

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM YORK COUNTY
Court of Common Pleas
Honorable Paul M. Burch, Circuit Court Judge

Case No: 2010-CP-46-3470

Kenneth L. Young,..... Appellant
S.C.D.C. No.: 323182

v.
The State..... Respondent

NOTICE OF APPEAL

Kenneth L. Young appeals his Denial for Post Conviction Relief in this case. The Order of Dismissal was imposed and signed by the Honorable Paul M. Burch, on February 6, 2012, which I, Charles T. Brooks, III, received on February 10, 2012.

February 13, 2012

RECEIVED

FEB 15 2012

S.C. SUPREME COURT


Charles T. Brooks, III
309 Broad Street
Post Office Box 3512
Sumter, South Carolina 29151
(803) 418-5708
Attorney for Appellant

Other Counsel on Record:
Matthew J. Friedman, Esquire
Assistant Attorney General
Post Office Box 11549
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THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM YORK COUNTY
Court of Common Pleas
Honorable Paul M. Burch, Circuit Court Judge

Case No: 2010-CP-46-3470

Kenneth L. Young.....Appellant
S.C.D.C. No.: 323182

v.

The State.....Respondent

PROOF OF SERVICE

I, the undersigned, do hereby certify that on this 13th day of February, 2012, I served the foregoing Notice of Appeal, Order of Dismissal, as well as Proof of Service in this matter by depositing a true copy of it in the United States Mail, postage prepaid, on February 13, 2012 addressed to the following as indicated below:

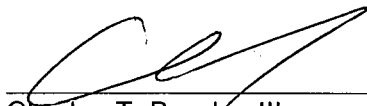
South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Office of Attorney's General
Attn: Matthew J. Friedman, Esquire
Post Office Box 11549
Columbia, South Carolina 29211-1549

South Carolina Office of Appellate Defense
1330 Lady Street, Suite 401
PO Box 11589
Columbia, SC 29211-1589

Kenneth L. Young, 323182
McCormick Correctional Institution
386 Redemption Way
McCormick, South Carolina, 29899

Dated: February 13, 2012



Charles T. Brooks, III
Attorney for the Appellant
309 Broad Street
Sumter, South Carolina 29150
(803) 418-5708

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)
)
 Kenneth L. Young, #323182,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 2010-CP-46-3470

ORDER OF DISMISSAL

FILED-RECEIVED
 2012 FEB -9 AM 8:07
 DAVID HAMILTON
 C.C.P. & G.S.
 YORK COUNTY, SC

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed August 16, 2010. The Respondent made its Return on February 16, 2011. An evidentiary hearing into the matter was convened on October 11, 2011 at the York County Courthouse. The Applicant was present at the hearing and represented by Charles T. Brooks, III, Esquire. Matthew J. Friedman, Esquire, of the South Carolina Attorney General's Office represented the Respondent.

The Applicant testified on his own behalf at the PCR hearing. Applicant's trial counsel, Philip W. Jamieson, Esquire, also testified at the hearing. This Court had before it the records of the York County Clerk of Court regarding the subject convictions, the Applicant's records from the Department of Corrections, the Record on Appeal, the Final Brief of Appellant, the Final Brief of Respondent, the Court of Appeals' opinion affirming the conviction and sentence, the Remittitur dated November 23, 2009, the PCR application, and the State's Return thereto.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for York County. The Applicant was indicted at the June 2007 term of the York County Grand Jury for one count of armed robbery

(2007-GS-46-1695), one count of entering a bank with intent to steal (2007-GS-46-1696), one count of kidnapping (2007-GS-46-1697), one count of assault and battery of a high and aggravated nature (2007-GS-46-1698), one count of possession of a firearm during the commission of a violent crime (2007-GS-46-1699), and one count of conspiracy to commit armed robbery (2007-GS-46-1700). Phillip Jamieson, Esquire, represented the Applicant. On July 23-26, 2007, the Applicant proceeded to a jury trial and was found guilty as indicted. Pursuant to S.C. Code Ann. §17-25-45, the Honorable John C. Hayes sentenced Applicant to life without parole for each of the following charges: kidnapping, armed robbery, and entering a bank with intent to steal. Applicant was further sentenced to ten (10) years for assault and battery of a high and aggravated nature, five (5) years for conspiracy to commit armed robbery, and five (5) years for possession of a firearm during the commission of a violent crime, all of which were to run concurrently to his life without parole sentence.

A timely Notice of Appeal was filed. The South Carolina Court of Appeals affirmed the Applicant's conviction and sentence. State v. Young, Op. No. 2009-UP-505 (S.C. Ct. App. filed November 5, 2009). The Remittitur was issued on November 23, 2009.

ALLEGATIONS

The Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel for
 - a. Failure "to lodge a proper objection to preserved [sic] the issue of severance for appellate review."
 - b. Failure "to object to trial judge's jury instructions that allowed the jury to disregard the prior convictions of a prosecution witness in assessing her credibility."
 - c. Failure to object, request curative instruction, or request mistrial based on the solicitor's opening and closing arguments that bolstered State witness testimony and made improper remarks about Applicant and co-defendants.
 - d. At the hearing, Applicant alleged ineffective assistance of counsel for failure to request a jury charge on third party guilt.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon his or her credibility. This 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 (2003).

The Applicant testified that he was at Bojangles waiting on a check from his employer at the time of the robbery. He testified that co-defendant Laws dropped him off at Bojangles and the two other co-defendants drove up in a Thunderbird with an unknown male and got into the car with Ms. Laws. He asserted that he got back into the car with the three co-defendants after they came back, but he was not present for the bank robbery. Applicant testified that he told this information to counsel. Applicant acknowledged that he testified at trial and was able to tell his version of the facts at that time. He testified that he described the unknown man in the Thunderbird to counsel. Applicant testified that counsel sent his investigator to get the videotape from Bojangles, but the tapes are destroyed after 90 days. He asserted that counsel failed to request a charge on third party guilt, failed to preserve the issue of severance for appeal, and failed to object to the State's closing argument.

Trial counsel testified that he met with Applicant six or seven times and discussed the elements of the offenses with him in great detail. Counsel testified that he and Applicant discussed the defense that Applicant was at Bojangles during the robbery, but Applicant could not give counsel the name of the employer that Applicant was allegedly meeting at Bojangles. He testified that Applicant described the man in the Thunderbird as a muscular, tall, black male.

Counsel asserted that Applicant and co-defendant Porter did not have opposing defenses or accuse one another of committing the crime. Applicant claimed that he was not there and Mr. Porter claimed that he got out of the car at a different location and was not present for the robbery. Counsel testified that he was able to cross-examine the two co-defendants who testified against Applicant at trial.

Counsel testified that the State made a plea offer for thirty (30) years. He contended that he communicated the offer to Applicant, and it was Applicant's decision to reject the offer. Counsel testified that he and Applicant discussed the LWOP notice prior to trial. He testified that he sent his investigator to Bojangles, and the surveillance tape had been disposed of and none of the employees remembered Applicant. He testified that a witness from the bank drive-thru followed the robbers' car from the bank to Carowinds Boulevard and then the police picked up the chase and followed the car into North Carolina, and the witness indicated that the car never stopped at Bojangles. Counsel testified that the solicitor referred to the defendants as clowns in his closing argument, and counsel did not see the comment as objectionable or improper. He testified that he did not request a charge on third party guilt, but he did request a charge on alibi. Counsel asserted that he made a motion for severance, which was denied.

Ineffective Assistance of Counsel

The Applicant alleges that he received ineffective assistance of counsel. In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be

relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668 (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. The applicant must overcome this presumption in order to receive relief. Cherry, 386 S.E.2d 624.

Courts use a two-pronged test to evaluate allegations of ineffective assistance of counsel. First, the applicant must prove that counsel’s performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under professional norms.” Id. at 625 (citing Strickland, 466 U.S. 668). Second, counsel’s deficient performance must have prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Id. at 625. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997).

This Court finds that Applicant’s testimony is not credible while also finding that trial counsel’s testimony is credible. This Court finds that counsel is a trial practitioner who has extensive experience in the trial of serious offenses. Counsel conferred with the Applicant on several occasions. During conferences with the Applicant, counsel discussed the pending charges, the elements of the charges and what the State was required to prove, Applicant’s constitutional rights, and possible defenses or lack thereof.

Regarding Applicant’s claims of ineffective assistance of counsel, this Court finds Applicant has failed to meet his burden of proof. 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 further finds counsel adequately conferred with Applicant, conducted a proper investigation, and was thoroughly competent in his representation. This Court finds that counsel's representation did not fall below an objective standard of reasonableness.

This Court finds that counsel made a motion for a severance, which was denied, and properly preserved the record for appeal. Criminal defendants who are jointly tried are not entitled to separate trials as a matter of right. Hughes v. State, 346 S.C. 554, 552 S.E.2d 315 (2001) (citing State v. Dennis, 337 S.C. 275, 523 S.E.2d 173 (1999)). In this case, Applicant and co-defendant Porter did not present mutually antagonistic defenses and did not accuse each other of committing the crime. Nonetheless, counsel made the motion of Applicant's behalf.

This Court finds that counsel was not ineffective for failing to request a charge on third party guilt. In State v. Gregory, 198 S.C. 98, 16 S.E.2d 532 (1941), the Supreme Court of South Carolina set the standard for issues of third party guilt in South Carolina. The Court in Gregory found that "evidence offered by the accused as to the commission of the crime by another person must be limited to such facts that are inconsistent with his own guilt, and to such facts as raise a reasonable inference or presumption as to his own innocence; evidence which can have (no) other effect than to cast a bare suspicion upon another, or to raise a conjectural inference as to the commission of the crime by another, is not admissible. Gregory, 16 S.E.2d at 534. Here, counsel had no basis to request to charge on third party guilt. Counsel did request a charge on alibi, and Applicant testified that he was at Bojangles during the robbery, but Applicant was unable to produce any witnesses who could verify his alibi.

This Court finds that counsel was not ineffective for failing to object to the State's closing argument. This Court agrees with trial counsel that the comments were not improper or objectionable. Counsel had no basis to object to the State's closing argument.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test, specifically that counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that counsel committed either errors or omissions in his representation of the Applicant. The Applicant failed to show that counsel's performance was deficient. This Court also finds the Applicant has failed to prove the second prong of Strickland, specifically that he was prejudiced by counsel's performance. Applicant's complaints concerning counsel's performance are without merit and are denied and 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 evidence regarding such allegations. Accordingly, this Court finds the Applicant waived such allegations and failed to meet his burden of proof regarding them. Therefore, they are hereby denied and dismissed.

CONCLUSION


Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his trial or sentencing proceedings. Counsel was not deficient in any manner, nor was the Applicant prejudiced by counsel's representation. Therefore, this PCR application must be denied and dismissed with prejudice.

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

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 6th day of February 2012.


Paul M. Burch
Presiding Judge
16th Judicial Circuit

, South Carolina.

pck

The Brooks Law Offices, LLC

Charles T. Brooks, III
Attorney

309 Broad Street
Sumter, South Carolina 29150

Irma R. Brooks
Attorney

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FAX: (803) 934-9618 TOLL FREE: (877) 770-8792

Email: cbrooks@ctbrooks.com

February 13, 2012

South Carolina Supreme Court
PO Box 11330
Columbia, SC 29211

RE: Kenneth L. Young v State of South Carolina
Case No. 2010-CP-46-3470

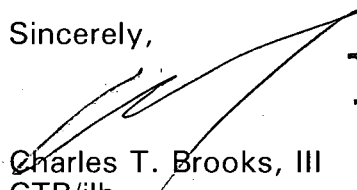
Dear Sir or Madam:

Enclosed herewith you will find the **Notice of Appeal, Order of Dismissal**, along with a **Proof of Service** in reference to the above named Applicant.

If you have any questions or concerns, please contact my office at the number stated above.

With kind regards, I am

Sincerely,


Charles T. Brooks, III
CTB/jlb

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FEB 15 2012

S.C. SUPREME COURT

Enclosed as stated

Cc: Matthew J. Friedman, Office of Attorney's General
South Carolina Office of Appellate Defense
Kenneth L. Young, 323182

RECEIVED

FEB 15 2012

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

March 26, 2012

RECEIVED

MAR 26 2012

Ms. Wanda S. Nelson
Circuit Court Reporter
1428 Dove Landing Road
York, SC 29745

S.C. Supreme Court

Dear Ms. Nelson:

Please provide us with the following transcript:

Kenneth L. Young v. State of South Carolina Case #: 10-CP-46-03470

County: York Date of Trial: October 11, 2011

Presiding Judge: Paul M. Burch

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

RECEIVED

MAY 31 2012

S.C. Supreme Court

May 30, 2012

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

Dear Mr. Shearouse:

The following case falls under the 60 day rule for appeals, and the date we received the transcript is listed to the side.

Kenneth L. Young v. State of South Carolina

5/30/2012

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

Thank you for your assistance in this matter.

Sincerely,

Sharon A. Graham
Administrative Coordinator

ORIGINAL



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
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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

July 30, 2012

RECEIVED

JUL 30 2012

S.C. Supreme Court

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

Re: Kenneth L. Young v. State of South Carolina

Dear Mr. Shearouse:

The petition for writ of certiorari 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 J. Rutledge Johnson, 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/eab

cc: J. Rutledge Johnson

208012

The Supreme Court of South Carolina

Kenneth L. Young, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-208012

The Honorable Paul M. Burch
York County
Trial Court Case No. 2010CP4603470

ORDER

The request for an extension to serve and file the Petition for Writ of Certiorari and Appendix is granted and extended until August 30, 2012. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 (www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01), any further extension request must be based on a showing of good cause.

FOR THE COURT

BY *Brenda J. Shealy*
Chief Deputy CLERK

Columbia, South Carolina

July 31, 2012

cc:

James Rutledge Johnson

Wanda H. Carter

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

RECEIVED

Certiorari to York County

AUG 30 2012

Paul M. Burch, Circuit Court Judge

S.C. Supreme Court

KENNETH L. YOUNG,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. ~~2004-030594~~

2012 - 208012

**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 to file the petition for writ of certiorari and accompanying appendix in the case of Steven R. Johnson v. State in this Court by August 31, 2012. Counsel filed the petition for writ of certiorari and accompanying

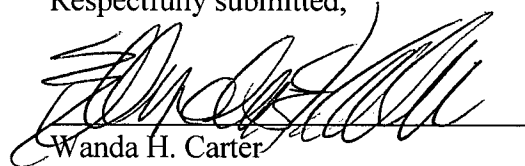
appendix in the case of James Farrow v. State in this Court on August 20, 2012. Counsel filed the petition for writ of certiorari in the case of Tyrone Perry Edwards v. State in this Court on August 13, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Clifton D. Lyles v. State in this Court on July 30, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Kerwin Parker in the Court of Appeals on July 20, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Curtis Gerald in the Court of Appeals on July 16, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Cheves Heyward v. State in this Court on July 13, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Marcus Martin v. State in this Court on July 13, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Willie Elkins, Jr v. State in this Court on July 9, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Marcus Farr v. State in this Court on July 9, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Darnell Getter in this Court on June 28, 2012. Counsel filed the Petition for Rehearing in the case of Kevin Jerome Gilliard v. State in the Court of Appeals on June 28, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Colvin P. Washington v. State in this Court on June 20, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of Anthony Lewis v. State in the Court of Appeals on June 18, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Leroy Folkes v. State with this Court on June 11, 2012. Counsel filed the petition for writ of certiorari and accompanying

appendix in the case of Alonzo Key v. State in this Court on June 8, 2012. Counsel had an oral argument in the case of State v. Rafael Horlbeck in the Court of Appeals on June 6, 2012. Additionally, Counsel filed the initial brief of appellant and designation of matter in the case of Issac McDaniel v. State in the Court of Appeals on June 6, 2012.

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,

A handwritten signature in black ink, appearing to read 'Wanda H. Carter', is written over a horizontal line.

Wanda H. Carter
Deputy Chief Appellate Defender

August 30, 2012

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to York County

Paul M. Burch, Circuit Court Judge

KENNETH L. YOUNG,

PETITIONER,

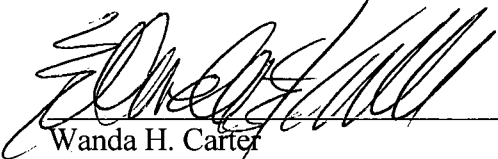
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

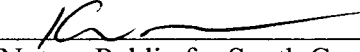
The undersigned attorney hereby certifies the petition in which to file the petition for writ of certiorari and appendix in the above referenced case has been served upon J. Rutledge Johnson, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Rm. 519, Columbia, SC 29201, this 30th day of August, 2012.



Wanda H. Carter
Deputy Chief Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 30th day of August, 2012.



(L.S.)
Notary Public for South Carolina
My Commission Expires: October 2, 2013.

The Supreme Court of South Carolina

Kenneth L. Young, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-208012

The Honorable Paul M. Burch
York County
Trial Court Case No. 2010CP4603470

ORDER

For good cause shown, the request for an extension to serve and file the Petition for Writ of Certiorari and Appendix is granted and extended until October 1, 2012. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 (www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01), any further extension request must be based on a showing of good cause and must be signed by the appropriate attorneys.

FOR THE COURT

BY Brenda J. Stealy
Chief Deputy CLERK

Columbia, South Carolina

August 31, 2012

cc:

James Rutledge Johnson

Wanda H. Carter

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to York County

Paul M. Burch, Circuit Court Judge

RECEIVED

OCT - 1 2012

S.C. Supreme Court

KENNETH L. YOUNG,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2004-030594

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

The undersigned counsel would respectfully request a **final thirty-day extension, until October, 31, 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 filed the Anders brief of appellant and record on appeal in the case of State v. Dennis Temple in the Court of Appeals on September 28, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix, and the brief of

appellant pursuant to White v. State, in the case of Thaddeus Starks v. State in this Court on September 20, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Debra Newland in the Court of Appeals on September 20, 2012. Counsel filed the record on appeal in the case of State v. Curtis Gerald in the Court of Appeals on September 19, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Ivan Simmons v. State in this Court on September 14, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Matthews v. State in this Court on September 14, 2012. Counsel filed the Anders brief of appellant and record on appeal in the case of Emilio Craig v. State in the Court of Appeals on September 11, 2012. Counsel had two oral arguments in the Court of Appeals in the case of State v. John Bonner and Ricky Cheeks v. State on September 11, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Kenaz Collier v. State in this Court on September 7, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Denton Campbell v. State with this Court on September 7, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Harrison Sanders v. State in this Court on September 7, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Frederick Alphonso Irby v. State in this Court on September 6, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Steven R. Johnson v. State in this Court on September 4, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Farrow v. State in this Court on August 20, 2012. Counsel filed the petition for writ of certiorari in the case of Tyrone Perry Edwards v. State in the

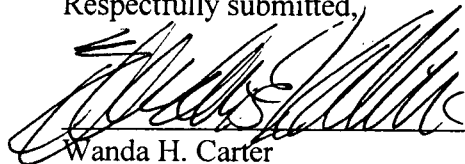
Supreme Court on August 13, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Clifton D. Lyles v. State in this Court on July 30, 2012.

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.

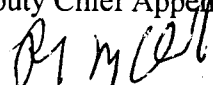
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension, until October, 31, 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.

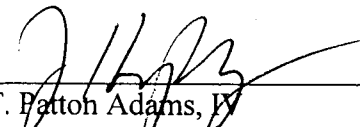
Respectfully submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

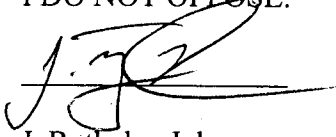


Robert M. Dudek
Chief Appellate Defender



T. Patton Adams, IV
Executive Director or
J. Hugh Ryan, III
General Counsel

October 1, 2012
I DO NOT OPPOSE:

A handwritten signature in black ink, appearing to read 'J. Rutledge Johnson', written over a horizontal line.

J. Rutledge Johnson

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to York County

Paul M. Burch, Circuit Court Judge

KENNETH L. YOUNG,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. ~~2004-030594~~

2012-208012

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

The undersigned counsel would respectfully request a **final thirty-day extension, until October, 31, 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 filed the Anders brief of appellant and record on appeal in the case of State v. Dennis Temple in the Court of Appeals on September 28, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix, and the brief of

appellant pursuant to White v. State, in the case of Thaddeus Starks v. State in this Court on September 20, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Debra Newland in the Court of Appeals on September 20, 2012. Counsel filed the record on appeal in the case of State v. Curtis Gerald in the Court of Appeals on September 19, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Ivan Simmons v. State in this Court on September 14, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Matthews v. State in this Court on September 14, 2012. Counsel filed the Anders brief of appellant and record on appeal in the case of Emilio Craig v. State in the Court of Appeals on September 11, 2012. Counsel had two oral arguments in the Court of Appeals in the case of State v. John Bonner and Ricky Cheeks v. State on September 11, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Kenaz Collier v. State in this Court on September 7, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Denton Campbell v. State with this Court on September 7, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Harrison Sanders v. State in this Court on September 7, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Frederick Alphonso Irby v. State in this Court on September 6, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Steven. R. Johnson v. State in this Court on September 4, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Farrow v. State in this Court on August 20, 2012. Counsel filed the petition for writ of certiorari in the case of Tyrone Perry Edwards v. State in the

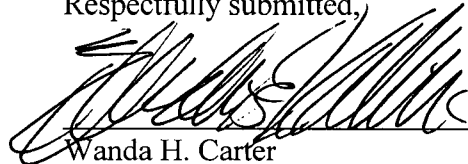
Supreme Court on August 13, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Clifton D. Lyles v. State in this Court on July 30, 2012.

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.

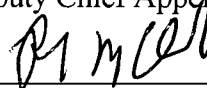
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension, until October, 31, 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.

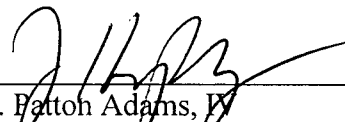
Respectfully submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

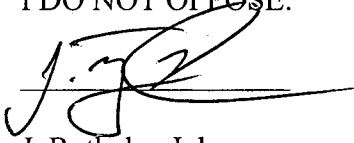


Robert M. Dudek
Chief Appellate Defender



T. Patton Adams, IV
Executive Director or
J. Hugh Ryan, III
General Counsel

October 1, 2012
I DO NOT OPPOSE:

A handwritten signature in black ink, appearing to read 'J. Rutledge Johnson', written over a horizontal line.

J. Rutledge Johnson

The Supreme Court of South Carolina

Kenneth L. Young, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-208012

The Honorable Paul M. Burch
York County
Trial Court Case No. 2010CP4603470

ORDER

For good cause shown, the request for an extension to serve and file the Petition for Writ of Certiorari and Appendix is granted and extended until October 31, 2012. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 (www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01), any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

FOR THE COURT

BY Wanda S. Shealy
Chief Deputy CLERK

Columbia, South Carolina

October 2, 2012

cc:

James Rutledge Johnson

Wanda H. Carter

The Supreme Court of South Carolina

Kenneth L. Young, Petitioner,

v.

State of South Carolina, Respondent.

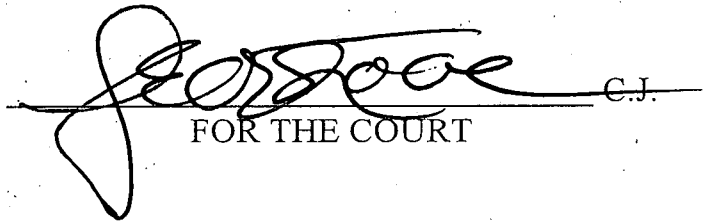
Appellate Case No. 2012-208012

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 not filed a *pro se* petition.

After careful consideration of the entire record 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.
FOR THE COURT

Columbia, South Carolina

February 6, 2013

cc:

James Rutledge Johnson

Wanda H. Carter



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

October 31, 2012

Mr. Kenneth L. Young #323182
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

Re: Your appeal

Dear Mr. Young:

Enclosed please find a copy of the Johnson petition for writ of certiorari and a copy of the appendix in your case, which I have filed with the South Carolina Supreme Court. The Court will write to you in the future eliciting any **written memorandum** you may want to submit for the Court's consideration of your case. That memorandum should be sent to the South Carolina Supreme Court, and **not to me**. The petition to be relieved is a standard part of the Johnson procedure, it does not mean that I do not wish to represent you.

Should you have any questions concerning this matter, please contact me.

Sincerely,

Wanda H. Carter
Deputy Chief Appellate Defender

WHC/eab

Enclosures

KENNETH L. YOUNG #323182

McCI F-4 225-B
386 Redemption Way
McCormick, South Carolina 29899

February 15, 2013

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

RECEIVED

FEB 25 2013

S.C. SUPREME COURT

RE: State v. Kenneth Love Young

Dear Mr. Shearouse:

A Johnson petition for writ of certiorari was filed with your office in reference to the above entitled matter on October 31, 2012.

The reason for this letter is that I received a letter from my appellate attorney, Ms. Wanda H. Carter, a copy of which is enclosed, advising me that the South Carolina Supreme Court would write to me eliciting **any written memorandum** that I may want to submit for the Court's consideration.

The problem is that the Court never contacted me to enable me to submit any written material for their consideration, but a ruling has been made in my case. An Order, dated February 6, 2013, was issued by the South Carolina Supreme Court indicating that my Johnson petition for writ of certiorari has been denied.

I request that this Court rescind that Order and allow me adequate time to submit written material for this Court's consideration.

I thank you for all the attention and assistance that you give this very important matter, and I will be looking for a response concerning this matter in the very near future, until then I send my kindest regards, as I remain

Enclosure
cc: Personal file

Respectfully,

Kenneth L. Young #323182

The Supreme Court of South Carolina

Kenneth L. Young, Petitioner,

v.

State of South Carolina, Respondent.

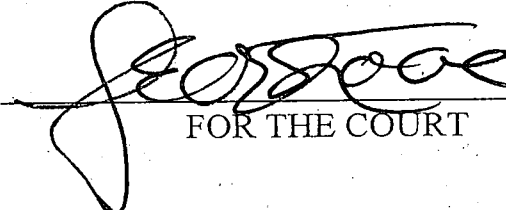
Appellate Case No. 2012-208012

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 not filed a *pro se* petition.

After careful consideration of the entire record 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.
FOR THE COURT

Columbia, South Carolina

February 6, 2013

cc:

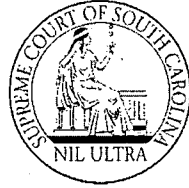
James Rutledge Johnson
Wanda H. Carter

RECEIVED

FEB 27 2013

S.C. SUPREME COURT

FILED IN TIME RECEIVED
2013 FEB 27 PM 4:44
DANIEL S. MILTON
CLERK & GS
YORK COUNTY, SC



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

February 22, 2013

The Honorable David Hamilton
PO Box 649
York SC 29745-0649

REMITTITUR

Re: Kenneth L. Young v. The State
Lower Court Case No. 2010CP4603470
Appellate Case No. 2012-208012

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,

CLERK

cc: James Rutledge Johnson, Esquire
Wanda H. Carter, Esquire
The Honorable Paul M. Burch

RECEIVED
FEB 27 2013
S.C. SUPREME COURT

FILED RECEIVED
2013 FEB 27
DANIEL E. SHEAROUSE
CLERK OF COURT
YORK COUNTY, SC
CLOCK IN TIME
CANCELLED
PM 4:44

The Supreme Court of South Carolina

Kenneth L. Young, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-208012

ORDER

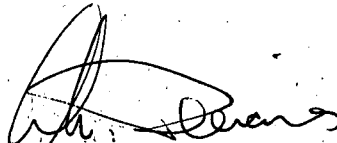
Petitioner's counsel submitted a *Johnson* petition in this matter. Thereafter, this Court issued an order dated February 6, 2013, denying the petition which indicated that petitioner did not file a *pro se* response to the petition submitted by counsel. The remittitur was sent on February 22, 2013.

Petitioner has now advised this Court that he was never advised by this Court that he could file a *pro se* response and the records of this Court fail to show that a letter was sent to him advising petitioner of his ability to file a *pro se* response. Accordingly, the remittitur is hereby recalled. *Wise v. South Carolina Department of Corrections*, 372 S.C. 173, 642 S.E.2d 551 (2007).

Within forty-five days of the date of this order, petitioner may file with this Court a *pro se* response to the petition for a writ of certiorari submitted by his counsel. In the response, he may raise and argue any issues he believes the Court should consider in this matter.

If a *pro se* response is submitted, this matter will be submitted to this Court for its consideration. If no *pro se* response is filed, the prior order of February 6, 2013,

will stand as the final order in this matter, and the remittitur will again be sent.



J.

FOR THE COURT

Columbia, South Carolina

March 18, 2013

cc: James Rutledge Johnson, Esquire
Wanda H. Carter, Esquire
Mr. Kenneth L. Young, #323182

KENNETH L. YOUNG #323282

McCI F-4 B-side
386 Redemption Way
McCormick, South Carolina 29899

Mailed
7-10-13

July 1, 2013

Daniel E. Shearouse, Clerk
South Carolina Supreme Court
PO Box 11330
Columbia, SC 29211

RE: Kenneth L. Young v. State of South Carolina
Appellate Case No. 2012-208012
PCR Case No.: 2010-CP-46-3470

RECEIVED

JUL 05 2013

Dear Mr. Shearouse:

S.C. SUPREME COURT

A Johnson petition for writ of certiorari was filed with the South Carolina Supreme Court by my appellate attorney, Wanda H. Carter, along with a petition to be relieved as counsel in this matter.

Before giving me an opportunity to respond to the Johnson petition as required by law, this Court issued an Order dated February 13, 2013, denying the petition and granted counsel's request to withdraw.

After bringing to the Court's attention that it omitted allowing me to respond to the Johnson petition, this Court granted me permission, in an Order dated March 13, 2013, to respond to the Johnson petition within forty (45) five days of the date of the Order. I filed a response to the Johnson petition dated April 17, 2013.

The reason for this letter is that there has been no response from this Court to the filing of the April 17, 2013 pro-se petition that I mailed to your office with a cover letter requesting that a clock-stamped copy be returned to me.

Sir, if it does not cause you any inconvenience, would you please send to me a clock-stamped copy of the April 17, 2013 pro-se petition, and please, also advise me of the status of my case in the Supreme Court at this time.

I thank you kindly for all you do to assist me in this very important matter.

cc: Personal file

Sincerely,

Kenneth Young
#323182

The Supreme Court of South Carolina

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

ORDER

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

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

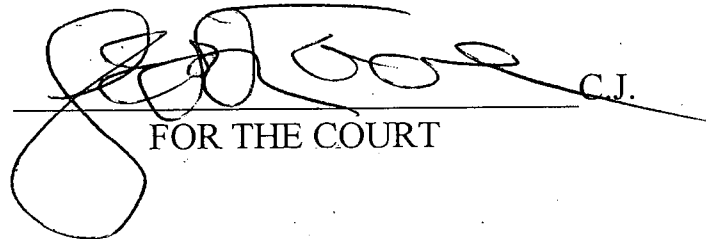
25. 2011-202770 Michael.D. Day v. State
26. 2011-202773 Richard F. Whelchel v. State
27. 2011-204347 Lance Lyles v. State
28. 2011-204375 Russell Fred Spitzer v. State
29. 2011-204386 Darrell L. Goss v. State
30. 2011-204847 Kenaz Collier v. State
31. 2011-204966 Clarence Bamberg v. State
32. 2012-205988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

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

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

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

IT IS SO ORDERED.


C.J.
FOR THE COURT

Columbia, South Carolina

November 22, 2013

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

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

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

The South Carolina Court of Appeals

Kenneth L. Young, Petitioner,

v.

State of South Carolina, Respondent.

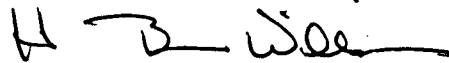
Appellate Case No. 2012-208012

ORDER

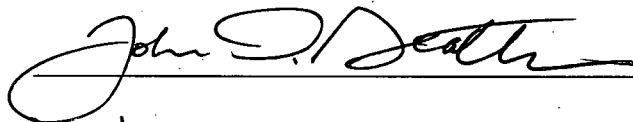
This matter is before the Court on a petition for a writ of certiorari following the denial of Petitioner's application for post-conviction relief.

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

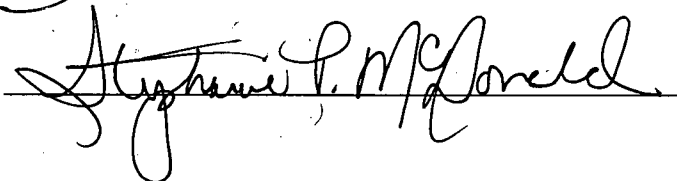
After careful consideration of the entire appendix as required by *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988), we deny the petition and grant counsel's request to withdraw.



J.



J.



J.

Columbia, South Carolina

cc: James Rutledge Johnson, Esquire
Wanda H. Carter, Esquire
Alan McCrory Wilson, Esquire

FILED

Apr. 18, 2014 *JA*



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 18, 2014

Kenneth L. Young, #323182.
McCormick Correctional Institution
386 Redemption Way
McCormick SC 29899

Re: Kenneth L. Young v. State
Appellate Case No. 2012-208012

Dear Mr. Young:

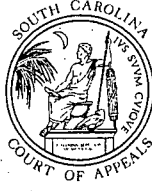
Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Wanda H. Carter".

CLERK

cc: James Rutledge Johnson, Esquire
Wanda H. Carter, Esquire
Alan McCrory Wilson, Esquire
The Honorable Paul M. Burch



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
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December 04, 2014

The Honorable David Hamilton
PO Box 649
York SC 29745-0649

REMITTITUR

Re: Kenneth L. Young v. State
Lower Court Case No. 2010CP4603470
Appellate Case No. 2012-208012

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: James Rutledge Johnson, Esquire
Wanda H. Carter, Esquire
Alan McCrory Wilson, Esquire
Kenneth L. Young, #323182
The Honorable Paul M. Burch