

Law Office of Leah B. Moody, LLC

Leah B. Moody
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Rock Hill, South Carolina 29730
Telephone (803) 327-4192
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October 10, 2016

Mr. Daniel E. Shearouse
The Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29221

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OCT 13 2016

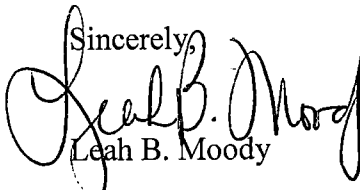
S.C. SUPREME COURT

RE: Ricky Tate, #251069 v. State of South Carolina
C.A. No.: 2014-CP-11-00255

Dear Mr. Shearouse:

The Cherokee County Court of Common Pleas appointed my office to represent Ricky Tate in his Post-Conviction Relief action. Please find enclosed for filing the original and one (1) copy of the Notice of Appeal and Proof of Service along with (1) copy of the Order of Dismissal in the above-referenced case. Please return the clocked copies to me in the enclosed self-addressed, stamped envelope.

Thank you for your assistance with this matter.

Sincerely,

Leah B. Moody

Enclosure

cc Ricky Tate
Alicia Olive, Esquire
Sharon Graham, SCCID
Brandy W. McBee, Clerk of Court, Cherokee County

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

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OCT 13 2016

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Honorable R. Ferrell Cothran, Jr., Presiding in Spartanburg County

C.A. No.: 2014-CP-11-00255

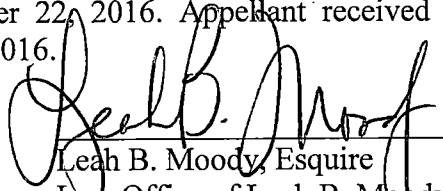
Ricky Tate, Appellant,

v.

State of South Carolina, Respondent.

NOTICE OF APPEAL

Ricky Tate appeals the order of the Honorable R. Ferrell Cothran, Jr., dated September 16, 2016 and mailed on September 22, 2016. Appellant received written notice of entry of the final order on October 1, 2016.



Leah B. Moody, Esquire
Law Office of Leah B. Moody, LLC
235 E. Main Street, Suite 115
Post Office Box 1015
Rock Hill, South Carolina 29731

Other Counsel of record:
Alicia Olive, SC Attorney General's Office
Rembert C. Dennis Building
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-3970

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

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OCT 13 2016

S.C. SUPREME COURT

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

Honorable R. Ferrell Cothran, Jr., Presiding in Spartanburg County

C. A. No. 2014-CP-11-00255

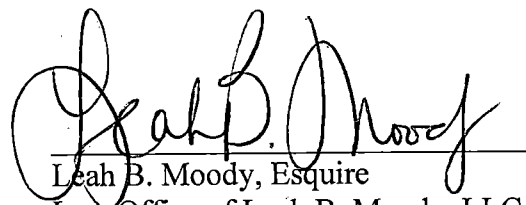
Ricky Tate, Appellant,

v.

State of South Carolina, Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Alicia A. Olive by depositing a copy of it in the United States Mail, postage prepaid, on 10/10, 2016 addressed to its attorney of record, Alicia Olive, Post Office Box 11549, Columbia, South Carolina, 29211-1549.


Leah B. Moody, Esquire
Law Office of Leah B. Moody, LLC
235 E. Main Street, Suite 115
Post Office Box 1015
Rock Hill, South Carolina 29731

October __, 2016

cc Ricky Tate
Sharon A. Graham
Daniel Shearrouse, Clerk of Court, Supreme Court
Brandy W. McBee, Clerk of Court Cherokee County

FORM 4

**STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE
IN THE COURT OF COMMON PLEAS**

**JUDGMENT IN A CIVIL CASE
CASE NUMBER 2014CP1100255**

Ricky Tate #251069		State Of South Carolina	
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PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (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. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - 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:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: _____ Order of Dismissal _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

s/ R. Ferrell Cothran, Jr.	2144	9/21/2016
Circuit Court Judge	Judge Code	Date

For Clerk of Court Office Use Only

This judgment was entered on the **21st day of September, 2016**, and a copy mailed first class or placed in the appropriate attorney's box on the **21st day of September, 2016**, to attorneys of record or to parties (when appearing pro se) as follows:

Leah B. Moody 235 E. Main St., Ste 115 PO Box 1015 Rock Hill, SC 29730

Alan McCrory Wilson PO Box 11549 Columbia, SC 29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Brandy W. McBee
Brandy W. McBee - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

2019 SEP 21 A 11:46
CLERK OF COURT, SC

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHEROKEE)
)
 Ricky Tate, #251069,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 IN THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2014-CP-11-0255

ORDER OF DISMISSAL

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This matter comes before the Court by way of an application for Post-Conviction Relief ("PCR") filed by Ricky Tate ("Applicant") March 31, 2014. Respondent made its Return on October 3, 2014. The Court convened an evidentiary hearing into the matter on January 13, 2016, at the Spartanburg County Courthouse. Applicant was present at the hearing and represented by Leah B. Moody, Esquire. Alicia A. Olive, Esquire, of the South Carolina Attorney General's Office, represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's trial counsel, William S. Bean IV, Esquire, also testified. The Court had before it a copy of the trial transcript, the records of the Cherokee County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, and the pleadings. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Cherokee County Clerk of Court. Applicant was indicted at the March 2011 term of the Cherokee County Grand Jury trafficking in crack cocaine. Applicant was represented by William S. Bean, IV, Esquire ("Counsel"). On July 19-20, 2011, Applicant

proceeded to trial before the Honorable J. Mark Hayes, II and a jury. The jury found Applicant guilty as indicted. Judge Hayes sentenced Applicant to imprisonment for twenty-five years.

A timely notice of appeal and Anders¹ brief were filed on Applicant's behalf. Applicant also filed a *pro se* brief in support of his appeal. The South Carolina Court of Appeals dismissed the appeal. State v. Tate, Op. No. 201-UP-391 (filed October 16, 2013). The Remittitur was returned on November 4, 2013.

II. ALLEGATIONS

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

1. Ineffective assistance of counsel, in that;
 - a. Counsel failed to challenge the trial court's interpretation of § 17-25-45(F) and § 17-25-50, the enhancement statutes,
 - b. Counsel failed to subpoena records to demonstrate that neither the car nor the phone belonged to Applicant,
 - c. Counsel advised Applicant to not take the stand because the nature of Applicant's past charges would be brought up,
 - d. Counsel only presented a 39 line opening statement,
 - e. Counsel was never in possession of the Applicant's sentencing sheets from the prior 1998 charges,
 - f. Counsel failed to move to suppress the warrant allowing the recording or the recording itself.
2. Lack of subject matter jurisdiction; specifically
 - a. "enhancement statute"

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court has reviewed the record in its entirety and has heard the testimony and arguments presented at the evidentiary hearing. The Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. The Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact

¹ Anders v. California, 386 U.S. 738 (1967).

and conclusions of law as required by S.C. Code Ann. § 17-27-80.

A. Summary of Testimony

Applicant testified he received a plea offer of fifteen years, which he turned down. He testified the drugs were not his. He testified that the informant was his friend and that the photograph of Applicant's car in front of the informant's house did not mean the drugs belonged to Applicant. Applicant testified that Counsel should have shown that the phone and car were not in his name, and he told Counsel that those items did not belong to him. Applicant testified that the only time a drug charge could be enhanced is if the prior drug offenses were for distribution. Applicant testified that Counsel should have challenged the phone call. Applicant testified the Court lacked subject matter jurisdiction because the drug offenses were from 1998 and therefore could not be used to enhance his charge. Applicant testified he wants to be tried for a first offense and that Counsel failed to inform him his charge was being enhanced. He testified if he had known, he would have accepted the plea offer.

Counsel testified that whether Applicant was in possession of the phone or car was not an issue. He stated that there was an informant and that the informant testified he knew Applicant. Counsel testified that the State made a plea offer of fifteen years and that he communicated the offer to Applicant. Counsel could not recall whether he communicated the offer in person or over the phone. Counsel testified he could not recall whether a plea offer was still on the table when the case was called for trial. When asked whether he believed it was in Applicant's best interest to go to trial, Counsel testified he felt Applicant would probably be convicted at trial. He stated he communicated this to Applicant. He further stated that Applicant did not want to take the plea. Counsel testified that the informant had his own charges and that the hope was the jury would not believe the informant's testimony.

RJC

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B. Ineffective Assistance of Trial Counsel

In this post-conviction relief action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). Where the application alleges ineffective assistance of counsel 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." Id. at 442, 334 S.E.2d at 814 (citing Strickland v. Washington, 466 U.S. 668 (1984)).

The proper measure of performance is whether counsel provided representation within the range of competence required in criminal cases. Id. (citing Strickland, 466 U.S. at 687; Turner v. Bass, 753 F.2d 342 (4th Cir. 1985); Marzullo v. Maryland, 561 F.2d 540 (4th Cir. 1977)). The Court presumes counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Id. (citing Strickland, 466 U.S. at 690). Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The Court uses a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, Applicant must prove counsel's performance was deficient. Id. Under this prong, the Court measures counsel's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any deficient performance must have prejudiced 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.

RSCJ

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Failure to subpoena documents

Applicant alleged Counsel was ineffective for failing to subpoena records to show ownership of the vehicle and phone. This Court finds Applicant has failed to satisfy his burden of proving ineffective assistance of counsel with respect to this allegation.

"[C]riminal defense attorneys have a duty to undertake a reasonable investigation[.]" Edwards v. State, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011). Failure to conduct an independent investigation is not *per se* ineffective assistance of counsel, especially where an investigation would not have uncovered any helpful information. See Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998). This Court "must indulge a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance[.]" Strickland, 466 U.S. at 689.

Here, Counsel testified the charges arose out of a controlled buy in which an informant was wired with audio visual. The informant knew Applicant by his appearance and his voice, and he identified Applicant as the one who sold him the drugs. In addition, both the informant and the officer knew Applicant as the driver of the white or off-white Cadillac. Counsel testified that for those reasons there was no need to subpoena records showing the ownership of either the car or the phone. This Court finds Applicant failed to satisfy his burden of proving that Counsel was deficient for not subpoenaing these records. Trial counsel conducted a proper investigation, adequately conferred with Applicant, and was thoroughly competent in his representation.

Applicant has also failed to satisfy his burden of proving the alleged deficiency prejudiced him. The informant and Officer Parker testified that Applicant was known to drive an off-white Cadillac. They also testified that Applicant arrived in that Cadillac that day. Photographs of the vehicle arriving at the residence were taken and entered as exhibits. The

R. J. C.

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informant testified he called Applicant to arrange the buy and that he knew it was Applicant on the phone because he dialed Applicant's phone number and he knew Applicant by his voice. Moreover, Applicant produced no records concerning the ownership of these items at the PCR hearing, and this Court can only speculate as to the contents of those records. See Jackson v. State, 329 S.C. 345, 495 S.E.2d 768 (1998). Even if the records existed and showed that Applicant was not the owner of the items, such evidence would not have resulted in a different outcome at trial. Therefore, this Court finds Applicant has failed to satisfy his burden of proving either deficiency or prejudice with respect to this allegation. Accordingly, this allegation is denied and dismissed.

Right to testify

Applicant alleged in his application that Counsel did not properly advise him concerning his right to testify. Specifically, he alleged Counsel told him his past charges would be brought up if he were to testify. The trial judge informed Applicant of his right to testify, and he stated he did not wish to testify. Tr. p. 110. He confirmed that no one threatened or promised him anything to cause him to decide not to testify and that his decision not to testify was his decision, which he made freely and voluntarily. Tr. p. 112. Counsel testified that part of his discussion with Applicant was whether the State would be able to get into his past. Counsel stated he did not feel Applicant's testimony would have been helpful.

This Court finds Applicant has failed to show that Counsel misadvised him concerning his right to testify or that but for the alleged deficiency he would have testified. Furthermore, Applicant has made no showing that if he had testified at trial, his testimony would have resulted in a different outcome. Therefore, this Court finds Applicant has failed to satisfy his burden of proving either deficiency or prejudice, and this allegation is denied and dismissed.

L. J. Smith

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CLERK OF COURT
SOUTH CAROLINA

Sentencing enhancement to a third offense

Applicant alleges that Counsel failed to challenge the trial judge's interpretation of the enhancement statutes. Applicant pleaded guilty in 1998 to three counts of distribution of crack cocaine arising from transactions that occurred on December 11, 1997, and December 16, 1997. Counsel argued that Applicant should be sentenced to a first offense because the indictment must contain the level of the offense but it did not. Tr. p. 143. Counsel further argued that the prior convictions constituted one conviction because Applicant pleaded to them at one time, and the State had the burden of showing the indictments pleaded to did not constitute a single occurrence. Tr. pp. 143-44. Counsel also argued that the offenses were older than ten years. Tr. p. 146. The State argued that the offenses occurred five days apart and were therefore separate incidents. Tr. p. 144. The State argued that the ten years should be calculated from 2003 even though the convictions were from 1998 because Petitioner's probationary sentence on those convictions was revoked and he was not released from incarceration until December 2003. Tr. pp. 146-47. The trial judge found that the State had shown that the offense could be considered either a second or third offense. Tr. p. 148. The trial judge stated "The sentence I believe it is appropriate that if the State requests that or here it was treated as a third offense my sentence is going to be a 25-year sentence, that falls within parameters of being both a second and a third offense. . . ." Tr. p. 148, lines 14-17.

This Court finds Applicant has failed to show either deficiency or prejudice with respect to this allegation. The relevant portion of 44-53-470 provides:

An offense is considered a second or subsequent offense if:

- (3) . . . the offender has been convicted within the previous ten years of a first violation of a controlled substance offense provision, other than a marijuana offense provision, of this article or of another state or federal statute relating to narcotic drugs, depressants, stimulants, or hallucinogenic drugs; and

RJC

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(4) . . . the offender has at any time been convicted of a second or subsequent violation of a controlled substance offense provision, other than a marijuana offense provision, of this article or of another state or federal statute relating to narcotic drugs, depressants, stimulants, or hallucinogenic drugs.

S.C. Code Ann. § 44-53-470(A)(3)-(4). Subsection 44-53-470(C) further provides that the "time period . . . begins on the date of the conviction *or on the date the person is released from confinement imposed for the conviction, whichever is later.*"² A person found guilty of trafficking in cocaine base, 10-28 grams, must be sentenced, upon a second offense, to five to thirty years of imprisonment, and upon a third or subsequent offense, to a minimum of twenty-five years and a maximum of thirty years. S.C. Code Ann. § 44-53-375(C)(1)(b)-(c).

Here, Counsel clearly raised the issue of whether Applicant could be appropriately sentenced for a third offense on the grounds that (1) the indictment did not specify that it was a third offense, (2) Applicant's prior drug convictions from 1998 were more than ten years old, and (3) they should be treated as one occurrence because Applicant pleaded to them on one day. The State argued that because he was released from his sentence on the 1998 convictions in 2003, the offenses were less than ten years old as of the time of his trial, and that the offenses occurred on separate days and were therefore separate occurrences. The State also argued that the indictment need not specifically allege a third offense because that relates only to punishment and is not an element of the crime that the State would have to prove at trial. The trial judge made a ruling consistent with the State's arguments, Applicant challenged the trial judge's ruling on this issue in his direct appeal, and the court of appeals dismissed the appeal. Applicant has not demonstrated any deficiency in Counsel's performance with respect to this allegation. Furthermore, Applicant

² The full text reads: "If a person is sentenced to confinement as the result of a conviction pursuant to this article, the time period specified in this section begins on the date of the conviction or on the date the person is released from confinement imposed for the conviction, whichever is later."
S.C. Code Ann. § 44-53-470.

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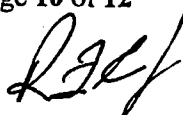
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CLERK OF COURT
SOUTH CAROLINA

has produced no evidence that the outcome would have been different but for the alleged deficiency. Accordingly, this allegation is denied and dismissed.

C. Lack of Subject Matter Jurisdiction

Applicant alleges that the trial court lacked subject matter jurisdiction to enhance his sentence on the basis that Applicant's conviction constituted a third or subsequent drug offense as defined by subsection 44-53-375(C)(1)(c) of the South Carolina Code of Laws. This allegation is without merit and raises a direct appeal issue that is procedurally barred. See S.C. Code Ann. § 17-27-20(b). Post-conviction relief is not a substitute for a direct appeal. Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on direct appeal. Ashley v. State, 260 S.C. 436, 196 S.E.2d 501 (1973). Applicant could have raised this allegation at trial or on appeal; in fact, Applicant *did* raise the issue of whether his sentence was improperly enhanced both at trial and in his Anders brief on appeal. However, the South Carolina Court of Appeals dismissed the appeal. Regardless, this Court finds Applicant provided no evidence in support of this allegation. A circuit court has subject matter jurisdiction to convict a defendant of an offense if there is an indictment that sufficiently states the offense, the defendant waives presentment, or the offense is a lesser-included offense of the crime charged in the indictment. State v. Wilkes, 353 S.C. 462, 464-465, 578 S.E.2d 717, 719 (2003) (citing Brown v. State, 343 S.C. 342, 540 S.E.2d 846 (2001)).

In this case, Applicant was indicted by the Cherokee County grand jury for trafficking in cocaine. That indictment was true-billed and signed by the foreman of the grand jury. The indictment contains all necessary elements of the offense and references the applicable statute. A presumption of regularity attaches to all proceedings in the courts of this State, and it is



incumbent upon one who challenges a proceeding to prove his claims. See, e.g., Tate v. State, 345 S.C. 577, 549 S.E.2d 601 (2001); Pringle v. State, 287 S.C. 409, 339 S.E.2d 127 (1986). This Court finds Applicant has failed to produce any evidence that the trial court lacked subject matter jurisdiction. Therefore, this allegation is denied and dismissed.

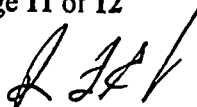
D. All Other Allegations

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.

IV. CONCLUSION

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

The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.




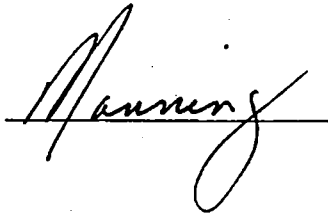
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CLERK OF COURT

IT IS THEREFORE ORDERED THAT:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant must be remanded to the custody of the Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 16 day of Sept, 2016.


THE HONORABLE R. FERRELL COTRAN, JR.
Presiding Judge


Manning, South Carolina

2016 SEP 21 A 11:00
R. FERRELL COTRAN, JR.
JUDGE
SOUTH CAROLINA



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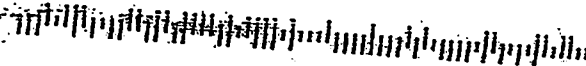


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Law Office of Leah B. Moody, LLC

Post Office Box 1015

Rock Hill, South Carolina 29730

TO:

Honorable Daniel E. Shearouse
The Supreme Court of South Carolina
PO Box 11330
Columbia SC 29211-1330

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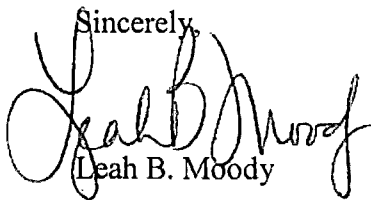
The Honorable Brandy W. McBee
Cherokee County Clerk of Court
Post Office 2289
Gaffney, South Carolina 29342

RE: Ricky Tate, #251069 v. South Carolina
C.A. No.: 2014-CP-11-00255

Dear Ms. McBee:

Please find enclosed the Notice of Appeal and the Proof of Service in the above-referenced matter.

Sincerely,



Leah B. Moody

Enclosures

cc Ricky Tate
Alicia Olive, Assistant Attorney General
Daniel E. Shearouse, Clerk of Court, South Carolina Supreme Court
Sharon Graham, SCCID

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South Carolina Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211

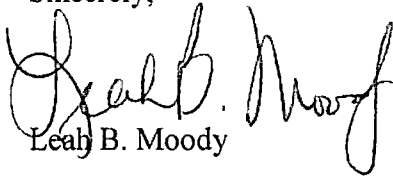
RE: Ricky Tate, # 251069 v. State of South Carolina
C.A. No.: 2014-CP-11-00255

Dear Ms. Olive:

The Cherokee County Court of Common Pleas appointed my office to represent Ricky Tate in his Post-Conviction Relief action. Please find enclosed a copy of the Notice of Appeal and Proof of Service in this matter.

If you have any questions or concerns, please feel free to contact my office. Thank you.

Sincerely,


Leah B. Moody

Enclosures

cc Ricky Tate
Sharon A. Graham
Daniel Shearouse, Clerk of Court, Supreme Court
Brandy W. McBee, Clerk of Court Cherokee County

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October 10, 2016

Ms. Sharon A. Graham
SC Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11433
Columbia, South Carolina 29211-1433

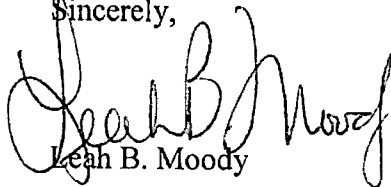
RE: Ricky Tate v. State of South Carolina
C.A. No.: 2014-CP-11-00255

Dear Ms. Graham:

The Cherokee County Court of Common Pleas appointed my office to represent Ricky Tate in his Post-Conviction Relief action. Please find enclosed the Notice of Appeal and Proof of Service the above-referenced matter.

Thank you for your attention in this matter.

Sincerely,



Leah B. Moody

Enclosures

cc Ricky Tate
Alicia Olive, Esquire
Daniel E. Shearouse, Clerk of Court, South Carolina Supreme Court
Brandy W. McBee, Clerk of Court, Cherokee County