

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM SUMTER COUNTY  
Court of Common Pleas  
Honorable W. Jeffery Young, Circuit Court Judge

Case No: 2009-CP-43-1554

Christopher Hickman,..... Appellant  
S.C.D.C. No.: 282113

v.

The State.....Respondent

NOTICE OF APPEAL

Christopher Hickman, appeals his Denial for Post Conviction Relief in this case. The Order of Dismissal was imposed and signed by the Honorable W. Jeffrey Young, on September 18, 2011, which I, Charles T. Brooks, III, received on September 28, 2011

September 28, 2011

  
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:  
Robert D. Corney, Esquire  
Assistant Attorney General  
Post Office Box 11549  
Columbia, SC 29211-1549  
(803) 734-3970

**RECEIVED**  
SEP 28 2011  
S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM SUMTER COUNTY  
Court of Common Pleas  
Honorable W. Jeffrey Young, Circuit Court Judge

Case No: 2009-CP-43-1554

Christopher Hickman.....Appellant  
S.C.D.C. No.:282113

v.

The State.....Respondent

PROOF OF SERVICE

I, the undersigned, do hereby certify that on this 28<sup>th</sup> day of September, 2011, 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 September 28, 2011 addressed to the following as indicated below:


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

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

Office of Attorney's General  
Attn: Robert Corney, Esquire  
Post Office Box 11549  
Columbia, South Carolina 29211-1549

Christopher Hickman, 282113  
Perry Correctional Institution  
430 Oaklawn Road  
~~Sumter~~, South Carolina, 29669  
*felzer*

Dated: September 28, 2011

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

STATE OF SOUTH CAROLINA  
COUNTY OF SUMTER

RECORDED

IN THE COURT OF COMMON PLEAS  
FOR THE THIRD JUDICIAL CIRCUIT

2011 SEP 28 PM 12:03

2009-CP-43-1554

Christopher J. Hickman, #282113, Applicant,  
JAMES C. CAMPBELL  
CLERK OF COURT  
SUMTER COUNTY, S.C.

v.

**ORDER OF DISMISSAL**

State of South Carolina,

Respondent.

CERTIFIED TRUE COPY  
OF ORIGINAL FILED

*Cherie L. Hoff*

Best Conviction Relief filed  
CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

This matter comes before the Court by way of an Application for Best Conviction Relief filed July 9, 2009. The Respondent made its Return on or about October 2, 2009. An evidentiary hearing into the matter was convened on Wednesday, April 27, 2011, at the Sumter County Courthouse. The Applicant was present at the hearing and was represented by Charles T. Brooks, III, Esquire. The Respondent was represented by Robert D. Corney of the South Carolina Attorney General's Office.

At the hearing, the Applicant testified on his own behalf. Also testifying was Garryl Deas, Esquire ("Counsel"). This Court had before it the records of the Sumter County Clerk of Court, the guilty plea transcript, and the Applicant's records from the South Carolina Department of Corrections.

**PROCEDURAL HISTORY**

The records before this Court indicate that the Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. The Applicant was indicted for (1) Armed Robbery, (2) Kidnapping, (3) Kidnapping, (4) Kidnapping, (5) Kidnapping, and (6) Possession of Firearm or Knife During Commission of Violent

**RECEIVED**

1 of 6

SEP 30 2011

**S.C. SUPREME COURT**

Crime (2005-GS-43-0950). He was represented by Garryl Deas, Esquire. On January 26, 2009, the Applicant pled guilty to before the Honorable R. Ferrell Cothran, Jr. He was sentenced pursuant to a negotiated sentence as follows:

- For (1) Armed Robbery, Applicant was sentenced to twenty (20) years imprisonment suspended to fifteen (15) years imprisonment.
- For (2) Kidnapping, Applicant was sentenced to twenty (20) years imprisonment suspended to fifteen (15) years imprisonment.
- For (3) Kidnapping, Applicant was sentenced to twenty (20) years imprisonment suspended to fifteen (15) years imprisonment.
- For (4) Kidnapping, Applicant was sentenced to twenty (20) years imprisonment suspended to fifteen (15) years imprisonment.
- For (5) Kidnapping, Applicant was sentenced to twenty (20) years imprisonment suspended to fifteen (15) years imprisonment.
- For (6) Possession of a Firearm or Knife During Commission of Violent Crime, Applicant was sentenced to five (5) years imprisonment.

All sentences were to be served concurrently. The Applicant did not appeal his guilty plea or sentence.

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

1. Ineffective assistance of counsel.
  - a. "Failure to interview co-defendant as a witness on my behalf."
2. Involuntary guilty plea.
  - a. "Failure to investigate state's evidence."
3. Subject matter jurisdiction.

#### **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.

### **Ineffective Assistance of Counsel**

The Applicant alleges 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, 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.

With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985). In PCR cases, a defendant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (1999). A defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001). A defendant alleging that his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). A guilty plea is a solemn, judicial admission of the truth of the charges against the defendant. Statements made during the plea should be considered conclusive unless the defendant presents reasons why he should be allowed to depart from the truth of those statements. Crawford v. U.S., 519 F.2d 347 (4<sup>th</sup> Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4<sup>th</sup> Cir. 1976).

#### *Ineffective Assistance of Counsel*

Applicant alleges that counsel was ineffective in failing to do proper investigation into his co-defendant to see whether the co-defendant was going to testify for or against Applicant if he proceeded to trial, and in failing to properly investigate the State's evidence against him. Applicant went on to state that counsel failed to hire an investigator on his case, which he

believed showed the lack of investigation into the facts of the case. Applicant articulated that counsel did review the right to jury trial with him and Applicant conceded he did understand that right, but stated that he entered this plea after being advised by counsel that the plea offer was the best he would get and, therefore, he should accept it. Finally, Applicant completed his testimony by acknowledging that he was aware that his co-defendant, Sharod Frazier, is currently serving a life sentence in the Department of Corrections for a murder unrelated to these charges.

Counsel testified that he reviewed the discovery against Applicant extensively in preparation for his case which included his co-defendant's statement, the victim's identification of Applicant as a perpetrator in the crime, and several police reports. Counsel testified that he relayed the all pertinent information about the evidence to Applicant during their meetings and that he entered into aggressive plea negotiations with the state on Applicant's behalf, which yielded the offer that Applicant ultimately decided to plead to.

Based on the testimony presented at trial and a review of the record in its entirety, I find that Applicant has failed to carry his burden in proving counsel was ineffective in his representation on these charges. Counsel advised Applicant of all relevant issues regarding the charges he was facing including reviewing all discovery materials and co-defendant statements with Applicant. Counsel gave Applicant all the information and advice necessary to make an intelligent and voluntary decision on whether to enter the plea as offered by the State. I find that Applicant knowingly and voluntarily entered this plea after being fully and adequately advised by competent counsel acting within the range of competence demanded of attorneys in criminal cases. Further, Applicant has not proven by a preponderance of the evidence that counsel was

ineffective in any regard of his representation. Therefore, I find this application must be denied and dismissed with prejudice.

### Other Allegations

No other allegations were raised at the PCR hearing. Therefore, any additional allegations are deemed waived because no evidence was presented at the hearing to support them.

### CONCLUSION

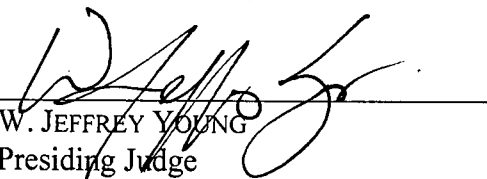
Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

This Court advises Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order to secure the appropriate appellate review. His attention is also directed to Rule 243, SCACR, for appropriate procedures after notice has been timely filed.

### IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be DENIED AND DISMISSED WITH PREJUDICE; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 18 day of Sept, 2011.

  
W. JEFFREY YOUNG  
Presiding Judge  
Third Judicial Circuit

Sumter, South Carolina.

# The South Carolina Court of Appeals

Christopher Hickman, #282113,

Appellant,

v.

State of South Carolina,

Respondent.

The Honorable W. Jeffery Young  
Sumter County  
Trial Court Case No. 2009-CP-43-01554

**RECEIVED**

OCT - 5 2011

**S.C. Supreme Court**

ORDER

The appeal in the above captioned matter is transferred to the South Carolina Supreme Court under the filing provisions of Rule 243 of the South Carolina Appellate Court Rules.

IT IS SO ORDERED.

JOHN CANNON FEW, CHIEF JUDGE  
For The Court

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina

cc: Charles T. Brooks, III, Esq.  
Chief Appellate Defender Robert M. Dudek  
Assistant Attorney General Robert Corney  
The Honorable Daniel Shearouse

**FILED**

10/4/11

*This transfer came with copy of the notice of appeal addressed to App. Def. & incorrectly delivered to the Court of Appeals.*

JJ

10-5-11

# The Brooks Law Offices, LLC

---

**Charles T. Brooks, III**  
**Attorney**

309 Broad Street  
Sumter, South Carolina 29150  
Post Office Box 3512, Sumter, SC 29151  
Post Office Box 291226, Columbia, SC 29229  
OFFICE: (803) 418-5708

**Irma R. Brooks**  
**Attorney**

FAX: (803) 934-9618 TOLL FREE: (877) 770-8792  
Email: [cbrooks@ctbrooks.com](mailto:cbrooks@ctbrooks.com)

September 28, 2011

South Carolina Supreme Court  
PO Box 11330  
Columbia, SC 29211

RE: Christopher Hickman v State of South Carolina  
Case No. 2009-CP-43-1554

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

Enclosed as stated

Cc: Robert D. Corney, Office of Attorney's General  
South Carolina Office of Appellate Defense  
Christopher J. Hickman, 282113

**RECEIVED**

SEP 30 2011

**S.C. SUPREME COURT**



**SCCID**

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

**COPY**

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) 734-1387

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

October 27, 2011

**RECEIVED**

OCT 27 2011

**SC Court of Appeals**

**RECEIVED**

NOV 17 2011

**S.C. Supreme Court**

Ms. Margaret T. Sullivan  
Circuit Court Reporter  
504 Henderson Street  
Sumter, SC 29150-3167

Dear Ms. Sullivan:

Please provide us with the following transcript:

Christopher J. Hickman v. State of South Carolina Case #: 09-CP-43-01554

County: Sumter Date of Trial: April 27, 2011

Presiding Judge: William Jeffrey Young

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,

Loriene French  
Legal Services 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

APR 16 2012

S.C. Supreme Court

April 16, 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.

Christopher J. Hickman v. State of South Carolina

4/16/2012

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,

Lorlene French  
Legal Services 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 15, 2012

**RECEIVED**

JUN 15 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: Christopher Hickman 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 Mary S. Williams, of the Attorney General's Office, of my request.

Sincerely,

Breen R. Stevens  
Appellate Defender

BRS/pds

cc: Mary S. Williams, Esquire

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Sumter County

William Jeffrey Young, Circuit Court Judge  
\_\_\_\_\_

ORIGINAL

RECEIVED

AUG 16 2012

S.C. Supreme Court

CHRISTOPHER J. HICKMAN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

2011-200190

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

Counsel for Christopher J. Hickman respectfully requests a **final extension of thirty (30) days until September 17, 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 16, 2012.
2. Counsel for Mr. Hickman 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 15, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Brian Powell v. State with this Court; and filed the Anders brief and record on appeal in State v. Mitchell Rivers in the Court of Appeals. 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.

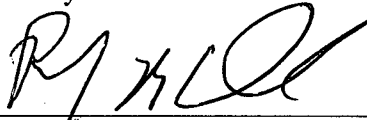
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until September 17, 2012**, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances.

Respectfully submitted,



Breen R. Stevens  
Appellate Defender

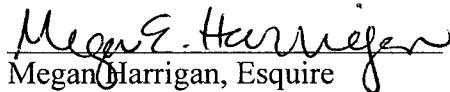
Attorney for Petitioner



Robert M. Dudek  
Chief Appellate Defender

This 16th day of August, 2012.

I Consent:



Megan E. Harrigan, Esquire

# The Supreme Court of South Carolina

Christopher J. Hickman, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2011-200190

The Honorable W. Thomas Sprott, Jr.  
Sumter County  
Trial Court Case No. 2009CP4301554

---

## 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 16, 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](http://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 17, 2012

cc:

Robert Daniel Corney  
Breen Richard Stevens

STATE OF SOUTH CAROLINA

 ORIGINAL

IN THE SUPREME COURT

Certiorari to Sumter County

William Jeffrey Young, Circuit Court Judge

RECEIVED

(JUL 16 2012

S.C. Supreme Court

CHRISTOPHER J. HICKMAN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE ~~RETURN TO~~  
PETITION FOR WRIT OF CERTIORARI *± Appendix*

Counsel for Christopher J. Hickman respectfully requests a thirty day extension in which to file the ~~return to~~ 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 ~~return to~~ petition for writ of certiorari and appendix is due to be served and filed with the Court today.
2. Counsel for Mr. Hickman 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 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 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.

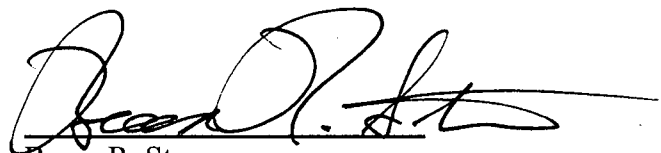
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will

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 a thirty day extension in which to file the ~~return to~~ petition for writ of certiorari in this case based upon the above exigent circumstances.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Breen R. Stevens", with a long horizontal flourish extending to the right.

Breen R. Stevens  
Appellate Defender

Attorney for Petitioner

July 16, 2012

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Certiorari to Sumter County

William Jeffrey Young, Circuit Court Judge

---

CHRISTOPHER J. HICKMAN,

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 Megan Harrigan, Esquire, this 16th day of July, 2012.



Breen R. Stevens  
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 16th day  
of July, 2012.

 (L.S.)  
Notary Public for South Carolina

My Commission Expires: October 2, 2013.

# The Supreme Court of South Carolina

Christopher J. Hickman, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2011-200190

The Honorable W. Thomas Sprott, Jr.  
Sumter County  
Trial Court Case No. 2009CP4301554

---

## ORDER

---

The request for an extension to serve and file the Petition for Writ of Certiorari and Appendix is granted and extended until July 16, 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](http://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

June 18, 2012

cc: Mary Shannon Williams  
Breen Richard Stevens



ALAN WILSON  
ATTORNEY GENERAL

November 1, 2012

RECEIVED

NOV 01 2012

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

S.C. Supreme Court

**Re: Christopher Hickman v. State of South Carolina**  
**2009-CP-43-1554**  
**Appellate Case No. 2011-200190**

Dear Mr. Shearouse:

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

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

Sincerely,

Megan E. Harrigan  
Assistant Attorney General  
SC Bar No. 100108

MEH/lm

cc: Breen R. Stevens, Esquire

# The Supreme Court of South Carolina

Christopher J. Hickman, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2011-200190

---

## ORDER

---

The request for an extension to serve and file the Return to the Petition for Writ of Certiorari is granted and extended until November 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](http://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 3, 2012

cc:

Megan E. Harrigan

Breen Richard Stevens



ALAN WILSON  
ATTORNEY GENERAL

October 1, 2012

RECEIVED

OCT 1 2012

S.C. Supreme Court

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

**Re: Christopher Hickman v. State of South Carolina**  
**2009-CP-43-1554**  
**Appellate Case No. 2011-200190**

Dear Mr. Shearouse:

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

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

Sincerely,

Megan E. Harrigan  
Assistant Attorney General  
SC Bar No. 100108

MEH/lm

cc: Breen R. Stevens, Esquire

# The Supreme Court of South Carolina

Christopher J. Hickman, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2011-200190

---

## 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 17, 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](http://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 Sunda J. Shealy  
Chief Deputy Clerk

Columbia, South Carolina

August 17, 2012

cc: Robert Daniel Corney  
Breen Richard Stevens

# The Supreme Court of South Carolina

Christopher J. Hickman, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2011-200190

---

## ORDER

---

For good cause shown, the request for an extension to serve and file the Return to the Petition for Writ of Certiorari is granted and extended until December 3, 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](http://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 *Shanda J. Shealy*  
*Chief Deputy* CLERK

Columbia, South Carolina

November 2, 2012

cc:

Robert Daniel Corney

Breen Richard Stevens

# 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

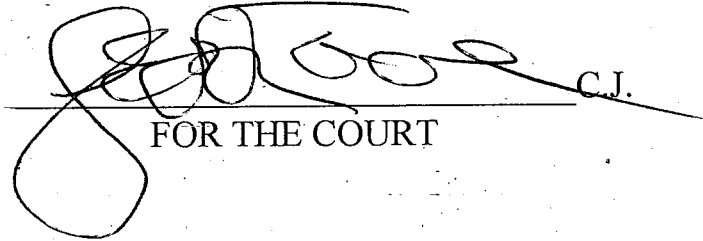
25. 2011-202770 Michael D. Day v. State
26. 2011-202773 Richard F. Whelchel v. State
27. 2011-204347 Lance Lyles v. State
28. 2011-204375 Russell Fred Spitzer v. State
29. 2011-204386 Darrell L. Goss v. State
30. 2011-204847 Kenaz Collier v. State
31. 2011-204966 Clarence Bamberg v. State
32. 2012-205988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

Christopher J. Hickman, Petitioner,

v.

State of South Carolina, Respondent.


Appellate Case No. 2011-200190

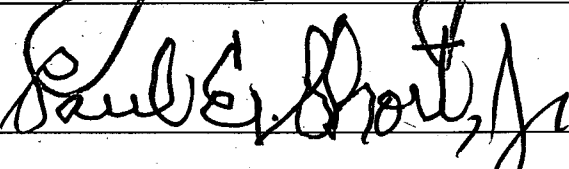
---


## 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: Breen Richard Stevens, Esquire  
Megan Elizabeth Harrigan, Esquire  
Alan McCrory Wilson, Esquire

**FILED**

July 23, 2014 87



# 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. Breen Richard Stevens, Esquire  
Orangeburg County Courthouse  
190 Gibson Street, PO Box 1112  
Orangeburg SC 29116-1112

Re: Christopher J. Hickman v. The State  
Appellate Case No. 2011-200190

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: Megan Elizabeth Harrigan, Esquire  
Alan McCrory Wilson, Esquire  
The Honorable W. Jeffrey Young



# 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](http://www.sccourts.org)

August 08, 2014

The Honorable James C. Campbell  
Sumter County Judicial Center  
215 N Harvin St Rm 303  
Sumter SC 29150-4974

## REMITTITUR

Re: Christopher J. Hickman v. The State  
Lower Court Case No. 2009CP4301554  
Appellate Case No. 2011-200190

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: Breen Richard Stevens, Esquire  
Megan Elizabeth Harrigan, Esquire  
Alan McCrory Wilson, Esquire  
The Honorable W. Jeffrey Young