

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

Frank R. Addy, Jr Circuit Court Judge

Case No. 2009-CP-24-~~0~~1779

RECEIVED

JAN - 6 2012

State of South Carolina,

Respondent,

S.C. Supreme Court

v.

Dustin Tiller

Appellant.

NOTICE OF APPEAL

Dustin Tiller appeals the decision by the court, order [judgment] of the Honorable Frank R. Addy, Jr. entered on this verdict dated December 19, 2011.

December 30, 2011

Callison, Dorn, Thomason & Knott PA

BY: 

Bradley W. Knott

SC Bar # 64100

Greenwood, South Carolina 29648

(864) 223-8111

Attorney for Appellant

Other Counsel of Record:
Harrison D. Brant
Office of the Attorney General
PO Box 11549
Columbia, SC 29211-1549
Attorney for Respondent
(803) 734-3727

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

Frank R. Addy, Jr. Circuit Court Judge

Case No. 2009-CP-24-1779

State of South Carolina,

Respondent,

v.

Dustin Tiller, #329553

Appellant.

RECEIVED

JAN - 6 2012

S.C. Supreme Court

PROOF OF SERVICE

I certify that on **January 3, 2012** I mailed the following to the Attorney for the Respondent:

PLEADINGS/DOCUMENTS SERVED:

1. Notice of Appeal

by depositing a copy in the United States Mail, postage prepaid addressed to:

PERSONS/ENTITIES SERVED:

Harrison D. Brant
P.O. Box 11549
Columbia, SC 29211-1549
Attorney for Respondent

CALLISON, DORN, THOMASON,
KNOTT, P.A.

By: 

Bradley W. Knott
S. C. Bar # 64100
Post Office Box 3208
Greenwood, South Carolina 29648
Attorney for the Appellant
(864) 223-8111

January 3, 2012
Greenwood, SC

ATTEST A TRUE COPY

Ingram Moon

RECEIVED

STATE OF SOUTH CAROLINA
COUNTY OF GREENWOOD

INGRAM MOON
CCCP) AND BY THE COURT OF COMMON PLEAS
GREENWOOD COUNTY EIGHTH JUDICIAL CIRCUIT
S.C.

JAN 06 2012

2009-CP-24-1779 **S.C. SUPREME COURT**

Dustin Tiller, 329553,
Applicant,

v.

State of South Carolina,
Respondent.

ORDER OF DISMISSAL

FILED COMMON PLEAS
8TH JUDICIAL CIRCUIT
GREENWOOD, SC
2011 DEC 20 PM 3:04 17

This matter comes before the Court by way of Application for Post-Conviction Relief filed December 14, 2009. The Respondent filed its Return on February 16, 2011. The Applicant then filed an Amended Application on June 17, 2011. An evidentiary hearing into the matter was convened at the Greenwood County Courthouse on June 29, 2011. The Applicant was present at the hearing and was represented by Bradley W. Knott, Esquire. The Respondent was represented by Assistant Attorney General Harrison D. Brant.

The Applicant testified on his own behalf at the hearing. The Applicant's trial counsel, W. Townes Jones, IV, Esquire, also testified at the hearing. This Court had before it the records of the Clerk of Court for the State Grand Jury regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, and the plea transcript.

PROCEDURAL HISTORY

The Applicant was indicted by the April 2008 State Grand Jury for Trafficking Methamphetamine in excess of 100 grams (2008-GS-47-3), and Possession with Intent to Distribute ("PWID") Methamphetamine (2008-GS-47-4). In addition, he was subsequently charged with Conspiracy to Traffic Methamphetamine in the amount of 28 to 100 grams (2009-

MA

GS-47-1). W. Townes Jones, IV, Esquire, and C. Rauch Wise, Esquire, represented him on these charges.

On January 23, 2009, the Applicant entered into a plea agreement whereby he agreed to: plead guilty to the lesser include offense of Trafficking Methamphetamine in the amount of 28 to 100 grams (2008-GS-47-3); plead guilty as indicted to PWID Methamphetamine (2008-GS-47-4); and waive presentment and plead guilty as charged to Conspiracy to Traffic Methamphetamine in the amount of 28 to 100 grams (2009-GS-47-1). In exchange for his plea, the agreement provided that the Applicant would receive a sentence in the range of ten (10) to fifteen (15) years imprisonment.¹ On January 27, 2009, the Applicant pled guilty in accordance with the terms of the negotiated plea agreement. The Honorable D. Garrison Hill sentenced him to twelve (12) years for trafficking, five (5) years for PWID, and ten (10) years for the conspiracy to traffic, all concurrent. The Applicant did not appeal his convictions or sentences.

ALLEGATIONS

In his application for post-conviction relief, the Applicant alleges he is being held in custody unlawfully because he received ineffective assistance of counsel based on the following:

- (1) Failure “to investigate the contents of a tape recorded conversation between the Applicant and counsel’s paralegal, which rendered the Applicant’s plea of guilty not knowingly and voluntarily made”;
- (2) Failure “to investigate the contents of a photo lineup as said lineup was flawed”;
- (3) “By advising the Applicant to plead guilty before he had seen all of the discovery”;
- (4) Counsel “had a conflict of interest in that he also represented Michael Patton Holt who was working with the State and [sic] an attempt to implicate and/or build a case against the Applicant”; and
- (5) Failure “to investigate and obtain all grand jury testimony against the Applicant.”

¹ A copy of the plea agreement was included in the records provided by the Clerk of Court for the State Grand Jury.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. § 17-27-80 (2003).

In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; 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 "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The applicant must overcome this presumption 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. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625, (citing Strickland). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different."

Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

An applicant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial. Roscoe v. State, 345 S.C.16, 546 S.E.2d 417 (2001); Richardson v. State, 310 S.C. 360, 426 S.E.2d 795 (1993).

To find a guilty plea is voluntarily and knowingly entered into, the record must establish the applicant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709 (1969); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the post-conviction relief hearing. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984).

The charges involved in this case arose from two separate incidents or series of events. Between March 21 and March 30 of 2007, an individual cooperating with law enforcement made telephone calls to the Applicant for the purpose of purchasing a quantity of methamphetamine. (Tr. 13). This cooperating individual was identified at the evidentiary hearing as a man named "Sonny." As a result of several telephone calls made just after midnight on March 30, 2007, an arrangement was made whereby Sonny would receive four ounces of methamphetamine for \$4,000.00. (Tr. 13). Sonny was instructed to go to the back of a Taco Bell located off of the Highway 72 Bypass in Greenwood and leave the money behind a garbage can. There, Sonny was told he would find a sock containing a plastic bag in which the drugs were enclosed.

Sonny did as he was instructed and left. (Tr. 13). The incident was monitored by law enforcement, and Sonny was wired with a video camera. The Applicant then walked up to the



garbage can and picked up the money. As law enforcement moved in, the Applicant got in the passenger seat of a red Honda and fled the scene. (Tr. 13-14). Because law enforcement expected the Applicant to be in a white Tahoe based on information previously gathered, officers accidentally allowed the red Honda to leave the Taco Bell. (Tr. 14). A high speed chase ensued, but the Applicant was ultimately able to escape. The drugs Sonny picked up at the scene were tested and proved to be 111.96 grams of methamphetamine.

The second incident took place on August 17, 2007, and resulted in the Applicant's arrest. The Applicant was in Anderson County traveling as a passenger in a vehicle. (Tr. 14). The driver of the vehicle was a cooperating individual who was identified at the evidentiary hearing as Michael Holt. The wire Holt was wearing recorded a conversation which indicated the Applicant had methamphetamine in his possession. (Tr. 14). When police approached Holt's vehicle at a convenience store, the Applicant opened the door and threw a small object on the ground. This object was later tested and proved to be 1.11 grams of methamphetamine.

Failure to Obtain and Investigate Contents of Tape Recorded Conversation

Issues concerning the tape were addressed on the record at the Applicant's plea hearing. Mr. Jones brought to the attention of the trial court a matter involving an audiotape which apparently contained a recording of a telephone conversation that took place between the Applicant and Mr. Jones's legal assistant. (Tr. 29-30). Mr. Jones explained that the Applicant called his office after hours, and that call was recorded. (Tr. 31). At the evidentiary hearing, Mr. Jones further explained that the call was made from and recorded by a detention center in Anderson County where the Applicant was being housed at the time. Evidently, the tape was turned over to the trial court pending further action by the parties. (Tr. 30). The trial court then transferred custody of the tape to the clerk of court who sealed it and placed it in a safe. (Tr. 30). Mr. Jones asked the trial court to decide that the tape should either be destroyed or turned over to



him, but requested that it not be turned over to law enforcement. (Tr. 30). The parties briefly began discussing whether the tape-recorded conversation was "privileged or whether the privilege has been waived." (Tr. 30). The Prosecutor argued the issue could not be determined without first listening to the tape. (Tr. 30). Ultimately, however, the parties agreed the issue need not be addressed in the near future if the tape is sealed and being stored in a safe. (Tr. 30-31).

At the evidentiary hearing, the Applicant's testimony established that he was aware of the tape's existence prior to his plea. He testified he made telephone calls to Mr. Jones' legal assistant when Mr. Jones was out of town, and the tape apparently recorded one of these conversations. However, he does not know what was on the tape, and does not believe his attorneys ever listened to it. He testified Mr. Jones moved to suppress the tape, but the State said if they went forward with the motion there would be no plea deal. He stated Mr. Jones advised him to plead guilty because they did not know what was on the tape, and it was risky to move to suppress it because they would lose the plea deal. He believes his attorneys should have had the opportunity to listen to the tape, and stated his decision of whether to plead guilty was affected by his lack of knowledge of the tape's contents because he did not know if they could suppress it.

Mr. Jones testified he recalls receiving notice from the State of the tape's existence, but has no knowledge of what was on the tape. He recalls asking the Prosecutor for the tape, but the Prosecutor informed him that it had been turned over to the trial court. He does not believe he ever moved to suppress the tape, does not recall the State ever indicating the plea offer would be revoked if he made such a motion or otherwise attempted to listen to it. He stated he never advised the Applicant that he had to go to trial in order to learn the contents of the tape. He later



clarified, however, that the State did threaten to revoke the plea offer if they moved to suppress the photo identification evidence, a matter which is discussed in the following section.

Mr. Jones also testified that he intended to object to the tape if the State attempted to use it; however, the State never indicated that it intended to do so, nor did the Prosecutor ever indicate that he knew what was on the tape. He stated he is unsure of how successful a motion to suppress may have been without knowing what was on the tape. He testified he never advised the Applicant that he should plead guilty because they did not know what was on the tape, and such advice would not have been rational. He stated that the tape was not a major issue in this case, and believed if they went to trial that the State had a good chance of getting the case submitted to a jury without the tape.² He testified that proceeding with trial created a substantial risk for the Applicant because the charges carried a minimum sentence of twenty-five years.

This Court finds defense counsel's testimony on the matter credible. This Court finds the tape was a non-issue as the State did not intend to use it. Counsel never advised the Applicant to plead guilty because they were unaware of the tape's contents, and the State never threatened to revoke the plea deal if the defense moved to suppress the tape. To the extent the Applicant testified to the contrary, this Court finds the Applicant's testimony not credible. This Court finds the Applicant failed to meet his burden of proving counsel was deficient in his handling of the tape, or that counsel's advice on the matter was somehow erroneous. Furthermore, this Court finds the Applicant failed to prove how he would have benefited from further investigation of the

² Mr. Jones explained that some of the other evidence the State intended to use included: recordings of telephone conversations between the Applicant and the informant, Sonny, discussing details of the transaction; testimony from Sonny, who previously testified before the State Grand Jury that he bought drugs from the Applicant in the past and also saw the Applicant with methamphetamine weeks before the controlled buy; and testimony from a police officer who would identify the Applicant as the individual he saw riding as the passenger in the vehicle which fled the scene of the controlled buy. He also testified that he and the Applicant were worried that the mother of the Applicant's children, Tonya, would testify at trial. He explained that Tonya had already brought criminal domestic violence charges against the Applicant in Anderson County, and they were concerned about information she might be able to provide the State about the instant case.



tape's contents or a motion to suppress. See Dalton v. State, 376 S.C. 130, 140, 654 S.E.2d 870, 875 (Ct. App. 2007) (counsel not ineffective for failing to interview witnesses where applicant failed to establish how witnesses' testimony would have benefited him). Therefore, the allegation that counsel was ineffective for failing to obtain and investigate the contents of the tape must fail because "the allegation is supported only by mere speculation as to the result." Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998).

Even assuming counsel was somehow deficient with regards to the tape, this Court finds the Applicant failed to establish resulting prejudice. As counsel indicated, the tape was not a major issue, and if the Applicant proceeded to trial the State likely had other evidence sufficient for the case to be submitted to a jury. The Applicant pled guilty not because of any issue surrounding the tape, but because the State's plea offer, among other things, allowed him to avoid the risk of losing a jury trial and receiving a minimum of twenty-five years in prison.³ This Court finds that even if counsel somehow misadvised the Applicant with regards to the tape, the Applicant did not rely on such advice when he pled guilty.

Moreover, "[t]he general rule is that a plea of guilty, voluntarily and understanding made, constitutes a waiver of nonjurisdictional defects and defenses, including claims of violation of constitutional rights prior to the plea." Rivers v. Strickland, 264 S.C. 121, 124, 213 S.E.2d 97, 98 (1975) (citing State v. Fuller, 254 S.C. 260, 266, 174 S.E.2d 774, 777 (1970)). "When a criminal defendant has solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea." Tollett v. Henderson, 411 U.S. 258, 267, 93 S.Ct. 1602, 1608 (1973); see also Dalton v. State, 376 S.C.

³ The plea offer the Applicant accepted also allowed him to avoid any future prosecution that could result from his past involvement in other trafficking incidents, thereby granting him "a chance at a fresh start" when he finishes his prison sentence. (Tr. 17).



130, 654 S.E.2d 870 (Ct.App.2007). The plea transcript indicates the Applicant understood his rights, including the right to present defenses or contest any evidence, and affirmed that he wanted to waive these rights. (Tr. 8-9). The Applicant also admitted his guilt, stated he wanted to plead guilty, and agreed with the facts of the case as stated by the Prosecutor. (Tr. 8; 12; 15). Therefore, this Court finds the Applicant was fully aware of the rights he was waiving when he pled guilty. Per the authority cited above, the Applicant waived the right to contest this evidence and any alleged violation of the attorney-client privilege which may have occurred when he knowingly, intelligently, and voluntarily pled guilty. Accordingly, the Applicant's claims concerning the tape are denied and dismissed.

Failure to Obtain and Investigate Contents of Photo Lineup

The Applicant testified law enforcement conducted a "photo lineup" using a picture of him taken from the Department of Motor Vehicles. He explained that his picture was shown to a police officer who identified him. He testified Mr. Jones was going to move to suppress the photograph, but such a motion was never filed because the State threatened to revoke the plea offer if they went forward with it. He stated he was pressured to plead guilty by counsel's failure to move to suppress this evidence.

Mr. Jones' testimony established that although law enforcement used of a photograph of the Applicant, no actual "lineup" was conducted. Mr. Jones testified he personally interviewed this officer to see what he would say, and it was his understanding the officer was going to testify at trial. The officer indicated he was at the scene of the controlled buy and was able to see the passenger of the vehicle as it fled the scene. Several hours after the incident, the officer looked at a picture of the Applicant and identified him as that passenger. Mr. Jones testified the State indicated the plea deal was "off the table" if he proceeded with a motion to suppress this evidence. He stated he advised the Applicant of the State's position and believes the



Applicant understood that he was waiving the right to challenge this evidence if he accepted the State's offer and pled guilty.

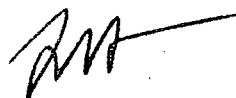
This Court finds the allegation that counsel failed to investigate the matter is without merit. Counsel conducted an independent interview of the officer and advised the Applicant of what the officer would say. To the extent the Applicant alleges counsel should have further investigated the matter, this Court finds the Applicant failed to establish how he would have benefited from any additional investigation. See Dalton v. State, 376 S.C. at 140, 654 S.E.2d at 875 (counsel not ineffective for failing to interview witnesses where applicant failed to establish how witnesses' testimony would have benefited him). To the extent the Applicant alleges a suppression hearing should have been conducted regarding this evidence, this Court reiterates its finding that the Applicant was fully aware of the rights he was waiving by proceeding with a plea, including the right to contest this evidence. See Rivers, 264 S.C. 121, 213 S.E.2d 97; Fuller, 254 S.C. 260, 174 S.E.2d 774. This Court finds counsel's advice to the Applicant was not deficient on this issue. In addition, this Court finds the Applicant failed to establish how he was prejudiced by any such alleged deficiency. Accordingly, this issue is denied and dismissed.

Failure to Receive All Discovery Before Advising Applicant to Plead Guilty

The Applicant testified the discovery counsel allegedly failed to obtain before advising him to plead guilty concerns only the tape-recorded conversation and the photo identification evidence. These issues have been fully addressed above, and the findings and conclusions of the preceding sections are included herein by reference. Thus, the allegation is denied and dismissed.

Conflict of Interest

The Applicant alleges Mr. Jones was ineffective because his representation of another client, Michael Holt, constituted a conflict of interest. The Applicant testified Holt was working with the police to build a case against him. He stated Holt told the police the drugs he possessed



came from him. He also stated that Holt was with him at the time of his arrest and was wearing a wire. He testified Mr. Jones did not learn of Holt's involvement in this case until they received discovery from the State.

Mr. Jones testified he represented Holt on a drug possession charge arising from a traffic stop. He was hired to represent Holt some time in 2007, and Holt pled guilty to these charges in August or September of 2008. He testified he did not initially know that Holt had talked to the police about the Applicant's case, and Holt never advised him of such. He recalls that at some point prior to the Applicant's plea, the Applicant indicated he thought Holt was giving information to the police. He stated he asked Holt in private if he was working with the police, but Holt denied that he was doing so.

Mr. Jones testified he learned of Holt's actual involvement when he received the discovery for the Applicant's case in the fall of 2009. By that time, Holt had already pled guilty and was no longer represented by Mr. Jones. He stated he was never put in a position where he could obtain a deal for Holt in exchange for information against the Applicant, and was never told that Holt would testify at the Applicant's trial. He testified he offered to get off the Applicant's case once he learned of Holt's involvement, but the Applicant indicated he wanted to continue with the representation.

"In order to establish a violation of the Sixth Amendment, a defendant who raised no objection at trial must demonstrate that an actual conflict of interest adversely affected his lawyer's performance." Cuyler v. Sullivan, 446 U.S. 335, 348, 100 S.Ct. 1708, 1718 (1980).

"An actual conflict of interest occurs where an attorney owes a duty to a party whose interests are adverse to the defendant's." Staggs v. State, 372 S.C. 549, 551, 643 S.E.2d 690, 692 (2007).

"The mere possibility defense counsel may have a conflict of interest is insufficient to impugn a criminal conviction." State v. Gregory, 364 S.C. 150, 152-53, 612 S.E.2d 449, 450 (2005).

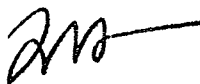


“[U]ntil a defendant shows that his counsel actively represented conflicting interests, he has not established the constitutional predicate for his claim of ineffective assistance.” Lomax v. State, 379 S.C. 93, 102, 665 S.E.2d 164, 168 (2008) (citation omitted).

This Court finds no evidence indicating counsel was ever in a position to use his representation of Holt to the detriment of the Applicant. See Duncan v. State, 281 S.C. 435, 438, 315 S.E.2d 809, 811 (1984) (“The interests of the other client and the defendant are sufficiently adverse if it is shown that the attorney *owes a duty to the defendant to take some action that could be detrimental to his other client*”); see also Langford v. State, 310 S.C. 357, 359-60, 426 S.E.2d 793, 795 (1993) (finding no actual conflict in representation of two co-defendants where no evidence indicated counsel advised either one to plead guilty to obtain more favorable consideration for the other). In addition, this Court finds credible counsel’s assertion that he offered to get off the case, but the Applicant desired that counsel continue the representation. Regardless, “the Rules of Professional Conduct have no bearing on the constitutionality of a criminal conviction.” Langford, 310 S.C. at 360, 426 S.E.2d at 795. This Court finds the Applicant failed to establish more than a mere possibility of a conflict of interest. Thus, the Applicant failed to meet his burden of proof as to this claim. Accordingly, the claim is denied and dismissed.

Failure to Obtain Grand Jury Testimony

The Applicant testified counsel failed to investigate or otherwise obtain certain testimony that was presented before the State Grand Jury. He explained that although counsel did obtain transcripts of some the grand jury testimony, certain parts of the transcripts were blacked out. Counsel confirmed that certain portions of these transcripts had been redacted, but stated it was fairly common to receive redacted transcripts of State Grand Jury testimony.



This Court finds the Applicant failed to meet his burden of proof as to this claim. The Applicant did not produce the content of any testimony counsel allegedly failed to procure, nor did he establish how such testimony would have benefited him. See Dalton, 376 S.C. at 140, 654 S.E.2d at 875. Nothing in the record before this Court indicates a different outcome would have resulted in this case if counsel had obtained this information. Thus, this claim must fail because “the allegation is supported only by mere speculation as to the result.” Moorehead, 329 S.C. at 334, 496 S.E.2d at 417.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence trial counsel committed either errors or omissions in his representation of the Applicant.

This Court also finds Applicant has failed to prove the second prong of Strickland – that he was prejudiced by counsel’s performance. This Court concludes Applicant has not met his burden of proving counsel failed to render reasonably effective assistance. Therefore, the allegation of ineffective assistance of counsel is denied.

CONCLUSION

Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court advises the parties that in order to secure the appropriate appellate review, notice of appeal must be served and filed within thirty (30) days after receipt by counsel of notice of entry of this order. See Rules 203 and 243 of the South Carolina Appellate Court Rules. This Court notes that post-conviction relief counsel must advise an applicant of the right

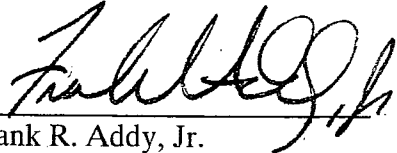


to seek appellate review of a post-conviction relief order. State v. Bray, 366 S.C. 137, 620 S.E.2d 743 (2005). Also, pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRPC, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a notice of appeal on an applicant's behalf.

IT IS THEREFORE ORDERED:

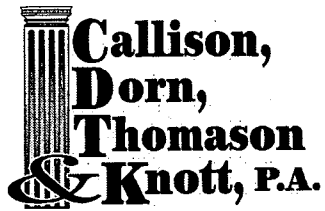
1. That the application for post-conviction relief be dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 19th day of December, 2011.



Frank R. Addy, Jr.
Presiding Judge
Eighth Judicial Circuit

Greenwood, South Carolina.



PCR

Trial Attorneys & Counselors at Law

G. William Thomason
G.P. Callison, Jr.
Bradley W. Knott*
Watson L. Dorn (Retired)
G.P. Callison (1908 - 1998)

P.O. Box 3208 (29648)
215 Park Avenue (29646)
Greenwood, SC
www.callisondorn.com

Telephone
864.223.8111

Facsimile
864.223.4468

*Certified Family Court Mediator

December 30, 2011

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

RECEIVED
JAN 09 2012
S.C. SUPREME COURT

RE: State of South Carolina, Respondent v. Dustin Tiller, Appellant,
Case No. 2009-CP-24-1779

Dear Mr. Shearouse:

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

- (1) Proof of Service of the Notice of Appeal on the Attorney for the Respondent.
- (2) A copy of the Judgment which is to be challenged on appeal.

This is a Post-Conviction Relief proceeding in which I was appointed. It is requested that the filing fee be waived. I have forwarded a copy of the Notice of Appeal to the SC Office of Appellate Defense and asked that they handle this appeal.

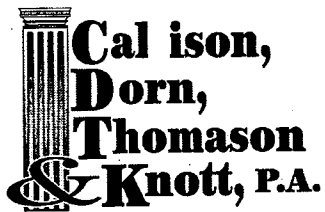
Sincerely,

CALLISON, DORN, THOMASON,
& KNOTT, P.A.

BY: 
Bradley W. Knott

Enclosures

Copy: Harrison D. Brant
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-3727
Attorney for Respondent



Trial Attorneys & Counselors at Law

G. William Thomason
G.P. Callison, Jr.
Bradley W. Knott*
Watson L. Dorn (Retired)
G.P. Callison (1908 – 1998)

P.O. Box 3208 (29648)
215 Park Avenue (29646)
Greenwood, SC
www.callisondorn.com

Telephone
864.223.8111

Facsimile
864.223.4468

*Certified Family Court Mediator

December 30, 2011

Mr. Robert M. Dudek
Chief Attorney
SC Office of Appellate Defense
P. O. Box 11433
Columbia, SC 29211-1433

RE: Dustin Tiller v. State of South Carolina – 2009-CP-24-1779

Dear Mr. Dudek:

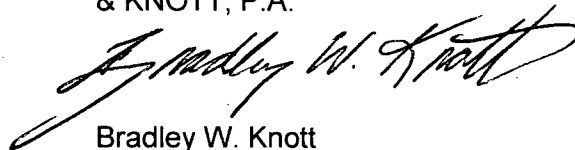
In regard to the above-referenced matter, I have enclosed a copy of the Notice of Appeal concerning the appeal of a Post-Conviction Relief proceeding involving Dustin Tiller. This was an appointed Post-Conviction case. Following the hearing, my client requested that this matter be appealed. It is my understanding that your office will handle the appeal on behalf of Mr. Tiller.

I filed this Appeal based on the attached Order which I received on December 22, 2011. Please contact me concerning this matter. If there is anything further that you need, please let me know.

With kind regards, I am

Sincerely,

CALLISON, DORN, THOMASON.
& KNOTT, P.A.



Bradley W. Knott

BWK/pm
Enclosure

cc: Daniel E. Shearouse, SC Supreme Court ✓
Harrison D. Brant, Office of the Attorney General
Dustin Tiller.



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

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

January 20, 2012

Ms. Jo Rice
Circuit Court Reporter
401 Wardlaw Street
Abbeville, SC 29620

RECEIVED

JAN 23 2012

S.C. Supreme Court

Dear Ms. Rice:

Please provide us with the following transcript:

Dustin Tiller v. State of South Carolina Case #: 09-CP-24-01779

County: Greenwood Date of Trial: June 29, 2011

Presiding Judge: Frank R. Addy

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.

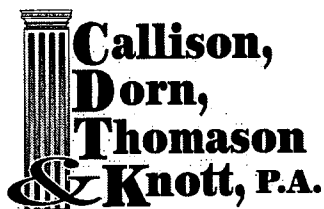
Please number the lines on the paper from 1-25, and include any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments.

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



Trial Attorneys & Counselors at Law

G. William Thomason
G.P. Callison, Jr.
Bradley W. Knott*
Watson L. Dorn (Retired)
G.P. Callison (1908 – 1998)

P.O. Box 3208 (29648)
215 Park Avenue (29646)
Greenwood, SC
www.callisondorn.com

Telephone
864.223.8111

Facsimile
864.223.4468

*Certified Family Court Mediator

December 30, 2011

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

RE: State of South Carolina, Respondent v. Dustin Tiller Appellant,
Case No. 2009-CP-24-1779

Dear Mr. Shearouse:

According to Rule 227(c), SCACR, I am submitting this letter to inform you that as an officer of this Court, and as appointed representative of the above-referenced petitioner, I am unable to set forth any arguable basis for asserting the determination by the PCR judge was improper.

By this letter, I am advising the petitioner, Dustin Tiller, that he has twenty (20) days from the date of this letter to file a *pro se* explanation as to why he believes that this determination by the circuit judge was improper.

Sincerely,


CALLISON, DORN, THOMASON,
KNOTT, P.A.

RECEIVED

JAN 08 2012

S.C. SUPREME COURT

BY:


Bradley W. Knott

Enclosures

CC: Ashley A. McMahan, Office of Attorney General
Appellate Defense
Dustin Tiller, Petitioner



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1343
Facsimile: (803) 734-1397

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

April 16, 2012

RECEIVED

APR 16 2012

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

S.C. Supreme Court

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.

Dustin Tiller v. State of South Carolina

4/13/2012

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



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

June 12, 2012

RECEIVED

JUN 12 2012

S.C. Supreme Court

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

Re: Dustin Tiller v. The State

Dear Mr. Shearouse:

The petition for writ of certiorari and appendix in this case are due to be served and filed with the Court today. However, because of my heavy workload at this time, I am requesting an extension for 30 days, in which to serve and file the petition.

By copy of this letter, I am informing Harrison Brant, of the Attorney General's Office, of my request.

Sincerely,

Breen R. Stevens
Appellate Defender

BRS/pds

cc: Harrison Brant, Esquire

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

ORIGINAL

Certiorari to Greenwood County
Frank R. Addy, Circuit Court Judge

RECEIVED

JUL 12 2012

S.C. Supreme Court

DUSTIN TILLER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE
PETITION FOR WRIT OF CERTIORARI

Counsel for Dustin Tiller respectfully requests **an extension of thirty (30) days, until August 10, 2012**, in which to file the petition for writ of certiorari in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix is due to be served and filed with the Court **Thursday, July 12, 2012**.
2. Counsel for Mr. Tiller respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously

granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. On June 29, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Alonzo Harvin v. State with this court. On June 29, 2012, counsel filed the initial brief of appellant and designation of matter in State v. Herbert Causey with this Court. On June 25, 2012, counsel filed the Anders brief of appellate and Record on Appeal in the case of State v. Vincent Lomelli with the Court of Appeals. On June 22, 2012, counsel filed the initial brief of appellant and designation of matter in State v. William Ross with this Court. On June 15, 2012, counsel filed the initial brief of appellant and designation of matter in State v. Joseph Davis with this Court. On June 14, 2012, counsel filed the Anders brief of appellant and Record on Appeal in the case of State v. Jeffrey Riebe with this Court. On June 7 -8, 2012, counsel attended a seminar at this Court Advocacy Institute for continuing legal education in New York, NY. On June 7, 2012, counsel had an oral argument in the case of State v. Jason Black in this Court. On June 5, 2012, counsel had an oral argument in the case of State v. David Meggett in this Court and filed the Anders brief of appellant and Record on Appeal in the case of State v. Marvin B. Green. On June 1, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Christopher Murray in this Court. On May 22, 2012, counsel had an oral argument in the case of State v. Clifford Wylie in the Supreme Court. On May 18, 2012, counsel filed the initial brief of appellant and designation of matter in State v. Tevon Jackson in this Court. On May 14, 2012, counsel filed the petition for writ of certiorari and appendix in the case of Jeffery Bates v. State in the Supreme Court. On May 11, 2012, counsel filed the Anders brief of appellant and record on appeal in the cases of State v. Jeron Cook and State v. David Ancrum in this Court today, May 11, 2012. On May 4, 2012, counsel filed the petition for writ of certiorari and appendix in the case of

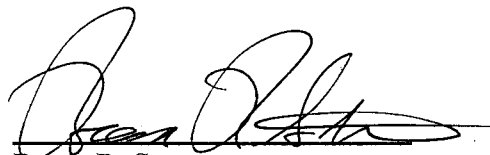
Frankie Gantt v. State in the Supreme Court. On May 3, 2012, counsel filed the initial reply brief of appellant in the case of State v. Mark Elliott in this Court. On April 30, 2012, counsel filed the petition for writ of certiorari and appendix in the case of Melvin Thomason v. State in the Supreme Court. On April 26, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Brittany Johnson in this Court. On April 20, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Chavis Pullen in this Court.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. Counsel for the Attorney General's office has been informed of this request.

WHEREFORE, the undersigned counsel would respectfully request **an extension of thirty (30) days, until August 10, 2012**, in which to file the petition for writ of certiorari in this case based upon the above exigent circumstances.

Respectfully submitted,



Breen R. Stevens
Appellate Defender

Attorney for Petitioner

July 12, 2012

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Greenwood County

Frank R. Addy, Circuit Court Judge

DUSTIN TILLER,

PETITIONER,


V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon J. Rutledge Johnson, Esquire, this 12th day of July, 2012.



Breen R. Stevens
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 12th day
of July, 2012.

Hansen & Cuse (L.S.)
Notary Public for South Carolina

My Commission Expires: August 23, 2014

The Supreme Court of South Carolina

Dustin Tiller, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-206007

The Honorable Frank R. Addy, Jr.
Greenwood County
Trial Court Case No. 2009CP2401779

ORDER

The request for an extension to serve and file the Petition for Writ of Certiorari and Appendix is granted and extended until July 12, 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 *Frenda J. Shealy*
Chief Deputy CLERK

Columbia, South Carolina

June 13, 2012

cc: Harrison David Brant
Breen Richard Stevens

2012 - 206007

1st



ALAN WILSON
ATTORNEY GENERAL

October 9, 2012

RECEIVED

OCT - 9 2012

S.C. Supreme Court

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

RE: Dustin Tiller v. State of South Carolina
2009-CP-24-1779

Dear Mr. Shearouse:

The Return to Petition for Writ of Certiorari in the above appeal is due to be served and filed today. However, this is to respectfully request a 30-day extension to serve and file this Return to Petition of Writ of Certiorari.

This extension request is not intended for the purpose of delay. Rather, this extension request is necessitated by a heavy workload.

Sincerely,

Harrison D. Brant
Assistant Attorney General

cc: Appellate Defense

The Supreme Court of South Carolina

Dustin Tiller, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-206007

ORDER

For good cause shown, the request for an extension to serve and file the Petition for Writ of Certiorari and Appendix is granted and extended until September 12, 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



Clerk

Columbia, South Carolina

August 14, 2012

cc: Breen Richard Stevens
James Rutledge Johnson

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

 ORIGINAL

Certiorari to Greenwood County
Frank R. Addy, Circuit Court Judge

RECEIVED

AUG 13 2012

S.C. Supreme Court

DUSTIN TILLER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE PETITION FOR WRIT OF
CERTIORARI AND APPENDIX

Counsel for Dustin Tiller respectfully requests a **final extension of thirty (30) days until September 12, 2012**, in which to file the petition for writ of certiorari and appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix is due to be served and filed with the Court today, August 13, 2012.
2. Counsel for Mr. Tiller respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions

previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. On August 10, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in John P. Hendrix v. State with this Court. On July 31, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Victor C. Penny v. State with this Court. On July 23, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Nathaniel Suber v. State with this Court. On July 23, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Thurston M. Bolton v. State with this Court. On July 12, 2012, counsel filed the motion to remand for record reconstruction in James Randolph Frady v. State with this Court. On June 29, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Alonzo Harvin v. State with this Court. On June 29, 2012, counsel filed the initial brief of appellant and designation of matter in State v. Herbert Causey in the Court of Appeals. On June 25, 2012 counsel filed the initial brief of appellant in State v. Vincent Lomelli in the Court of Appeals. On June 22, 2012, counsel filed the initial brief of appellant and designation of matter in State v. William Ross in the Court of Appeals. On June 15, 2012 counsel filed the initial brief of appellant in State v. Joseph Davis in the Court of Appeals. On June 14, 2012, counsel filed the Anders brief of appellant and record on appeal in the case of State v. Jeffrey Riebe with the Court of Appeals. On June 8-10, 2012, counsel attended a seminar at the Supreme Court Advocacy Institute for continuing legal education in New York, NY. On June 7, 2012, counsel had an oral argument in the case of State v. Jason Black in this Court. On June 5, 2012, counsel had an oral argument in the case of State v. David Meggett in the Court of Appeals and filed the Anders brief of appellant and record on appeal in the case of State v. Marvin

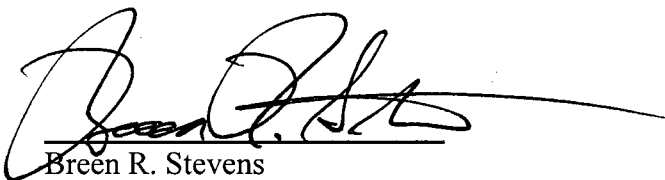
B. Green. On June 1, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Christopher Murray in the Court of Appeals.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. Counsel for the Attorney General's office consents to this request as shown by signature below.

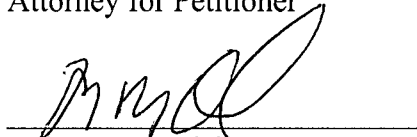
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until September 12, 2012**, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances.

Respectfully submitted,



Breen R. Stevens
Appellate Defender

Attorney for Petitioner



Robert M. Dudek
Chief Appellate Defender

This 13th day of August, 2012.

I Consent:

Megan E. Harrigan for
J. Rutledge Johnson, Esquire

The Supreme Court of South Carolina

Dustin Tiller, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-206007

The Honorable Frank R. Addy, Jr.
Greenwood County
Trial Court Case No. 2009CP2401779

ORDER

For good cause shown, the request for an extension to serve and file the Petition for Writ of Certiorari and Appendix is granted and extended until August 13, 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



CLERK

Columbia, South Carolina

July 16, 2012

cc:

J. Rutledge Johnson
Breen Richard Stevens

The Supreme Court of South Carolina

Dustin Tiller, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-206007

The Honorable Frank R. Addy, Jr.
Greenwood County
Trial Court Case No. 2009CP2401779

ORDER

The request for an extension to serve and file the Return to Petition for Writ of Certiorari is granted and extended until November 9, 2012. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 (www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01), any further extension request must be based on a showing of good cause.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

October 11, 2012

cc:

Breen Richard Stevens

Harrison David Brant

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

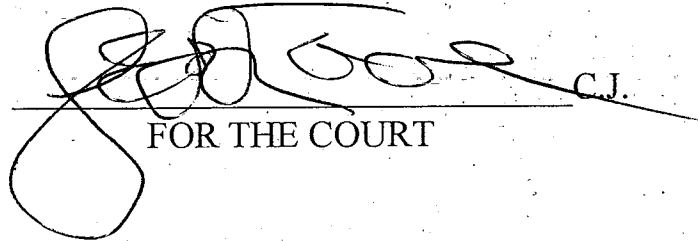
25. 2011-202770 Michael D. Day v. State
26. 2011-202773 Richard F. Whelchel v. State
27. 2011-204347 Lance Lyles v. State
28. 2011-204375 Russell Fred Spitzer v. State
29. 2011-204386 Darrell L. Goss v. State
30. 2011-204847 Kenaz Collier v. State
31. 2011-204966 Clarence Bamberg v. State
32. 2012-205988 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.


CJ.
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

Dustin Tiller, Petitioner,

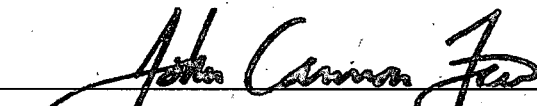
v.

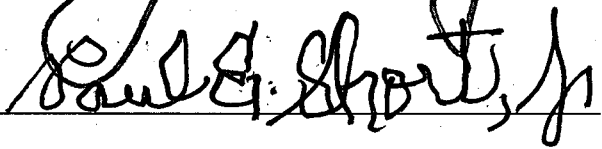
State of South Carolina, Respondent.

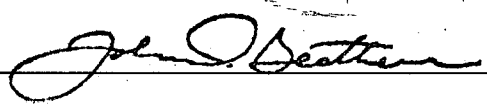
Appellate Case No. 2012-206007

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. The petition for a writ of certiorari is denied.


_____ C.J.


_____ J.


_____ J.

Columbia, South Carolina

cc: Harrison David Brant, Esquire
Benjamin John Tripp, Esquire

FILED

July 23, 2014 *gt*



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

July 23, 2014

Mr. Benjamin John Tripp, Esquire
PO Box 11589
Columbia SC 29211-1589

Re: Dustin Tiller v. State
Appellate Case No. 2012-206007

Dear Counsel:

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,

V. Claire Allen, Deputy

CLERK

cc: Harrison David Brant, Esquire
Alan McCrory Wilson, Esquire
John W. McIntosh, Esquire
Salley W. Elliott, Esquire
The Honorable Frank R. Addy, Jr.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
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TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

August 08, 2014

The Honorable Angela M. Woodhurst
528 Monument St Rm 114
Greenwood SC 29646-2634

REMITTITUR

Re: Dustin Tiller v. State
Lower Court Case No. 2009CP2401779
Appellate Case No. 2012-206007

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: Harrison David Brant, Esquire
Benjamin John Tripp, Esquire
Alan McCrory Wilson, Esquire
John W. McIntosh, Esquire
Salley W. Elliott, Esquire
The Honorable Frank R. Addy, Jr.