

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

APR 20 2016

SC SUPREME COURT

APPEAL FROM COUNTY OF GREENVILLE
Court of Common Pleas

The Honorable D. Garrison Hill, Circuit Court Judge

Appellate Case No.: 2015-001087
Lower Court Case No. 2011-CP-23-3652

LaChrisha Shentayle Miller,.....Respondent,

vs.

The State of South Carolina,Petitioner.

**RESPONDENT/PETITIONER'S RETURN TO PETITIONER/RESPONDENT'S
PETITION FOR WRIT OF CERTIORARI**

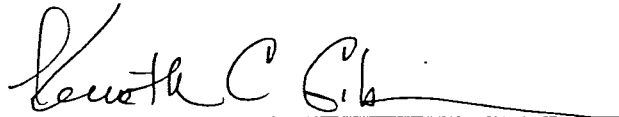
In response to Petitioner/Respondent's Petition for Certiorari, Respondent/Petitioner refers the Court to, relies upon, and incorporates herein the Order of the Honorable D. Garrison Hill granting post-conviction relief and ordering a new trial that was filed in this case on April 16, 2015. (App.pp.342-50).

It is Respondent/Petitioner's understanding that this Court will give great deference to Judge Hill's findings of fact and conclusions of law in this matter. *Dempsey v. State*, 363 S.C. 365, 368, 610 S.E.2d 812, 814 (2005). It is further Respondent/Petitioner's understanding that this Court will uphold the findings of the PCR Court when there is any evidence of probative evidence to support them and when

the decision is not controlled by an error of law. *Suber v. State*, 371 S.C. 554, 558-59, 640 S.E.2d 884, 886 (2007).

As identified by Judge Hill there is significant evidence to support his findings and the rulings are not controlled by any error of law. Accordingly, Respondent/Petitioner asks this Court to deny Respondent/Petitioner's request for writ of certiorari in this matter.

Date: April 20, 2016

A handwritten signature in black ink, appearing to read "Kenneth C. Gibson", written over a horizontal line.

Kenneth C. Gibson, Esq.
THE LAW OFFICE OF KENNETH GIBSON
607 Pendleton Street, Ste. 226
Post Office Box 5536
Greenville, SC 29606
(864) 241-6699

Attorney for Respondent/Petitioner

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM COUNTY OF GREENVILLE
Court of Common Pleas

The Honorable D. Garrison Hill, Circuit Court Judge

Appellate Case No.: 2015-001087
Lower Court Case No. 2011-CP-23-3652

LaChrisha Shentayle Miller,.....Respondent,

vs.

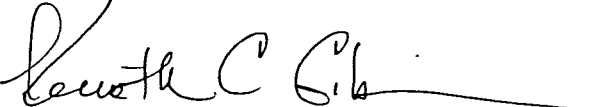
The State of South Carolina,Petitioner.

PROOF OF SERVICE

The undersigned hereby certifies that he is a person of such age and discretion as to be competent to serve process and that on this day, he served copies of the attached **RESPONDENT/PETITIONER'S RETURN TO PETITIONER/RESPONDENT'S PETITION FOR WRIT OF CERTIORARI** upon The State of South Carolina by mailing a true and correct copy to:

Karen Ratigan
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211.

Date: April 20, 2016


Kenneth C. Gibson, Esq.

Kenneth C. Gibson
Attorney at Law

607 Pendleton Street, Suite 226 (29601)
Post Office Box 5536 • Greenville, SC 29606
Phone: (864) 241-6699 • Facsimile: (864) 241-6211

April 20, 2016

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

RECEIVED

APR 20 2016

SC SUPREME COURT

RE: LaChrisha S. Miller v. State of South Carolina
Appellat Case No.: 2015-001087
Lower Case No.: 2011-CP-23-3652

Dear Mr. Shearouse:

Please find enclosed for filing the Originals and six (6) copies each of **Respondent/Petitioner's Conditional Cross-Petition For Writ Of Certiorari** and **Respondent/Petitioner's Return To Petitioner/Respondent's Petition For Writ Of Certiorari**.

Should you have any questions please contact me at your earliest convenience.

Sincerely,



Kenneth Gibson

Enclosures

cc: Karen Ratigan, Office of the Attorney General