

Law Office of Leah B. Moody, LLC

Leah B. Moody
Lbmatty@comporium.net

235 East Main Street, Suite 115
Post Office Box 1015 (29731)
Rock Hill, South Carolina 29730
Telephone (803) 327-4192
Facsimile (803) 329-1344

RECEIVED

05
JUL 15 2016

June 30, 2016

S.C. SUPREME COURT *JD*

Mr. Daniel E. Shearouse
The Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29221

323547

RE: Rashawn ShaMeik Murphy, #~~240829~~ v. State of South Carolina
Case No.: 2013-CP-42-1445

Dear Mr. Shearouse:

The York County Court of Common Pleas appointed my office to represent Rashawn ShaMeik Murphy in his Post-Conviction Relief action. Please find enclosed for filing the original and one copy of the Notice of Appeal, Proof of Service, and one (1) copy of the Order of Dismissal in the above-referenced case. Please return the clocked copies to me in the enclosed self-addressed, stamped envelope.

Thank you for your assistance with this matter.

Sincerely,

Leah B. Moody
Leah B. Moody

Enclosure

cc Rashawn ShaMeik Murphy
Alicia Olive, Esquire, South Carolina Attorney General's Office
Sharon Graham, SCCID
M. Hope Blackley, Clerk of Court, Spartanburg County

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

05
JUL 16 2016

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable R. Keith Kelly, Presiding in Spartanburg County

Case No.: 2013-CP-42-1445

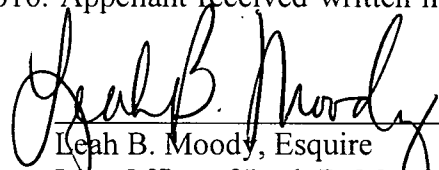
Rashawn ShaMeik Murphy, Appellant,

v.

State of South Carolina, Respondent.

NOTICE OF APPEAL

Rashawn ShaMeik Murphy appeals the order of the **Honorable R. Keith Kelly**, dated June 14, 2016 and mailed on June 16, 2016. Appellant received written notice of entry of the final order on June 21, 2016.



Leah B. Moody, Esquire
Law Office of Leah B. Moody, LLC
235 E. Main Street, Suite 115
Post Office Box 1015
Rock Hill, South Carolina 29731

Other Counsel of record:
Alicia Olive, SC Attorney General's Office
Rembert C. Dennis Building
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-3970

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

The Honorable R. Keith Kelly, Presiding in Spartanburg County

RECEIVED

Case No.:2013-CP-42-1445

JUL 05 2016

SC SUPREME COURT

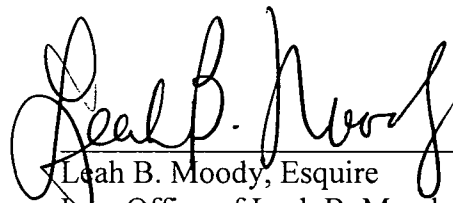
Rashawn ShaMeik Murphy, Appellant,

v.

State of South Carolina, Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Alicia Olive by depositing a copy of it in the United States Mail, postage prepaid, on June 30, 2016 addressed to its attorney of record, Alicia Olive, Post Office Box 11549, Columbia, South Carolina, 29211-1549.



Leah B. Moody, Esquire
Law Office of Leah B. Moody, LLC
235 E. Main Street, Suite 115
Post Office Box 1015
Rock Hill, South Carolina 29731

June 30, 2016

cc Rashawn ShaMeik Murphy
Daniel E. Shearouse, Clerk of Court, South Carolina Supreme Court
M. Hope Blackley, Clerk of Court, Spartanburg County
Sharon A. Graham, SCCID

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)
)
 RaShawn S. Murphy, #240829,)
 323547)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE SEVENTH JUDICIAL CIRCUIT

Case No. 2013-CP-42-1445

ORDER OF DISMISSAL

21
 SPARTANBURG COUNTY
 2016 JUN 14 PM 1:54
 M. HOPE BLACKLEY

This matter comes before the Court by way of an Application for Post-Conviction Relief filed March 22, 2013. Respondent made its Return on or about March 18, 2014, requesting that the application be summarily dismissed pursuant to Rule 12(b)(6), SCRPC.¹ Applicant filed an amended Application on March 23, 2016. The Court convened an evidentiary hearing into the matter on March 23, 2016, at the Spartanburg County Courthouse. Applicant was present at the hearing and represented by Leah B. Moody, Esquire. Alicia A. Olive, Esquire, of the South Carolina Attorney General's Office, represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's trial counsel, Christopher P. Thompson, Esquire, also testified.² The Court had before it a copy of the trial transcript, the records of the Spartanburg County Clerk of Court regarding the subject convictions, Applicant's direct appeal records, Applicant's records from the South Carolina

¹ Applicant's PCR application stated "N/A" as is grounds under paragraphs 10 and 11. On September 17, 2014, Respondent also orally moved to dismiss the application. The hearing judge continued the PCR hearing and granted Applicant thirty days to amend. On December 29, 2014, Applicant filed a letter stating he wished to have a new attorney. In November 2015, Applicant again appeared for a hearing, and asked to have his attorney removed. The judge refused to relieve counsel, but provided Applicant until the end of January 2016 to obtain new counsel and informed Applicant his case would be scheduled for an evidentiary hearing in March 2016. Applicant failed to retain new counsel and proceeded with Leah Moody as counsel.

² At the request of PCR counsel, the record was held open for several weeks to allow PCR counsel to determine whether the testimony of appellate counsel would be necessary. After receiving no indication that such testimony would be necessary, this Court closed the record and ruled on the evidence presented.

RKK

Department of Corrections, the pleadings, the return and amendment. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. In May 2009, the Spartanburg County Grand Jury indicted Applicant for homicide by child abuse or neglect (2009-GS-42-2210). Christopher P. Thompson, Esquire ("Counsel"), represented Applicant. On March 17, 2011, Applicant proceeded to trial before the Honorable Letitia H. Verdin and a jury. The jury found Applicant guilty as indicted. Judge Verdin sentenced Applicant to life imprisonment.

Applicant filed a timely notice of appeal. Lanelle Canty Durant, Esquire, of the Office of Appellate Defense perfected the appeal. The South Carolina Court of Appeals dismissed the appeal. State v. Murphy, Op. No. 2012-UP-589 (S.C. Ct. App. filed Jan. 16, 2013). The remittitur was returned to the circuit court on February 4, 2013.

II. ALLEGATIONS

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

1. Ineffective Assistance of Counsel, in that:

- a. Counsel failed to conduct a proper closing argument
- b. Counsel erred in allowing the State the advantage of having the final argument
- c. Counsel failed to investigate and prepare for the trial; and
- d. Counsel failed to consult with Applicant

2. Trial court error, in that:

- a. The trial judge withheld evidence from the jury.
- b. The trial judge was in violation for allowing his statements to be admissible for the jury to hear. Therefore, Applicant did not testify because his attorney informed him it was not the best decision. The

2016 JUN 14 PM 1:54
M. HOPE BLACKLEY
OFFICE OF THE CLERK OF COURT

- trial judge erred in improperly limiting the scope of Counsel's cross-examination for State's witnesses; and
- c. The trial judge abused her discretion under Rule 5 which upheld the objection made suppressing evidence of witness testimony and statement in favor of defense.
3. Applicant requests a Sixth Amendment violation if the Brady claim is turned down based on the confrontation clause.
 4. Applicant's Miranda rights were not properly given; he does not recall signing a waiver form.
 5. There was "cumulative prejudice" in that,
 - a. The evidence within witness (Samantha Hill and Michael Johnson) statements were allowed in as evidence.
 6. Prosecutorial misconduct, in that:
 - a. The State introduced Applicant's statements to the jury and that he was hiding guilt behind his actions.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court has reviewed the record in its entirety and has heard the testimony and arguments presented at the evidentiary hearing. The Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. The Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80.

A. Summary of Testimony

Applicant testified that although he asked Counsel to hire an independent investigator and independent forensic team, he does not know of any additional facts the investigator would have discovered. He testified that Counsel attempted to admit evidence, but the State objected and the trial judge sustained the objections. Applicant testified Counsel objected to the State's comments during closing arguments regarding his failure to testify. Further, Applicant testified that the judge instructed the jury that the fact that he did not testify could not be used against him.

2016 JUN 14 PM 1:54
M. HOPE BLENCHARD
CLERK OF COURT

Applicant testified that Counsel "did crush every theory that was thrown out there." Applicant testified he met with Counsel three or four times at most, and for thirty minutes each time. Applicant testified that a plea offer was not made until the first day of trial and that it was a thirty year offer.

Applicant testified he wanted the statements of the victim's mother, Samantha, and brother, Mike, admitted. However, Applicant also agreed, and the record reflects, that they testified at trial. He further admitted that Counsel tried to get their statements in. The record also reflects that Counsel questioned them based on the statements. Applicant also agreed that both witnesses testified to what was in the statements.

Applicant testified that three statements were used against him at trial, and that his rights pursuant to Miranda v. Arizona, 384 U.S. 436 (1966) were not properly given and he does not recall signing a waiver form.

Counsel testified that he met with Applicant on at least five occasions and discussed the charge, possible sentencing, possible defenses, reviewed discovery materials, and discussed Counsel's trial theories and strategies. Counsel testified that Applicant had made three statements. Counsel testified that a Jackson v. Denno, 378 U.S. 368 (1964), hearing was held. Counsel testified he challenged all statements in the hearing. Counsel testified that the statements of the mother and the brother were not allowed. Counsel testified that he did make a plea offer of third party guilt. Counsel testified that the trial judge ultimately excluded evidence of third party guilt, but not right away. Counsel testified that the possible theories of the case were that the victim's death was caused by Applicant, the victim's mother, or the victim's brother. Counsel testified that the State's theory was the Applicant had smashed the victim's head into the wall. Counsel testified he tried to show that Applicant punched the wall. Counsel also stated that Dr.

2015 JUN 4 PM 1:14
M. ADPE LAQUALEY

Wren testified that the victim's injuries could have been consistent with falling down the stairs. Counsel testified that he did not feel going to the scene to investigate was necessary because it would be nothing like it was before. Counsel testified he also ran rap sheets on the victim's father, pulled medical records, and looked for patterns of abuse by the father.

B. Ineffective Assistance of Counsel

In this post-conviction relief action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove 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." Id. at 442, 334 S.E.2d at 814 (citing Strickland v. Washington, 466 U.S. 668 (1984)).

The proper measure of performance is whether counsel provided representation within the range of competence required in criminal cases. Id. (citing Strickland, 466 U.S. at 687; Turner v. Bass, 753 F.2d 342 (4th Cir. 1985); Marzullo v. Maryland, 561 F.2d 540 (4th Cir. 1977)). The Court presumes counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Id. (citing Strickland, 466 U.S. at 690). Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The Court uses a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, Applicant must prove counsel's performance was deficient. Id. Under this prong, the Court measures counsel's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688).

2005 JUN 4 PM 1:54
M. HOPE BLACKLEY
STATE COURTS

Second, any deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625.

This Court finds Applicant has failed to satisfy his burden of proving ineffective assistance of counsel. The Court's findings as to the specific allegations raised at the hearing are below.

Failure to investigate

Applicant alleged counsel failed to investigate and prepare for trial. To show ineffective assistance in this regard, Applicant must present evidence to show what counsel could have discovered had he been more fully prepared for the trial. Jackson v. State, 329 S.C. 345, 354, 495 S.E.2d 768, 772 (1998) ("Respondent failed to present any evidence of what counsel could have discovered or what other defenses respondent would have requested counsel pursue had counsel more fully prepared for the trial."). Failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to result. Porter v. State, 368 S.C. 378, 385-86, 629 S.E.2d 353, 357 (2006) (citing Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998)).

Here, Applicant alleged Counsel should have hired his own investigator and an independent forensic team. However, Applicant testified he did not know of any additional facts the investigator would have discovered, and Applicant provided no evidence that any additional investigation would have yielded any helpful information. In addition, though Applicant testified that Counsel should have looked into the mother's background, Applicant testified that he did not know of anything in her background, and he presented no evidence in that regard. Applicant provided no evidence as to what information any additional investigation would have uncovered

2016 JUN 14 PM 4:55
HONORABLE
BLAISE
ST

in this case. Applicant also stated that Counsel "crushed" every theory that was presented at trial. Applicant also testified that Counsel attempted to admit certain evidence at trial, but was barred from doing so because of the judge's rulings on the State's objections. Applicant testified that he thought Counsel should have pulled the mother's rap sheet, but admitted he was unaware of anything in her background, and presented no evidence to substantiate that allegation at the PCR hearing.

Counsel testified he had ample time to prepare for trial and that he reviewed all discovery with Applicant. Counsel testified that he did not feel going to the scene to investigate was necessary because it would be nothing like it was before. Counsel testified that the possible theories of the case were that the victim's death was caused by Applicant, the mother, or the victim's brother. Counsel testified that the State's theory was the Applicant had smashed the victim's head into the wall. Counsel testified he tried to show that instead Applicant punched the wall. Counsel also testified that Dr. Wren testified that the victim's injuries could have been consistent with an accidental fall down the stairs. Counsel testified he also pulled rap sheets on the victim's father, pulled medical records, and looked for patterns of abuse by the father. Counsel was asked if there was anything else that he could have done, and he testified "maybe convince [Applicant] to testify," or pursue the mother's guilt.

This Court finds Counsel conducted a reasonable investigation into Applicant's case. Edwards v. State, 392 S.C. 449, 457, 710 S.E.2d 60, 65 (2011) (citing Daniels v. State, 676 S.E.2d 13 (Ga. 2009)). Applicant has failed to point to any helpful information that could have been uncovered had Counsel conducted any additional investigation. Therefore, this Court finds Counsel's performance was not deficient in this regard and Applicant has failed to satisfy his

2015 JUN 14 3PM EST
STATE BAR OF MISSISSIPPI
HOPE BLANKLEY

burden of proving either deficient performance or prejudice as to this allegation. Accordingly, this allegation is denied and dismissed.

Failure to present certain evidence at trial

Applicant alleged that Counsel failed to introduce statements of the victim's mother and brother at trial. This Court presumes counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 690). Applicant testified and the trial transcript reflects that the State objected to the reading of the statements into the record and that the trial judge sustained the objections. Applicant agreed, and the record reflects, that both the mother and the brother testified at trial. He further admitted that Counsel tried to get their statements in. The record also reflects that Counsel questioned them based on the statements. Applicant also agreed that both witnesses testified to what was in the statements. Counsel testified that the statements of the mother and the brother were not allowed. Counsel also testified that the trial judge ultimately excluded evidence of third party guilt, but not right away. Counsel testified and the transcript reflects that he did make a proffer of third party guilt. Counsel testified that he had no reason to doubt the trial judge's impartiality regarding her rulings on the State's objections to the evidence he attempted to admit, the motion regarding third party guilt, or rulings made in the Jackson v. Denno hearing. Counsel testified, and the record reflects that he sought judgment notwithstanding the jury's verdict and properly filed the Notice of Appeal on Applicant's behalf.

Applicant has failed to show that Counsel failed to make the necessary motions, objections, or arguments in this case. This Court finds that Counsel's performance was not deficient with respect to this allegation. Therefore, Applicant has failed to show either deficiency or prejudice and this allegation is denied and dismissed.

Failure to consult with Applicant

Applicant also alleged that Counsel failed to consult with him. This Court finds Counsel adequately consulted with Applicant and that Applicant has failed to show deficient performance as to this allegation. “[T]here is no established ‘minimum number of meetings between counsel and client prior to trial necessary to prepare an attorney to provide effective assistance of counsel.’” Moody v. Polk, 408 F.3d 141, 148 (4th Cir. 2005) (citing United States v. Olson, 846 F.2d 1103 (7th Cir. 1988)). Here, Applicant testified that once Counsel was retained, he met with Counsel three or four times for about thirty minutes each time. Counsel testified he met with Applicant at least five times and that in those meetings he reviewed all discovery with Applicant and discussed the charge, possible sentencing, possible defenses, and trial theories and strategies. Therefore, this Court finds Counsel adequately consulted with Applicant, and Applicant has failed to satisfy his burden of proving either prong of Strickland with respect to this allegation. Accordingly, this allegation is denied and dismissed.

Failure to properly advise Applicant regarding plea of not guilty

At the PCR hearing, Applicant testified a plea offer was made on the first day of trial and that it was an offer of thirty years. Applicant also testified that the relief he seeks in this action is a new trial. Counsel testified that he properly advised his client to proceed with trial for several reasons: (1) the State did not make an offer until the day of trial, (2) the State's offer was a sentence of 30 years, and (3) that he would not generally advise a 20 year old to enter a plea with a 30 year sentence. Counsel also testified that he felt they could get a verdict in Applicant's favor. Counsel further testified that Applicant never said he did it and that he did not exhibit any

TRK

2016 JUN 14 PM 1:54
HOPKINS BLAKEY
STATE BAR OF WISCONSIN

qualities that made him believe he did. This Court finds Counsel's performance in advising Applicant was not deficient. See Butler, at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 690) (holding courts must strongly presume that trial counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment). Therefore, Applicant has failed to show either deficiency or prejudice with regard to this allegation. Accordingly, this allegation is denied and dismissed.

Advice not to testify

Applicant alleged in his amended application that he did not testify because Counsel informed him it was not the best decision. At trial, the Court ruled that Applicant's prior record would be admissible for impeachment purposes if Applicant decided to testify. The Court then advised Applicant of his right to testify. Applicant related to the trial judge that he had adequate time to discuss the decision with Counsel, that he was not forced into his decision, and that no one had promised him anything to enter the decision regarding his right to testify. Applicant testified Counsel objected to the State's comments during closing arguments regarding his failure to testify. Further, Applicant testified, and the trial transcript reflects, that the judge instructed the jury that the fact that he did not testify could not be used against him. This Court finds Counsel is a seasoned attorney and that his decision to advise Applicant not to testify was a strategic and tactical decision based on possible impeachment and character issues. Therefore, the Court finds Applicant has failed to satisfy his burden of proving either deficient performance or prejudice as to this allegation. Accordingly, this allegation is denied and dismissed.

2015 JUN 14 PM 1:54
M. HOPE BLANLEY

Failure to conduct a proper closing argument

Applicant alleges that Counsel failed to conduct a proper closing argument, and that Counsel erred in allowing the State to have the advantage of the final argument. This Court finds

RKK

Applicant failed to present any testimony as to this issue at the PCR hearing. Applicant also claimed that he requested to speak during the closing argument, but Applicant voluntarily withdrew this claim at the PCR hearing. Accordingly, the Court finds Applicant has abandoned these allegations.

Failure to suppress statements pursuant to Miranda

Applicant alleged his statements should have been suppressed pursuant to his rights under Miranda v. Arizona, 384 U.S. 436. This Court finds this allegation is without merit and must be denied and dismissed. Counsel testified that a hearing pursuant to Jackson v. Denno, 378 U.S. 368, was held regarding his motion to suppress three statements that Applicant made to law enforcement after the victim's death. Counsel testified he challenged all three statements in that hearing. Counsel testified that the main complaint regarding Applicant's interrogation and statements was that he was under duress because he was held and questioned over a five-hour period. The Court ultimately ruled that the statements were admissible. Counsel testified he had no reason to doubt the trial judge's impartiality regarding this decision. Because Applicant's testimony and the record clearly show that Counsel made and argued a motion to suppress these statements, though the motion was ultimately denied, this claim is without merit. Therefore, Applicant has failed to present any evidence in support of this allegation, and has failed to show either deficiency or prejudice. Accordingly, this allegation is denied and dismissed.

C. Trial Court Error

Applicant alleges the trial court erred in ruling on certain issues raised in Applicant's trial. Specifically, Applicant alleged the trial judge withheld evidence from the jury, admitted his statements, limited the scope of Counsel's cross-examination for State's witnesses, and abused her discretion "under Rule 5 which upheld the objection made suppressing evidence of witness



2016 JUN 14 PM 1:54
HODE BLACKLEY
PROBATION DEPARTMENT

testimony and statement in favor of defense." This Court finds these allegations raise direct appeal issues that are procedurally barred by S.C. Code Ann. § 17-27-20(b) (2003). "In a direct appeal, the focus generally is upon the propriety of rulings made by the circuit court in response to a party's motions or objections." Al-Shabazz v. State, 338 S.C. 354, 363-64, 527 S.E.2d 742, 747 (2000). Post-conviction relief is not a substitute for an appeal. Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974). "Errors in a petitioner's trial which could have been reviewed on appeal may not be asserted for the first time, or reasserted, in post-conviction proceedings." Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1975). Accordingly, issues that could have been raised at trial on direct appeal cannot be asserted in a PCR action absent a claim of ineffective assistance of counsel. Drayton v. Evatt, 312 S.C. 4, 9, 430 S.E.2d 517, 520 (1993). This Court finds that any issues regarding alleged errors of law by the trial judge are issues that cannot be raised in a PCR proceeding, but are direct appeal issues. Accordingly, these allegations are denied and dismissed.

D. Prosecutorial Misconduct

Applicant alleges the State engaged in prosecutorial misconduct in that it introduced his statements to the jury and that he was hiding guilt behind his actions. This Court finds Applicant has failed to present any evidence regarding this allegation. Accordingly, the Court finds Applicant has abandoned this allegation. The Court addresses the admission of Applicant's statements and the State's reference to Applicant's decision not to testify in closing as claims of ineffective assistance of counsel above in Part B supra.

2005 JUN 14 PM 1:54
HOPKINS/BLANKLEY

E. All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this order, the Court finds Applicant failed to present any

RKK

evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

IV. CONCLUSION

Based on the foregoing, the Court finds and concludes 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.

The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant must be remanded to the custody of the Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 14 day of June, 2016.

R. Keith Kelly
THE HONORABLE R. KEITH KELLY
Presiding Judge

Spartanburg, South Carolina

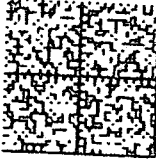
2016 JUN 14 PM 1:54
HOPE BEACLEY

A CERTIFIED COPY
M. Hope Beasley
CLERK OF COURT
SPARTANBURG COUNTY
BY: M. Hope Beasley
DATED: 10-15-16

M. HOPE BLACKLEY
Clerk of Court, Spartanburg County
Post Office Box 3483
Spartanburg, South Carolina 29304-3483

**RETURN SERVICE
REQUESTED**

Presort
First Class Mail
ComBas Price



U.S. POSTAGE PITNEY BOWES
ZIP 29303 \$000.70²
02 1W
000140C711 JUN 16 2016

RECEIVED JUN 21 2016

Leah B. Moody
235 E. Main St., Ste 115 PO Box 1015
Rock Hill, SC 29730

29730187015 8004

Law Office of Leah B. Moody, LLC

Leah B. Moody
Lbmatty@comporium.net

235 East Main Street, Suite 115
Post Office Box 1015 (29731)
Rock Hill, South Carolina 29730
Telephone (803) 327-4192
Facsimile (803) 329-1344

RECEIVED

JUL 05 2016

SC SUPREME COURT

June 30, 2016

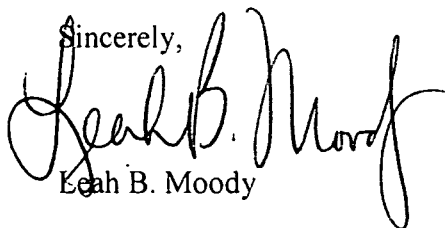
The Honorable M. Hope Blackley
Spartanburg County Clerk of Court
Post Office Drawer 3483
Spartanburg, South Carolina 29304

RE: Rashawn ShaMeik Murphy, #240829 v. State of South Carolina
C.A. No.: 2013-CP-42-1445

Dear Ms. Blackley:

Please find enclosed the Notice of Appeal and the Proof of Service in the above-referenced matter.

Sincerely,



Leah B. Moody

Enclosures

cc Rashawn ShaMeik Murphy
Alicia Olive, Assistant Attorney General
Daniel E. Shearouse, Clerk of Court, South Carolina Supreme Court
Sharon Graham, SCCID

Law Office of Leah B. Moody, LLC

Leah B. Moody
Lbmatty@comporium.net

235 East Main Street, Suite 115
Post Office Box 1015 (29731)
Rock Hill, South Carolina 29730
Telephone (803) 327-4192
Facsimile (803) 329-1344

June 30, 2016

Alicia Olive, Esquire
South Carolina Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211

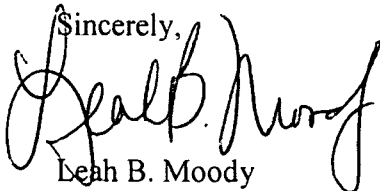
RE: Rashawn ShaMeik Murphy, #240829 v. State of South Carolina
C.A. No.: 2013-CP-42-1445

Dear Ms. Olive:

The Spartanburg County Court of Common Pleas appointed my office to represent Rashawn ShaMeik Murphy in his Post-Conviction Relief action. Please find enclosed a copy of the Notice of Appeal and Proof of Service in this matter.

If you have any questions or concerns, please feel free to contact my office. Thank you.

Sincerely,



Leah B. Moody

Enclosures

Cc Rashawn ShaMeik Murphy
Daniel E. Shearouse, Clerk of Court, South Carolina Supreme Court
Hope Blackley, Clerk of Court, Spartanburg County
Sharon Graham, SCCID

Law Office of Leah B. Moody, LLC

Leah B. Moody
Lbmatty@comporium.net

235 East Main Street, Suite 115
Post Office Box 1015 (29731)
Rock Hill, South Carolina 29730
Telephone (803) 327-4192
Facsimile (803) 329-1344

June 30, 2016

Ms. Sharon A. Graham
SC Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11433
Columbia, South Carolina 29211-1433

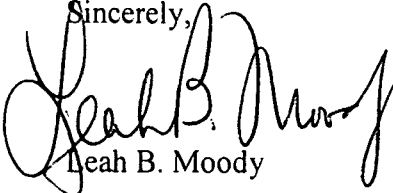
RE: Rashawn ShaMeik Murphy, #240829 v. State of South Carolina
Case No.: 2013-CP-42-1445

Dear Ms. Graham:

The York County Court of Common Pleas appointed my office to represent Rashawn ShaMeik Murphy in his Post-Conviction Relief action. Please find enclosed the Notice of Appeal and Proof of Service the above-referenced matter.

Thank you for your attention in this matter.

Sincerely,



Leah B. Moody

Enclosures

cc Rashawn ShaMeik Murphy
Alicia Olive, Esquire, South Carolina Attorney General's Office
Daniel E. Shearouse, Clerk of Court, South Carolina Supreme Court
M. Hope Blackley, Clerk of Court, Spartanburg County



29730 JUN 30 2016

US POSTAGE
FIRST-CLASS

\$1.780

062S0007479892

stamps.com



Law Office of Leah B. Moody, LLC

Post Office Box 1015

Rock Hill, South Carolina 29730

TO:

The Honorable Daniel E. Shearouse
The Supreme Court of South Carolina
PO Box 11330
Columbia SC 29211-1330