



ALAN WILSON
ATTORNEY GENERAL

April 25, 2012

RECEIVED

APR 25 2012

S.C. Supreme Court

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

RE: Edward Thompson v. State of South Carolina
2004-CP-32-4128

Dear Mr. Shearouse:

The Return to the Petition for Writ of Certiorari and Appendix 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 the Petition of Writ of Certiorari and Appendix.

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

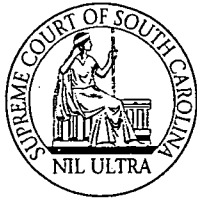
Sincerely,

Kaelon E. May
Assistant Attorney General

In compliance with:

In Re: Extensions in Criminal and Post-Conviction Relief Cases, (S.C. Sup. Ct. order dated March 18, 2009) (Davis Adv. Sh. No. 13 at 1).

SALLEY W. ELLIOTT
Assistant Deputy Attorney General
DAYNE C. PHILLIPS
Attorney for Petitioner



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

April 2, 2012

Appellate Defender Dayne C. Phillips
South Carolina Commission on Indigent Defense
P O Box 11589
Columbia, SC 29211

Re: Thompson, Edward v. The State

Dear Counsel:

The following Order has been endorsed on your request to supplement the appendix in the above entitled case on appeal.

“Granted.

Jean H. Toal C.J.
For the Court

By s/ Daniel E. Shearouse
Clerk

April 2, 2012.”

Please be advised the supplemental appendix is accepted as filed.

Very truly yours,

CLERK

DES/jj

cc: Assistant Attorney General Kaelon E. May



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) 734-1343
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Attorney
Wanda H. Carter, Deputy Chief Attorney

RECEIVED

MAR 30 2012

March 30, 2012

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: Edward Thompson. v. State of South Carolina

Dear Mr. Shearouse:

The appendix and petition for writ of certiorari in the above-referenced case were served and filed with the Court on January 19, 2012. Counsel requested Court's Exhibit #4 (Jury Note) prior to the filing of the appendix in this case; however, Counsel did not receive this exhibit until yesterday afternoon.

Counsel is requesting that the Court accept the supplemental Appendix containing Court's Exhibit #4. As indicated by signature below, Kaelon E. May, Esquire, of the South Carolina Attorney General's Office, consents to this request.

Sincerely,

Dayne C. Phillips
Appellate Defender

DCP/fkb

I do not oppose:

Kaelon E. May, Esquire
cc: Kaelon E. May, Esquire

GRANTED.

April 2, 2012



ALAN WILSON
ATTORNEY GENERAL

March 26, 2012

RECEIVED

MAR 26 2012

S.C. Supreme Court

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

RE: Edward Thompson v. State of South Carolina
2004-CP-32-4128

Dear Mr. Shearouse:

The Return to the Petition for Writ of Certiorari and Appendix 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 the Petition of Writ of Certiorari and Appendix.

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

Sincerely,

Kaelon E. May
Assistant Attorney General

cc: Dayne C. Phillips, Attorney for Petitioner



ALAN WILSON
ATTORNEY GENERAL

February 23, 2012

RECEIVED

FEB 23 2012

S.C. Supreme Court

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

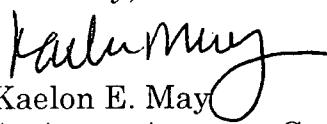
RE: Edward Thompson v. State of South Carolina
2004-CP-32-4128

Dear Mr. Shearouse:

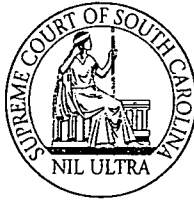
The Return to the Petition for Writ of Certiorari and Appendix in the above appeal is due to be served and filed today. However, this is to respectfully request a 30-day extension to serve and file this Return to the Petition of Writ of Certiorari and Appendix.

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

Sincerely,


Kaelon E. May
Assistant Attorney General

cc: Dayne C. Phillips, Attorney for Petitioner



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

January 23, 2012

Appellate Defender Dayne C. Phillips
South Carolina Commission on Indigent Defense
P O Box 11589
Columbia, SC 29211

Re: Thompson, Edward v. The State

Dear Counsel:

The following Order has been endorsed on your Motion to File the Procedural Petition for Writ of Certiorari Pursuant to King v. State Out of Time in the above entitled case on appeal.

“Granted.

Jean H. Toal C.J.
For the Court

By s/ Brenda F. Shealy
Chief Deputy Clerk

January 23, 2012.”

Please be advised the Petition has been accepted as filed and the State’s Return is due to be served and filed within thirty (30) days of the date of this letter.

Very truly yours,

CLERK

DES/jj

cc: Assistant Attorney General Kaelon E. May

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Lexington County
Alexander S. Macaulay, Circuit Court Judge

RECEIVED

JAN 19 2012

S.C. Supreme Court

EDWARD THOMPSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

MOTION TO FILE THE PROCEDURAL PETITION FOR
WRIT OF CERTIORARI PURSUANT TO KING V. STATE
OUT OF TIME

Counsel for Edward Thompson respectfully requests to file the procedural petition for writ of certiorari pursuant to *King v. State*, 308 S.C. 348, 417 S.E.2d 868 (1992) in this case out of time. In support of this request, counsel shows:

1. Edward Thompon's petition for writ of certiorari and *Austin*¹ petition were due to be served and filed with the Court on January 9, 2012;
2. On January 9, 2012, pursuant to *King v. State*, 308 S.C. 348, 417 S.E.2d 868 (1992), Counsel filed the *Austin* petition addressing the substantive issues from the previous PCR Order of Dismissal;
3. However, Counsel inadvertently did not file the procedural petition for writ of certiorari


¹ *Austin v. State*, 305 S.C. 453, 246 S.E.2d 395 (1991)

addressing whether the PCR judge properly found that Edward Thompson did not knowingly and intelligently waive his right to appellate review of the previous PCR Order of Dismissal;

4. Counsel makes this request in good faith and not for purpose of delay;
5. Counsel has prepared the petition for writ of certiorari and is filing it simultaneously with this motion;
6. The Respondent has not filed its Return; therefore, the inconvenience and prejudice caused to the Court and to Respondent should be minimal;
7. As indicated by her signature below, Counsel for the Respondent, Kaelon E. May, of the South Carolina Attorney General's Office, does not oppose this request;

WHEREFORE, the undersigned counsel respectfully requests this Court to file the procedural petition for writ of certiorari pursuant to *King v. State*, 308 S.C. 348, 417 S.E.2d 868 (1992) in this case based upon the above exigent circumstances out of time.

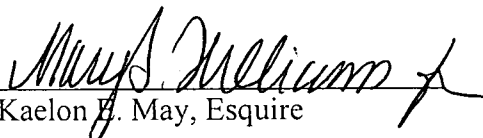
Respectfully submitted,

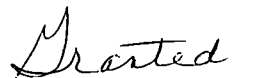

Dayne C. Phillips
Appellate Defender

ATTORNEY FOR PETITIONER


This 19th day of January, 2012

I do not oppose:


Kaelon E. May, Esquire



Jean H. Toal C.J.
For the Court

By 
Chief Deputy Clerk

January 23, 2012

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Lexington County
Alexander S. Macaulay, Circuit Court Judge

EDWARD THOMPSON,

PETITIONER,

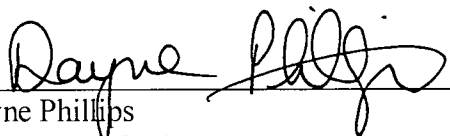
V:

STATE OF SOUTH CAROLINA,

RESPONDENT

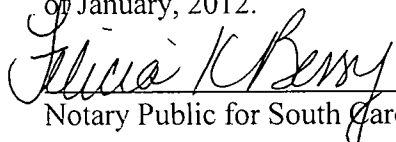
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the motion to file the procedural petition for writ of certiorari pursuant to *King v. State*, 308 S.C. 348, 417 S.E.2d 868 (1992) out of time in the above referenced case has been served upon Kaelon E. May, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 19th day of January, 2012.


Dayne Phillips
Appellate Defender

ATTORNEY FOR PETITIONER.

SWORN TO BEFORE ME this 19th day
of January, 2012.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: June 21, 2020

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Lexington County
Alexander S. Macaulay, Circuit Court Judge

EDWARD THOMPSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

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

Counsel for Edward Thompson respectfully requests an extension of a **final** thirty (30) days in which to file the petition for writ of certiorari and appendix 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 petition for writ of certiorari and appendix is due to be served and filed with the Court today, December 9, 2011.
2. Counsel for Mr. Thompson 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. On November 29, 2011 counsel filed the petition for writ of certiorari and appendix in Dana Lockamy v. State. On November 17, 2011, counsel had an oral argument in the Court of

ORIGINAL

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DEC - 9 2011

S.C. Supreme Court

(3)

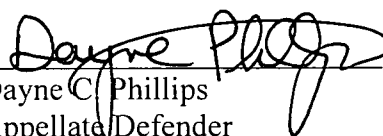
Appeals in the case of Bradley Senter v. State. On November 15, 2011, counsel filed the petition for writ of certiorari and appendix in Carlos Hazel v. State. On November 7, 2011 counsel filed the petitions for writ of certiorari and appendices in Donald C. Brevard v. State and George Wigington v. State. On November 1, 2011 counsel had an oral argument at the Court of Appeals in the case of State v. Gerald Fripp.

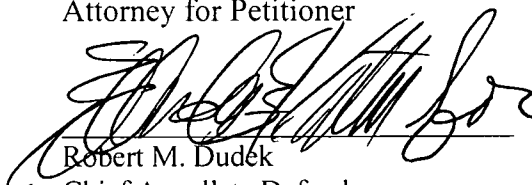
4. Counsel makes this request in good faith and not for purpose of delay.

5. As indicated by signature below, Kaelon E. May, of the South Carolina Attorney General's Office, does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final** thirty day extension, in which to file the petition for writ of certiorari and appendix 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.

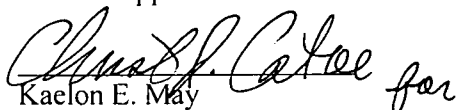
Respectfully submitted,


Dayne C. Phillips
Appellate Defender
Attorney for Petitioner


Robert M. Dudek
Chief Appellate Defender

December 9, 2011

I do not oppose:


Kaelon E. May

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Lexington County
Alexander S. Macaulay, Circuit Court Judge

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NOV - 9 2011

S.C. Supreme Court

EDWARD THOMPSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

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

(2)

Counsel for Edward Thompson respectfully requests an extension of thirty (30) days in which to file the petition for writ of certiorari and appendix 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:

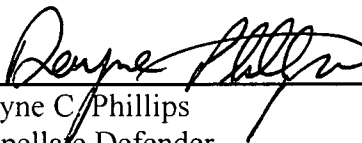
1. The petition for writ of certiorari and appendix is due to be served and filed with the Court today, November 9, 2011.
2. Counsel for Mr. Thompson respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.
3. On November 7, 2011 counsel filed the petitions for writ of certiorari and appendices in Donald C. Brevard v. State and George Wigington v. State. On November 1, 2011 counsel had

an oral argument at the Court of Appeals in the case of State v. Gerald Fripp. On October 17, 2011 counsel filed the initial brief of appellant and designation of matter in State v. James Tinsley in the Court of Appeals today, October 17, 2011. On October 12, 2011, counsel filed the initial brief of appellant and designation of matter in the case of State v. Joseph Paugh in the Court of Appeals and the petition for writ of certiorari and appendix in the case of Kevin Mellette v. State in this Court. On October 3, 2011, counsel had an oral argument in the case of Cookie Medlock v. State in the Court of Appeals.

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 petition for writ of certiorari and appendix 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,



Dayne C. Phillips
Appellate Defender

Attorney for Petitioner

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Lexington County
Alexander S. Macaulay, Circuit Court Judge

EDWARD THOMPSON,

PETITIONER,

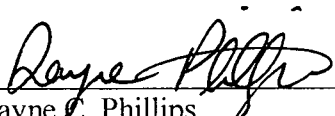
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

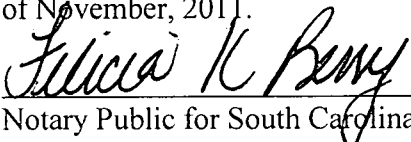
I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Kaelon Mays, Esquire, this 9th day of November, 2011.



Dayne C. Phillips
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 9th day
of November, 2011.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: June 21, 2020.



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

October 3, 2011

RECEIVED

OCT 10 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: Edward Thompson. v. State of South Carolina

Dear Mr. Shearouse:

The petition for writ of certiorari and appendix in the above-referenced case are due to be served and filed today, October 10, 2011. Due to work required in other cases pending before this Court and the South Carolina Court of Appeals, I am unable to complete this petition on time. I would therefore request a 30-day extension of time within which to serve and file the petition for writ of certiorari and appendix.

By copy of this e-mail, I am advising counsel for Respondent, Kaelon E. May of this extension request.

Sincerely,

Dayne C. Phillips
Appellate Defender

DCP:pds

cc: Kaelon E. May, Esquire



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) 734-1343
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

August 11, 2011

RECEIVED

AUG 11 2011

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.

Edward Thompson v. State of South Carolina

8/10/2011

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

Thank you for your assistance in this matter.

Sincerely,

Sharon A. Graham
Administrative Coordinator



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

June 2, 2011

Ms. Rema Gantt Thomas
Circuit Court Reporter
806 Yacht Club Pointe
Chapin, SC 29036-9998

Dear Ms. Thomas:

RECEIVED

JUN 2 2011

S.C. Supreme Court

Please provide us with the following transcript:

Edward Thompson v. State of South Carolina Case #: 08-CP-32-04821

County: Lexington Date of Trial: May 18, 2010

Presiding Judge: Alexander S. Macaulay

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

Please number the lines on the paper from 1-25, and include 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.

If you are aware of any co-defendants or if the Attorney General's Office has already requested a transcript, please let us know.

Sincerely,

Sharon A. Graham
Administrative Coordinator

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



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

June 2, 2011

RECEIVED

JUN 2 2011

Ms. Smokey Perry
Circuit Court Reporter
P O Box 1232
Lexington, SC 29071-1232

S.C. Supreme Court

Dear Ms. Perry:

Please provide us with the following transcript:

Edward Thompson v. State of South Carolina Case #:

04-CP-32-4128
08-CP-32-04821

County: Lexington

Date of Trial: July 27, 2006

Presiding Judge: William P. Keesley

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

Please number the lines on the paper from 1-25, and include 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.

If you are aware of any co-defendants or if the Attorney General's Office has already requested a transcript, please let us know.

Sincerely,

Sharon A. Graham
Administrative Coordinator

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

BROWN & BREHMER

Attorneys at Law

1720 MAIN STREET, SUITE 201

POST OFFICE BOX 7966

COLUMBIA, SOUTH CAROLINA 29202

TELEPHONE: (803) 771-6600

FACSIMILE: (803) 252-1620

ROBERT C. BROWN
KARL S. BREHMER
CHAD E. POTEAT
E. DALE LANG, JR.
J. AUSTIN HOOD
L. DARBY PLEXICO, III
ELY O. GROTE

OF COUNSEL
MICHAEL M. LUMPKIN

E-MAIL

LAWFIRM@BROWNaNDBREHMER.COM
BOB.BROWN@BROWNaNDBREHMER.COM
KARL.BREHMER@BROWNaNDBREHMER.COM
CHAD.POTEAT@BROWNaNDBREHMER.COM
DALE.LANG@BROWNaNDBREHMER.COM
AUSTIN.HOOD@BROWNaNDBREHMER.COM
LDP@BROWNaNDBREHMER.COM
ELY.GROTE@BROWNaNDBREHMER.COM

May 2, 2011

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

RE: Edward Thompson v. State of South Carolina
Case No.: 2004-CP-32-4128

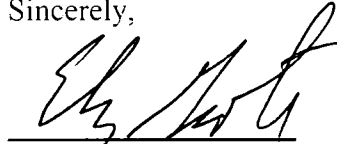
Dear Mr. Shearouse:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent.
- (2) A copy of the order which is to be challenged on appeal.
- (3) A copy of the order signed by the Honorable Judge Alexander S. Macaulay granting petitioner the right to a belated appeal from the April 17, 2007 order of the Honorable Judge William P. Keesley.
- (4) This appeal is being filed with the Supreme Court because it is an appeal from an order in a post-conviction relief action.

RECEIVED
MAY 04 2011
S.C. SUPREME COURT

Sincerely,



Ely O. Grote
Post Office Box 7966
Columbia, South Carolina 29202
(803)771-6600
Attorney for Petitioner

EOG:klc
Enclosures

cc: Kaelon May
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

William P. Keesley, Circuit Court Judge

Case No. 2004-CP-32-4128

Edward Thompson

Petitioner,

v.

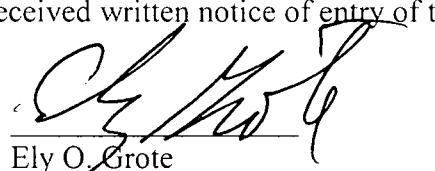
State of South Carolina,

Respondent.

NOTICE OF APPEAL

Edward Thompson appeals the order of the Honorable William P. Keesley denying him post-conviction relief dated April 17, 2007. Edward Thompson's first post-conviction relief counsel previously filed a Notice of Appeal as to the same order; however, the appeal was dismissed pursuant to a June 22, 2007, order of the Supreme Court of South Carolina for failure to provide proof of service on opposing counsel. Edward Thompson brought a second post-conviction relief action seeking a belated appeal on the ground that his first post-conviction relief counsel was ineffective for failing to perfect the appeal.¹ By order of the Honorable Alexander S. Macaulay, Edward Thompson was granted a belated appeal pursuant to the authority of Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). Counsel for Petitioner received written notice of entry of this order on April 25, 2011.

May 2, 2011


Ely O. Grote
Post Office Box 7966
Columbia, South Carolina 29202
(803)771-6600
Attorney for Petitioner

Other Counsel of Record:
Kaelon May
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Attorney for Respondent

RECEIVED

MAY 04 2011

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

William P. Keesley, Circuit Court Judge

Case No. 2004-CP-32-4128

Edward Thompson

Petitioner,

v.

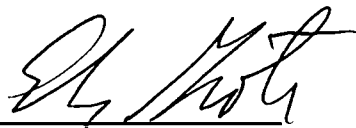
State of South Carolina,

Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on May 2, 2011, addressed to its attorney of record, Kaelon May of the Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina 29211.

May 2, 2011



Ely O. Grote
Post Office Box 7966
Columbia, South Carolina 29202
(803)771-6600
Attorney for Petitioner

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

) IN THE COURT OF COMMON PLEAS
) FOR THE 11th JUDICIAL CIRCUIT
) Case No.: 2008-CP-32-4821

Edward Thompson, #280883
Applicant,

v.

State of South Carolina,
Respondent.

**ORDER OF DISMISSAL AND
GRANT OF BELATED APPEAL**

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COURT OF COMMON PLEAS
11th JUDICIAL CIRCUIT
LEXINGTON, SOUTH CAROLINA

This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed November 18, 2008. The Respondent made its Return on or about June 25, 2009. An evidentiary hearing was held on May 18, 2010, at the Lexington County Courthouse. Ely Grote, Esquire, represented the Applicant. A. West Lee of the South Carolina Attorney General's Office represented the Respondent.

At the hearing, the Applicant did not testify. However, Applicant presented testimony from the Applicant's original PCR Counsel, Cameron Littlejohn, Esquire, that Mr. Littlejohn did not perfect the appeal from his first PCR action. This Court also had before it a copy of the transcript from the Applicant's guilty plea proceedings, the records of the Lexington County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections, the Application for Post-Conviction Relief, the State's Return, and evidence presented at the hearing.

Procedural History

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

Applicant was indicted at the September 2001 term of the Lexington County Grand Jury for two counts of kidnaping (01-GS-32-2923, -2924), two counts of armed robbery (01-GS-32-2919, -2922), assault of a high and aggravated nature (01-GS-32-2921), and criminal conspiracy (01-GS-32-2920). John T. Mobley, Esquire, represented The Applicant. On October 22, 2001, the Applicant's case proceeded to trial in the Applicant's absence, at the conclusion of which he was found guilty on all charges. On October 24, 2001, the Honorable Marc H. Westbrook sealed the Applicant's sentences. On December 19, 2001, Judge Westbrook read the sentences to the Applicant of confinement for a period of thirty (30) years for each count of armed robbery and kidnaping, a period of ten (10) years for assault of a high and aggravated nature, with all of these sentences concurrent, and a consecutive to a sentence of five (5) years for criminal conspiracy.

The Applicant appealed. The South Carolina Court of Appeals dismissed the appeal pursuant to Anders v. California, 386 U.S. 738 (1967), after a review of the entire record, the Anders brief, and Applicant's pro se brief. State v. Thompson, Op. No. 2003-UP-648 (S.C. Ct. App. filed November 6, 2003). The Remittitur was issued on December 12, 2003.

First PCR Application

The Applicant filed his first application for PCR on November 8, 2004. The Respondent made its Return on May 16, 2005. An evidentiary hearing into the matter was convened on July 27, 2006, at the Lexington County Courthouse. Applicant was present at the hearing and was represented by Cameron B. Littlejohn, Jr., Esquire. Respondent was represented by Sabrina C. Todd of the South Carolina Attorney

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General's Office. By Order filed April 18, 2007, the Honorable William P. Keesley denied and dismissed with the prejudice the application.

Subsequently, Applicant filed a Notice of Appeal. On June 22, 2007, the South Carolina Supreme Court issued an Order of Dismissal due to the failure of Applicant to provide proof of service on opposing counsel. The Remittitur was issued on July 9, 2007.

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

1. Denial of Right to Appeal Denial of PCR
 - a. "Counsel failed to perfect notice of intent to appeal PCR judgment."

Applicable Law

Ineffective Assistance of PCR Counsel

The Applicant's contention that he received ineffective assistance of counsel on his prior post-conviction relief application is not a ground for relief. There is no constitutional right to appointed counsel for collateral review of a conviction. Pennsylvania v. Finley, 481 U.S. 551, 107 S.Ct. 1990, 95 L.Ed.2d 539 (1987). The Sixth Amendment right to effective assistance of counsel does not extend to state post-conviction relief actions. Coleman v. Thompson, 501 U.S. 722, 111 S.Ct. 2546, 115 L.Ed.2d 640 (1991). Therefore, "the contention that prior PCR counsel was ineffective is not *per se* a 'sufficient reason' warranting a successive PCR application under § 17-27-90." Aice, 305 S.C. at 451, 409 S.E.2d at 394.

The only recognized exception to the rule barring claims of ineffective assistance of post-conviction relief counsel is found in Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). Austin recognizes a general exception to this rule where prior post-

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conviction relief counsel fails to appeal the denial of the application. Id. Austin "is limited to its particular factual situation" Aice, 305 S.C. at 452, 409 S.E.2d at 394. Pursuant to Austin, a post-conviction relief applicant may petition the South Carolina Supreme Court for discretionary review of the dismissal of their application.

Findings of Fact and Conclusions of Law

Failure to Perfect PCR Appeal

It was the Applicant's position that PCR Counsel failed to perfect his PCR Appeal following the denial of his application for post-conviction relief. The Applicant did not testify on his own behalf, but testimony was presented by the Applicant's original PCR Counsel which indicated that he did, in fact, fail to perfect the Applicant's PCR Appeal.

Accordingly, this Court finds that there is ample evidence to support the Applicant's claim, and further finds that the Applicant should be awarded a belated appeal of his Post-Conviction Relief Application pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991).

All Other Claims

Except as discussed above, this Court finds that the Applicant failed to present evidence in support of the remaining allegations set forth in his application at the hearing and has, thereby, waived them. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI, Inc., 292 S.C. 153, 158-59. 355 S.E.2d 282 (Ct. App. 1987). The

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Applicant's failure to address these issues at the hearing indicates a voluntary and intentional relinquishment of his right to do so. Therefore, any and all remaining allegations are denied and dismissed.

Conclusion

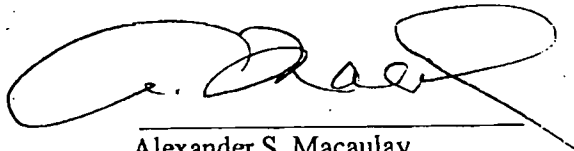
Based on all the foregoing, this Court finds and concludes that the grant of review pursuant to Austin v. State, *supra*, is proper. With respect to all other claims, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice, except for the grant of a belated appeal.

This Court advises 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, including Austin 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), SCRCP, 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 227 for appropriate procedures for appeal.

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IT IS THEREFORE ORDERED:

1. That this current Application for Post-Conviction Relief be dismissed with prejudice.
2. That the Applicant is granted a belated PCR appeal pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991).
3. That Applicant be remanded to the custody of Respondent.

AND IT IS SO ORDERED!

Alexander S. Macaulay
Presiding Judge
Eleventh Judicial Circuit

July 12, 2010

WALHALLA, South Carolina

STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

MHJ

COUNTY OF LEXINGTON

Case No. 2004-CP-32 -4128

EDWARD THOMPSON, 280883

Applicant / Petitioner

vs.

FORM ORDER

State of South Carolina,

Respondent.

Following a hearing, the court makes the following ruling(s) as indicated below.

(X) 1. The application for post-conviction relief is : (X) denied () granted () under advisement. A more detailed order is to follow as directed in No.6 below.

() 2. The motion to dismiss and/or for summary judgment is hereby: () granted () denied () under advisement.

The ruling on the motion is based upon: () the statute of limitations; and/or, () the application is impermissibly successive; and/or, () other reason(s):

() 3. Upon considering the conditional order of dismissal previously filed in this case, the court finds: () There has not been sufficient cause shown to summarily dismiss the application. A hearing on the merits is to be scheduled. () The application for Post Conviction Relief is dismissed because: () the response to the conditional order of dismissal does not demonstrate good cause for allowing the action to continue; or, () no response has been filed to the conditional order of dismissal.

() 4. The applicant withdrew his application freely, voluntarily, and intelligently on the record. The case is dismissed: () with prejudice () without prejudice.

() 5. Other:

(X) 6. (X) A proposed order is to be submitted by (X) the Attorney General () Applicant's counsel, with a copy to be sent to opposing counsel within (30) days.

() Both sides are directed to submit proposed orders to the court and to serve the orders on each other within () days.

() The court will prepared a more detailed order without assistance from counsel.

IT IS SO ORDERED.

Date: July 27, 2006

William P. Keesley, Judge

Note: This order was done on July 27, 2006. The court was notified by the Attorney General's office during the first week of April 2007 that no order had been received.

Court Reporter: Perry

Attorney for Applicant: Cam Littlejohn, Esq.

Attorney for State: Asst. A.G. Sabrina Todd

Paul A. Carrico
Chief of Court
Lexington, SC

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 COUNTY OF LEXINGTON)
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 Edward Thomspson, SCDC # 280883,)
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 Applicant,)
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 v.)
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 State of South Carolina,)
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 Respondent.)
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IN THE COURT OF COMMON PLEAS

2004-CP-32-4128

DEPT. A. CAROLINA
 CLERK OF COURT
 LEXINGTON, SC

2007 APR 19 PM 11:50

FILED

ORDER DENYING POST-CONVICTION RELIEF

PROCEDURAL HISTORY

This matter comes before the Court by way of an Application for Post-Conviction Relief filed November 8, 2004. Respondent made its Return on May 16, 2005. An evidentiary hearing into the matter was convened on July 27, 2006, at the Lexington County Courthouse. Applicant was present at the hearing and was represented by Cameron B. Littlejohn, Jr., Esquire. Respondent was represented by Sabrina C. Todd of the South Carolina Attorney General's Office. The application is denied.¹

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At the hearing, Applicant testified on his own behalf and presented the testimony of his mother, Evelyn Thomspson, his brothers, Anthony and Elvin Thomspson, and his friend, Raymond Robinson. Testifying on behalf of Respondent was John Mobley, Esquire. This Court also had before it the records of the Lexington County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, a copy of the Record on

¹ A form order denying this PCR application was prepared by the court on the day of the hearing. During the first week of April 2007, the court was notified that no order had been received. Apparently, the form order had not been distributed through some oversight. The court apologizes for the delay.

Appeal, the Anders and pro se briefs from the appeal, the appellate court opinion, and the remittitur. During the PCR hearing, several documents were received into evidence including notes from trial counsel's file, a copy of Applicant's booking photo, and documentation of some of counsel's efforts to reach Applicant.

The records before this Court indicate that Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Lexington County Clerk of Court. Applicant was indicted at the September 2001 term of the Lexington County grand jury on two counts of kidnapping (2001-GS-32-2923, -2924), two counts of armed robbery (2001-GS-2919, 2922), assault of a high and aggravated nature (2001-GS-32-2921), and criminal conspiracy (2001-GS-32-2920). Applicant was represented by Mr. Mobley. On October 22, 2001, Applicant's case proceeded to trial in his absence, at the conclusion of which he was found guilty on all charges. On October 24, 2001, the Honorable Marc H. Westbrook sealed Applicant's sentences. On December 19, 2001, Judge Westbrook unsealed and read the sentences, which were as follows: thirty (30) years imprisonment for each count of kidnapping and armed robbery, ten (10) years for assault of a high and aggravated nature, and five (5) years for criminal conspiracy. All sentences were imposed concurrently, except for the sentence for criminal conspiracy, which the court ordered run consecutively.

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Applicant pursued a direct appeal. His appellate counsel submitted a final brief and motion to be relieved pursuant to Anders v. California, 386 U.S. 738 (1967). Applicant submitted a pro se brief. The South Carolina Court of Appeals dismissed Applicant's appeal pursuant to Anders. State v. Thompson, Op. No. 2003-UP-648 (S.C. Ct. App. Filed November 6, 2003).

In his application and at the PCR hearing, Applicant contended his trial counsel was

ineffective in failing to present alibi witnesses at his trial.

SUMMARY OF EVIDENCE

This case arises from the late night/early morning robbery of a Blockbuster video store. The robbery occurred at approximately midnight, the store's closing time on the evening of July 5, 2000. Applicant testified he first met with trial counsel after being released on bond. He met with counsel two to three times during which they discussed the case and discovery.

At the PCR hearing Applicant maintained his innocence, but explained he was counting on counsel to come up with a defense. Applicant told counsel he was at home with his family at the time of the crime and discussed alibi witnesses. Applicant recalled that his twin brother Elvin was present during the meeting with counsel and that counsel asked Elvin some questions. However, trial counsel never contacted any of Applicant's other family members and did not present them or Elvin at trial. Applicant admitted he did not appear at trial and explained that in addition to being involved in a number of personal matters, he did not think the case was going to trial. Applicant complains the jury sent a note to the court during deliberations asking if he had an alibi for the night of the robbery and because no alibi witnesses had been presented in his defense, the court instructed the jury that they could not consider whether he had an alibi because there was no evidence regarding that issue. (ROA. p.427, line 22 – p.430, line 19.)

Anthony Thompson testified on the night in question his family was at home on the deck, having a good time. Both his mom and dad were present. They played games and Anthony went to bed. He stated he recalled that day in particular and that Elvin and Raymond were there. He also recalled his mother was in her bedroom with her door closed. Raymond left about 1:30. Anthony testified he is certain Applicant was there the entire time and that he did not see his cousin (and Applicant's co-defendant), Jebediah Thompson, at the house that night. Anthony

also testified he did not know trial counsel and was not contacted by him. On cross-examination, Anthony testified he never tried to speak with trial counsel and that counsel should have tried to reach him. Anthony testified he did not know when the trial was scheduled. He claimed he was sure Applicant was there when Raymond left, but he was not sure about the times.

Elvin Thompson testified he attended a meeting with Applicant and trial counsel and that he told counsel the family was at home celebrating because Elvin was leaving to go back to Job Corps the next morning. He recalled being at the house with Applicant, Anthony, Raymond, and his parents on the night in question, but could not remember if he told trial counsel this. He remembered going to sleep at approximately 12:30 or 1:00 a.m. and that Applicant woke him up the next morning at 7:00 a.m. so he could catch his plane. Applicant asked Elvin to serve as an alibi witness, but Elvin did not keep in touch with trial counsel and was not present at the trial. When asked if he got together with family members to try to remember the date in question, Elvin testified he was home from the Job Corps and it was around July 4. When asked what day he flew back, he testified he could not remember, but that he had to be back on July 6 or 7. Elvin did not have evidence of what day his flight was scheduled.

Evelyn Thompson testified she remembered the evening in question and that although she went to bed early, she was certain Applicant did not leave the house. She hired trial counsel after Applicant's arrest and met with him on one occasion. They did not discuss an alibi defense. She did not attend Applicant's trial and does not remember if she knew when it was. She was not called as a witness at trial.

Raymond Robinson testified he knew Applicant all of his life and was at the Thompson residence on the night in question. He arrived early and left at approximately 1:30 in the morning. Applicant was there the entire day and they played games later in the night. Robinson

testified he and Applicant were best friends, but he learned Applicant was in trouble only after he was sentenced. Although Robinson claimed he had an excellent memory and was sure of the date in question, he was unable to recall where he was one year before the PCR hearing. Robinson also testified the Blockbuster is less than one mile from the Thompson home.

Trial counsel testified Applicant's aunt, Adell Adams, paid for his services and talked with him about the defense. Applicant told him he was at home with Elvin between 9 pm and 2 am, but that he saw his co-defendant, Jebediah later that night. Applicant also advised counsel that his parents and brother Anthony were home, but did not indicate they could account for his whereabouts at midnight. Applicant told counsel that Jebediah gave him money the day after the crime.

WPK
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Trial counsel met with Elvin in an effort to establish an alibi for Applicant. Elvin told counsel he played video games with Applicant and Jebediah on the afternoon of the day in question. Elvin went out at about 5:30 and Jebediah was gone when he returned. His parents were home and Applicant was there until 11:30. Elvin then went to bed and did not see Applicant again until the next morning. According to Elvin's version of events, no one at the home could say where Applicant was at midnight and he did not tell counsel that anyone in the home could account for Applicant's whereabouts at midnight.

After meeting with Elvin and reporting what he said to Applicant, counsel tried to set up meetings with Applicant and made diligent efforts to communicate with him. However, Applicant did not cooperate in his own defense, ignoring counsel's letters and telephone calls. He stated the first he heard of all of these witnesses being able to serve as alibi witnesses for Applicant was at the PCR hearing and that he had never heard of Robinson before. Further, his notes do not reflect anyone discussing anything about congregating on a deck.

Counsel recalled the case against Applicant was "made" by Jebediah Thompson's testimony implicating him. Additionally, Applicant had a distinctive look matching the detailed description given by one of the victims. Counsel testified it was actually helpful that Applicant did not appear at trial as the video and still photographs from the robbery clearly showed him participating in it, and that one of the Blockbuster employees even identified Applicant at his bond hearing. Counsel testified the Blockbuster was approximately five minutes away from the Thompson home.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

WPK #6
This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. This Court finds trial counsel was a credible witness and that his notes and file documents confirmed his testimony. By contrast, Applicant, his brothers, and his friend Raymond Robinson were not credible witnesses. This Court further finds Applicant's mother provided no credible testimony as to his whereabouts at the time of the crime because she was in her bedroom.

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 the application alleges ineffective assistance of counsel 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, 686 (1984); see also Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 690. The applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies 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, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Id. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688). 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." Id. at 117-18, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 689). A reasonable probability is a probability sufficient to undermine confidence in the outcome of the proceedings. Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997). As discussed below, Applicant has failed to carry his burden in this action. Therefore, this Court finds that the application must be denied and dismissed.

This Court finds Applicant initially told trial counsel that his brother Elvin could serve as his alibi for the time of the crime. Elvin, however, was unable to account for Applicant's whereabouts during the time of the robbery and ruled out his parents and Anthony as alibi witnesses. This Court finds neither Applicant nor Elvin ever told counsel about Robinson.

As to the witnesses' testimony at the PCR hearing, this Court finds Applicant's mother could not account for his whereabouts at the time of the robbery and that none of Applicant's

other alibi witnesses offered credible testimony that he was with them rather than at the Blockbuster on the date and time in question. Elvin could not be certain he was testifying about the correct date, Anthony was uncertain about his recollection of the times in question, and Raymond testified he did not even know his best friend was in trouble until after he was sentenced; but, he somehow had the ability to remember that he was with him during the time of the crime. Certainly none of these witnesses were known as viable alibi witnesses to counsel, who diligently represented Applicant as best as he could despite Applicant's refusal to assist in his defense. This Court finds based on counsel's credible testimony that he would have followed up on alibi information had it been provided to him. Further, this Court finds counsel did consult with the one alibi witness Applicant told him about—Elvin—and that Elvin was unable to cover Applicant for the critical time of the crime. Additionally, Applicant's family knew he was trying to reach Applicant and was trying to get information to help with his case, but they did not volunteer to serve as alibi witnesses or otherwise assist counsel. In sum, Applicant has failed to prove that counsel was deficient in failing to present alibi witnesses in his case and has further failed to establish counsel's performance prejudiced him. Accordingly, this application is denied and dismissed.

Any Other Allegations

As to any and all allegations that were or could have been raised in the application or at the hearing in this matter, but were not specifically addressed in this Order, this Court finds Applicant failed to present any probative evidence regarding such allegations. Accordingly, this Court finds that Applicant waived such allegations and failed to meet his burden of proof regarding them. Accordingly, they are dismissed with prejudice.

CONCLUSION

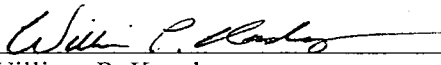
Based on all the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations before or during his trial and sentencing proceedings. Counsel was not deficient in any manner, nor was Applicant prejudiced by counsel's representation. Therefore, this application for PCR must be denied and dismissed with prejudice.

This Court reminds the Applicant that if he wants to secure appellate review of this Order, a notice of appeal must be filed and served within thirty (30) days from the receipt of this Order by his PCR counsel. Pursuant to Rule 71.1(g), SCRCP, PCR counsel must file a notice of appeal on Applicant's behalf if he wishes to pursue appellate review. Applicant and counsel are directed to Rules 203, 206, and 227 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of appeal has been timely filed.

IT IS THEREFORE ORDERED:

1. That the current Application for Post-Conviction Relief be denied and dismissed with prejudice; and
2. That Applicant be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 17th day of April, 2007.



William P. Keesley
Judge, Eleventh Judicial Circuit

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2004 - CP- 32 - 4128

EDWARD THOMPSON

STATE OF SOUTH CAROLINA

PLAINTIFF(S)

DEFENDANT(S)

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 400) 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:

Dated at _____, South Carolina. this _____ day of _____, 20 _____

PRESIDING JUDGE

This judgment was entered on the NA day of NA, 20 ---, and a copy mailed first class this 26 day of APR, 20 07 to attorneys of record or to parties (when appearing pro se) as follows:

CAM LITTLEJOHN

DANIEL E GRIGG

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

LCF 583 (I 1/00)

Beth A. Carrigg

CLERK OF COURT

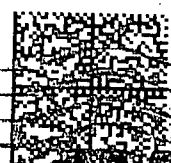
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UNITED STATES POSTAGE



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Edward Thompson

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

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