THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

R. Knox McMahon, Circuit Court Judge

Case Nos.: 2015 CP 23 1027

William Anthony Butts, SCDC No. 348307.....Appellant,

v

State of South Carolina .....Respondent.

NOTICE OF APPEAL

William Anthony Butts appeals the denial of his Petition for Post-Conviction Relief. The trial in this matter was held on April 19, 2016, and the Order was filed on August 9, 2016 and served upon counsel on or after August 29, 2016.

Frank L. Eppes, S.C. Bar No. 7839
EPPES & PLUMBLEE, P.A.
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Attorney for Appellant

September 6, 2016

OTHER COUNSEL OF RECORD:

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PO Box 11549
Columbia, SC 29211

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S.C. SUPREME COURT

William Anthony Butts, SCDC No. 348307.....Appellant,

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State of South Carolina .....Respondent.

AFFIDAVIT OF SERVICE BY MAIL

PERSONALLY APPEARED before me the undersigned, who, after being duly sworn, states that she served the Appellant's Notice of Appeal upon counsel in the above-referenced matter by depositing a copy thereof in the United States Mail, postage prepaid, and addressed as follows:

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Justina Sparling
Justina Sparling

SWORN to and SUBSCRIBED before me
this 6th day of September, 2016.

Notary Public for South Carolina
My Commission Expires: 7/25/17

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF GREENVILLE)	THIRTEENTH JUDICIAL CIRCUIT
)	
William Anthony Butts,)	**C.A. No. 2015-CP-23-1027**
S.C.D.C. No. 348307)	
)	
Applicant,)	**ORDER OF DISMISSAL**
)	**(with prejudice)**
v.)	
)	
State of South Carolina,)	
)	
Respondent.)	

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on February 10, 2015. Respondent filed its Return on July 21, 2015. An evidentiary hearing into the matter was convened on April 19, 2016, at the Greenville County Courthouse. Applicant was present at the hearing and was represented by Peter S. Smith, Esquire, appearing *pro hac vice*, and Frank L. Eppes, Esquire. Respondent was represented by Patrick Schmeckpeper, Esquire, of the South Carolina Attorney General's Office.

PROCEDURAL HISTORY

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Greenville County Clerk of Court's orders of commitment. The Greenville County Grand Jury indicted the Applicant at the July 2011 term of General Sessions for 3 counts of armed robbery (2011-GS-23-5149, count 1; -5150, count 1; -5151, count 1) and 3 counts of possession of a weapon during commission of a violent crime (2011-GS-23-5149, count 2; -5150, count 2; -5151, count 2). Scott D. Robinson, Esquire represented the Applicant.

After the State brought the case to trial, the Applicant was found guilty. On October 19, 2011, the Honorable Robin B. Stilwell sentenced the Applicant to concurrent terms of 20 years

on each count of armed robbery and 5 years on each count of possession of a weapon during commission of a violent crime.

A notice of appeal was filed at the South Carolina Court of Appeals. Frank L. Eppes, Esquire perfected the appeal. The Court of Appeals affirmed the Applicant's convictions and sentences. State v. Butts, Op. No. 2014-UP-141 (S.C. Ct. App. filed April 2, 2014). The remittitur was sent on April 18, 2014.

Allegations

In his application for post-conviction relief, Applicant alleged he was being held in custody unlawfully for the following reasons:

1. "Claim of actual innocence."
2. "Misidentification."

In his "Amendment to Petition for Post Conviction Relief" filed by counsel on August 12, 2015, the Applicant makes the following allegations:

1. Ineffective assistance of trial counsel:
    a. Counsel was not adequately prepared for a motion to sever the three incidents into separate trials.
    b. Counsel was not prepared, nor did he properly address issues of misidentification.
    c. Counsel was not prepared and did not properly address issues of the Applicant's actual innocence.
    d. Counsel's cross-examination of the officer concerning the gun found in the Applicant's possession was inappropriate and inexcusable and was wrongly allowed to contribute to the Applicant's conviction.
2. Material facts, not previously presented and heard, as to both [the Applicant]'s innocence and a misidentification by witnesses as well as other matters, were not previously presented and heard, and require vacation of the conviction and sentence in the interest of justice."
3. "Certain investigators for the Solicitor's Office unreasonably harassed and threatened key witnesses in an inappropriate manner."

At the evidentiary hearing, Applicant stated, through counsel, that he was proceeding on the allegations that counsel was not prepared to argue severance; that counsel did not properly

address identification; that counsel did not properly cross-examine witnesses; and that Applicant was not prepared to go to trial.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses present at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court reviewed the Clerk of Court records regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, the transcripts and documents from the prior proceedings, Applicant's pretrial memorandum, and the legal arguments of counsel. Pursuant to S.C. Code Ann. §17-27-80 (2015), this Court makes the following findings of fact and conclusions of law based upon all of the probative evidence presented.

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), SCRCP; Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, (1984); Butler, 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." Id. at 117-18, 386 S.E.2d at 625.

Applicant's Height

Applicant has made a number of allegations focusing on counsel's failure to introduce evidence and call witnesses to prove his height was not the same as that of the assailant in the three armed robberies. Specifically, he alleges counsel was ineffective for failing to call an expert witness, and failing to request that Applicant stand up before the jury. This Court finds Applicant has failed to meet his burden.

Applicant's general allegation that counsel was ineffective for failing to present evidence with respect to height is without merit. Based on counsel's credible testimony and the record, this Court finds counsel focused on what he believed to be more fruitful issues pursuant to a valid trial strategy. See Watson v. State, 370 S.C. 68, 72, 634 S.E.2d 642, 644 (2006) (where counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel). There are countless ways to provide effective assistance in any given case. Strickland at 689, 104 S.Ct. at 2065. Even the best criminal defense attorneys would not defend a particular client in the same way. Id.

Counsel testified that his theory of the case was that there was no physical evidence of Applicant's involvement in the robberies, and that the clerks did not identify him as the assailant. At trial, counsel argued that none of the State's physical evidence was unique to Applicant. He pointed out that no witnesses had been able to identify the gun as being the actual gun used to rob the stores. Tr. p. 335, l. 14-15. Counsel argued that the gun and clothes entered into evidence were not unique to Applicant. Tr. p. 335, l. 12 - p. 336, l. 11. One victim, who testified that he was not sure if the gun used in the robberies was the same as the gun presented at trial, acknowledged that he did not know very much about pistols, and that there were a lot of black and silver guns in circulation. Tr. p. 126, l. 4-19.

The record also corroborates counsel's testimony that he focused on the victims' inability to identify Applicant. He was able to elicit testimony from one of the victims, on cross-examination, that the assailant could have been a former employee of the gas station based on his knowledge of the "drop" system, in which clerks deposit excess money from the cash registers into the safe at various intervals. Tr. p. 125, l. 20 - p. 126, l. 3.

Counsel said that rather than focus on height in cross-examining several of the State's witnesses, he wanted to highlight coercion. He vigorously attacked the credibility of the only witnesses who were able to identify Applicant. Counsel testified at the evidentiary hearing that he had to discredit Applicant's ex-girlfriend and her mother – Ms. McCroskey and Ms. Spaulding, respectively – because their trial testimony was different than their pretrial statements. During closing statements, counsel argued that Ms. McCroskey and Ms. Spaulding were coerced by law enforcement into identifying Applicant, and were therefore not credible. Tr. p. 344, l. 6-10. Ms. McCroskey admitted on cross-examination that her story had changed over the course of the investigation. Tr. p. 209, l. 2 - p. 210, l. 5. She also testified that she felt

threatened by law enforcement, and feared losing custody of her child if she did not cooperate. Tr. p. 212, l. 12-18. In addition, Counsel was able to get Ms. Spaulding to testify that at one point before trial she recanted her identification of Applicant in the videos of the armed robberies. Tr. p. 255, l. 1-8. He also reemphasized to the jury that Ms. Spaulding had been convicted of writing fraudulent checks. Tr. p. 249, l. 20-22.

This Court finds counsel's focus was objectively reasonable given the circumstances of the case. Further, his testimony and the record reflect that counsel also explored the issue of identity as a general matter, including height.[1] Counsel elicited testimony and argued that the descriptions given by the victims and as seen on the videos were inconsistent with Applicant's physical characteristics. The jury heard testimony that the assailant was "between five eight and six foot," Tr. p. 132, l. 13-15, and that Applicant was "six-one." Tr. p. 206, l. 17-19. Counsel further instructed the jury to "go back and look at it and see how tall this guy is" during their deliberations. Tr. p. 340, l. 22-23. He asked that the jurors "[l]ook at the difference in height between [Applicant] and the six-one that they talked about and this alleged robber." Tr. p. 341, l. 3-4.

With this in mind, this Court finds counsel was not deficient in choosing to focus his theory on one issue over another – particularly when he actually addressed height and misidentification. Moreover, because these issues were before the jury and they still found Applicant guilty, this Court finds he has failed to show prejudice.

Failure to Call Expert Witness

This Court further finds counsel was not deficient in failing to call an expert witness. Counsel gave a number of objectively reasonable justifications for deciding not to use an expert.

[1] With respect to identity, counsel also argued that Applicant's voice differed from those recorded in the armed robberies; that the assailant – unlike Applicant – appeared to have a tattoo on his left arm; and that the footprint taken from the scene was never matched to Applicant's shoes. Tr. p. 341, l. 12 - p. 342, l. 3.

First, he said that he did not know how a jury would interpret an expert's findings on the issue. Counsel explained that expert testimony sometimes does not stand up well on cross-examination, and that an expert could have ultimately ended up giving a different opinion on the witness stand. He said he did not think the science behind photogrammetry was perfect, and that he did not believe the jury would have been convinced. In light of counsel's theory and strategy, this Court finds Applicant has failed to meet his burden to show deficient performance.

Applicant has also failed to show prejudice. As an initial matter, this Court finds that the report and opinion rendered by Jeff Spivack, Applicant's retained expert in the field of photogrammetry, do not rule out the Applicant as the assailant in each of the videos. Mr. Spivack testified that he was able to determine an object's real world "apparent height" – the straight line distance between its highest and lowest points – from a photograph or video still to a reasonable degree of certainty.[2] He found Applicant's apparent height in the control video to be approximately six feet, three inches tall. He determined the assailant's apparent height in the armed robbery stills to be between five feet, eight inches, and five feet, nine inches. As a result, Mr. Spivack testified that did not believe Applicant was the assailant in the armed robberies.

This Court finds Mr. Spivack's findings are not sufficiently clear or concrete to support his conclusion for the purposes of this hearing. He was unable to adequately explain how a subject's apparent height relates to its actual height. According to Mr. Spivack's testimony, photogrammetry appears to be severely limited in that it is unable to take into account curves, or anything other than straight lines, in the human body beyond adjusting for them with a generalized margin of error. Mr. Spivack conceded, for example, that his analysis could not

[2] The actual analysis apparently involves "flattening out" three dimensional objects in a photo or video still frame, and thereby determining their actual size by referencing other "known" objects within that same photo or still frame. Mr. Spivack testified that he went to the scene of the robberies to take measurements of several "control" items from the video, and by comparison determined the height of the person in each of the video stills presented at the evidentiary hearing.

determine whether a person was "slouching" more than usual at any given time. Moreover, as an expert in photogrammetry rather than posture or anatomy, this Court finds Mr. Spivack's is not qualified to opine as to the average "slouch" for purposes of conducting his analysis; much less his opinion concerning the impact of Applicant's posture on his results. Having had the opportunity to view the video stills, the expert's report and materials, and the record, this Court is not persuaded that Applicant can be definitively excluded as the assailant in any of the armed robberies. A fact finder could fairly and easily look at each of the video stills and conclude that Applicant is standing up, straight and tall, in the control still, and hunched over in those depicting the robberies.[3] In addition to being unable to rule out such a possibility, Mr. Spivack's analysis fails to convincingly address it.

Further, to the limited extent that Mr. Spivack's analysis actually touches on the issue of height, it does not meaningfully change the overall equation that was before the jury during their deliberations. As described above in more detail, counsel raised the issues of misidentification and height at trial. The jury heard testimony that the assailant was "between five eight and six foot," Tr. p. 132, l. 13-15, and that Applicant was "six-one." Tr. p. 206, l. 17-19. Clearly it dispensed with the height issue in a way that was not favorable to Applicant. This Court finds Mr. Spivack's analysis fails to clarify the issue beyond what was already presented at trial, and is too tenuous to throw the outcome of the proceeding into question. The jury clearly believed the identifications made by Ms. McCrosky and her mother despite the credibility issues counsel raised. Applicant is not entitled to a new trial for the sole purpose of presenting a "fancier" case. Jones v. State, 332 S.C. 329, 339, 504 S.E.2d 822, 827 (1998).

[3] This conclusion would be entirely logical, as the natural assumption would be that one who is attempting to hide their identity would be hunched over. In fact, the video stills of the robberies appear to depict as much.

Failure to request that Applicant stand up

Applicant has also failed to show prejudice with respect to the allegation that counsel was ineffective in failing to have him "stand up" in front of the jury. As stated above, this Court finds counsel's focus and trial strategy was objectively reasonable. Counsel also credibly testified that he did not recall the victims for the purpose of asking Applicant to stand in front of them because he did not know what their response would be, and because he did not want to lose last argument.

This Court further finds that Applicant has failed to show prejudice. It appears that the jury saw Applicant standing at least twice. At the evidentiary hearing, Counsel testified that he thought he remembered Applicant standing up at some point before the jury was sworn. The record also reflects counsel asked Applicant to stand during closing argument. Tr. p. 338, l. 13-16. Regardless, as discussed previously, the jury heard testimony as to the issue of height and still found Applicant guilty.

Failure to Cross Examine

Applicant has also alleged counsel was ineffective for failing to cross-examine several witnesses regarding various parts of their testimony. This allegation is entirely without merit. As outlined in the previous sections, counsel credibly testified as to his focus and theory in the case. Judicial scrutiny of counsel's performance must be highly deferential. Strickland at 689, 104 S.Ct. at 2065. This is also true of counsel's performance with respect to cross-examination. See Sallie v. North Carolina, 587 F.2d 636, 640 (4th Cir. 1978) (the manner and extent of cross-examination should not be second-guessed). Applicant has not met his burden and overcome this burden.

Additionally, Applicant has failed to show any prejudice. Instead, Applicant has merely pointed to witnesses and testimony, and argued counsel should have done more. In order to show prejudice, Applicant must present testimony or evidence to show that but for counsel's purportedly deficient performance, the outcome of the proceeding would have been different. See Glover v. State, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995) (In order to support a claim that trial counsel was ineffective for failing to interview or call potential alibi witnesses, a PCR applicant must produce the witnesses at the PCR hearing or otherwise introduce the witnesses' testimony in a manner consistent with the rules of evidence). Applicant has not presented any evidence that additional cross-examination would have been fruitful. In keeping with the presumption that counsel rendered reasonably effective performance, this Court will not fill in the gaps of Applicant's burden with speculation.

Applicant's Shoe Size

Applicant argues counsel was ineffective in failing to present any evidence to the jury, including expert testimony, of the fact that the physical description of the perpetrator did not match the description of Applicant as to the comparison of the size of the sneaker imprint of the perpetrator with Applicant's foot and shoe size.

Applicant did not present any evidence at the evidentiary hearing that the shoe imprint did not match his own foot or shoe size. The testimony at the evidentiary hearing was that the State did not conduct any such comparison with respect to size. Accordingly, even assuming counsel was deficient in failing to contest this point,[4] Applicant has failed to show prejudice. See Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998) (failure to investigate

[4] Such an assumption is not supported by the record, where counsel argued to the jury that they should infer the State's failure to test the footprint against Applicant's shoes and foot size meant that they did not match. Tr. p. 341, l. 22 - p. 342, l. 3.

does not constitute ineffective assistance of counsel when the allegation is supported by mere speculation as to the result). This allegation is therefore denied and dismissed.

Brady Violation

Applicant further alleges the State failed to disclose "the obvious differences in the shoe size of the perpetrator's shoe print impression taken from the scene in comparison with [Applicant's] foot/shoe size," violating Brady v. Maryland, 373 U.S. 83 (1963). This Court finds Applicant has failed to meet his burden.

An individual asserting a Brady violation must demonstrate that evidence is: (1) favorable to the accused; (2) in the possession of or known by the prosecution; (3) was suppressed by the State; and (4) was material to the accused's guilt or innocence or was impeaching. Riddle v. Ozmint, 369 S.C. 39, 44, 631 S.E.2d 70, 73 (2006). Evidence is material if there is a "reasonable probability" that the result of the proceeding would have been different had the information been disclosed. Id. at 44-45, 631 S.E.2d at 73.

Applicant has not presented any evidence that the State failed to make any required disclosure. Further, there is no evidence in the record to support Applicant's allegation that these purported nondisclosures were material. Applicant has not presented any evidence that the shoe seized by law enforcement was a different size than the print taken at the scene of the robbery. Sergeant Weiner testified at the evidentiary hearing that he did not know the size of the shoe seized from Applicant, and that to his knowledge the footprints collected from the scene of the robbery were never tested against anything by the State.

Motion to Sever

Applicant further alleges counsel was "not adequately prepared for a motion to sever the three incidents into separate trials."

This Court finds this allegation is entirely without merit. Counsel made a motion to sever the incidents into separate trials. Tr. p. 41, l. 3-17. The Court ruled against counsel's motion. Tr. p. 44, l. 1-15.

The record reflects that Applicant ultimately appealed that issue, and that the South Carolina Court of Appeals issued an opinion affirming the trial court's ruling on the merits. State v. William Anthony Butts, 2014-UP-141 (Ct. App. filed April 2, 2014). Accordingly, this Court finds neither deficiency nor prejudice.

Failure to Prepare

This Court further finds Applicant has failed to meet his burden to prove counsel did not adequately prepare for trial. Counsel said he had two private investigators working on this case at different times, and also reviewed the material provided by Applicant's privately retained investigator. Counsel testified that he went over the discovery with Applicant from Applicant's first attorney. The record reflects that counsel was prepared with seven pretrial motions, ranging from motions to limit introduction of evidence by the State to a motion to sever the charges into separate trials. This Court finds Applicant has failed to present sufficient evidence to overcome the "strong presumption" of effective assistance. See Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007).

In any event, Applicant did not offer any evidence or argument as to how counsel's alleged lack of preparation prejudiced him. Therefore, it is merely speculative that counsel's alleged deficient performance was prejudicial to him. See Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995). Applicant has not presented any evidence with respect to how additional preparation would have changed the outcome of the proceeding. See Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998) (finding PCR judge erred in finding counsel

ineffective in preparing respondent's case where respondent failed to show how his counsel's lack of preparation prejudiced him given respondent did not 'present any evidence of what counsel could have discovered or what other defenses respondent would have requested counsel pursue had counsel more fully prepared for trial."). This allegation is therefore denied and dismissed.

ALL OTHER ALLEGATIONS

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this order, the Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

[*Signature follows*]

CONCLUSION

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

This Court notes that Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this Order to secure the appropriate appellate review. See Rule 203, SCACR. Rule 71.1(g), SCRCP; Bray v. State, 336 S.C. 137, 620 S.E.2d 743 (2005), for the obligation of Applicant's counsel to file and serve notice of appeal. The Applicant's attention is also directed to South Carolina Appellate Court Rule 243 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. Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 29 day of July, 2016.

R. KNOX MCMAHON
Presiding Judge
Thirteenth Judicial Circuit

Greenville, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO: 2015CP2301027

Willliam A Butts *vs.* South Carolina State Of

CHECK ONE:

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy:

☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other: _____

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; ☐ Statement of Judgment by the Court:

Dated at Greenville, South Carolina, this .

Court Reporter:

PRESIDING JUDGE - **R Knox McMahon**

This judgment was entered on the . and a copy mailed first class this , to attorneys of record or to parties (when appearing pro se) as follows:

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Peter S Smith ,

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Patrick Lowell Schmeckpeper PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE DEFENDANT(S)

Paul B. Wickensimer Greenville County Clerk Of Court - Clerk of Court

EPPES & PLUMBLEE, P.A.

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September 6, 2016

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

Re: William Anthony Butts, SCDC No. No. 348307 v. State of South Carolina
Case Nos.: 2015 CP 23 1027

Dear Mr. Shearouse:

Attached please find an original and two copies of each of a Notice of Appeal and Affidavit of Service in the above-referenced matter.

Please file the originals and return a clocked copy of the Affidavit of Service in the enclosed self-addressed stamped envelope. I have not been retained for the purposes of this appeal.

Thank you for your help in this matter. If you need anything further from me, please let me know.

Yours very truly,
EPPES & PLUMBLEE, P.A.

Frank L. Eppes

Enclosures
cc: Patrick Schmeckpeper (S.C. Attorney General's Office)
South Carolina Commission on Indigent Defense, Appellate Defense

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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