's reliance on Davie v. State, 381 S.C. 601, 608, 675 S.E.2d 416, 420 (2009) is misplaced. Davie deals with uncommunicated plea offers that were not accepted. Here, Applicant accepted the State's offer. Applicant's allegation is more appropriately framed as an allegation that he did not plead knowingly and voluntarily. The plea terms called for a negotiated range of five (5) to ten (10) years' imprisonment with the State allowing Applicant to plead down from PWID Cocaine, 3rd offense to PWID^g Cocaine, 2nd offense. This Court finds Applicant pled with full knowledge of the plea agreement. This Court finds the plea judge correctly found Applicant's plea was freely, ^{voluntarily} ~~voluntary~~^g, and intelligently made. This allegation is denied and dismissed with prejudice.

gmg

Ineffective Assistance of Counsel

Failure to object to the sentences imposed on two counts of Possession of a Sch. I-V Substance, 2nd or Subsequent

Applicant further alleges Counsel was ineffective in failing to object to the sentences of two (2) years' on the Possession of a Substance in Sch. I-V, 2nd or Subsequent. Applicant argues these sentences exceed the maximum allowed by statute. This Court agrees. It is clear Applicant pled and was sentenced pursuant to S.C. Code Ann. § 44-53-370(d)(2) (amended 2012)². South Carolina Code Ann. § 44-53-370(d)(2) provides: "A person who violates subsection (c) with respect to: (2) any other controlled substance classified in Schedules I through V is guilty of a misdemeanor . . . For a second or subsequent offense, the offender is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than *one year* or fined not more than two thousand dollars, or both," (emphasis added). This Court orders the limited relief of resentencing for 2012-GS-40-00890 and 2012-GS-40-01616 to allow the court to sentence Applicant within the range provided by statute.

Counsel failed to challenge the State's evidence.

Applicant further alleges Counsel was ineffective in failing to challenge the State's evidence. Specifically, Applicant argues that the analysis regarding the cocaine showed that the substance was actually crack cocaine. Applicant believes Counsel should have challenged the charges on those grounds. Applicant also argues Counsel was deficient in failing to challenge the drug analyses because of discrepancies in the weights of the marijuana and cocaine base. Finally, Applicant argues Counsel was deficient in failing to challenge the chain of custody relating to the marijuana charge.

² This Court notes that S.C. Code § 44-53-370 was amended June 18, 2012. The penalty provision was not amended.

Post-conviction relief “is not a substitute for nor does it affect any remedy incident to the proceedings in the trial court, or of direct review of the sentence or conviction.” S.C. Code Ann. § 17-27-20(b); see also Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1975) (“It is uniformly held that an application for post-conviction relief is not a substitute for an appeal.”). Applicant’s allegation regarding the charges against him is an inappropriate challenge to the sufficiency of the evidence. Simmons, 264 S.C. at 423, 215 S.E.2d at 885 (“[T]he Uniform Post-conviction Procedure Act ‘shall not be construed to permit collateral attack on the ground that the evidence was insufficient to support a conviction.’” (citing Ashley v. State, 260 S.C. 436, 196 S.E.2d 501 (1973))). “A guilty plea constitutes a waiver of nonjurisdictional defects and claims of violations of constitutional rights.” Jamison v. State, 410 S.C. 456, 467, 765 S.E.2d 123, 129 (2014) (citing State v. Rice, 401 S.C. 330, 331-32, 737 S.E.2d 485, 485-86 (2013); Hyman v. State, 397 S.C. 35, 44, 723 S.E.2d 375, 379 (2012)).

This Court finds this allegation is not proper for this forum. Applicant must have taken this case to trial and argued for dismissal of the charges at that stage. Instead, he admitted the truth to the allegations set forth in the indictments at the plea hearing. Applicant may not now challenge the sufficiency of the evidence. Any challenge to the evidence has been waived.

In any event, Applicant has failed to meet his burden in proving Counsel was ineffective and that he was prejudiced by any alleged deficiency. This Court finds Counsel made a reasonable strategic decision in not advising Applicant to go to trial when offered such a favorable plea deal. It is noteworthy that Applicant was facing significant prison time: more than 140 years. It was certainly reasonable for Counsel to advise Applicant to plead guilty to the charges even though he believed he had arguments to challenge the admissibility of certain pieces of evidence.

Counsel testified he did not attempt to challenge the cocaine charges on the grounds that the substance was actually crack. This Court finds that decision was strategic and proper because the penalties under a crack charge are more severe than the penalties Applicant was currently facing.

As to the discrepancies in the weight of the drugs, Counsel credibly testified that he brought this to the attention of the prosecuting solicitor and attempted to negotiate a more favorable deal. He testified the prosecuting solicitor would not agree to drop any of the charges in advance of trial even after he made her aware of his concerns with whether the weights would support the charges. Counsel credibly testified that he planned to challenge the weight of the drugs if the case had gone to trial. He used this information to Applicant's advantage in plea negotiations. This Court finds Counsel's actions were appropriate and that Applicant has failed to prove deficiency or any resulting prejudice.

Finally, although Applicant argues there is an inconsistency in the chain of custody on the marijuana custody form, this Court finds Applicant has not presented sufficient evidence to prove that the evidence must be excluded due to issues with the chain. State v. Hatcher, 392 S.C. 86, 95, 708 S.E.2d 750, 755 (2011) ("The ultimate goal of chain of custody requirements is simply to ensure that the item is what is purported to be."). It is very likely that the State could prove a proper chain if needed. Importantly, Counsel credibly testified that he also would have challenged the admissibility of the marijuana evidence if the case had gone to trial. Applicant has failed to meet his burden in proving deficiency and prejudice.

All Other Allegations

As to any and all allegations that were raised in this matter and not specifically addressed in this order, the Court finds Applicant failed to present any evidence regarding such allegations.

Accordingly, the Court finds Applicant has abandoned any such allegations.

IV. CONCLUSION

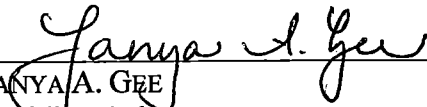
Based on the foregoing, the Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Applicant failed to demonstrate counsels' ^{jury} performance was unreasonable under prevailing professional norms. Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625; Stalk v. State, 383 S.C. 559, 563, 681 S.E.2d 592, 594 (2009). Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from PCR counsel's receipt 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, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRPC, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. The Application for Post-Conviction Relief is granted on the limited ground that Applicant was sentenced to more than the maximum provided by statute on indictments 2012-GS-40-0890 and 2012-GS-40-01616;
2. The sentence entered by the Richland County Clerk of Court for indictment numbers 2012-GS-40-0890 and 2012-GS-40-01616 is vacated;
3. The matter is remanded to the Honorable DeAndrea G. Benjamin for a limited resentencing hearing to allow the court to sentence Applicant within the range provided by statute on indictments 2012-GS-40-0890 and 2012-GS-40-01616 only;
4. All other allegations raised are denied and dismissed with prejudice; and
5. Applicant shall remain in the custody of the South Carolina Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 29th day of October, 2015.



TANYA A. GEE
Presiding Judge

Columbia, South Carolina

THE

GIESE

LAW FIRM, LLC

1315 Blanding Street
Columbia, SC 29201



Daniel E. Shearouse
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29211 11330 5099

