

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM MARION COUNTY
Court of Common Pleas

HONORABLE THOMAS A. RUSSO, CIRCUIT COURT JUDGE

2009-CP-33-527

GLENN QUANTA PERNELL, #263271,

APPELLANT,

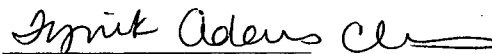
vs.

STATE OF SOUTH CAROLINA,

RESPONDENT.

NOTICE OF APPEAL

Glenn Quanta Pernell appeals the denial of his application for Post Conviction Relief. The Post Conviction Relief Action was heard and denied by the Honorable, Thomas A. Russo, Circuit Court Judge on February 9, 2011. The Appellant received notice of the judgment on March 14, 2010.



Tynika Adams Claxton
Attorney for the Appellant
Post Office Box 50
Blythewood, South Carolina 29016
(803) 400-1195
Attorney for Glenn Quanta Pernell

Other Counsel of Record:
David Spencer, Esquire
Office of Attorney General State of SC
Post Office Box 11549
Columbia, SC 29211-1549

RECEIVED

MAR 31 2011

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM MARION COUNTY
Court of Common Pleas

HONORABLE THOMAS A. RUSSO, CIRCUIT COURT JUDGE

2009- CP-33-527

GLENN QUANTA PERNELL, #263271,

APPELLANT,

vs.

STATE OF SOUTH CAROLINA,

RESPONDENT.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing copy of it in the United States Mail, postage prepaid, on March 30, 2011, addressed to their attorney of record, David Spencer, Office of Attorney General State of South Carolina, Post Office Box 11549, Columbia, SC 29211-1549.

Dated: March 30, 2011

THE CLAXTON LAW FIRM, L.L.C.



Tynika A. Claxton
Attorney for the Appellant
Post Office Box 50
Blythewood, South Carolina 29016
(803) 400-1195
Attorney for Glenn Quanta Pernell

STATE OF SOUTH CAROLINA)
 COUNTY OF MARION)
 Glenn Pernell, SCDC No. 263271,)
 Applicant,)
 v.)
 State of South Carolina,)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 TWELFTH JUDICIAL CIRCUIT
 2009-CP-33-527

CLERK OF COURT
 FLORENCE COUNTY
 SOUTH CAROLINA
 MAR 11 PM 12:29
 FILED

ORDER OF DISMISSAL

This matter is before this Court by way of an application for post-conviction relief (PCR) filed December 14, 2009. The State made its return on March 26, 2010. A hearing on the matter was convened at the Florence County Courthouse on February 9, 2011. Applicant was present and represented by Tynika Claxton, Esquire. The Respondent was represented by David Spencer of the South Carolina Office of the Attorney General.

Applicant testified on his own behalf. Also testifying was his trial counsel, J.M. Long, III. This Court had before it the transcript of Applicant's trial along with the PCR application, the State's return, the Clerk of Court's Records regarding the subject convictions, and the appellate records from Applicant's appeal.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Marion County Clerk of Court. Applicant was indicted at the November 2006 term of the Marion County Grand Jury for distribution of cocaine base, trafficking in cocaine, possession of cocaine with intent to distribute within proximity of a school or park, trafficking in cocaine base, and possession of cocaine base with intent to

distribute within proximity of a school or park. (2006-GS-33-297). J. M. Long, III, Esquire, represented the Applicant. The Applicant proceeded to trial on February 27 - March 1, 2007, on counts 2-5 of the indictment (count 1, distribution was not prosecuted with leave to restore), in front of the Honorable Edward B. Cottingham, and a jury. Applicant was convicted of trafficking in cocaine and trafficking in cocaine base, but was acquitted of the two proximity charges. He was sentenced by Judge Cottingham to consecutive terms of twenty-five years imprisonment on each charge.

A timely Notice of Appeal was filed and an appeal was perfected on the Applicant's behalf by Mr. Long. The South Carolina Court of Appeals affirmed the conviction. State v. Pernell, 2009-UP-394 (filed July 20, 2009). The remittitur was issued on August 7, 2009.

ALLEGATIONS

In his application, the Applicant alleges that he is being held in custody unlawfully because he received ineffective assistance of trial counsel.

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 presented 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 Counsel and Involuntary Plea

Applicant makes various allegations of ineffective assistance of counsel. The burden of proof is on the applicant in a PCR proceeding to prove the allegations in his application. Bell v. State, 321 S.C. 238, 467 S.E.2d 926 (1996); Rule 71.1(e), SCRPC.

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. Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); Judge v. State, 321 S.C. 554, 471 S.E.2d 146 (1996). In order to prove prejudice, an applicant must show that but for counsel's errors, there is a reasonable probability the result at trial would have been different. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997). A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Id. Where trial counsel articulates a valid reason for employing certain trial strategy, such conduct should not be deemed ineffective assistance of counsel. Looseboro v. State, 317 S.C. 292, 454 S.E.2d 312 (1995); Stokes v. State, 308 S.C. 546, 419 S.E.2d 778 (1992).

This Court will now address each allegation of ineffective assistance of trial counsel below:

Fourteen year offer

Applicant alleges counsel was ineffective for not advising Applicant to take a fourteen year offer from the State instead of going to trial. Counsel testified that he advised Applicant to take the offer, but Applicant wanted to go to trial. Counsel testified he wished he was forceful on the matter, but admits that the decision was Applicant's. Applicant presented no evidence that counsel's performance in advising Applicant on the decision of whether or not to plead guilty was deficient. This Court finds counsel did not render deficient performance in this regard. Ultimately, the decision was Applicant's and finds that Counsel's testimony that he advised Applicant to take the offer is credible and that Applicant's testimony on the matter is not

credible. Although Counsel and Applicant both wish in hindsight that Applicant took the offer, Applicant made an informed decision to proceed to trial. This allegation is denied.

No preliminary hearing

Applicant alleges he should have had a preliminary hearing. Counsel testified he did not believe a preliminary hearing would have been beneficial in this case. This allegation is denied. Counsel's performance was not deficient, nor was Applicant prejudiced, as it is obvious from the record that there was probable cause to proceed to trial, and the indictment was true-billed, allowing the prosecution of the case.

Motion to suppress evidence in vehicle

Applicant alleges counsel should have moved to suppress the drugs found in the vehicle. Counsel testified that he did not think such a motion was likely to succeed. This Court agrees with Counsel's assessment and finds Counsel's performance was not deficient, nor was Applicant prejudiced in this regard. The testimony at trial reveals Applicant left his vehicle, with his two co-defendant's inside, to enter the motel lobby where he was arrested, pursuant to an arrest warrant for the distribution charge. When the two co-defendant's exited the vehicle, they left the car door open. A black bag in the front seat was open and the narcotics were in plain view of the officers. Tr. pp. 69-70. Therefore, the search was permissible under the plain view exception to the warrant requirement. This allegation is denied.

Distribution charge

Evidence at trial was that Applicant sold crack cocaine to a confidential informant, Jeanette Fleming, at Applicant's residence. While there, Fleming noticed a white Crown Victoria in the driveway and saw Applicant take the drugs and a scale from a black bag. They then agreed for Applicant to exchange more drugs in exchange for sex, and to meet at the

Imperial Motel. Tr. pp. 119-123. Applicant arrived at the motel in a white Crown Victoria, exited the vehicle, and entered the motel lobby. At that point, Applicant was arrested in the lobby and his two co-defendants were arrested as they exited the Crown Victoria. The narcotics were found in a black bag. Tr. pp. 69-70, p. 76.

Applicant alleges that the evidence of distribution should not have been allowed, and that counsel should have argued that the evidence of the distribution could not be admitted under the common scheme or plan exception, and that the prejudicial value outweighed the probative value of the evidence.

This Court notes that Counsel did object to the evidence of the distribution charge being admitted. Counsel requested a continuance at trial because the prosecutor had not provided him with an audio tape and video tape of the distribution. The Court granted the continuance on the distribution count, but not on the trafficking and proximity charges from the narcotics seized at the motel. Tr. pp. 29-32.

Counsel then moved to suppress evidence of the distribution and his motion was denied. Tr. pp. 32-35. He challenged the ruling on appeal and the Court of Appeals found that the evidence was admissible as *res gestae* of the trafficking offenses.

This Court finds that counsel's performance was not deficient nor was Applicant prejudiced in this regard. Counsel vigorously sought suppression, but the evidence was obviously admissible as *res gestae* and highly probative where the informant was able to identify the Crown Victoria and the seized black bag from the prior transaction, and where immediately upon the first transaction, Applicant and the informant arranged the proposed transaction at Imperial Motel. This allegation is denied.

Testimony about marijuana and officers' belief that Applicant was armed

Applicant complains about counsel's performance regarding testimony that marijuana was found on him pursuant to a search incident to arrest and testimony that law enforcement believed there might be a weapon in the vehicle, which is why they waited for Applicant to go into the motel lobby before making the arrest. Counsel objected, but was overruled. Counsel appealed the issues, but the Court of Appeals found that the arguments were abandoned on appeal because no authority was cited in the Appellant's brief. However, the Court of Appeals opined that even if preserved, in light of overwhelming evidence of guilt and that no weapon was found on Applicant, the testimony did not prejudice Applicant.

This Court finds that even though counsel should have cited authority for his argument in the brief, Applicant was not prejudiced, as the Court of Appeals made clear that any error would be found harmless. Accordingly, Applicant has not met his burden of prejudice and therefore, this Court finds counsel was not ineffective. Strickland.

Instruction on distribution charge

When testimony regarding the prior distribution was elicited, the trial court gave a limiting instruction. Applicant alleges that counsel should have requested a limiting instruction that Applicant was presumed innocent of the distribution charge, although Applicant was not being tried on that charge. This Court finds that Applicant has not met his burden of proving counsel ineffective. The trial court gave a limiting instruction that made clear Applicant was not being tried for the distribution charge. Tr. pp. 123-124. Further, the trial court instructed the jury that Applicant was presumed innocent of the charges upon which he was being tried. This allegation is denied.

Decision to testify

Applicant alleges that he wanted to testify at trial but was advised not to testify. Counsel testified that he did not think it would be beneficial for his defense for Applicant to testify. On the other hand, by not presenting evidence, Counsel gained the strategic advantage of last closing argument. Counsel testified that it was Applicant's decision to not testify. The trial court advised Applicant of his right to decide whether or not testify, informing Applicant: "with regard to such an important question, you would consult with your attorney but the ultimate decision rests with you." Tr. p. 243, lines 10-12. Trial counsel further informed Applicant: "I have had in the past people tell me later, ah, 'Well, I didn't testify because my attorney told me not to.' But I'm telling you. The decision is yours." Tr. p. 243, lines 15-17.

This Court finds Applicant has not met his burden of proving ineffective assistance of counsel. Counsel's advice not to testify was reasonable. Applicant has failed to show counsel's performance was deficient in this regard. Further, Applicant has failed to show that he was prejudiced. Applicant failed to present evidence that his testimony would likely have changed the outcome of trial. On the other hand, Counsel skillfully argued the final closing argument, which would have been lost if Applicant testified. This allegation is denied.

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.

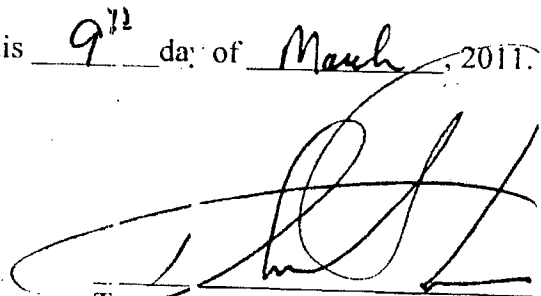
This Court advises the parties that in order to secure the appropriate appellate review, notice of appeal must be served and filed within thirty (30) days after receipt by counsel of

notice of entry of this order. See Rules 203 and 213 of the South Carolina Appellate Court Rules. This Court notes that post-conviction relief counsel must advise an applicant of the right to seek appellate review of a post-conviction relief order. State v. Bray, 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 in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRPC, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a notice of appeal on an applicant's behalf.

IT IS THEREFORE ORDERED:

1. The application for Post-Conviction Relief is denied with prejudice;
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 9th day of March, 2011.



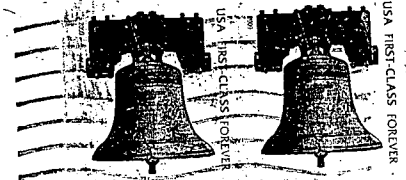
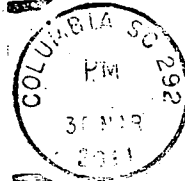
Thomas A. Russo
Presiding Judge
12th Judicial Circuit

Florence, South Carolina

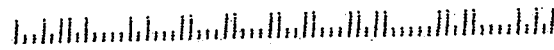
The Claxton Law Firm, LLC
PO Box 50
Blythewood, SC 29016

*Yvonne
Quanta
Dennell*

Clerk of Court
Supreme Court
1231 Gervais Street
Post Office Box 11330
Columbia, SC 29211



2921181330 8099



Johnson

*

Short Title: Pernell, Glenn v. The State #263271

Type: Petition For Certiorari - PCR

Case #: 2011189086

Court: Supreme Court

Date Filed: 03-30-2011

Appeal From: Marion

2009-CP-33-00527 The Honorable Thomas A. Russo

3/9/11

SA-4/13/12
~~May 21~~
 3) ~~Apr. 4~~
 2) ~~Mar. 5~~
 1) ~~Feb. 3~~
~~Jan. 4~~
~~July 11~~
~~May 12~~

THE CLAXTON LAW FIRM
P.O. BOX 50
BLYTHEWOOD, SC 29016
803-400-1195 (P)
803-675-0259 (F)

Per

March 30, 2011

Clerk of Court
Supreme Court
1231 Gervais Street
Post Office Box 11330
Columbia, SC 29211

Re: **Glenn Quanta Pernell vs. The State of South Carolina**
Case No: 2009-CP-33-527

Dear Sir/Madam:

Please find enclosed a Notice of Appeal and an affidavit of service for the same. Also, I have enclosed a copy of the Order from which the appeal is taken from. Thank you for your help and if you should have any questions please feel free to call me.

THE CLAXTON LAW FIRM, L.L.C.



Tynika A. Claxton

enclosure

RECEIVED

MAR 31 2011

S.C. SUPREME COURT



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

April 26, 2011

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APR 26 2011

Ms. Kiesha T. Reed
Circuit Court Reporter
P.O. Box 12190
Florence, SC 29504-2190

S.C. Supreme Court

Dear Ms. Reed:

Please provide us with the following transcript:

Glenn Pernell v. State of South Carolina

Case #:

09-CP-33-00527

County: Marion

Date of Trial: February 9, 2011

Presiding Judge: Thomas A. Russo

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

Please number the lines on the paper from 1-25, and include any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments.

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

Sincerely,

Sharon A. Graham

Administrative Coordinator

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



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

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NOV 3 2011

S.C. Supreme Court

November 3, 2011

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.

Glenn Pernell v. State of South Carolina

11/3/2011

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

Thank you for your assistance in this matter.

Sincerely,

Sharon A. Graham
Administrative Coordinator



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

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

January 3, 2012

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JAN - 3 2012

S.C. Supreme Court

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

Re: Glenn Pernell v. State of South Carolina

Dear Mr. Shearouse:

The petition for writ of certiorari and appendix in the above-referenced case are due to be served and filed today. Because of my present workload, I respectfully request a thirty-day extension of this deadline. No prior extensions have been requested in this case.

By copy of this letter, I am informing David Spencer, Esquire, of the Office of the Attorney General, of this extension request.

Thanking you for your cooperation and assistance in this matter.

Sincerely,

Wanda H. Carter
Deputy Chief Appellate Defender

WHC/kam

cc: David Spencer

The Supreme Court of South Carolina

Glenn Pernell,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable Thomas A. Russo
Marion County
Trial Court Case No. 2009-CP-33-00527

ORDER

The request for an extension until February 3, 2012 to serve and file the Petition for Writ of Certiorari and Appendix is granted. Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY Brenda J. Shealy
Clerk

Columbia, South Carolina

January 4, 2012

cc: Deputy Chief Appellate Defender Wanda H. Carter
Assistant Attorney General David Spencer

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Marion County

Thomas A. Russo, Circuit Court Judge

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FEB - 3 2012

S.C. Supreme Court

GLENN PERNELL,

PETITIONER,

V.

(2)

STATE OF SOUTH CAROLINA,

RESPONDENT

**PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI
AND APPENDIX**

The undersigned counsel would respectfully request a thirty-day extension in which to file the petition for writ of certiorari and appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The petition for writ of certiorari and appendix in this case are due to be served and filed today, having been extended by one prior order of this Court.

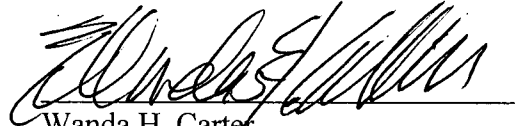
2. Counsel is preparing and plans to file the petition for writ of certiorari and accompanying appendix in the case of John E. Prigmore v. State with this court on Monday, February 6, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Blanding v. State with this court on January 20, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Trenton Bennett v. State with this court on January 17, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Bobby

Gibson v. State with this court on January 9, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jorge Rodriguez v. State with this court on January 3, 2012. In December, 2011, Counsel filed the petitions for writ of certiorari and accompanying appendices in the cases of Jonathan Vick v. State, John Lewis Mills v. State and Mark Daniel Cureton v. State. Additionally, Counsel filed the initial briefs of appellant and designations of matter in the cases of John Henry Stokes v. State and Lewis C. Landreth v. State, as well as the brief of petitioner in the case of Tommy Novack Lloyd v. State in December, 2011. In November 2011, Counsel filed the petitions for writ of certiorari and accompanying appendices in the cases of Leonard G. Stanfield v. State, William Avinger v. State, Mark Bolte v. State and Stanley DeHart v. State, as well as the initial brief of appellant and designation of matter in the case of State v. Randy Edward Anderson.

3. This request is made in good faith, and not for purposes of delay.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension in which to file the petition for writ of certiorari and appendix in this case. Counsel requests that the time limits for filing the petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

February 3, 2012

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Marion County

Thomas A. Russo, Circuit Court Judge

GLENN PERNELL,

PETITIONER,

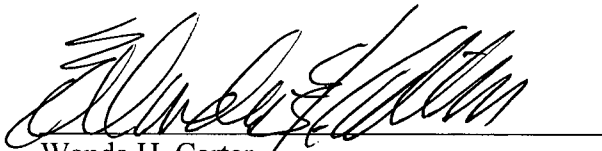
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies the petition in which to file the petition for writ of certiorari and appendix in the above referenced case has been served upon David Spencer, Esquire, Assistant Deputy Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Rm. 519, Columbia, SC 29201, this 3rd day of February, 2012.



Wanda H. Carter
Deputy Chief Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 3rd day of February, 2012.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: October 2, 2013 .

The Supreme Court of South Carolina

Glenn Pernell,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable Thomas A. Russo
Marion County
Trial Court Case No. 2009-CP-33-00527


ORDER

For good cause shown, the request for an extension until March 5, 2012 to serve and file the Petition for Writ of Certiorari and Appendix is granted. Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause and must be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



Clerk

Columbia, South Carolina

February 6, 2012

cc: Deputy Chief Appellate Defender Wanda H. Carter
Assistant Attorney General David Spencer

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Marion County

Thomas A. Russo, Circuit Court Judge

RECEIVED

MAR 5 2012

S.C. Supreme Court

GLENN PERNELL,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

**PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI
AND APPENDIX**

(3)

The undersigned counsel would respectfully request a **final thirty-day extension, until April 4, 2012**, in which to file the petition for writ of certiorari and appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The petition for writ of certiorari and appendix in this case are due to be served and filed today, having been extended by two prior orders of this Court.

2. Counsel has an oral argument in the case of State v. Lewis Williams in the Court of Appeals on March 12, 2012. Counsel had an oral argument in the case of State v. Otis Lamar Bland in the Court of Appeals on February 29, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Sherinette

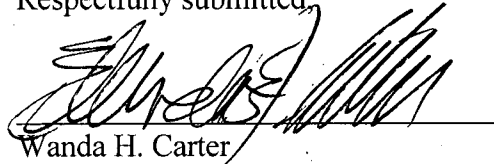
Wannamaker v. State in the Supreme Court, and the initial brief of appellant and designation of matter in the case of State v. Lawrence Brown in the Court of Appeals on February 27, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Henry Belton v. State in the Supreme Court on February 24, 2012. Counsel is preparing for an oral argument in the case of Benjamin Green v. State in the Supreme Court on Thursday, February 23, 2012. Counsel filed the petitions for writ of certiorari and accompanying appendices in the cases of Tony Drayton v. State and William Hickman v. State with the Supreme Court on February 16, 2012. Counsel had an oral argument in the case of State v. James Babb in the Court of Appeals on February 14, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of John E. Prigmore v. State with the Supreme Court on February 6, 2012. In January, 2012, Counsel filed the petitions for writ of certiorari and accompanying appendices in the cases of James Blanding v. State, Trenton Bennett v. State, Bobby Gibson v. State and Jorge Rodriguez v. State.

3. This request is made in good faith, and not for purposes of delay. Counsel is striving to limit the number of extensions requested. Counsel is attempting to complete the cases with the most number of extensions first.

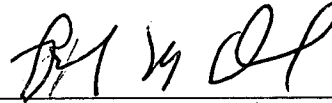
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension, until April 4, 2012**, in which to file the petition for writ of certiorari and appendix in this case. Counsel requests that the time limits for filing the petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,



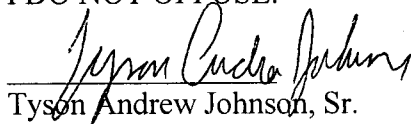
Wanda H. Carter
Deputy Chief Appellate Defender



Robert M. Dudek
Chief Appellate Defender

March 5, 2012

I DO NOT OPPOSE:



Tyson Andrew Johnson, Sr.

The Supreme Court of South Carolina

Glenn Pernell,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable Thomas A. Russo
Marion County
Trial Court Case No. 2009-CP-33-00527

ORDER

For good cause shown, the request for an extension until April 4, 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.

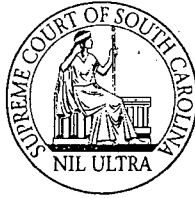
JEAN H. TOAL, CHIEF JUSTICE

BY *Arenda J. Shealy*
Clerk

Columbia, South Carolina *Chief Deputy*

March 6, 2012

cc: Deputy Chief Appellate Defender Wanda H. Carter
Assistant Attorney General David Spencer



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

March 26, 2012

Glenn Pernell #263271
Lieber Correctional Institution
P. O. Box 205
Ridgeville, SC 29472

Re: Pernell, Glenn v. The State


Dear Mr. Pernell:

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 & Appendix on March 23, 2012.

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,



CLERK

DES/jj

cc: Deputy Chief Appellate Defender Wanda H. Carter
Assistant Attorney General David Spencer

April 4, 2012

Glenn PERNELL, #263271
PERRY CORR. INST. / Q2A 209
430 DAKLAWN ROAD
PELZER, SC 29669

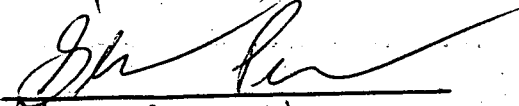
Attorney Generals Office
1000 Assembly Street, Suite
Columbia, SC 29201

RE: PERNELL v. STATE, # 2009-CP-33-527

DEAR MR. JOHNSON:

Enclosed, please find a true copy of my pro-se
brief pursuant to the Johnson petition filed by Mrs.
Wanda H. Carter from the office of Appellate defense.
Thank you for your time and consideration.

Respectfully Submitted

15/ 

GLENN PERNELL

Glenn Pernell #263271

Perry Corr. Inst / Q2-A-209

430 Oaklawn Road

Pelzer, S.C. 29669

RECEIVED

APR 10 2012

P.C.I. MAILROOM

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



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
FAX: (803) 734-1839
www.sccourts.org

November 20, 2013

Mrs. Wanda H. Carter
PO Box 11589
Columbia SC 29211

Re: Glenn Pernell v. State
Appellate Case No. 2011-189086

Dear Counsel:

The Court has become aware that page 7 of 8 of Judge Russo's order of dismissal, which should have been page 400 of the appendix, is missing. Please provide a supplemental filing to the Court within 10 days of the above mentioned date.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: David A. Spencer, Esquire
Glenn Pernell, 00263271



ALAN WILSON
ATTORNEY GENERAL

March 29, 2012

RECEIVED

MAR 29 2012

S.C. Supreme Court

VIA HAND DELIVERY

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

RE: Glenn Pernell, #263271 v. State of South Carolina
2009-CP-33-0527

Dear Mr. Shearouse:

I am in receipt of the Petition for Writ of Certiorari in the above-captioned case which has been filed pursuant to the procedure set forth in Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988). Please accept this letter in lieu of a formal return. The Respondent has no objection to the Petition of Wanda H. Carter, Esquire to be relieved as counsel.

If a formal return is required, the Respondent requests an opportunity to brief the issues as requested by the Court.

If there are any questions or comments, please feel free to contact me.

Sincerely,

David Spencer
Assistant Deputy Attorney General

cc: Wanda H. Carter, Esquire
Trisha Allen, Victim Services

The South Carolina Court of Appeals

Glenn Pernell, Petitioner,

v.

State of South Carolina, Respondent.

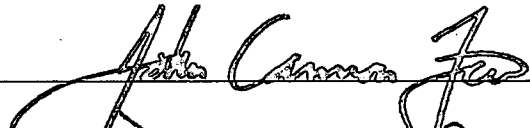
Appellate Case No. 2011-189086

ORDER

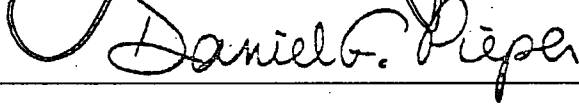
This matter is before the Court on a petition for a writ of certiorari following the denial of Petitioner's application for post-conviction relief.

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.

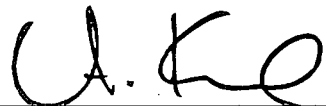
After careful consideration of the entire appendix as required by *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988), we deny the petition and grant counsel's request to withdraw.



C.J.



J.



J.

Columbia, South Carolina

FILED

March 11, 2014

cc: David A. Spencer
Wanda H. Carter
Glenn Pernell, 00263271



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
FAX: (803) 734-1839
www.sccourts.org

March 27, 2014

The Honorable Sherry R. Rhodes
PO Box 295
Marion SC 29571-0295

REMITTITUR

Re: Glenn Pernel v. State
Lower Court Case No. 2009CP3300527
Appellate Case No. 2011-189086

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: David A. Spencer, Esquire
Wanda H. Carter, Esquire
Glenn Pernel, 00263271
The Honorable Thomas A. Russo