

## Lowcountry Law Office

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October 17, 2016

The Honorable Daniel E. Shearhouse  
Clerk, Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211

**RECEIVED**

**OCT 20 2016**

**S.C. SUPREME COURT**

RE: Samuel Brown v. State of South Carolina; Case No.: 2014-CP-08-2566

Dear Mr. Shearhouse:

Please find enclosed for filing, the Notice of Appeal (original) in the above Post Conviction Relief (PCR) case. A copy of the enclosed Notice of Appeal with regard to the above referenced matter was forwarded, for filing, to the Berkeley County clerk's office. However, I have not yet received the stamp-filed copy of same. Due to the recent inclement weather, the clerk's office was closed for several days. As such, the stamp-filed copy of the Notice of Appeal is forthcoming.

Enclosed are the following:

- (1) Proof of Service (original) of the Notice of Appeal on the Respondent;
- (2) The Order of Dismissal &
- (3) A Request for Representation on Appeal.

The Applicant-Appellant was represented by me as an indigent pursuant to my contract with the South Carolina Commission on Indigent Defense (SCCID) to handle PCR cases. By copy of this letter, I am forwarding a duplicate set of documents to the SCCID.

The Request for Representation on Appeal and the Affidavit in Support, thereof, are signed by me as attorney for Applicant-Appellant. Thank you for your time and attention to this matter.

Sincerely,

Rodney D. Davis

South Carolina Bar #: 12396

4000 Faber Place Drive, Suite 300

Charleston, SC 29405

(843) 323-4353

[Davis@LowcountryLawOffice.com](mailto:Davis@LowcountryLawOffice.com)

✓ Enclosure(s). As stated above.  
RDD/mmt

cc: J. Rutledge Johnson, Assistant Attorney General  
Kimberly McCall, Appellate Division, SCCID

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

**RECEIVED**

OCT 20 2016

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

S.C. SUPREME COURT

The Honorable Jean Toal

Case No.: 2014-CP-08-2566

Samuel Brown,

Appellant,

v.

State of South Carolina,

Respondent.

NOTICE OF APPEAL

Samuel Brown appeals the denial of his Post Conviction Relief (PCR) application in this case. The application for relief was denied following an evidentiary hearing before the Honorable Jean Toal on September 16, 2016.

October 3, 2016.



Rodney D. Davis  
400 Faber Place Drive, Suite 300  
Charleston, SC 29405  
Attorney for Appellant

Other Counsel of Record:  
J. Rutledge Johnson, Assistant Attorney General  
Office of the Attorney General, State of South Carolina  
P.O. Box 11549  
Columbia, SC 29211-1549  
Attorney for Respondent

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OCT 20 2016

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

The Honorable Jean Toal

Case No.: 2014-CP-08-2566

Samuel Brown,

Appellant,

v.

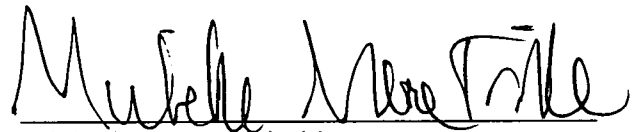
State of South Carolina,

Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State by mailing a copy of it to the address of record, J. Rutledge Johnson, P.O. Box 11549, Columbia, South Carolina 29211-1549, on October 4, 2016.

October 4, 2016



Michelle Moore Trimble  
Paralegal to Rodney D. Davis  
Lowcountry Law Office  
400 Faber Place Drive, Suite 300  
Charleston, SC 29405  
Attorney for Appellant

Other Counsel of Record:  
J. Rutledge Johnson  
Assistant Attorney General  
State of South Carolina  
P.O. Box 11549  
Columbia, SC 29211-1549  
Attorney for Respondent

STATE OF SOUTH CAROLINA  
County of Charleston  Berkeley

COURT OF COMMON PLEAS  
Case # 2014 -CP-08 - 2566

Samuel Brown

Applicant / Petitioner

vs.

State of South Carolina,

Respondent.

ORDER

CLERK OF COURT  
BERKELEY COUNTY, S.C.

16 SEP 9 AM 10:09

This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

\_\_\_ 1. The application for post-conviction relief is hereby: \_\_\_ denied \_\_\_ granted \_\_\_ under advisement; a formal order will be filed (see below - No.6)

\_\_\_ 2. Motion(s) was/were heard in this case and the court orders:

\_\_\_ The motion to dismiss and/or for summary judgment is hereby \_\_\_ granted \_\_\_ denied under advisement based upon the \_\_\_ statute of limitations and/or \_\_\_ the successive nature of the application or \_\_\_ other reason as follows:

\_\_\_ 3. A conditional order of dismissal was previously filed in this case. Upon review of the matter, the court finds:

\_\_\_ Good cause as to why the case should not be dismissed has been shown in response to the order of dismissal; therefore, a hearing on the merits of the application shall be scheduled.

\_\_\_ The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or \_\_\_ no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.

\_\_\_ 4. The application was freely, voluntarily, and intelligently withdrawn as indicated on the record; therefore, this case is dismissed \_\_\_ with prejudice \_\_\_ without prejudice.

✓ \_\_\_ 5. Other: Motion for Summary Judgment granted. Applicant has completed this sentence

\_\_\_ 6. The court further orders:

\_\_\_ The \_\_\_ Attorney General \_\_\_ Applicant's counsel is/are directed to submit to the court a proposed order and to serve the order on opposing counsel within \_\_\_ days. The court reserves the right to issue an order prior to the submission of any proposed orders.

\_\_\_ The court does not request proposed orders.

IT IS SO ORDERED.

Date: 9, 16, 16

[Signature]  
Presiding Judge

Court Reporter, Amanda Hetherington

Attorney for Applicant Rodney Davis

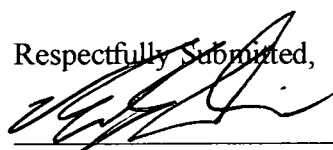
Attorney for Respondent RuHodge Johnson

STATE OF SOUTH CAROLINA ) IN THE SUPREME COURT OF SOUTH CAROLINA  
 )  
 COUNTY OF BERKELEY ) Case No.: 2014-CP-08-2566  
 )  
 )  
 SAMUEL BROWN, )  
 )  
 Applicant. ) REQUEST FOR REPRESENTATION ON APPEAL  
 )  
 -versus- )  
 )  
 STATE OF SOUTH CAROLINA, )  
 )  
 Respondent. )

On behalf of the request of the above-named Applicant, to be represented by the South Carolina Commission of Indigent Defense, Appellate Division (SCCID), the undersigned attorney would show unto this Honorable Court that:

1. He is the attorney for the Applicant-Appellant in the above captioned case. The Applicant-Appellant was in custody during and taken into custody immediately following the Post Conviction Relief (PCR) hearing and was not available to personally sign this request;
2. The Applicant-Appellant was represented by the undersigned attorney as an indigent, pursuant to a contract with the SCCID;
3. The Applicant-Appellant has been informed that he may request assistance from the SCCID Appellate Division in perfecting his appeal;
4. A timely Notice of Intent to Appeal has been filed on the Applicant-Appellant's behalf;
5. The Applicant-Appellant has been informed that nothing requires SCCID Appellate Division to pursue this appeal unless that office's Chief Attorney is satisfied that there is arguable merit to this appeal and that he cannot afford to hire an attorney.

At this time, the Applicant-Appellant requests the aid of the SCCID Appellate Division in perfecting his appeal to the South Carolina Court of Appeals.

Respectfully Submitted,  
  
 Rodney D. Davis  
 South Carolina Bar #: 12396


Charleston, South Carolina.  
 October 3, 2016

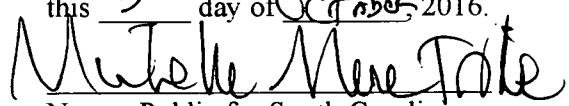
STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BERKELEY )  
 )

CASE NO: 2014-CP-08-2566

VERIFICATION

PERSONALLY appeared before me, Rodney D. Davis, being first duly sworn,  
deposes and says that he has read the foregoing *Request for Representation on Appeal* to be  
filed on behalf of the Applicant-Appellant, **Samuel Brown**, and the same is true of his  
knowledge except those matters alleged on information and belief, and as to those matters, he  
believes them to be true.

  
\_\_\_\_\_  
Rodney D. Davis  
South Carolina Bar #: 12396

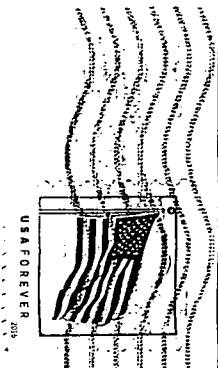
SWORN to and subscribed to me  
this 3 day of October 2016.  
  
Notary Public for South Carolina  
My Commission expires 4/26/2026

**Lowcountry Law Office**

Rodney D. Davis  
4000 Faber Place Drive, Suite 300  
Charleston, SC 29405

CHARLESTON, SC 294

18 OCT 2016 PM 11 T



The Honorable Daniel E. Shearhouse  
Clerk, Supreme Court of South Carolina  
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