



LAW OFFICE OF TRICIA A. BLANCHETTE

July 7, 2016
VIA HAND DELIVERY

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

RECEIVED
JUL - 7 2016
SC SUPREME COURT

RE: Terrell Addison v. State; Docket No.: 2013-CP-46-3728

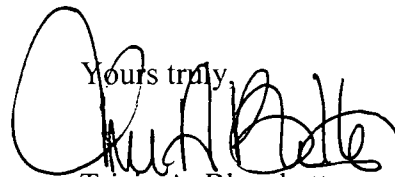
Dear Sir:

Enclosed for filing is a Notice of Appeal for the above PCR case. Also enclosed are the following:

- (1) Proof of service on the Respondent.
- (2) A copy of the Order of Dismissal and Order denying Applicant's Motion Pursuant to Rule 59, SCRPC.

I am sending a copy of these documents to the Office of Appellate Defense, along with a completed Affidavit of Indigency.

Thank you for your assistance with this matter. Please contact my office with any questions.

Yours truly,


Tricia A. Blanchette
Attorney at Law

cc: Justin J. Hunter, Assistant Attorney General
York County Clerk of Court
Office of Appellate Defense
Terrell Addison

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED
JUL -7 2016
SC SUPREME COURT

APPEAL FROM YORK COUNTY
Court of Common Pleas
Post Conviction Relief

Honorable Brooks Goldsmith, Circuit Court Judge

Case No.: 2013-CP-46-3728

Terrell Addison,

Petitioner,

vs.

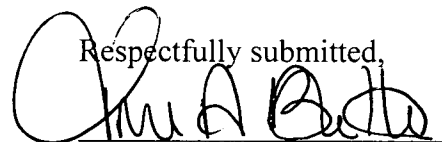
State of South Carolina

Respondent.

NOTICE OF APPEAL

Terrell Addison, Petitioner, appeals the Order of Dismissal issued by the Honorable Brooks Goldsmith on March 2, 2016, which was filed on May 24, 2016. Petitioner also appeals the Order denying Applicant's Motion for Rehearing issued by the Honorable Brooks Goldsmith on June 22, 2016, which was filed on June 27, 2016. Petitioner, through counsel, received notice of the entry of the Order on July 1, 2016.

Respectfully submitted,



Tricia A. Blanchette
S.C. Bar No. 74904
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Columbia, SC 29211
(803) 988-0008

Other Counsel of Record:

Justin J. Hunter
Assistant Attorney General
PO Box 11549
Columbia, SC 29211

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM YORK COUNTY
Court of Common Pleas
Post Conviction Relief

Honorable Brooks Goldsmith, Circuit Court Judge

Case No.: 2013-CP-46-3728

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JUL -7 2016
SC SUPREME COURT

Terrell Addison,

Petitioner,

vs.

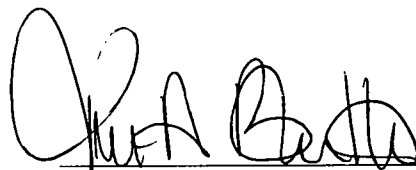
State of South Carolina

Respondent.

CERTIFICATE OF SERVICE

I, Tricia A. Blanchette, certify that I placed a copy of the Notice of Appeal in the above referenced case in the United States mail this 7th day of July 2016 to the Office of the Attorney General, addressed as follows:

Office of the Attorney General
Att: Justin J. Hunter, Assistant Attorney General
PO Box 11549
Columbia, SC 29211



Tricia A. Blanchette
Attorney at Law
PO Box 12725
Columbia, SC 29211

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF YORK) DOCKET NO: 2013-CP-46-3728

TERRELL ADDISON, 333413)

Applicant)

v.)

ORDER

STATE OF SOUTH CAROLINA)

Respondent)

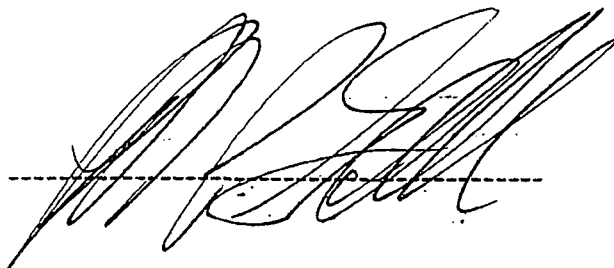
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2016 JUN 27 AM 11:19
DAVID HAMMOND
C.C.P. & J.
YORK COUNTY, SC

THIS MATTER COMES BEFORE THE COURT, on Applicant's Motion Pursuant to Rule 59(a) &(e) , SCRPC dated June 1, 2016: This matter was decided without oral argument.

After considering the Motion I find no compelling reason to alter or amend the order of this court dated filed May 24, 2016.

IT IS THEREFORE ORDERED THAT the Motion of the Applicant dated June 1,2016 is hereby DENIED.

June 22, 2016



BROOKS P. GOLDSMITH

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)
)
 Terrell Addison,)
 S.C.D.C. No. 333413,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 OF THE SEVENTH JUDICIAL CIRCUIT
 2013-CP-46-3728

ORDER OF DISMISSAL

FILED-RECEIVED
 2016 MAY 24 AM 8:54
 DAVID HAMILTON
 C. C. P. & S. S.
 YORK COUNTY, SC

This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed December 9, 2013. Respondent made its Return on or about June 17, 2014. An evidentiary hearing into the matter was convened on November 4, 2015, at the Moss Justice Center in York, South Carolina. Applicant was present at the hearing and represented by Tricia Blanchette, Esquire. Justin Hunter, Esquire, of the South Carolina Attorney General's Office represented Respondent. At the hearing, Applicant testified on his own behalf. Applicant's trial counsel, Jack Swerling, Esquire, also testified. Also testifying were Dontavious Mack; Davorius Mack; Phil Beatty, Esquire; Lieutenant Vernon Harmon; Officer David Gunn; Officer Miguel Guidry; Fran Kennedy; Darryl Kennedy; and Willy Thompson, Esquire. This Court had before it a copy of Applicant's records from the York County Clerk of Court, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's PCR Application, and Respondent's Return.

I. PROCEDURAL HISTORY

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the York County Clerk of Court's orders of commitment. Applicant was indicted by the February



2007 term of the York County Grand Jury for Criminal Conspiracy (2007-GS-46-0670), Murder (2007-GS-46-0671), Armed Robbery (2007-GS-46-0672), Possession of a Weapon During the Commission of a Violent Crime (2007-GS-46-0673), and Kidnapping (2007-GS-46-0676). Jack Swerling, Esquire, (hereinafter "Counsel") represented him. On February 27, 2009, Applicant proceeded to a jury trial pursuant to which he was found guilty of all charges as indicted. The Honorable Lee S. Alford sentenced Applicant to confinement for five (5) years for Criminal Conspiracy; thirty (30) years, concurrent, for Murder; ten (10) years, consecutive, for Armed Robbery; five (5) years, concurrent, for the weapons charge; and ten (10) years, concurrent, for Kidnapping.

A notice of appeal was filed and an appeal perfected pursuant to Anders v. California, 386 U.S. 738 (1967). The South Carolina Court of Appeals affirmed Applicant's conviction and sentence. State v. Addison, Op. No. 2012-UP-655 (filed December 12, 2012). The Remittitur was issued on January 4, 2013.

In this PCR action, Applicant alleged he was being held unlawfully for the following reasons:

1. Ineffective assistance of trial counsel for failure to communicate and pursue all viable plea offers to/for Applicant and to ensure that he and his family had a full understanding of all plea offers and/or options before proceeding to trial.
2. Ineffective assistance of trial counsel for failure to utilize Applicant's mother as a witness and records stemming from his mental health treatment in support of his defense.
3. Ineffective assistance of trial counsel for failure present witnesses to support Applicant's defense of duress and/or coercion in camera and/or following the trial court's ruling on the matter.
4. Ineffective assistance of trial counsel for advising Applicant to proceed to trial on a primary defense (duress/coercion) that is not cognizable on a murder charge. See State v. Kelsey, 331 S.C. 50, 502 S.E.2d 63 (1998).

5. Pursuant to Rule 15(b), SCRPC, Applicant would move to amend to conform to the evidence and testimony presented at the evidentiary hearing.

II. APPLICABLE LAW

In a post-conviction relief action, the applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 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. 668. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony

accordingly. Further, this Court has reviewed the Clerk of Court records regarding the subject convictions, the trial transcript, Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80 (2003), this Court makes the following findings of fact based upon all of the probative evidence presented.

As a matter of general impression, this Court finds Counsel's testimony to be credible and persuasive on all matters. These credibility findings have been applied to the Court's findings and conclusions set forth below.

Ineffective Assistance of Counsel

Ineffective assistance of trial counsel for failure to communicate and pursue all viable plea offers to/for Applicant and to ensure that he and his family had a full understanding of all plea offers and/or options before proceeding to trial

Applicant presented testimony from two of his codefendants, Dontavious Mack and Davorius Mack. Dontavious Mack testified that Deputy Solicitor Thompson told him that if he pled guilty, his codefendants would receive specific sentences and that Applicant specifically would receive a fourteen year non-violent sentence. Davorius Mack testified that when he pled guilty, he thought that Applicant would receive a fifteen year sentence. Applicant also presented testimony from Davorius Mack's attorney, Phil Baity, Esquire, who testified as to Davorius Mack's plea offer and testified that he could not recall the offer being contingent on other plea offers but that he would defer to his client.

Deputy Solicitor Willy Thompson testified that the original plea offer to Applicant was a straight up plea to murder for thirty years' imprisonment. Deputy Solicitor Thompson further testified that a week before trial, the State offered Applicant to plea to voluntary manslaughter for a twenty year sentence. Deputy Solicitor Thompson testified that the State never presented

Counsel testified that the original plea offer to Applicant was a straight plea to murder for thirty years. He testified that the offer then went to twenty years for voluntary manslaughter, and that an offer for zero to fifteen years was never an option. He testified that he met with Applicant's parents in January 2009 to discuss Applicant's case and the plea offer. He testified that he talked to Applicant's parents about Applicant's case and explained to them the "hand of one is the hand of all" doctrine. Counsel testified that Applicant's parents seemed to be more concerned with Applicant's mental health. Counsel testified that he met with Applicant in early February 2009 and Applicant would not take the plea offer. He testified that he spoke to Applicant's father again in February about the case and plea offer. Counsel testified that he met with Applicant and Deputy Solicitor Thompson and made a counteroffer of pleading to a fifteen year sentence. Counsel testified that he also explained the counteroffer to Applicant's mother but she did not seem to understand it.

Counsel testified that he explained to Applicant and Applicant's parents the potential sentences Applicant faced under the plea offer and if he went to trial, and explained the likelihood of conviction if he went to trial. Counsel further testified that just before the day of trial, the State offered a plea deal for a twenty year sentence. Counsel testified that he met with Applicant and Applicant's parents again to relay this offer and it was rejected. Counsel testified that during plea negotiations Applicant wanted a five year sentence, which Counsel explained to Applicant was not possible on a murder charge. Additionally, Counsel testified that he never told Applicant or Applicant's parents about a zero to fifteen year plea offer because such an offer was never made by the State. Counsel testified that he advised Applicant that he should take the plea offer but that Applicant ultimately made the decision to proceed to trial.

Applicant testified that he met with Counsel to discuss the plea offers, testifying that the first offer was for thirty years and the next was for twenty years. He testified that he did not hear of an offer for a sentence less than twenty years. Applicant's mother, Fran Kennedy, testified that Counsel called her and told her a plea was possibly on the table but he could not make any promises. She testified that Counsel told her of a plea offer for seven to ten year sentence. She testified that the offer before trial was for twenty years and asked Counsel about the seven to ten year offer but was told by Counsel that she must not have remembered correctly. Applicant's stepfather, Darryl Kennedy testified that he met with Counsel to discuss the case and plea offers. Mr. Kennedy testified that he thought there was an offer for seven to ten years but Counsel recommended that Applicant take the twenty year offer.

This Court finds that Applicant failed to meet his burden of proving that his trial counsel was ineffective. First, this Court finds that Applicant has failed to prove that Counsel was deficient for failing to communicate and pursue all viable plea offers. To be successful on an allegation of an un conveyed plea offer, Applicant must prove: (1) trial counsel's failure to communicate the State's initial plea offer constituted deficient performance, and (2) Applicant was prejudiced by the deficient performance, or there was a reasonable probability that but for this deficient performance, he would have accepted the original plea offer. Davie v. State, 381 S.C. 601, 608, 675 S.E.2d 416, 420 (2009). This Court finds that Counsel met with Applicant many times to relay the State's plea offers that included a thirty year plea for murder and then a twenty year plea to voluntary manslaughter. This Court finds that Counsel also kept Applicant's parents well informed of these plea offers by meeting with them and communicating with them on the phone. This Court further finds Counsel's and the Deputy Solicitor's testimonies to be credible that Applicant's potential sentence was never contingent on the codefendants' pleas and

that his plea offers consisted of a thirty year plea to murder and later a twenty year plea to manslaughter – but never for a sentence less than twenty years. This Court also finds Counsel's testimony to be credible that Applicant rejected all plea offers and that it was Applicant's decision to go to trial despite Counsel's advice to take the plea. Applicant also corroborated Counsel's testimony by testifying that his original plea offer was for thirty years and later for twenty years, but not for any amount less than twenty. This Court finds that Counsel demonstrated the normal degree of skill, knowledge, professional judgment, and representation that are expected of an attorney who practices criminal law in South Carolina. State v. Pendergrass, 270 S.C. 1, 239 S.E.2d 750 (1977); Strickland, 466 U.S. at 668; Butler, 286 S.C. 441, 334 S.E.2d 813. This Court finds that he properly informed Applicant and Applicant's parents of the State's plea offers and his performance was not deficient. Furthermore, Applicant has not demonstrated that he wanted to accept either plea offer and has not reasonable probability he would have entered into any plea agreement the State offered. Davie, 381 S.C. at 608, 675 S.E.2d at 420. Therefore, he has not shown he was prejudiced by Counsel's performance regarding plea negotiations and this allegation must be dismissed.

Ineffective assistance of trial counsel for failure to utilize Applicant's mother and as a witness and records stemming from his mental health treatment in support of his defense

Applicant's mother testified that she wanted the jury to hear about Applicant's mental issues and wanted to testify at trial so she could tell the jury that Applicant had a rough upbringing with ADD and ADHD, was a follower, and easily persuaded. She testified that Applicant went to Three Rivers Behavioral Health for his ADD and ADHD and other behavioral issues and was on medication until he was seventeen years old. During the hearing, Applicant's mother and Applicant's PCR counsel went over Applicant's mental evaluation that was conducted by the Department of Mental Health prior to the trial where Applicant was found

competent to stand trial. The record reflects that Applicant was evaluated pursuant to State v. Blair¹ by the Department of Mental Health on July 18, 2007, pursuant to an order by the trial court and found competent to stand trial. See Tr. Transcript 33, ll. 4-24. The trial court made the finding that Applicant was competent to stand trial, not in need of mental health treatment, and able to assist Counsel with his defense. See Tr. Transcript 34, ll. 6-13.

Counsel testified that he did not call Applicant's mother as a witness and she was only on his witness list as a precaution. He testified that Applicant's mental health was not relevant to the trial and that ADD/ADHD did not have anything to do with this case or with Applicant's defense. Counsel further testified that he had Applicant evaluated by forensic psychiatrist Dr. Donna Schwartz-Watts who opined that he was competent to stand trial. He also testified that he further consulted Dr. Schwartz-Watts about Applicant's coercion defense wherein Dr. Schwartz-Watts found that Applicant was not likely to be coerced but rather was easily influenced. Counsel testified that he consulted Dr. Tora Brawley who also said that he was unlikely to be coerced. Counsel testified that he did not bring out Applicant's mental health history during trial because it would have been contrary to the defense's strategy and would not aid the defense.

Counsel testified that he tried to bring out Applicant's ADHD and treatment on direct examination but the State objected based on relevance and the trial court sustained the objection. See Tr. Transcript 852, l. 20 – 853, l. 9. He testified that he brought out Applicant's mental and emotional health and its history during sentencing mitigation, which is reflected in the transcript. See Tr. Transcript 1221-1224.

This Court finds that Applicant has not met his burden of demonstrating that Counsel's performance was deficient. This Court finds that Counsel pursued a strategic decision not to call Applicant's mother as a witness because she would not have aided in the defense. This Court

¹ 275 S.C. 529, 273 S.E.2d 536 (1981).

finds that Applicant's mother's testimony and Applicant's mental health records would not have aided Applicant's defense to armed robbery, criminal conspiracy, and murder, especially given the defense's strategy of asserting that Applicant was coerced into the robbery and conspiracy. Additionally, this Court finds that Counsel was not deficient because he did begin to bring up Applicant's ADHD treatment but was prevented from doing so based on a sustained relevance objection. As such, Applicant was not prejudiced by Counsel's performance because the trial court did not find such information to be relevant when Counsel attempted to present such evidence. Accordingly, this allegation must be dismissed.

Ineffective assistance of trial counsel for failure present witnesses to support Applicant's defense of duress and/or coercion in camera and/or following the trial court's ruling on the matter.

Applicant presented several witnesses who he asserts should have testified on his behalf at trial. The witnesses in question were officers who would have testified to specific incidents showing Davorius Mack's threatening character that Applicant asserts would have helped establish his duress and coercion. First, Lieutenant Vernon Harmon of the Rock Hill Police Department testified that he was not subpoenaed by Counsel to testify at trial. He testified that he would have presented to the trial court an incident report from October 19, 2006 showing Davorius Mack's attempted escape from the York County Detention Center and malicious damage to property in the York County Detention Center.

Next, Officer David Gunn, lead booking officer for York County Detention testified that he was not subpoenaed by Counsel to testify at trial. He testified that he would have presented to the trial court a disciplinary action report from the York County Detention Center showing threats made to Detention Center officers by Davorius Mack on February 7, 2007.

Officer Miguel Guidry testified that he was not subpoenaed by Counsel to testify at trial. He testified that he would have presented to the trial court a York County Detention Center

incident report and disciplinary action report from January 5, 2007 showing Davorius Mack making threats to Detention Center officers.

Counsel testified that he did subpoena Lieutenant Harmon, Officer Gunn, and Officer Guidry for trial. He testified that at the time of trial he did not need them to testify for the defense. Counsel further testified that he brought out all of Davorius Mack's incidents on cross examination. He pointed out this testimony to the Court, showing he questioned Davorius Mack about pleading guilty to attempted escape and malicious injury to property. See Tr. Transcript 33, ll. 10-23. Counsel also pointed out his testimony where he questioned Davorius Mack about threatening Officers Guidry and Gunn. See Tr. Transcript 417, ll. 15-24. Counsel testified that he generally does not call police officers unless it becomes absolutely necessary. He testified that in this case, the officers' testimonies would have been important if Davorius Mack had denied committing the offenses in question, but the officers were not needed since Davorius Mack admitted committing the offenses on cross examination.

This Court finds that Counsel's performance was not deficient in failing to call Lieutenant Harmon, Officer Gunn, and Officer Guidry to testify. This Court finds that Counsel had a valid trial strategy of bringing out these incidents from Davorius Mack on cross examination and only planning to call the officers if Davorius Mack had denied committing the offenses. The record reflects that Counsel was able to get Davorius Mack to admit the offenses in question on cross examination. As the officers' testimony would have been cumulative, this Court finds that Counsel was not deficient in failing to call the officers as witnesses. Additionally, Applicant was not prejudiced by Counsel's failure to call the officers because the testimony was brought out through admissions by Davorius Mack. Furthermore Counsel was not deficient for failing to call Applicant's parents to testify for the defense for the reasons outlined in the preceding section.

As to any other unnamed potential witnesses that Applicant alleges Counsel failed to call, this Court finds that Applicant has failed to show that any prejudice resulted because such witnesses did not testify at the PCR hearing and any testimony would be mere speculation. See Bannister v. State, 333 S.C. 298, 509 S.E.2d 807 (1998) (A PCR applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice from the witness' failure to testify at trial). Accordingly, this allegation must be dismissed.

Ineffective assistance of trial counsel for advising Applicant to proceed to trial on a primary defense (duress/coercion) that is not cognizable on a murder charge.

See State v. Kelsey, 331 S.C. 50, 502 S.E.2d 63 (1998). Counsel failed to communicate with Applicant.

Applicant alleged that Counsel was deficient for proceeding on a duress/coercion defense that is not cognizable on a murder charge. Counsel testified that early on in his representation, he communicated with Applicant and Applicant's parents to develop the trial strategy. He testified that he asked Applicant and Applicant's parents for potential witnesses or alibis but they were unable to provide any helpful information. Counsel also testified that an alibi defense would not have worked because the surveillance video showed Applicant during the crime.

Counsel testified that Applicant's best option was to argue what he considered a novel theory, whereby Counsel would argue that Applicant was coerced by his codefendants into going inside the convenience store and that did not shoot a weapon but was merely present. More specifically, he testified that this strategy was to argue that Applicant was coerced into committing the conspiracy and robbery, and then he would argue that the murder was not a probable consequence of the conspiracy and that Applicant was already outside of the convenience store when the fatal shot was fired. Counsel testified that at the time of trial, this

strategy was the best strategy for Applicant, especially since no alibis or favorable witnesses were available.

Counsel testified, and the record reflects, that the trial judge charged the jury on the law of coercion and duress. See Tr. Transcript 1176, l. 16 – 1178, l. 1. The trial judge also charged the jury with mere presence and mere association in regards to the conspiracy. See Tr. Transcript 1176, ll. 8-10).

This Court finds that Applicant has failed to meet his burden of proving that Counsel was ineffective for pursuing a defense of coercion and duress. This Court finds that Counsel's defense strategy was valid under the law and his performance was under prevailing professional norms. Additionally, this Court finds that Applicant cannot show that he was prejudiced by Counsel pursuing this strategy, as evidenced by the trial judge charging the jury on the law of coercion and duress. State v. Shuler, 344 S.C. 604, 632, 545 S.E.2d 805, 819 (2001) ("The trial judge determines the law to be charged on the presentation of evidence at trial. The trial judge must charge the correct and current law of the State. If there is any evidence to support a charge, the trial judge should grant the request.") Applicant has failed to show any evidence that the result of the trial would have been different but for Counsel pursuing this defense strategy. Accordingly, this allegation must be dismissed.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any testimony, argument, or evidence at the hearing regarding such allegations. Accordingly, this Court finds the 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. Applicant failed to demonstrate counsels' performances were unreasonable under prevailing professional norms. Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625; Stalk v. State, 383 S.C. 559, 563, 681 S.E.2d 592, 594 (2009). Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

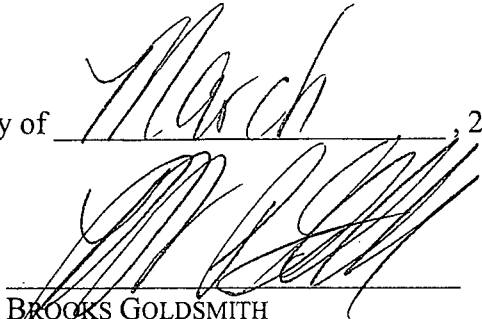
The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a 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.

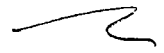


IT IS THEREFORE ORDERED THAT:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant shall remain in the custody of the South Carolina Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 2 day of March, 2016.


BROOKS GOLDSMITH
Presiding Judge
Sixteenth Judicial Circuit


_____, South Carolina