STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

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CERTIORARI TO THE COURT OF APPEALS
Appeal from Richland County
The Honorable Clifton B. Newman, Circuit Court Judge

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Opinion No. 5420 (S.C. Ct. App. filed June 29, 2016)

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Appellate Case No. 2016-001940

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Darryl Frierson, #336466, ..... Petitioner,

v.

State of South Carolina, ..... Respondent.

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**RETURN TO PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS**

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ALAN WILSON
Attorney General

J. CLAYTON MITCHELL
Assistant Attorney General
S.C. Bar # 101443

Post Office Box 11549
Columbia, S.C. 29211
(803) 734-3737

ATTORNEYS FOR RESPONDENT

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## PETITIONER'S QUESTION PRESENTED

Did the Court of Appeals err in refusing to find that the guilty plea was rendered involuntarily by trial counsel's failure to advise petitioner that he could challenge the placement of a mobile tracking device on petitioner's car by the police without an order pursuant to S.C. Code § 17-30-140 and move to suppress any evidence gained as a result of the illegal search?

## STATEMENT OF THE CASE

The Richland County Grand Jury indicted Petitioner at the September 2007 term of General Sessions for assault and battery of a high and aggravated nature, armed robbery, kidnapping, and criminal conspiracy (2007-GS-40-4362; -4363; -4364; and -4429). **App.pp.24-35**. Deon O'Neil, Esq., represented Petitioner. On December 3, 2008, Petitioner entered guilty pleas as indicted. The Honorable J. Michelle Childs accepted Petitioner's plea and deferred sentencing until the disposition of co-defendant Dominic Lyde's case. **App.pp.1-13**.

On August 10, 2009, Judge Childs convened a joint sentencing hearing for Petitioner and three of co-defendants. Judge Childs further incorporated co-defendants Kelby and Domonique Blakney's motions for reconsideration of sentence into the hearing. Petitioner and his co-defendants were present and were all represented by various attorneys. At the conclusion of the hearing, Judge Childs took all maters under advisement and deferred sentencing for two weeks. **Supp. App.pp.1-139**.

On August 24, 2009, Judge Childs convened a final hearing to pronounce the sentences. Petitioner was sentenced to a term of ten (10) years' imprisonment for assault and battery of a high and aggravated nature, a term of five (5) years' imprisonment for criminal conspiracy. Those sentences were to be served concurrently. Petitioner was sentenced to two thirty (30) year terms of imprisonment for kidnapping and armed robbery. Those sentences were to be served concurrently. The assault and battery of a high and aggravated nature and the criminal conspiracy convictions were to be served consecutively to the kidnapping and armed robbery convictions for an aggregate forty (40) year term of imprisonment. **App.pp.14-22**.

A notice of appeal was filed at the South Carolina Court of Appeals. The court of appeals subsequently dismissed the appeal on January 8, 2010. Petitioner filed an Application for Post-Conviction Relief (PCR) on June 28, 2010. **App.pp.36-57**. A hearing was convened at the

Richland County Courthouse on February 14, 2012. **App.pp.62-133**. Petitioner was present and represented by Nichole L. Singletary, Esq. Rob A. Corney, Esq., of the Office of the Attorney General represented Respondent. The Honorable Clifton B. Newman denied Petitioner's Application from the bench. Subsequently an order denying and dismissing the Application was filed on March 27, 2012. A notice of appeal was filed on April 4, 2012. On June 29, 2016, the court of appeals affirmed the denial of post-conviction relief. Petitioner filed a petition for rehearing on August 18, 2016, which was subsequently denied. Petitioner then filed a Petition for Writ of Certiorari to the Court of Appeals on September 19, 2016. This return follows.

## STANDARD OF REVIEW

The proper standard for review of a PCR evidentiary hearing is whether "any evidence of probative value" exists to sustain the post-conviction relief judge's findings. Cherry v. State, 300 S.C. 115, 119, 386 S.E.2d 624, 626 (1989). In a post-conviction relief proceeding, the applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

## ARGUMENT

**Counsel was not deficient in failing to challenge the placement of a GPS tracking device on Petitioner's vehicle because law enforcement was not required to obtain a warrant prior to the Supreme Court's decision in United States v. Jones; furthermore, the evidence recovered would not have been suppressed under S.C. Code § 17-30-140.**

Certiorari is not warranted in this case because the court of appeals was correct in finding Counsel was not deficient in failing to challenge the use of a GPS tracking device by arguing S.C. Code § 17-30-140 requires the evidence recovered be suppressed. Petitioner would not have been successful in suppressing the evidence even assuming a violation of the statute. Furthermore, there was overwhelming evidence of Petitioner's involvement and guilt obtained through other sources and aspects of the investigation. Respondent asks this Court to deny the Petition.

### How the issue was raised below

Petitioner alleged counsel was ineffective for failing to further investigate a suppression defense based upon law enforcement's failure to comply with S.C. Code §17-30-140 in placing the GPS device on his car. **App.pp.42-45**. Petitioner testified that counsel did not advise him on the statute in question. **App.pp.76-77**. Petitioner testified he would have proceeded to trial instead of pleading guilty had counsel not been allegedly deficient. **App.p.78**. Petitioner testified that counsel advised him of 'hand of one is the hand of all' accomplice liability theory of guilt. **App.p.81**. Petitioner dismissed it as just a "practice theory." **App.p.81, ln.11-12**. Petitioner testified that Paul Whitaker's testimony would have proven not credible had the case proceeded to trial. **App.p.85**. However, Petitioner also testified that he would have accepted "the plea that was initially offered from my initial lawyer." **App.p.94, ln.18-19**. Petitioner opined that counsel "tried his best" and aggressively represented him. **App.p.87, ln.13-15**.

At the PCR hearing, counsel testified to his course of conduct during the representation. He noted that he argued for suppression during representation at a preliminary hearing. **App.pp.100-01**. Counsel testified to his recollection of the State's case against Petitioner.[1] He noted that he thoroughly researched relevant case law, discussed the jurisprudence with his collogues and formed the opinion that the placement of the GPS device on Petitioner's car did not implicate Fourth Amendment protections. **App.pp.102-06**. Counsel noted that the GPS device was installed on Petitioner's car at a public location. **App.p.105**. Counsel was unaware of §17-30-140 because he knew of no South Carolina jurisprudence on the matter. **App.p.116**. Counsel reviewed the victim's and co-defendant's statements with Petitioner. **App.p.113**. He ultimately advised Petitioner of the potential benefits of not delaying a guilty plea in mitigation for sentencing. **App.p.112**. After the Blakney brothers entered guilty pleas, Counsel advised Petitioner that they would testify as State's witnesses against Petitioner if he decided to proceed to trial. **App.pp.111-12**. Counsel stated that he would have utilized §17-30-140 in a suppression hearing had he been aware of it. **App.p.104**. Counsel testified in regard to placement of the GPS device, that

> the information that [police] could not have gotten from any other means were, were the fact that he was traveling to these other locations. He was going to the mall. That was, that's what raised their suspicions about him more than anything else. He had just been a victim of a crime, but yet, according to him, he was out shopping, out going to malls, various clubs, and that sort of thing.

**App.p.116, ln. 11-15**. Counsel further opined that information of Petitioner's travel collected from the GPS device, "led [police] to stop his vehicle and ultimately get a picture off the cell phone of one of his passengers, and then ultimately both him and one of his passengers/co-

[1] Respondent notes that Counsel incorrectly testified that Kelby Blakney, instead of his brother was the passenger in Petitioner's car when Petitioner was arrested. **App.p.105**.

defendant's to confess and give statements implicating themselves."[2] **App.p.116, ln. 20-24**. Counsel wavered on the extent of evidence that could have potentially been ruled inadmissible from a successful suppression argument on the matter. **App.p.117**. Upon questioning from the PCR Judge, counsel opined that absent Petitioner's statement and Domonique Blakney's post-arrest statements, all of the statements and evidence obtained from the other co-defendants would have been admissible at trial. Counsel noted that a successful suppression of Petitioner's confession would have allowed him to present a credibility defense against the co-defendant's statements and potential testimonies had the case proceeded to trial. **App.p.123**.

In denying and dismissing Petitioner's PCR Application, the PCR Judge found Petitioner failed to meet his burden to prove he would have proceeded to trial but for counsel's purported deficient performance. **App.p.131, ln.20-24**. The PCR Judge further found, "I think that given the review of the total record of this case as I have done, that notwithstanding [counsel] not knowing about the particular statute, that the results would have been the same." **App.p.132, ln.19-22**

Relevant Law

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel's ineffective performance. See Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). In order to prove prejudice, an applicant must show "there is a reasonable probability that, but for counsel's unprofessional errors, the

[2] Respondent notes that Counsel's recollection here is faulty. In the intervening years between Petitioner's plea and the PCR hearing, Counsel likely forgot that Petitioner was arrested pursuant to an arrest warrant that resulted from Paul Whitaker's confession and evidence obtained from the consent search of his home. See Allen v. Mullin, 368 F.3d 1220, 1240-41 (10th Cir. 2004) (internal quotations omitted) (noting the "alleged inability to remember the details of plea advice – the shifting sands of recent memory, was of little utility.").

result of the proceeding would have been different." Cherry v. State, 300 S.C. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997).

Analysis

The court of appeals correctly found Petitioner failed to prove counsel was deficient for failing to advise him on an obscure statutory suppression defense that was unsupported by the governing jurisprudence at the time of the representation. Counsel rendered competent legal advice at the time of representation pursuant to U.S. v. Knotts, 460 U.S. 276 (1983). Regardless, counsel could not have been deficient for failing to anticipate a change in constitutional law and statutory interpretation.

Prior to South Carolina Supreme Court's opinion in State v. Adams, 409 S.C. 641, 763 S.E.2d 341 (2014), United State v. Narrl, 789 F.Supp.2d 645 (D.S.C. 2011) provided the only guidance on S.C. Code §17-30-140's potential application. In Narrl the court reasoned that, "while [S.C. Code §17-30-140] did not require law enforcement to obtain a warrant before employing the GPS tracking device, it did provide a mechanism for them to obtain a warrant."[3] Id. at 652.

S.C. Code §17-30-140: (1) gives the Attorney General and solicitors express authority to request a court order for a tracking device and (2) makes the United States Supreme Court standards apply for the installation and monitoring of tracking devices. Section §17-30-140(a) further reads "certain prosecuting officials **may** petition a court for authorization to install a

[3] The order was issued in 2011 prior to the United States Supreme Court decision in United States v. Jones. see United States v. Jones, 565 U.S. __, 132 S.Ct. 945 (2012) (holding the "the government's installation of a GPS device on a target's vehicle, and its use of that device to monitor the vehicle's movements, constitutes a search."). The order followed the now defunct Knotts holding that the use of a tracking device to follow a suspect's movement on public roadways did not constitute a search. Knotts, 460 U.S. at 276, Because Petitioner was convicted in 2008, the federal court's analysis provides guidance here.

mobile tracking device to a vehicle of particular interest." (emphasis added). See Hodges v. Rainey, 341 S.C. 79, 87, 533 S.E.2d 578, 582 (2000) ("When the language of a statute is clear and explicit, a court cannot rewrite the statute and inject matters into it which are not in the legislature's language, and there is no need to resort to statutory interpretation or legislative intent to determine its meaning.").

The legislative intent also conforms to the statute's plain meaning. The South Carolina General Assembly enacted §17-30-140 to expand and streamline law enforcement's investigatory capabilities. "In 2002, the Legislature enacted the "Homeland Security Act" (the "Act"), expressly finding that legislative enhancements were required to ensure the safety of South Carolina's citizens, including the enhancement of tools available to law enforcement, in light of "the tragic events of September 11, 2001, involving acts of terrorism against the people of the United States and . . . continued threats against the peace and safety of our nation." See 2002 S.C. Acts No. 339, § 2. The express purpose of the Act is clearly to enhance, *not restrict*, law enforcement's ability to conduct investigations in South Carolina.

Thus, the PCR Judge correctly found that Strickland does not demand a criminal defense attorney to be clairvoyant. **App.p.146, n.1**. "This Court has never required an attorney to anticipate or discover changes in the law, or facts which did not exist, at the time of the trial." Thornes v. State, 310 S.C. 306, 309-10, 426 S.E.2d 764, 765 (1993). Prior to the State v. Adams decision, South Carolina appellate courts remained silent on the pre-United States v. Jones statutory application of S.C. Code §17-30-140. Adams, 409 S.C. at 643, 763 S.E.2d at 343. Furthermore, the procedural posture of Adams renders it inapposite to the present case. The court in Adams was presented with a categorically distinct issue that concerned whether the 'good faith' exception would have exempted the case from the intervening United States Supreme

Court precedent issued while Adams' case awaited directed appellate review. Id. at 650, 763 S.E.2d at 346.

Thus, the plain meaning, legislative history, and only available jurisprudence supported the PCR Judge's findings that Counsel's failure to make a novel argument did not constitute deficiency. Accordingly, the PCR Judge correctly found that Petitioner failed to prove the first prong of the Strickland test – that trial counsel failed to render reasonably effective assistance under prevailing professional norms. Thus, the plain meaning, legislative history, and only available yet non-binding jurisprudence dictated that a suppression defense predicated upon the alleged statutory violation lacked merit.

*Prejudice*

Similarly, the PCR Judge made a sound finding that Petitioner failed to prove the second prong of the Strickland test – that he was prejudiced by counsel's performance. Ample probative evidence supports the PCR Judge's finding that Petitioner failed to prove that a suppression defense pursuant to §17-30-140 would have been outcome determinative of guilt. Petitioner's arrest, the search of his vehicle incident to arrest, Petitioner's custodial confession, and Domonique Blakney's confession resulted from the discovery of employment records.

The investigative team determined that Paul Whitaker was a person of interest from an independent source categorically distinct from the information obtained from the GPS device. The investigative team decided to interview Paul Whitaker after they established his connection to Petitioner through employment records. "The fruit of the poisonous tree doctrine provides that evidence must be excluded if it would not have come to light but for the illegal actions of the police, and the evidence has been obtained by the exploitation of that illegality." State v. Copeland, 321 S.C. 318, 323, 468 S.E.2d 620, 624 (1996) (citing Wong Sun v. United States,

371 U.S. 471 (1963)) (internal quotations omitted). "However, the challenged evidence is admissible if it was obtained from a lawful source independent of the illegal conduct." Id. (internal citations omitted). "The independent source doctrine teaches us that the interest of society in deterring unlawful police conduct and the public interest in having juries receive all probative evidence of a crime are properly balanced by putting the police in the same, not a worse, position that they would have been in if no police error or misconduct had occurred." Nix v. Williams, 467 U.S. 431, 443 (1984).

Petitioner contends he was stopped and arrested solely based upon evidence that had been illegally obtained from the GPS device. Yet, the investigative team catalogued numerous suspicious events and occurrences within days of the offense that resulted in the determination that Petitioner was the prime suspect. Evidence collected from the GPS device only showed that Petitioner engaged in frequent travel throughout South Carolina and made numerous visits to commercial establishments. It was determined that Petitioner's travel habits were uncommon from the prototypical victim of a violent crime. At most, the evidence merely created an inference that Petitioner might have been on a spending spree; behavior associated with the acquisition of a substantial sum of money.

Specifically, numerous events and occurrences predated the instillation of the GPS device. First, Petitioner provided a suspect version of the facts of the heist; second, his co-driver suffered substantial injuries but still sought out help while Petitioner, appearing unscathed, claimed he was too injured to leave the crime scene; third, Petitioner was observed moving his shoulder without duress or limitation despite his account of a severe injury that resulted in hospitalization; fourth, Petitioner failed a lie detector test. Last and similarly distinct, the investigative team retrieved a blue glove from Petitioner's abandoned trash outside of

Petitioner's home that matched the glove collected at the crime scene. Based upon all these independently suspicious occurrences, the investigative team developed Petitioner as their prime suspect.

The chronological account of the investigation showed that the police consulted with Wayne Cook, Express Teller's Director of Corporate Security prior to turning their attentions to Paul Whitaker. **App.p.20; p.21**. Evidence presented established that Wayne Cook provided basic employment records that connected Paul Whitaker to Petitioner. Certainly, Wayne Cook would have had access to any of the company's employment records that connected other employees to Petitioner. Regardless of any uncertainly, Wayne Cook's disclosure to police that Petitioner recommended Paul Whitaker for a job would have been inevitable. See State v. Spears, 393 S.C. 466, 482, 713 S.E.2d 324, 332 (Ct. App. 2011). Unlike the controlled delivery investigative procedure employed by law enforcement in Adams, a standard routine procedure for the interdiction of narcotics trafficking, the investigation in this case was unrivaled in scope and resources; the heist held national notoriety. Adams, 409 S.C. at 648, 763 S.E.2d at 345.

Most importantly, Paul Whitaker immediately confessed to Sergeant Isenhoward in a non-custodial setting while on shift at Express Teller. Again, the police would have interviewed a known friend and fellow work colleague of its prime suspect, an 'inside man,' in a heist that involved numerous assailants during the early course of the investigation. Paul Whitaker's confession and consent for the police to search his home resulted in the issuance of Petitioner's arrest warrant; *not* information of Petitioner's travel itinerary obtained from the GPS device. At the sentencing hearing, Attorney Pride poignantly stated, "Paul Whitaker is the principle defendant in this case that broke this case. And Paul did it because Paul knew right from wrong." **Supp. App.p.105, ln.3-6**. Thus, Petitioner's arrest was supported by probable cause developed

from evidence that was provided from an independent source unrelated to the GPS device.

The court of appeals was correct in relying on Hutto v. State, 387 S.C. 244, 692 S.E.2d 196 (2010). Hutto similarly alleged that his attorney was ineffective for failing to mount a suppression defense pursuant to a statutory violation. Id. at 248, 692 S.E.3d at 198. Hutoo claimed that the police improperly obtained incriminating evidence of Hutto's physical condition from a probation agent. Id. Hutto argued that the victim's identification and the DNA match was inadmissible evidence because it was obtained as a result of the underlying statutory violation. Id. at 249, 692 S.E.2d at 198. In affirming the denial of PCR, the court stated, "[probation agent]'s disclosure was not the sole piece of information that led to the victim's identification and subsequent DNA evidence. The crimewatchers tip was also relied upon in including [Hutto]'s photograph in the line-up." Id. at 250, 692 S.E.2d at 199. The Hutto court further held that even if there was a violation of a statute, "such violation would not warrant the exclusion of evidence obtained from the information disclosed. Section 24-21-290 only creates a statutory privilege and does not implicate a constitutional right; therefore, the exclusionary rule does not apply." Hutto 387 S.C. at 250, S.E.2d at 199.

Here, the investigative team decided to interview Paul Whitaker after they established his connection to Petitioner through employment records. Petitioner's involvement was made clear when Paul Whitaker confessed. Also like in Hutto, Section 17-30-140 merely provides a mechanism for law enforcement to obtain a warrant and does not provide a framework for exclusion of evidence obtained in its alleged violation.

Kolle v. State, 386 S.C. 578, 591, 690 S.E.2d 73, 80 (2010), is further instructive here. In granting Kolle PCR relief, the Circuit Judge found his attorney was ineffective for failure to inspect discoverable State records and materials that, if presented, would have been outcome

determinative for suppression under the exclusionary rule.[4] Kolle presented critical evidence that negated the justification made to the General Session Judge at the pre-plea motion hearing that established the exigency for the warrantless entry into the apartment. Id. (emphasis added). Similar to the present case, Kolle pled guilty and challenged the voluntariness of the plea in PCR. Notably distinct, Kolle actually presented tangible evidence to support his PCR case that included exhibits of the police call/dispatch logs among other things. Id. at 590-91, 690 S.E.2d 79, 80. Here, Petitioner failed to meet his burden and did not introduce any credible evidence in presuming that Paul Whitaker's confession, the other co-defendant's confessions, and a plethora of inculpatory evidence was fatally tainted because it was uniquely derived from evidence obtained from the GPS device. **App.p.62-63**. Simply, the State possessed a mountain of evidence against Petitioner that established his overwhelming culpability and involvement in the robbery.

Alternatively dispositive, the PCR Judge even commented Petitioner failed to meet his most basic burden to prove he would not have pled guilty but for counsel's lack of knowledge of S.C. Code §17-30-140. **App.p.132, ln.3-5**. See Goins v. State, 397 S.C. 568, 573, 726 S.E.2d 1, 3 (2012) ("The PCR court's findings on matters of credibility are given great deference by this Court."). Petitioner's inconsistent posture in testifying that he was innocent and involuntarily pled guilty but for ineffective assistance of counsel while also testifying that he would have accepted a purported earlier and more favorable guilty plea offer supports the PCR Judge's credibility finding on the matter.

[4] The narcotics that established the factual predicate for the State's trafficking case were the inadmissible fruits of an unlawful search. The police responded to notice complaint concerning Kolle's apartment. No one answered the door. The officer observed what he reasoned to be "fresh" evidence of forced entry on the Apartment's exterior. Concerned about the welfare of possible occupants, the officer discovered crack cocaine during his protective sweep. A field test positively identified the narcotics. He obtained a search warrant and returned to the apartment within the hour. More narcotics were recovered. Kolle, at 582-84, 690 S.E.2d at 75-76.

Finally, Petitioner pled guilty and should not now be able to challenge the suppression of evidence. "A guilty plea constitutes a waiver of nonjurisdictional defects and claims of violations of constitutional rights." Jamison v. State, 410 S.C. 456, 467, 765 S.E.2d 123, 129 (2014) (citing State v. Rice, 401 S.C. 330, 331-32, 737 S.E.2d 485, 485-86 (2013); Hyman v. State, 397 S.C. 35, 44, 723 S.E.2d 375, 379 (2012)). "A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed." Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63, 97 S.Ct. 1621, 52 L.Ed.2d 136 (1977). "Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Id. at 138, 654 S.E.2d at 874 (citing Crawford v. United States, 519 F.2d 347 (4th Cir.1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir.1976).

It is of note that not only did counsel stipulate to the State's factual recitation of the heist and its subsequent investigation, Attorneys Pride, Kendrick, Swarat, McCulloch, and Johnson also did not dispute the State's factual recitation. Only Attorney McCulloch contested an isolated matter confined to Jeremy McPhail's culpability. **Supp. App.p.82.** Thus, the sentencing hearing transcript proves Petitioner's attempt to collaterally attack his conviction and sentence to be even more incredible. Simply, Petitioner hoped to receive a more lenient sentence by pleading guilty and now is upset that the Plea Judge did not employ her discretion in his favor. See Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 371 (1997) (Wishful thinking regarding sentencing does not equal a misapprehension of the constitutional effectiveness of counsel's performance.).

As Petitioner failed to meet this burden of proving ineffective assistance of trial counsel on this issue, the PCR judge did not err in denying the PCR application. See Frasier v. State, 351

S.C. 385, 389, 570 S.E.2d 172, 174 (2002) ("The burden of proof is on the applicant to prove his allegations by a preponderance of the evidence."). Accordingly, this Court should deny the petition.

## CONCLUSION

For the reasons stated above, this Court should deny the Petition for Writ of Certiorari to the Court of Appeals.

Respectfully submitted,

ALAN WILSON
Attorney General

J. CLAYTON MITCHELL
Assistant Attorney General
S.C. Bar # 101443

Post Office Box 11549
Columbia, S.C. 29211
(803) 734-3737

By: _____
ATTORNEYS FOR RESPONDENT

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Certiorari to Richland County
Court of Common Pleas
The Honorable Brooks P. Goldsmith, Circuit Court Judge

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Appellate Case No. 2016 – 001940
Lower Court Case No. 2010-CP-40-04277

DARRYL FRIERSON, #336466,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

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**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that a true copy of **Return to Petition for Writ of Certiorari** has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

**Kathrine Haggard Hudgins, Esquire**
**S.C. Commission on Indigent Defense**
**1330 Lady Street, Suite 401**
**Columbia, SC 29201**

This 31st day of October, 2016

CHANDRA E. YOUNG
Legal Assistant For Respondent