

**NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT
OF COMMON PLEAS**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

EDWARD M. MILLER, Circuit Court Judge

Case No. 2010-CP-32-2120

EC
Korrell Battle, # 292294

Applicant

v.

State of South Carolina

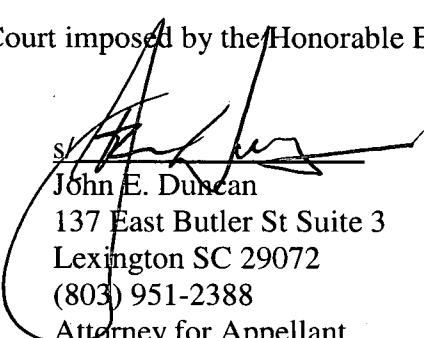
Respondent.

RECEIVED
FEB 16 2012
SC Court of Appeals

NOTICE OF APPEAL

Korrell Battle, appeals the Order of the Court imposed by the Honorable Edward M. Miller, received on February 9, 2012.

February 9, 2012


s/ John E. Duncan
137 East Butler St Suite 3
Lexington SC 29072
(803) 951-2388
Attorney for Appellant

Other Counsel of Record:
Salley Elliot, Assistant Attorney General
Attorney for Respondent
P.O. Box 11549
Columbia, South Carolina 29211

**FORM 7
PROOF OF SERVICE OF NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

~~APPEAL FROM LEXINGTON COUNTY~~
Court of Common Pleas

Edward M. Miller, Circuit Court Judge

Case No. 2010-CP-32-2120

Korrell Battle # 292294,

Applicant

v.

State of South Carolina,

Respondent.

RECEIVED

FEB 16 2012

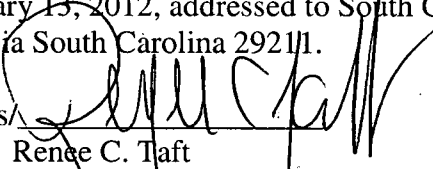
SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Sally Elliot by depositing a copy of it in the United States Mail, postage prepaid, on February 13, 2012, addressed to South Carolina Attorney General's Office, P.O. Box 11549, Columbia South Carolina 29211.

February 13, 2012

s/


Renee C. Taft

Paralegal to John E. Duncan

137 East Butler Street Suite 3

Lexington South Carolina 29072

**FORM 7
PROOF OF SERVICE OF NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Edward M. Miller, Circuit Court Judge

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FEB 16 2012

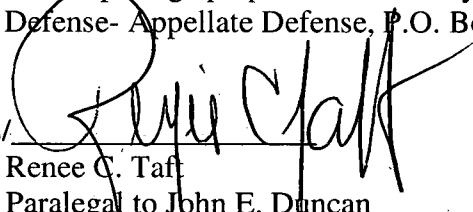
SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Office of Indigent Defense- Appellate Defense by depositing a copy of it in the United States Mail, postage prepaid, on February 13, 2012, addressed to South Carolina Office of Indigent Defense- Appellate Defense, P.O. Box 11433, Columbia South Carolina 29211.

February 13, 2012

s/


Renee C. Taff
Paralegal to John E. Duncan
137 East Butler Street Suite 3
Lexington South Carolina 29072



JOHN DUNCAN
Attorney at Law
Servicios Legales

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Telephone (803) 951-2388
Facsimile (803) 951-2389
johnduncanlaw@gmail.com

February 14, 2012

RECEIVED

FEB 16 2012

SC Court of Appeals

Tanya Gee, Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: Korrell Battle # 292294 v. The State of South Carolina
2010- CP-32-2120

Dear Ms. Gee:

I enclose the original and one copy of the Notice of Intent to Appeal along with proof of service in the above referenced matter with the request that you file the original and return a clocked copy to me in the stamped envelope provided. .

Sincerely,


John E. Duncan

JED rct

Cc: Sally Elliot, Esquire
Appellate Defense
Korrell Battle



JOHN DUNCAN
Attorney at Law
Servicios Legales

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johnduncanlaw@gmail.com

March 2, 2012

Tanya Gee, Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RECEIVED

MAR 05 2012

COURT OF APPEALS

RE: Korrell Battle # 292294 v. The State of South Carolina
2010- CP-32-2120

Dear Ms. Gee:

Attached please find the Order of Dismissal as well as a copy of the letter requesting transcript.

Sincerely,


John E. Duncan

JED rct

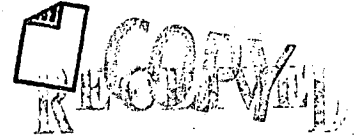
Cc: Korrell Battle



JOHN DUNCAN
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johnduncanlaw@gmail.com

February 13, 2012



MAR 05 2012

Court of Appes

L. Coconut Pantsari, Court Reporter
309 Willow Winds Drive
Columbia, SC 29210-4459

RE: Korrell Battle # 292294 v. State of South Carolina
2010-CP-32-2120

Dear Ms. Pantsari:

Please accept this as my request for a copy of the transcript of the PCR hearing heard before Judge Edward M. Miller on November 28, 2011.

Should you have any questions or need anything further please contact me.

Sincerely,


John B. Duncan

JED rct

Cc: Korrell Battle
Office of Indigent Defense- Appellate Defense

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON,)

Korell Battle, # 292294,)

Applicant,)

v.)

State of South Carolina,)

Respondent.)

IN THE COURT OF COMMON PLEAS

2010-CP-32-2120



RECEIVED
MAR 05 2012

ORDER OF DISMISSAL

Court of Appeals

This matter comes before the Court by way of an Application for Post-Conviction Relief filed May 19, 2010, as well as subsequently filed amendments to the Application. The State made Return dated September 1, 2010. An evidentiary hearing into the matter was convened on November 28, 2011, at the Lexington County Courthouse. The Applicant was present at the hearing and was represented by John E. Duncan., Esquire. The Respondent was represented by Salley W. Elliott, Assistant Deputy Attorney General.

The Applicant, Arie Bax, Esquire, Eleanor Duffy Cleary, Esquire, and Earl Gentry of the South Carolina Department of Public Safety testified at the hearing. This Court also had before it a copy of the transcript of the Applicant's trial, the records of the Lexington County Clerk of Court, Applicant's records from the South Carolina Department of Corrections, the briefs and opinion from Applicant's direct appeal, and exhibits introduced 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 for armed robbery (2007-GS-32-0031) and possession of a firearm or knife during the

commission of a violent crime (2007-GS-32-0030). Applicant was represented by Arie Bax, Esquire, and Elizabeth Fullwood, Esquire. On May 1 – 2, 2007, Applicant proceeded to trial before the Honorable R. Knox McMahon, and a jury. Applicant was found guilty as charged and was sentenced to confinement for a period of thirty (30) years for armed robbery and a concurrent term of five (5) years for the possession of a firearm charge.

A timely notice of appeal was served and filed on Applicant's behalf and an appeal was perfected. After considering the briefs of the parties, the South Carolina Court of Appeals affirmed Applicant's convictions and sentences. State v. Battle, 2009-UP-224 (S.C. Ct. App. filed May 27, 2009). The remittitur was issued on June 12, 2009.

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 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. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. § 17-27-80 (2003).

Ineffective Assistance of Trial Counsel

At the evidentiary hearing, Applicant contended that he received ineffective assistance of trial counsel for counsel's failure to investigate the facts pertaining to the suspension of his driver's license. He also testified that his trial attorney presented a good argument for suppression of evidence on the ground the officer lacked probable cause to conduct a traffic stop; however, he complained that counsel provided ineffective assistance for failing to offer authority from Georgia to support the argument. This Court finds the allegations concerning trial counsel to be without merit and are denied and dismissed for the reasons set forth below.

In a post-conviction relief proceeding, the 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 ineffective assistance of counsel is alleged 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, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 286 S.C. at 441. 334 S.E.2d at 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. at 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel’s performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625, *citing* Strickland, 466 U.S. at 668. “Where counsel articulates a valid reason for employing a certain trial strategy, such conduct will not be deemed ineffective assistance of counsel. Watson v. State, 370 S.C. 68, 634 S.E.2d 642 (2006). 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.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

1. Failure to Offer Legal Authority from Georgia

At trial, counsel moved to suppress evidence of the tools and fruits of an armed robbery found in Applicant’s possession as a result of a traffic stop for failure to use a turn signal and

subsequent arrest for driving under suspension. At the suppression hearing, Officer Brian Majewski testified that he stopped Applicant's vehicle on October 13, 2006, when Applicant made a left turn without using a turn signal. (Tr. p. 30, lines 11 – 15; p. 34, line 22 – p. 36, line 3). Officer Majewski requested Applicant's license, registration and insurance card and thereafter arrested Applicant when advised by the 911 dispatcher that Applicant's license was suspended. (Tr. p. 36, lines 7 – 18; p. 63, lines 9 - 15). A Crown Royal bag containing bullets was found in Applicant's pocket. (Tr. p. 17 – 25). An inventory search of Applicant's vehicle yielded a black bag with a Scream mask, gloves, bag of money, coupons from Kentucky Fried Chicken, and a gun. (Tr. p. 37, lines 5 – 18).

Trial counsel then examined Officer Majewski. Officer Majewski testified that Applicant pulled into a "left turn only" lane that has a light specifically for that lane of travel. The officer testified that the failure to use a turn signal in a "turn only" lane is not uncommon and that he does not always make a traffic stop for this particular infraction. (Tr. p. 54, lines 3 – 25). Majewski informed Applicant that he was stopped for failure to use a turn signal. (Tr. p. 59, lines 12 – 17). Counsel also elicited testimony from Applicant at the suppression hearing. Applicant testified as to his recollection that he was in a "turn only" lane and that he used his turn signal when he made the turn. (Tr. p. 72, lines 4 – 21; p. 82, lines 1 – 8).

Counsel moved to suppress the evidence found as a result of the stop on the grounds that (1) Applicant used his turn signal; (2) the officer was operating on a mere hunch that Applicant was involved in the armed robbery and lacked reasonable, articulable suspicion that Applicant was engaged in criminal activity to support the stop; and (3) the officer lacked probable cause to initiate a traffic stop because Applicant was not required to use a turn signal in a "turn only" lane. (Tr. p. 97, line 19 – p. 105, line 20). The trial judge denied Applicant's motion to

suppress finding that Applicant was required to use a turn signal and did not use one. The trial court determined that Applicant's failure to use a turn signal provided probable cause for the traffic stop. See State v. Rivera, 384 S.C. 356, 682 S.E.2d 307 (Ct. App. 2009) ("When probable cause exists to believe a traffic violation has occurred, the decision to stop the automobile is reasonable per se."); see also Whren v. U.S., 517 U.S. 806 (1996). The trial court also alternatively determined that, based upon the totality of the circumstances, the officer possessed reasonable, articulable suspicion to believe that Applicant was involved in criminal activity to support the stop. (Tr. p. 105, line 23 – p. 108, line 11).

At the evidentiary-hearing, Applicant expressed satisfaction with the argument presented by counsel in support of the motion to suppress at trial; however, Applicant contends that his attorney provided ineffective assistance for failing to offer legal authority from Georgia to make his argument about the turn signal more persuasive.

Trial counsel testified, and this Court finds, that counsel fully investigated the issue respecting Applicant's failure to use a turn signal and the validity of the stop. Counsel reviewed the applicable statute, regulation and handbook as well as discussed the use of a turn signal in a "turn only" lane with counsel for the Department of Motor Vehicles (DMV). Counsel testified that he also conducted extensive research for authority in this State respecting use of a turn signal in a "turn only" lane. The testimony offered to this Court by Earl Gentry of the Department of Public Safety indicates that drivers are required to use a turn signal in a "turn only" lane. Nevertheless, counsel argued to the trial court that Officer Majewski lacked probable cause to initiate the traffic stop because Applicant was not required to use a turn signal in a "turn only" lane. This Court finds that counsel fully developed Applicant's position respecting use of a turn signal in a "turn only" lane and the lack of probable cause to initiate the traffic stop.

As in Whren v. U.S., 517 U.S. 806 (1996), the trial court in this case determined that Applicant's failure to use a turn signal provided the officer with probable cause to believe a traffic violation had occurred and that the decision to stop the vehicle was reasonable. Trial counsel's failure to offer non-binding authority from another state would not have changed this ruling, particularly in light of the distinguishing facts of the case upon which Applicant relies. In State v. Goodman, 469 S.E.2d 327 (Ga. App. 1996), the Georgia Court of Appeals was presented with the question whether the use of a turn signal in a "turn only" lane is necessary to alert other drivers of a motorist's intention to turn. The court, in Goodman, determined the defendant was not required to use a turn signal under the discrete facts of that case because there was no evidence that other vehicles were in the vicinity at the time of Goodman's turn and because Goodman's sole legal option was to make a turn. Unlike in Goodman, there were other vehicles in the vicinity when Applicant failed to use his turn signal.

This Court finds that counsel properly investigated and conducted research on the issue of the turn signal and fully developed the record through testimony and argument to the trial court. The legal authority Applicant offers from Georgia is not binding, is distinguishable and would not have altered the trial court's ruling in this case, particularly where the trial court found the evidence admissible on an alternate ground. Applicant's allegation is without merit and is denied and dismissed.

2. Failure to Investigate Applicant's License Suspension

As set forth above, the testimony presented at the suppression hearing indicates that, after the initial traffic stop for failing to use a turn signal, Applicant was arrested for driving under suspension. The search yielded tools and fruits of the armed robbery. Applicant contends that his license was not suspended when he was stopped by Office Majewski on October 13, 2006,

and that trial counsel provided ineffective assistance for failing to conduct a proper investigation into the suspension of his license and for failing to challenge the veracity of the arresting officer on this point at trial. He asserts that the report from the 911 dispatcher reflects that his license was not suspended at the time and counsel should have questioned the dispatcher and officer on this point. In addition to his own testimony that he paid the fine to lift the license suspension before the incident in question, Applicant presented the testimony of Earl Gentry of the South Carolina Department of Public Safety who reviewed documents indicating that he stopped Applicant for speeding on October 4, 2006. Gentry had no independent recollection of the matter but testified that the records presented to him at the hearing did not include a notation that Applicant's license was reported as suspended during this traffic stop. However, Gentry provided a number of reasons why the suspension might not have been reported to him during the traffic stop, including the fact that there is often a delay in entering the information into the database after a suspension and that access to the computer information is periodically unavailable to officers.

Trial counsel testified at the hearing as to his experience in the trial of criminal cases, including armed robbery cases, and trials presenting search and seizure issues. Counsel fully reviewed and was knowledgeable of the evidence the State would present against Applicant at trial and conducted legal research respecting the issues involved in the case. Counsel also spoke with Applicant concerning his version of the events and any possible defenses. Counsel visited the scene and interviewed the victim of the armed robbery before trial. Counsel carefully reviewed and investigated the circumstances surrounding the traffic stop, Applicant's arrest for driving under suspension, the search and seizure, and grounds for moving to suppress the evidence found as a result. Counsel also testified about his extensive trial preparation and this

Court finds counsel was well prepared for trial.

Counsel testified that he reviewed the warning ticket issued to Applicant on October 4, 2006. Counsel also testified that Applicant repeatedly told counsel that he was not considered driving under suspension when the warning ticket was issued approximately nine days before the incident. Counsel testified that he conducted extensive research into the issue and discussed the matter of Applicant's suspension with DMV officials to verify the suspension of Applicant's license. Counsel did not call Gentry as a witness at trial because the status of Applicant's license on an earlier date would not have had a bearing on the status of Applicant's license on the date of the crime, as Gentry easily explained at the hearing. Instead, counsel repeatedly contacted DMV and learned that Applicant's license was suspended at the time of the incident on October 13, 2006. Nevertheless, counsel elicited testimony from Applicant during the suppression hearing to support Applicant's contention that his license was not suspended, including evidence that the compliance notice contained a notation stating the fine for the traffic ticket was paid and that "suspension imposed for this violation may be withdrawn." (Tr. p. 75, lines 2 – 15; see also p. 87, lines 3 – 19). Applicant also testified at the suppression hearing that he was stopped for speeding before the incident on October 13, 2006, that "all of his paperwork came back clear, and the dispatch said my license was not suspended at that time." (Tr. p. 77, line 13 – p. 78, line 7). However, on cross-examination, Applicant admitted that the DMV notice indicated that Applicant's license was suspended on September 26, 2006, and that the suspension would continue until Applicant received notice for DMV that the suspension had been cleared. (Tr. p. 85, line 20 – p. 86, line 23).

This Court finds that Applicant failed to establish that his license was not suspended at the time of the incident. Counsel confirmed that the information provided to Officer Majewski

by the dispatch officer was correct and reviewed the summary verifying that the dispatcher informed the officer that Applicant's license was suspended. Counsel testified that he failed to find any evidence in his investigation to establish that the officer was not telling the truth about the suspended license. This Court finds counsel's testimony credible. This Court also finds that Applicant failed to present any credible proof at the post-conviction relief hearing to establish that the officer was not truthful in his testimony on this point.

Moreover, counsel testified that he and Applicant discussed the issue of the officer's good faith belief that Applicant was driving under suspension and the officer's duty to act on the information supplied to him. Counsel stated that he informed Applicant that even if Applicant's license was not actually suspended at the time of the arrest, the trial court would find that the officer had a good faith basis to make the arrest. Nevertheless, counsel elicited testimony to bring Applicant's concerns and position to the attention of the trial judge.

Contrary to Applicant's claim, it was not possible for counsel to establish that Applicant's license was not suspended on October 13, 2006. Nevertheless and as counsel stated and the trial court ruled, it did not matter whether Applicant's license was actually suspended at the time of his arrest on October 13, 2006. The evidence shows that Officer Majewski acted in good faith in arresting Applicant for driving under suspension based upon information conveyed to him by the 911 dispatch officer. (Tr. p. 87, line 3 – p. 88, line 21). See Davis v. U.S., 131 S. Ct. 2419 (2011); Jackson v. City of Abbeville, 366 S.C. 662, 623 S.E.2d 656 (Ct. App. 2005); see also State v Herring, 387 S.C. 210, 692 S.E.2d 490 (2009); State v. Cuevas, 365 S.C. 198, 616 S.E.2d 718 (Ct. app. 2005); State v. Swiling, 249 S.C. 541, 155 S.E.2d 607 (1967). Accordingly, Applicant failed to show that counsel's performance in this regard was deficient or that he suffered the requisite prejudice.

Ineffective Assistance of Appellate Counsel

Applicant also asserts that he received ineffective assistance of appellate counsel for appellate counsel's failure to present on appeal the issue that the arresting officer lacked probable cause to initiate a traffic stop based upon Applicant's failure to use a turn signal in a "turn only" lane.

A defendant is constitutionally entitled to effective assistance of appellate counsel. Evitts v. Lucey, 469 U.S. 387, 105 S.Ct. 830, 83 L.Ed.2d 821 (1985). "However, appellate counsel is not required to raise every non-frivolous issue that is presented by the record." Thrift v. State, 302 S.C. 535, 539, 397 S.E.2d 523 (1990). Appellate counsel has a professional duty to choose among potential issues according to their merit. Jones v. Barnes, 463 U.S. 745 (1983). Where the strategic decision to exclude certain issues on appeal is based on reasonable professional judgment, the failure to appeal all trial errors is not ineffective assistance of counsel. Griffin v. Aiken, 775 F.2d 1226 (4th Cir. 1985).

The Applicant must show that appellate counsel's performance was deficient and that he was prejudiced by the deficiency. Thrift, Id. at 537; Gilchrist v. State, 364 S.C. 173, 612 S.E.2d 702 (2005); Anderson v. State, 354 S.C. 431, 581 S.E.2d 834 (2003). When a claim of ineffective assistance of appellate counsel is based upon failure to raise viable issues, the court must examine the record to determine "whether appellate counsel failed to present significant and obvious issues on appeal." Gray v. Greer, 800 F.2d 644, 646 (7th Cir. 1986). Generally, the presumption of effective assistance of counsel will be overcome only when the alleged ignored issues are clearly stronger than those actually raised on appeal. Id.

This Court finds that Applicant's appellate counsel has extensive experience in the trial and appeal of criminal cases. Counsel reviewed and considered the requests from Applicant and

thereafter conducted a thorough analysis of the trial transcript and law respecting issues preserved for appellate review. Due to the nature of her appellate practice, counsel is also aware of developing legal trends and the issues that might be more favorably received by the appellate courts at any given time. Counsel in this case engaged in thorough research of the issues preserved for appellate review and also relied upon research and her experience in presenting similar issues on appeal in other cases. Counsel thereafter chose what she considered to be the most meritorious of the issues for inclusion in the appellate brief for review by the South Carolina Court of Appeals. Counsel chose not to raise each and every issues preserved, including the issue about which Applicant complains as a matter of appellate strategy. This Court finds counsel's appellate strategy to be reasonable based upon the issue counsel included in the brief on appeal, issue Applicant suggested and Applicant's failure to argue or show that the issue would have been successful on appeal, particularly in light of the alternate ruling of the trial judge in this case and the totality of the circumstances surrounding the stop, search, and seizure. Applicant's allegation concerning appellate counsel is without merit and must be denied and dismissed.

This Court finds the Applicant failed to meet his burden of proving either deficient performance on the part of trial or appellate counsel, or any prejudice arising from the alleged deficiency. Counsel's performance did not fall below reasonable professional norms in the Applicant's case and there is no reasonable probability that a different result would have been reached but for any alleged errors.

Trial Court Issues

The Applicant also raised on number of allegations in his application and amendments to the application in which he contended the trial court erred in its rulings during trial. Applicant

concedes that allegations of trial court error are not proper for post-conviction relief and elected not to pursue those claims. This Court agrees. Allegations pertaining to issues that could or should have been raised at trial and/or on appeal therefrom and are not proper for consideration in a post-conviction relief action. An application for post-conviction relief is not a substitute for an appeal and does not afford relief in cases of alleged error for which remedies were available during the trial or on appeal therefrom. Irick v. State, 264 S.C. 632, 216 S.E.2d 545 (1975); Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1975).

The allegations are denied and dismissed.

CONCLUSION

Based on the foregoing, 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.

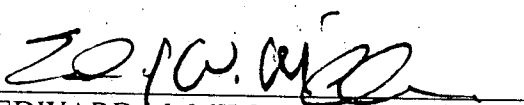
This Court cautions the parties that in order to secure the appropriate appellate review, notice of appeal must be served within thirty (30) days after receipt of written notice of entry of this Order by counsel. This Court directs the attention of the parties to South Carolina Appellate Rule 243 for appropriate procedures after notice has been timely served and filed. This Court notes that post-conviction relief counsel must advise Applicant of the right to seek appellate review of the order. Bray v. State, 366 S.C. 137, 620 S.E.2d 743 (2005). Also, pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an applicant has a right to an appellate counsel's assistance is seeking review of the denial of post-conviction relief.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and

2. The Applicant must be remanded to the custody of the Respondent.

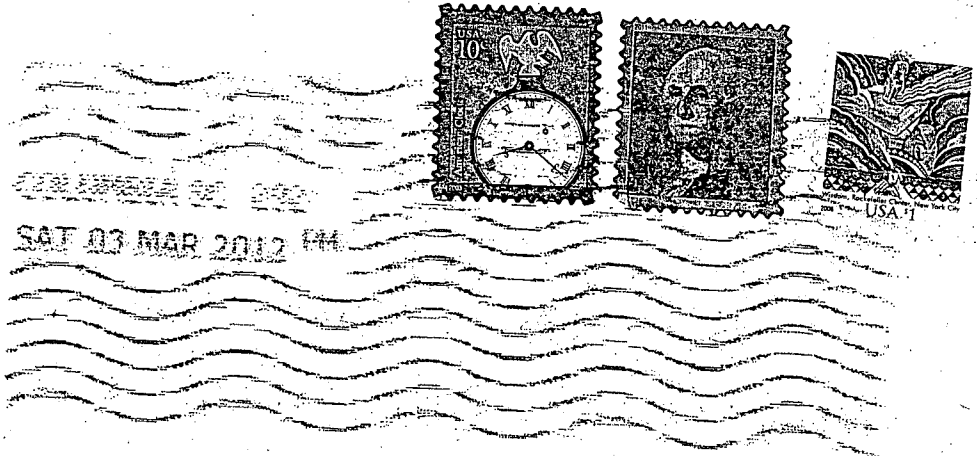
AND IT IS SO ORDERED this 30 day of January, 2012.


EDWARD M. MILLER
Presiding Judge
Eleventh Judicial Circuit

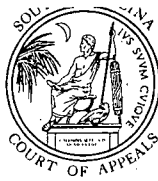
Greenville, South Carolina

uncan
Law, Abogado
Her Street, Suite 3
outh Carolina 29072

Korrell
Buttle



Tanya Gee, Clerk
SC Court of Appeals
1015 Sumter St.
Columbia SC 29201



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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March 1, 2012

John Earl Duncan, Esquire
137 E Butler St., Ste. 3
Lexington, SC 29072-3566

Re: Battle, Korrell v. State
Case Tracking #: 2012208047

Dear Mr. Duncan:

We have received your Notice of Appeal in the case noted above. This case will be docketed in the Court of Appeals and all communications concerning this case, including motions and petitions, initial and final briefs, and the Record on Appeal, should be directed to and filed in this Court. Failure to file in the proper court may result in the dismissal of your appeal. For all filings, please note the requirements of Rule 267(a) of the South Carolina Appellate Court Rules, and be further advised that Court of Appeals policy requires the bar number and firm name of any counsel shown must be included in his or her address.

Within ten days, you are requested to provide a copy of the order you are appealing and the \$100 Notice of Appeal filing fee, pursuant to Rule 203, SCACR. Failure to provide the order and filing fee will result in the dismissal of the appeal.

PLEASE BE ADVISED that, pursuant to Rule 207 of the South Carolina Appellate Court Rules, the transcript must be ordered within 10 days of the proof of service of the Notice of Appeal and you must provide this Court, opposing counsel, and the Office of Court Administration with all correspondence regarding the transcript. It is also Appellant's responsibility to make satisfactory arrangements (including agreement regarding payment for the transcript) with the Court Reporter for furnishing the transcript. You are reminded of the notification requirements of Rule 207(a)(5), SCACR, also, please advise the Court in writing upon receipt of the transcript.

I further wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,

V. Claire Allen, Deputy

Tanya A. Gee
CLERK

TAG/ec

cc: Salley Elliot, Assistant Attorney General
The Honorable Beth Carrigg

The South Carolina Court of Appeals

Korrell Battle, # 292294,

Appellant,

v.

State of South Carolina,

Respondent.

The Honorable Edward M. Miller
Lexington County
Trial Court Case No. 2010-CP-32-02120

RECEIVED

MAR 16 2012

S.C. Supreme Court

ORDER

The appeal in the above captioned matter is transferred to the South Carolina Supreme Court under the filing provisions of Rule 243 of the South Carolina Appellate Court Rules.

IT IS SO ORDERED.

JOHN CANNON FEW, CHIEF JUDGE
For The Court

BY V. Claire Allan, Deputy
CLERK

Columbia, South Carolina

cc: John Earl Duncan, Esquire
Robert Michael Dudek, Esquire
Salley Elliot, Assistant Deputy Attorney General
The Honorable Daniel Shearouse

FILED

Warter 3/15/12



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

MAR 29 2012

S.C. Supreme Court

March 29, 2012

Ms. L. Coconut Pantsari
Circuit Court Reporter
309 Willow Winds Dr.
Columbia, SC 29210-4459

Dear Ms. Pantsari:

Please provide us with the following transcript:

Korrell Battle v. State of South Carolina Case #: 10-CP-32-02120

County: Lexington Date of Trial: November 28, 2011

Presiding Judge: Edward W. Miller

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,

Lorie French
Legal Services Coordinator

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



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

April 3, 2012

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.

Korrell Battle v. State of South Carolina

4/2/2012

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

RECEIVED

APR - 3 2012

S.C. Supreme Court



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ORIGINAL

Division of Appellate Defense
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Columbia, South Carolina 29201-3332
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Telephone: (803) 734-1330
Facsimile: (803) 734-1397

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

May 29, 2012

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MAY 30 2012

S.C. Supreme Court

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

Re: Korrell Battle 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 **Friday, June 1, 2012**. However, because of my heavy workload at this time, I am requesting a thirty day extension, until **July 2, 2012** in which to serve and file the petition.

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

Sincerely,

Kathrine H. Hudgins
Appellate Defender

KHH/lec

cc: Kaelon May, Esquire

The Supreme Court of South Carolina

Korrell Battle, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-208047

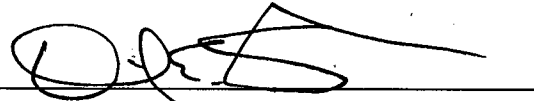
The Honorable Edward W. Miller
Lexington County
Trial Court Case No. 2010CP3202120

ORDER

The request for an extension to serve and file the Petition for Writ of Certiorari and Appendix is granted and extended until July 2, 2012. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 (www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01), any further extension request must be based on a showing of good cause.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

June 4, 2012

cc: Kathrine Haggard Hudgins
Kaelon Elizabeth May

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Lexington County

Edward W. Miller, Circuit Court Judge

 ORIGINAL

RECEIVED

JUL - 2 2012

S.C. Supreme Court

KORRELL BATTLE,

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

Counsel for Korrell Battle 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. Counsel has had one extension in this case.
2. Counsel for Mr. Battle 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 Richard Whelchel v. State on June 29, 2012. Counsel argued the case Mack Greene v. State in the Supreme

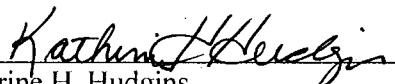
Court on June 20, 2012. Counsel argued State v. Bryan Kinloch and State v. Demetrius Price in the Court of Appeals on June 19, 2012. Counsel filed the petition for writ of certiorari to the Court of Appeals in Joseph Walker v. State and the Brief of Appellant in State v. Travell Hill on June 15, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Louie Alvoid Chapman on June 8, 2012. Counsel was called to testify in two PCR cases on June 7, 2012 in Greenwood, South Carolina. Counsel had two oral arguments this week. On June 4, 2012, counsel argued State v. Ronnie Blackmon in the Court of Appeals. On June 6, 2012, counsel argued State v. John B. Campbell in the Court of Appeals. Counsel filed the petitions for writ of certiorari to the Court of Appeals in State v. Norman Lee Mitchell and State v. Robert Phipps on June 1, 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. 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

ATTORNEY FOR PETITIONER

July 2, 2012

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Lexington County

Edward W. Miller, Circuit Court Judge

KORRELL BATTLE,

PETITIONER,

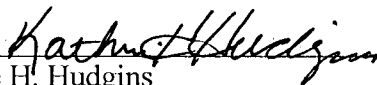
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

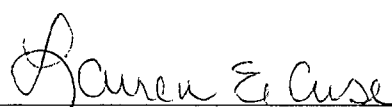
CERTIFICATE OF SERVICE

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 Kaelon E. May, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 2nd day of July, 2012.


Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me
this 2nd day of July, 2012.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: August 23, 2014

The Supreme Court of South Carolina

Korrell Battle, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-208047

The Honorable Edward W. Miller
Lexington County
Trial Court Case No. 2010CP3202120

ORDER

For good cause shown, the request for an extension to serve and file the Petition for Writ of Certiorari and Appendix is granted and extended until August 2, 2012. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 (www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01), any further extension request must be based on a showing of good cause and must be signed by the appropriate attorneys.

FOR THE COURT

BY *Brenda J. Stealy*
Chief Deputy CLERK

Columbia, South Carolina

July 3, 2012

cc: Kathrine Haggard Hudgins
Kaelon Elizabeth May

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

 ORIGINAL

Appeal from Lexington County

Edward W. Miller, Circuit Court Judge

RECEIVED

AUG 02 2012

KORRELL BATTLE,

S.C. Supreme Court
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

Counsel for Korrell Battle petitions the Court for a **final thirty day extension, until September 4, 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. Counsel has had two extensions in this case.
2. Counsel for Mr. Battle 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. On July 27, 2012, counsel filed the initial brief of appellant and designation of matter in State v. Henry Dukes. Counsel filed the brief of petitioner in Eduardo Martinez v. State on July 23, 2012. The petition for writ of certiorari to the Court of Appeals in State v. Tawanda Williams was filed on July 18, 2012. On July 16, 2012, counsel filed the initial brief of appellant and designation of matter in State v. Antwan McMillan. Counsel filed the initial brief of appellant and designation of matter in State v. Darius Cathcart on July 11, 2012. Counsel filed the brief of petitioner in State v. Steven Barnes on July

Whelchel v. State on June 29, 2012. Counsel argued the case Mack Greene v. State in the Supreme Court on June 20, 2012. Counsel argued State v. Bryan Kinloch and State v. Demetrius Price in the Court of Appeals on June 19, 2012. Counsel filed the petition for writ of certiorari to the Court of Appeals in Joseph Walker v. State and the Brief of Appellant in State v. Travell Hill on June 15, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Louie Alvoid Chapman on June 8, 2012. Counsel was called to testify in two PCR cases on June 7, 2012 in Greenwood, South Carolina. Counsel had two oral arguments this week. On June 4, 2012, counsel argued State v. Ronnie Blackmon in the Court of Appeals. On June 6, 2012, counsel argued State v. John B. Campbell in the Court of Appeals.

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. Counsel is striving to limit the number of extensions requested. Counsel is attempting to complete the cases with the most number of extensions first.

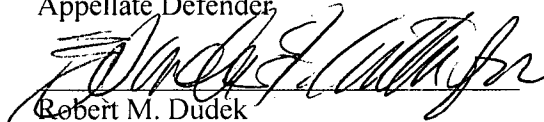
5. Counsel makes this request in good faith and not for purposes of delay.

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,



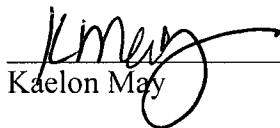
Kathrine H. Hudgins
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

August 2, 2012

I do not oppose:


Kaelon May

The Supreme Court of South Carolina

Korrell Battle, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-208047

ORDER

For good cause shown, the request for an extension to serve and file the Petition for Writ of Certiorari and Appendix is granted and extended until September 4, 2012. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 (www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01), any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

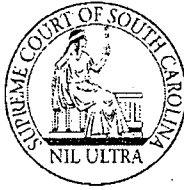
FOR THE COURT

BY *Lorenda J. Shealy*
Chief Deputy Clerk

Columbia, South Carolina

August 6, 2012

cc: Kathrine Haggard Hudgins
Kaelon Elizabeth May



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

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

September 5, 2012

Korrell Battle, 292294
Perry Correctional Institution
430 Oaklawn Road
Pelzer SC 29669

Re: Korrell Battle v. The State
Appellate Case No. 2012-208047.

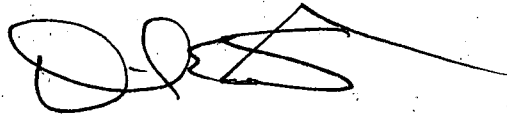
Dear Petitioner:

Your counsel has submitted a petition for writ of certiorari indicating that this appeal is without merit and moves to be relieved as your counsel. *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988). The records of this Court reflect that counsel served you with a copy of the Petition and Appendix.

You may, within forty-five (45) days of the date of this letter, file with this Court a *pro se* response to the petition filed by your counsel. In this response, you may raise and argue any issues you believe the Court should consider in this appeal. Upon receipt of your *pro se* response or the expiration of forty-five (45) days, the matter will be submitted to the Court for its consideration.

If you do decide to file a *pro se* response, the response must be either typewritten or legibly hand printed, and must have at least a one inch margin on all sides. Further, you will need to only submit one copy of your response, and this copy should not be stapled or bound in any manner.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

cc: Kathrine Haggard Hudgins
Kaelon Elizabeth May

3/1/2013

To: Clerk of Court

From: Korell Battle # 292294

C-Y-13

Hello!

I'm just writing to see if my writ of certiorari is still pending in your court. Please check for me. I'm in no rush for a court a ruling or trying to rush the honorable court. I'm just checking to see if it is still pending.

[Korell Battle v. State]
Appellate Case No. 2012-208049

RECEIVED

MAR 13 2013

S.C. SUPREME COURT

Kerell Battle 292794

Perry C-13

938 Oaklawn Rd

Colum (29619)

RECEIVED

MAR 07 2013

PCI MAILING

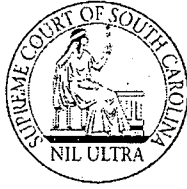
LEGAL MAIL

S.C. SUPREME COURT

DANIEL E. SHEAHOUSE, CLERK OF COURT

P.O. Box 11330

COLUMBIA, SC (29211)



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
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

March 14, 2013

Korrell Battle, 292294
Perry Correctional Institution
430 Oaklawn Road
Pelzer SC 29669

Re: Korrell Battle v. The State
Appellate Case No. 2012-208047

Dear Mr. Battle:

This responds to your letter of March 2, 2013. The petition for writ of certiorari filed by your counsel and your *pro se* response to that petition are currently awaiting consideration by the Court. Due to the volume of pending cases, it is impossible for me provide you with any indication of when the Court may act on this matter.

Very truly yours,

CLERK

cc: Kathrine Haggard Hudgins, Esquire
John Walt Whitmire, Esquire

RECEIVED

MAY 03 2013

S.C. SUPREME COURT



ALAN WILSON
ATTORNEY GENERAL

April 30, 2013

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

RE: Korrell Battle v. State of South Carolina
Appellate Case No: 2012-208047

Dear Mr. Shearouse:

Our office is in receipt of a copy of the March 14, 2013 letter forwarded to Mr. Battle in the Post-Conviction Relief appeal listed above. Please be advised that I will serve as counsel for the State in this matter. Kindly change your records to so reflect.

Sincerely,

Salley W. Elliott
Senior Assistant Deputy Attorney General

SWE/ab

cc: Kathrine H. Hudgins, Esquire

The Supreme Court of South Carolina

RE: TRANSFER OF CASES FROM SOUTH
CAROLINA SUPREME COURT TO THE COURT OF
APPEALS

ORDER

Pursuant to Rule 243(l), SCACR, the following post-conviction relief cases are hereby transferred to the South Carolina Court of Appeals:

1. 2010-178866 Darrell Efrid v. State
2. 2011-193110 Preston Costa v. State
3. 2011-193113 McCenia Amouri Dials v. State
4. 2011-193527 Tyrone Ransom v. State
5. 2011-193709 Reginald Davis v. State
6. 2011-195226 Marty Craig McKinsey v. State
7. 2011-196591 Juan Ramos v. State
8. 2011-196599 Phillip Antonio Byrd v. State
9. 2011-197706 Victor C. Penny v. State
10. 2011-197707 Daniel B. Stratten v. State
11. 2011-197708 Kimjaro Presley v. State
12. 2011-198349 Troy Robinson v. State
13. 2011-198472 Richard Bernard Moore v. State
14. 2011-199414 Bobby Shay Rathburn v. State
15. 2011-199417 Tyrone Lewis Jr. v. State
16. 2011-199927 Anthony Williams v. State
17. 2011-200190 Christopher J. Hickman v. State
18. 2011-200548 Quentes S. Wells v. State
19. 2011-201107 Demetrius Lewis v. State
20. 2011-201129 Chan Bun v. State
21. 2011-201146 Thaddeuss Starks v. State
22. 2011-201589 Adam Bickham v. State
23. 2011-202767 Fredrick Alphonso Irby v. State
24. 2011-202769 Drew John Monahan v. State

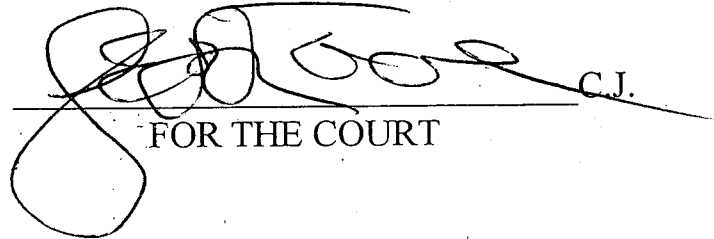
25. 2011-202770 Michael D. Day v. State
26. 2011-202773 Richard F. Whelchel v. State
27. 2011-204347 Lance Lyles v. State
28. 2011-204375 Russell Fred Spitzer v. State
29. 2011-204386 Darrell L. Goss v. State
30. 2011-204847 Kenaz Collier v. State
31. 2011-204966 Clarence Bamberg v. State
32. 2012-205988 Chadrick Cole v. State
33. 2012-206006 Richard Stegall v. State
34. 2012-206007 Dustin Tiller v. State
35. 2012-206008 Frankie Lee Bryant III v. State
36. 2012-206048 Kevin D. Cook v. State
37. 2012-206227 Tashon Sampson v. State
38. 2012-206228 Douglas L. Rice v. State
39. 2012-206648 Tippy Marie Retana v. State
40. 2012-206672 Vante R. Birch v. State
41. 2012-207129 Keith R. Bradley v. State
42. 2012-207131 David A. Fowler v. State
43. 2012-207133 James F. Russell v. State
44. 2012-207147 Cecil Allen Simmons v. State
45. 2012-207246 Andre Lee Reed v. State
46. 2012-207555 Steven R. Johnson v. State
47. 2012-207626 Archie Hoover v. State
48. 2012-207627 Stanley Bradley v. State
49. 2012-207628 Marcus Martin v. State
50. 2012-207816 Darrell Gleaton v. State
51. 2012-207817 Evelyn Buckle v. State
52. 2012-208011 James Wilkinson v. State
53. 2012-208012 Kenneth L. Young v. State
54. 2012-20826- Wiley Post James v. State
55. 2012-208047 Korrell Battle v. State
56. 2012-208666 Larry Mitchell v. State
57. 2012-208667 Wilbur G. Moses Jr. v. State
58. 2012-208889 Dennis L. Snipes v. State
59. 2012-208906 Tommie Watts v. State
60. 2012-209526 Kareem Wiley v. State
61. 2012-209532 Brian Powell v. State
62. 2012-209536 Phillip A. Hingleton v. State
63. 2012-209537 John P. Hendrix v. State
64. 2012-210228 Clark Inabinett v. State

65. 2012-210669 Sean D. Wells v. State
66. 2012-210670 Christian Harris v. State
67. 2012-210671 James Matthews v. State
68. 2012-210672 Jason D. Parker v. State
69. 2012-211090 Nathaniel Caldwell III v. State
70. 2012-211269 Nancy E. VonCannon v. State
71. 2012-211289 Christopher M. Vaughn v. State
72. 2012-211296 Douglas Thompson v. State
73. 2012-211389 Teddie Lee Grant v. State
74. 2012-211391 Jerod Juan Cook v. State
75. 2012-211592 Michael Freeman-v. State
76. 2012-211874 Ackief Pauling v. State
77. 2012-212070 Vondell Sanders v. State
78. 2012-212076 Fredy Sibrian v. State
79. 2012-212079 Jamal Lindsey v. State
80. 2012-212090 DeRoyick Montgomery v. State
81. 2012-212099 Clinton-F. Stephens v. State
82. 2012-212155 Terrance Tompkins v. State
83. 2012-212162 Wayne Cooley v. State
84. 2012-212227 Montavis K. Gaines v. State
85. 2012-212300 Alfred Redwine v. State
86. 2012-212303 Tyquan Jared Amir-Jones v. State
87. 2012-212304 Harry N. Charles II v. State
88. 2012-212312 Tyrone A. Ravenell v. State
89. 2012-212315 Matthew William Gilliard III v. State
90. 2012-212317 Michael Anthony York v. State
91. 2012-212353 Donald Hurlbert v. State
92. 2012-212400 West Webb Mitchem v. State
93. 2012-212401 Kieve Malik Smith v. State
94. 2012-212408 Derrick-F. Williams v. State
95. 2012-212411 Jason Maness v. State
96. 2012-212505 Floyd Randolph Granger III v. State
97. 2012-212520 Kimberly Taylor v. State
98. 2012-212580 Brandon Lav'ar Johnson v. State
99. 2012-212591 Robert Young v. State
100. 2012-212592 Joseph A. Dozier v. State
101. 2012-212649 Tony Lynn v. State
102. 2012-212733 Leon Billups v. State
103. 2012-212737 Harry H. Jones v. State
104. 2012-212780 Boyce Lee Nesbitt v. State

105. 2012-212783 Clarence Miller v. State
106. 2012-212785 Albert Spann v. State
107. 2012-212811 Devin Gantt v. State
108. 2012-212826 Frank Green Jr. v. State
109. 2012-212831 Stephen Paul Casillo v. State
110. 2012-212869 Jose M. Maldonado v. State
111. 2012-212877 Little Johnny Lee Mackey v. State
112. 2012-212882 Randy Bryant v. State
113. 2013-000427 Lamont Valentine Poole v. State
114. 2013-000429 Larry Prophet v. State
115. 2013-000627 Rachion Omar Robinson v. State
116. 2013-000654 Pernell Thompson v. State
117. 2013-000870 Lavar Sanders v. State
118. 2013-000872 Casio Mack Richardson v. State
119. 2012-213129 Billy Nathan Lee v. State
120. 2012-213201 Stacey Abney v. State
121. 2012-213240 Gary Waiters v. State
122. 2012-213292 Ronald Footman v. State
123. 2012-213308 Melcelus Toland v. State
124. 2012-213338 Sylvester Boone v. State
125. 2012-213420 Morris Stewart v. State
126. 2012-213562 Christopher Shell v. State
127. 2012-213573 Randy Jennings v. State
128. 2012-213619 Matthew Taylor v. State
129. 2012-213661 Robert L. Dickerson v. State
130. 2012-213667 Kamala Creighton v. State
131. 2012-213668 David Heath v. State
132. 2012-213671 Henry Lee Bradley v. State
133. 2012-213684 Christopher Dale Shirley v. State
134. 2012-213700 David Lee Rose v. State
135. 2013-000043 Steven William Roberts v. State
136. 2013-000045 Christopher Dean Johnson v. State
137. 2013-000069 Ricky Price v. State
138. 2013-000079 Anthony M. Brown v. State
139. 2013-000111 Pamela Marie Teal v. State
140. 2013-000127 (Bobby) Robert James Rippy v. State
141. 2013-000128 Travis Sentell Rice v. State
142. 2013-000137 Michael A. Williams v. State
143. 2013-000139 Timothy Stahlnecker v. State
144. 2013-000362 Stanley L. Butler v. State

145. 2012-212890 Antoine J. China v. State
146. 2012-212936 Christopher O'Neal Pringle v. State
147. 2012-213032 Angel Gonzales v. State
148. 2012-213036 David Andres Ortiz Molina v. State
149. 2012-213038 Travis D. Bellamy v. State
150. 2012-213118 Kareem J. Leaphart v. State

IT IS SO ORDERED.


C.J.
FOR THE COURT

Columbia, South Carolina

November 22, 2013

cc: Chief Appellate Defender Robert M. Dudek
Deputy Chief Appellate Defender Wanda H. Carter
Appellate Defender Robert M. Pachak
Appellate Defender Kathrine H. Hudgins
Appellate Defender LaNelle C. DuRant
Appellate Defender Susan B. Hackett
Appellate Defender Benjamin J. Tripp
Appellate Defender Carmen V. Ganjehsani
Appellate Defender David Alexander
Assistant Deputy Attorney General Salley W. Elliott
Assistant Attorney General John W. Whitmire
Assistant Attorney General Tyson A. Johnson
Assistant Attorney General Suzanne H. White
Assistant Attorney General Ashleigh R. Wilson
Assistant Attorney General Megan E. Harrigan
Assistant Attorney General Karen C. Ratigan
Assistant Attorney General Daniel F. Gourley
Assistant Attorney General David A. Spencer
Assistant Attorney General J. Rutledge Johnson
John Benjamin Aplin, Esquire
Tricia Blanchette, Esquire
J. Falkner Wilkes, Esquire

Tara D. Shurling, Esquire
Joshua Snow Kendrick, Esquire
Ernest Charles Grose, Jr., Esquire
Jeremy Adam Thompson, Esquire
Glenn Walters, Esquire
R. Bentz Kirby, Esquire
Hemphill-P. Pride, III, Esquire
William Joseph Barr, Esquire
Arie D. Bax, Esquire
Bruce A. Bryholdt, Esquire
Tommy Thomas, Esquire
Teddie Lee Grant #342172
Wilbur G. Moses Jr. #244241
Michael Freeman #262416
Kevin D. Cook #268901
Phillip A. Hingleton #166888
Michael D. Day #318713
Larry Mitchell #264463
Korrell Battle #292294
Steven R. Johnson #245428
Frederick Alphonso Irby #339195
Andre Lee Reed #218837
Fredy Sibrian #338184
Tashon Sampson #261273
James Matthews #258992
Jason D. Parker #328223
Kimberly Taylor #316813
Nancy E. VonCannon #315528
Christopher M. Vaughn #339181
Travis D. Bellamy #323612
Terrance Tompkins #318169
Clinton F. Stephens #246685
Morris Stewart #343460
Tyquan Jared Amir Jones #320934
Harry N. Charles II #268775
Tyrone A. Ravenell #318711
Derrick F. Williams #331226
Albert Spann #324640
Pamela Marie Teal #343575
Wayne Cooley #168807

Jose M. Maldonado #340872
Alfred Redwine #291230
Little Johnnie Lee Mackey #294652
Travis Sentell Rice #304580
Joseph A. Dozier #255343
Gary Waiters #273876
Pernell Thompson #336975
Clarence Miller #267397
Larry Prophet #304134
Christopher Dale Shirley #339568
David Lee Rose #091858
Lemont Valentine Poole #265389
Christopher Shell #181291
Robert L. Dickerson #113793
Floyd Randolph Granger III #339558
Brandon Lav'ar Johnson #321109
Sylvester Boone #341082
Christopher Dean Johnson #343032
Ricky Price #285743
Kareem J. Leaphart #297361
Casio Mack Richardson #339735
Devin Gantt #337539
Randy Jennings #259845
Anthony M. Brown #341644
Michael A. Williams #273114
David Heath #128440
Antoine J. China #292911
The Honorable Jenny Kitchings



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
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September 30, 2014

Korrell Battle, #292294
Perry Correctional Institution
430 Oaklawn Road
Pelzer SC 29669

Re: Korrell Battle v. The State
Appellate Case No. 2012-208047

Dear Mr. Battle:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny Abbott Kitchings".

CLERK

cc: Kathrine Haggard Hudgins, Esquire
Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire
The Honorable Edward W. Miller

The South Carolina Court of Appeals

Korell Battle, Petitioner,

v.

State of South Carolina, Respondent.

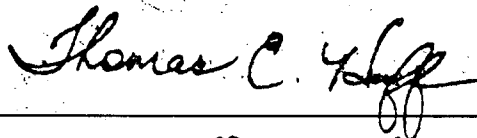
Appellate Case No. 2012-208047

ORDER

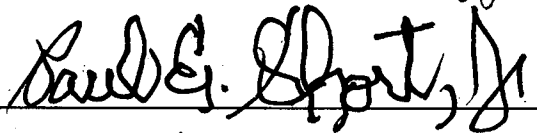
This matter is before the Court on a petition for a writ of certiorari following the denial of Petitioner's application for post-conviction relief.

Petitioner's counsel asserts that the petition is without merit and requests permission to withdraw from further representation. Petitioner has filed a pro se petition.

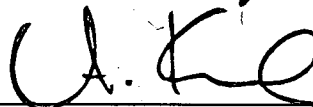
After careful consideration of the entire appendix as required by *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988), we deny the petition and grant counsel's request to withdraw.



J.



J.




J.

Columbia, South Carolina

cc: Kathrine Haggard Hudgins, Esquire

FILED

9/30/14 

Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
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October 16, 2014

The Honorable Beth Carrigg
205 E Main St Ste 146
Lexington SC 29072-3557

REMITTITUR

Re: Korrell Battle v. The State
Lower Court Case No. 2010CP3202120
Appellate Case No. 2012-208047

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Kathrine Haggard Hudgins, Esquire
Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire
Korrell Battle, #292294
The Honorable Edward W. Miller