

The Supreme Court of South Carolina

Steven Collins,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable G. Edward Welmaker
Greenville County
Trial Court Case No. 2009-CP-23-10469

ORDER

For good cause shown, the request for an extension until May 7, 2012 to serve and file the Petition for Writ of Certiorari and Appendix in this matter is granted. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what measures are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



Clerk

Columbia, South Carolina

April 6, 2012

cc: Appellate Defender Kathrine H. Hudgins
Assistant Attorney General Karen Ratigan

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

 ORIGINAL

Appeal from Greenville County

G. Edward Welmaker, Circuit Court Judge

RECEIVED

'APR - 6 2012

S.C. Supreme Court

STEVEN COLLINS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

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

(3)

Counsel for Steven Collins petitions the Court for a **final thirty day extension, until May 7, 2012**, in which to file the petition for writ of certiorari and accompanying appendix in this case. In support of this petition, counsel shows:

1. The petition for writ of certiorari and accompanying appendix are due to be filed with the Court today.
2. Counsel for Mr. Collins 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 her caseload, counsel hopes that no further extension requests will be required.
3. Counsel filed the petition for writ of certiorari and accompanying appendix in Dominic Derricotte v. State on April 5, 2012. Counsel had an oral argument in the South Carolina Court of

Appeals in Antonio Bordeaux v. State on March 27, 2012. Counsel filed the brief of petitioner in State v. Mark Baker on March 26, 2012. Counsel had an oral argument before the Supreme Court in Wendell Williams v. State on March 13, 2012. Counsel filed petitions for rehearing in Joseph Walker v. State and State v. Mike Salley on March 8, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Marion Stewart on March 5, 2012.

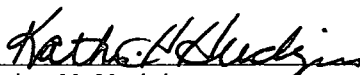
4. Counsel has not had time to complete the petition for writ of certiorari and accompanying appendix in this case. As a result, counsel respectfully asks this Court for a **final thirty day extension, until May 7, 2012**, in which to file the petition for writ of certiorari and accompanying appendix. Counsel is striving to limit the number of extensions requested. Counsel is attempting to complete the cases with the most number of extensions first.

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

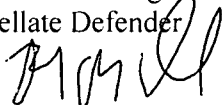
6. Counsel makes this request in good faith and not for purposes of delay.

Counsel respectfully requests a **final thirty day extension, until May 7, 2012**, in which to file the petition for writ of certiorari and accompanying appendix in this case based upon the above circumstances.

Respectfully submitted,

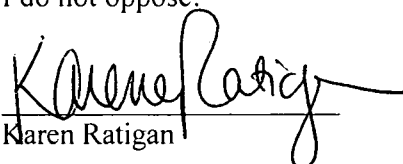


Kathrine H. Hudgins
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

April 5, 2012
I do not oppose:



Karen Ratigan

The Supreme Court of South Carolina

Steven Collins,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable G. Edward Welmaker
Greenville County
Trial Court Case No. 2009-CP-23-10469


ORDER

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IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



Clerk

Columbia, South Carolina

March 8, 2012

cc: Appellate Defender Kathrine H. Hudgins
Assistant Attorney General Karen Ratigan

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

ORIGINAL

Appeal from Greenville County

G. Edward Welmaker, Circuit Court Judge

RECEIVED
MAR 7 2012

S.C. Supreme Court

STEVEN COLLINS,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

(2)

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

Counsel for Steven Collins petitions the Court for a thirty day extension, in which to file the petition for writ of certiorari and accompanying appendix in this case. In support of this petition, counsel shows:

1. The petition for writ of certiorari and accompanying appendix are due to be filed with the Court today.
2. Counsel for Mr. Collins 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 her caseload, counsel hopes that no further extension requests will be required.
3. Counsel filed the initial brief of appellant and designation of matter in State v. Marion Stewart on March 5, 2012. On February 23, 2012, counsel filed the initial brief of appellant and

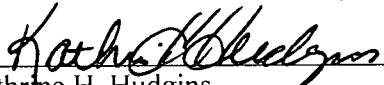
designation of matter in State v. Gregory Velez. The brief of petitioner in State v. Mack Green was filed on February 20, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Lorenzo Inman on February 17, 2012. The petition for writ of certiorari and accompanying appendix was filed in Todd Sowell v. State on February 10, 2012. The petitions for rehearing were filed in State v. Norman Mitchell and State v. Robert Phipps on February 9, 2012. The brief of petitioner was filed in Clarence Gibbs v. State on February 8, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Robert Mackey on February 6, 2012. The initial brief of appellant and designation of matter were filed in State v. Supreme Ackbar on February 3, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Michael Murray v. State on February 2, 2012.

4. Counsel has not had time to complete the petition for writ of certiorari and accompanying appendix in this case. As a result, counsel respectfully asks this Court for a thirty day extension, in which to file the petition for writ of certiorari and accompanying appendix. Counsel is striving to limit the number of extensions requested. Counsel is attempting to complete the cases with the most number of extensions first.

5. Counsel makes this request in good faith and not for purposes of delay.

Counsel respectfully requests a thirty day extension, in which to file the petition for writ of certiorari and accompanying appendix in this case based upon the above circumstances.

Respectfully submitted,


Kathrine H. Hudgins
Appellate Defender

March 7, 2012

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Greenville County

G. Edward Welmaker, Circuit Court Judge

RECEIVED
MAR 7 2012
S.C. Supreme Court

STEVEN COLLINS,

PETITIONER,


V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

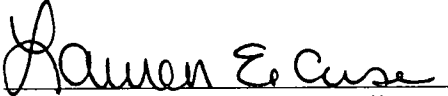
The undersigned attorney hereby certifies that a true copy of the petition for extension of time in which to file the petition for writ of certiorari and accompanying appendix in the above referenced case has been served upon Karen Ratigan, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 7th day of March, 2012.



Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me
this 7th day of March, 2012.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: August 23, 2014.

The Supreme Court of South Carolina

Steven Collins,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable G. Edward Welmaker
Greenville County
Trial Court Case No. 2009-CP-23-10469

ORDER

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IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY *Tranda J. Shealy*
Clerk

Columbia, South Carolina *Chief Deputy*

February 8, 2012

cc: Appellate Defender Kathrine H. Hudgins
Assistant Attorney General Karen Ratigan



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ORIGINAL

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

February 6, 2012

RECEIVED

FEB 06 2012

The Honorable Daniel E. Shearouse
Clerk, S.C. Supreme Court
P.O. Box 11330
Columbia, SC 29211

S.C. Supreme Court

C

Re: Steven Collins v. The State

Dear Mr. Shearouse:

The Petition for Writ of Certiorari and accompanying appendix are due to be served and filed with the Court today. However, because of my heavy workload at this time, I am requesting a thirty day extension in which to serve and file the petition.

By copy of this letter, I am informing Karen Ratigan, Esquire, of the Attorney General's Office, of my request.

Sincerely,

Kathrine H. Hudgins
Appellate Defender

KHH/lec

cc: Karen Ratigan, Esquire



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

December 8, 2011

RECEIVED

DEC - 8 2011

The Honorable Daniel E. Shearouse
Clerk, S.C. Supreme Court
Post Office Box 11330
Columbia, SC 29211

S.C. Supreme Court

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.

Steven Collins v. State of South Carolina

12/8/2011

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,

Loriene French
Legal Services 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

RECEIVED

SEP 14 2011

S.C. Supreme Court

September 14, 2011

Ms. April P. Herron
Circuit Court Reporter
P O Box 17675
Greenville, SC 29606

Dear Ms. Herron:

Please provide us with the following transcript:

Steven Collins v. State of South Carolina Case #: 09-CP-23-10469

County: Greenville Date of Trial: May 12, 2011

Presiding Judge: G. Edward Welmaker

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,


Lorlene French
Legal Services Coordinator

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

Law Office of Lawrence W. Crane

101 WHITSETT STREET
GREENVILLE, SOUTH CAROLINA 29601

LAWRENCE W. CRANE, ESQ.
ELIZABETH P. WIYGUL, ESQ.
CAROLINE M. HORLBECK, ESQ.

TELEPHONE (864) 235-2900
FAX (864) 467-1916
TOLL FREE (800) 852-0899

August 5, 2011

Via Regular Mail

Mr. Daniel E. Shearouse
Clerk, The S.C. Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RECEIVED

AUG - 9 2011

S.C. Supreme Court

Re: STEVEN COLLINS v. State


Dear Mr. Shearouse:

Enclosed you will find the original Notice of Appeal in the above matter along with Proof of Service upon the Respondents. The Notice has been filed with the Greenville County Clerk of Court.

These matters are being referred to the Office of Appellate Defense in that we were participating as Court appointed counsel at trial.

Thank you for your attention to this matter.

Yours very truly,


Caroline M. Horlbeck, Esq.

Enclosure

cc: Office of the Attorney General
Office of Appellate Defense

THE STATE OF SOUTH CAROLINA
In the Supreme Court

2011 AUG -5 PM 12: 16

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
THE HONORABLE G. Edward Welmaker

FILED-CLERK OF COURT
GREENVILLE CO S.C.
PAUL B. WICKENS

CA No. 2009-CP-23-10469

STEVEN COLLINS,

APPELLANT,

vs.

STATE OF SOUTH CAROLINA

RESPONDENT.

RECEIVED

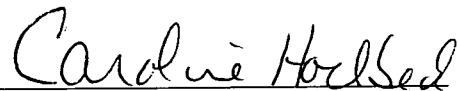
AUG -9 2011

S.C. Supreme Court

NOTICE OF APPEAL

Appellant STEVEN COLLINS, appeals from the Order of the Honorable G. Edward Welmaker, Circuit Court Judge clocked July 12, 2011.

Respectfully submitted,



Caroline M. Horlbeck, Esq.
101 Whitsett St
Greenville, SC 29601

Date: August 4, 2011

Other Counsel of Record: Karen Ratigan, Esq.
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE SUPREME COURT

Steven Collins,)
)
Appellant,)

C.A. No. 2009-CP-23-10469

-vs-)

CERTIFICATE OF SERVICE

State of South Carolina,)
)
Respondent.)

This is to certify that I am an employee in the law office of Lawrence W. Crane, attorneys for Appellant, and that I have this day caused to be served upon the person(s) named below Appellant's Notice of Appeal by placing copies of same in the United States mail, with adequate postage thereon, addressed as follows:

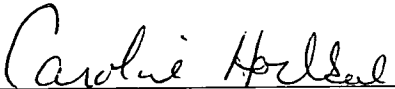
Ms. Lorie French
S.C. Office of Appellate Defense
P.O. Box 11433
Columbia, SC 29211

Karen Ratigan, Esq.
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

RECEIVED

AUG - 9 2011

S.C. Supreme Court


Caroline M. Horlbeck

Greenville, South Carolina

August 5, 2011

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 Steven Collins,)
 S.C.D.C. No. 141257,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 C.A. No. 2009-CP-23-10469

ORDER OF DISMISSAL

2011 JUL 12 PM 11:18

FILED-CLERK OF COURT
 GREENVILLE COUNTY
 SOUTH CAROLINA

JW

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed December 10, 2009. The Respondent made its return on April 21, 2010. An evidentiary hearing into the matter was convened on May 12, 2011 at the Greenville County Courthouse. The Applicant was present at the hearing and represented by Caroline Horibeck, Esquire. Karen C. Ratigan, Esquire of the South Carolina Office of the Attorney General represented the Respondent.

The Applicant testified on his own behalf at the PCR hearing. Also testifying was the Applicant's trial counsel, Kenneth C. Gibson, Esquire. The Court had before it the trial transcript, the records of the Greenville County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, the Respondent's return, and the appellate records.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Greenville County Clerk of Court. The Applicant was indicted at the February 2006 term of the Greenville County Grand Jury for armed robbery

(2006-GS-23-1381, count 1)-and possession of a weapon during commission of a violent crime (2006-GS-23-1381, count 2). He was represented by Kenneth C. Gibson, Esquire.

After the State called the case to trial, the Applicant was found guilty. On September 13, 2006, the Honorable Edward W. Miller sentenced the Applicant to concurrent terms of life imprisonment without parole for armed robbery and five (5) years for the weapons charge.

A notice of appeal was filed at the South Carolina Court of Appeals. Kathrine H. Hudgins, Esquire of the South Carolina Office of Appellate Defense perfected the appeal in the form of an Anders¹ brief. The Court of Appeals dismissed the appeal. State v. Collins, Op. No. 2009-UP-479 (S.C. Ct. App. filed October 14, 2009).

ALLEGATIONS

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

1. Ineffective assistance of counsel;
 - a. Failure to conduct a proper investigation.
2. Prosecutorial misconduct:
 - a. "Prosecutor lied."
3. Violation of due process:
 - a. "Suggestive photos were used."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly.

Set forth below are the relevant findings of fact and conclusions of law as required by

¹ Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967).

S.C. Code Ann. § 17-27-80 (2003).

Ineffective Assistance of Counsel

The Applicant alleges he received ineffective assistance of counsel. 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).

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel’s ineffective performance. See Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). In order to prove prejudice, an applicant must show “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry v. State, 300 S.C. 115, 117-18, 386 S.E.2d 624, 625 (1989). “A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial.” Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052).

The Applicant stated he had three (3) meetings with his attorney before trial. The Applicant stated he and trial counsel reviewed the charges, the evidence, the videotapes, statements, and his version of events. The Applicant stated this armed robbery charge was improperly enhanced to be eligible for a sentence of life without parole (LWOP). The Applicant stated that, while he received the State’s notice of intent to seek LWOP at the jail twenty (20) or thirty (30) days before trial, he first discussed it with trial counsel three (3) days before trial. The Applicant stated the solicitor made a plea offer for a thirty (30) year sentence in this case but that trial counsel did not advise him to accept the offer. The Applicant stated he told trial counsel

about several alibi witnesses but that counsel did not locate them. The Applicant stated trial counsel should have made a more specific objection to the fingerprint evidence at trial.

Trial counsel testified he filed discovery motions and reviewed those materials with the Applicant. Trial counsel testified they reviewed the Applicant's statement, incident reports, fingerprint reports, videotapes, and the Applicant's prior criminal history. Trial counsel testified the State properly enhanced the Applicant's offense to be eligible for an LWOP sentence, and that he explained this to the Applicant. Trial counsel testified he was served with the notice of intent to seek LWOP four (4) months after he was appointed. Trial counsel testified the State made a plea offer for a thirty (30) year sentence and that they would pursue LWOP if the offer was rejected. Trial counsel testified he explained this to the Applicant numerous times, but that the Applicant rejected the plea offer. Trial counsel testified he did not recall one of the alibi witnesses mentioned by the Applicant (the detention center employee) but stated he did recall the name of the female witness. Trial counsel testified the Applicant presented him with a statement from this witness on the day of trial but that, after he found her and spoke to her, the female witness recanted that statement. Trial counsel testified that, while he had received a fingerprint report before trial, he was surprised with how the evidence was presented at trial and moved for a mistrial. Trial counsel testified that, even without the fingerprint evidence, the State had a very strong case against the Applicant.

This Court finds the Applicant's testimony is not credible, while also finding trial counsel's testimony is credible. This Court further finds trial counsel adequately conferred with the Applicant, conducted a proper investigation, and was thoroughly competent in his representation.

This Court finds the Applicant failed to meet his burden of proving trial counsel should

have better challenged the State's notice to seek an LWOP sentence. Trial counsel testified that, as part of the discovery packet he received from the State, he received a copy of the Applicant's prior criminal record. Trial counsel testified he reviewed that record and concluded the LWOP notice was proper. This Court finds the Applicant has failed to present any credible evidence that the State improperly enhanced his sentence in order to seek an LWOP sentence.

This Court finds the Applicant failed to meet his burden of proving trial counsel should have told him to accept the thirty (30) year plea offer. Trial counsel satisfied his obligation to relay the plea offer to his client and discuss it. See Davie v. State, 381 S.C. 601, 675 S.E.2d 416 (2009) (holding counsel's failure to convey the State's plea offer to defendant constituted deficient performance). The decision to enter a guilty plea, however, must be made by a defendant alone and counsel cannot be deemed ineffective for failing to tell his client to take a plea offer. Both the Applicant and trial counsel testified the Applicant was aware the State would seek an LWOP sentence if he rejected the offer, but that the Applicant chose to proceed to a jury trial.

This Court finds the Applicant failed to meet his burden of proving trial counsel should have investigated his alibi witnesses. This Court notes trial counsel's testimony that the female witness he spoke to recanted her statement and would not have aided the defense. This Court notes this purported alibi witness would have had serious credibility problems. Regardless, as neither of the Applicant's alleged alibi witnesses testified at the evidentiary hearing, any discussion regarding what they would have testified about at trial is purely speculative. See Bannister v. State, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998) (the South Carolina Supreme Court "has repeatedly held a PCR applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in

order to establish prejudice from the witness' failure to testify at trial.") (emphasis in original).

This Court finds the Applicant failed to meet his burden of proving trial counsel did not properly challenge the introduction of fingerprint evidence from his truck (instead of the crime scene). The Applicant argues trial counsel failed to articulate the proper grounds when he moved for a mistrial. While trial counsel did testify that he could have done more with the fingerprint issue, a review of the record shows that there was overwhelming evidence of the Applicant's guilt. Therefore, this Court finds the Applicant cannot prove there was a reasonable probability that the outcome of the proceedings would have been different if trial counsel had successfully excluded the fingerprint evidence from his truck. See Franklin v. Catoe, 346 S.C. 563, 570 n. 3, 552 S.E.2d 718, 722 n. 3 (2001) (finding overwhelming evidence of guilt negated any claim that counsel's deficient performance could have reasonably affected the result of defendant's trial); Geter v. State, 305 S.C. 365, 367, 409 S.E.2d 344, 346 (1991) (concluding reasonable probability of a different result does not exist when there is overwhelming evidence of guilt).

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that trial counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that trial counsel committed either errors or omissions in his representation of the Applicant. This Court also finds the Applicant has failed to prove the second prong of Strickland – that he was prejudiced by trial counsel's performance. This Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance. See Frasier v. State, 351 S.C. at 389, 570 S.E.2d at 174.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this

matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds the Applicant waived such allegations and failed to meet his burden of proof regarding them. Therefore, they are hereby denied and dismissed.

CONCLUSION

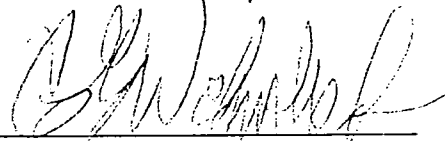
Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his trial and sentencing proceedings. Counsel was not deficient and the Applicant was not prejudiced by counsel's representation. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

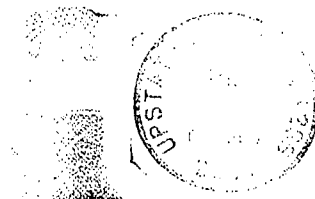
AND IT IS SO ORDERED this 8th day of July, 2011.



G. Edward Welmaker
Resident Judge
Thirteenth Judicial Circuit

Greenville, South Carolina.

Lawrence W. Crane
Attorney At Law
101 WHITSETT STREET
GREENVILLE, SOUTH CAROLINA 29601



*Steven
Collins*

Via Regular Mail
Mr. Daniel E. Shearouse
Clerk, The S.C. Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

POSTNET 94999 8099

