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Aimee J. Zmroczek, Attorney
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December 28, 2016

RECEIVED

JAN -3 2017

The Supreme Court of South Carolina
ATTN: Daniel Shearouse, Clerk of Court
PO Box 11330
Columbia, SC 29211

S.C. SUPREME COURT

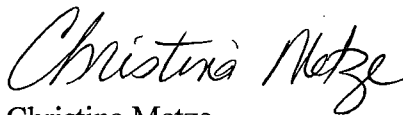
RE : Raphael Wooden v. State of SC
2015CP0200579

Dear Mr. Shearouse:

Enclosed please find a Notice of Appeal along with a Certificate of Service and a copy of the Order being appealed. Also enclosed is a copy which I request you stamp as "filed" and return to me in the enclosed stamped envelope.

Thank you for your assistance in this matter.

Yours very truly,



Christina Metze
Paralegal

cc: Julie Coleman, SC Attorney General's Office
Liz Godard, Aiken County Clerk of Court
Raphael Wooden

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Robert Hood, Circuit Court Judge

Case No.: 2015-CP-02-00579

RECEIVED

JAN - 3 2017

S.C. SUPREME COURT

State of South Carolina,

Respondent,

v.

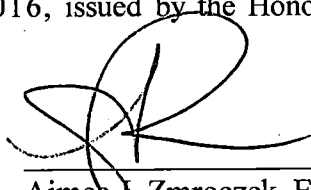
Raphael Alexander Wooden,

Appellant.

NOTICE OF APPEAL

Raphael Alexander Wooden, #362178, appeals the Order of Dismissal denying his Application for Post-Conviction Relief filed November 3, 2016, and received by counsel on November 7, 2016, and the Order Denying Rule 59(E) Motion filed December 8, 2016, and received by counsel on December 8, 2016, issued by the Honorable Robert Hood, presiding Judge.

December 28, 2016



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Attorney for Appellant

Other Counsel of Record:
Julie Coleman
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Columbia, SC 29211

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Robert Hood, Circuit Court Judge

Case No.: 2015-CP-02-00579

RECEIVED

JAN - 8 2017

S.C. SUPREME COURT

State of South Carolina,

Respondent,

v.

Raphael Alexander Wooden,

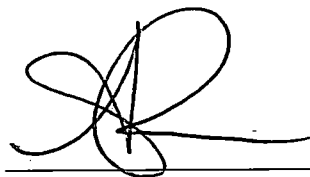
Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Julie Coleman by depositing a copy of it in the United States Mail, postage prepaid, on December 28, 2016, addressed to her office at:

PO Box 11549
Columbia, SC 29211

December 28, 2016



Aimee J. Zmroczek, Esq.
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ajzlawfirm@gmail.com
Attorney for Appellant

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

IN THE COURT OF COMMON PLEAS
CA. NO.: 2015-CP-02-00579

Raphael Alexander Wooden,)
)
Applicant,)

FILED

12-9 2016 1:05
SP

vs.)

State of South Carolina,)

Respondent.)

ORDER

Shirley Hood
S.C.C.P. & G.S.
Shirley Hood
Deputy Clerk

After careful consideration of the submitted briefs, the applicable law and all other arguments, this Court denies Applicant's Motion to Reconsider.

Under SCRCP Rule 59(f), a Rule 59(e) motion "may in the discretion of the court be determined on the briefs filed by the parties without oral argument." Hence, the grant or denial of a Motion to Reconsider is within the discretion of the circuit court. Motions to Reconsider are limited in scope and are not to be used to repeat the same arguments previously presented. *Dockins v. Benchmark Commc'n*, 180 F.R.D. 294, 295 (D.S.C. 1998). A Motion to Reconsider cannot be granted where the moving party simply seeks to have the Court rethink its decision. *Id.*

Accordingly, Applicant's Motion to Reconsider is DENIED.

Robert Hood

The Honorable Robert E. Hood
5th Judicial Circuit Judge

Columbia, South Carolina

This 22 day of NOV, 2016

FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF AIKEN
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2015CP0200579

Raphael Alexander Wooden

South Carolina State Of

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; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: _____

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.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

		12/8/2016
Circuit Court Judge	Judge Code	Date

For Clerk of Court Office Use Only

This judgment was entered on 12-8-16, and a copy mailed first class or placed in the appropriate attorney's box on 12-8-16, to attorneys of record or to parties (when appearing pro se) as follows:

Aimee Jendrzejewski Zmroczek A.J.Z. Law Firm, LLC PO
Box 11961 Columbia, SC 29211

Julie Amanda Coleman PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Liz Godard by: Spaulk
DLC

Court Reporter

Liz Godard - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

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.

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

IN THE COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT

Raphael Alexander Wooden, #362178,)

2015-CP-02-00579

Applicant,)

v.)

ORDER OF DISMISSAL

State of South Carolina,)

FILED 11.3.16

Respondent.)

Heidi Keadar
CLERK
(Ample 100)
DEPUTY CLERK

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on March 9, 2015. Respondent submitted its return on March 27, 2015. An evidentiary hearing into the matter was convened on September 23, 2016, at the Aiken County Courthouse. Applicant was present at the hearing and was represented by Aimee Zmroczek, Esquire. Respondent was represented by Assistant Attorney General Julie A. Coleman of the South Carolina Attorney General's Office.

I. PROCEDURAL HISTORY

The records before this Court indicate that Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. Applicant was true bill indicted at the February 2014 term of the Aiken County Grand Jury for three counts of armed robbery, murder, possession of a weapon during the commission of a violent crime (2014-GS-02-00135; -00136; -00137; -00138; -00139). Tanya D. Jeffords, Esquire represented Applicant. On November 14, 2014, Applicant pled guilty before the Honorable R. Knox McMahon. Judge McMahon sentenced Applicant to twenty-five year term of imprisonment for each count of armed robbery and twenty-five year term of imprisonment for the lesser included offense of voluntary manslaughter, to run concurrent. One

Rest

count of armed robbery and the possession of a weapon during the commission of a violent crime were *nolle prossed* pursuant to the plea. Applicant did not appeal his guilty plea or sentence.

Applicant filed a timely application for post-conviction relief on March 9, 2015. Application subsequently amended his application on May 11, 2016, to include additional allegations.

II. ALLEGATIONS

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

1. Ineffective Assistance of Counsel
 - a. Failing to properly explain the sentencing collateral affects and parole;
 - b. Failing to mitigate and examine co-defendant sentences;
 - c. Failing to move for a motion to reconsider
 - d. Failing to request a continuance under *Langford*;
 - e. Failing to investigate and challenge extradition process and due process violations;
 - f. Failing to object to improper solicitor comments at sentencing and identifying issues with discovery.
2. Prosecutorial Misconduct
 - a. Failing to reveal the deal.

III. SUMMARY OF RELEVANT TESTIMONY PRESENTED

At the PCR hearing, Applicant testified on his own behalf. Respondent presented testimony from Solicitor Strom Thurmond, Jr. and Trial Counsel Tanya D. Jeffords.

Applicant

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Applicant testified that he retained Trial Counsel Tanya D. Jeffords after his arrest and they met several times. He stated that he and Trial Counsel talked about the facts of the case, reviewed discovery, and discussed leads and potential witnesses. He stated that he told her that he did not want to plead guilty.

Applicant testified that he decided to plead guilty because he wanted to be eligible for parole, which his attorney told him would be an option if he accepted the plea deal. He stated that he did not want a sentence of life in prison without parole, so he pled guilty instead of going to trial. Applicant stated that he thought he would get out of prison on parole after seven or eight years before he pled guilty, and he relied on this assumption to plead. He testified that he would have gone to trial rather than plead guilty if he had known he would not get parole after eight years.

Applicant testified that, if he had gone to trial, his co-defendants were going to testify against him and they would be offered a plea deal by the State in exchange for their testimony. Applicant stated that his co-defendant, Demarcus Booker, was sentenced to a twenty-two year term of imprisonment because he had agreed to testify against him at trial. Applicant stated that his other co-defendant, Niim Williams, had agreed to testify against him at trial as well, but his story changed several times, so the State was not going to use him as a witness. Applicant stated that he figured Booker would get a lighter sentence than him did because of his statement.

Applicant opined that the evidence in his case did not add up and his attorney should not have advised him to plead guilty. However, he stated that his co-defendants were going to testify against him if he had gone to trial.

Applicant testified that he recalled telling the plea judge that he was satisfied with his attorney's services. He recalled waiving his constitutional rights and telling the judge that he wished to plead guilty because he was indeed guilty. He stated that he recalled agreeing with the facts presented by the State at the guilty plea, and that he even corrected some of them. He further testified that he had given law enforcement a statement about his involvement in the crime.

Solicitor

Solicitor Strom Thurmond, Jr. testified at the hearing that he was the solicitor who prosecuted this case. He summarized the facts of the case, stating that on May 18, 2013, Aiken County Law Enforcement was called to the scene of the crime, a barber shop. He stated that Applicant robbed the shop, shot the victim, and held others at gunpoint. After a police chase in which Applicant's two co-defendants were arrested, Applicant was found hiding in a shed with \$900 in cash, the victim's wallet, and a handgun. He stated that Applicant subsequently confessed to committing the crime and gave law enforcement a statement.

Solicitor testified that some of the other evidence the State had against Applicant included photographs from Applicant's cell phone and a text message conversation between Applicant and co-defendant Booker about planning the robbery before it took place.

Solicitor testified that Applicant pled guilty on the eve of trial; trial was set to begin on Monday, and he pled the Friday before. He stated that the State did not make a plea offer to Applicant until the eve of trial, so there was no deal to reveal before that date. He explained that this case was always a murder case, but Trial Counsel was a very effective negotiator and was able to successfully negotiate a plea offer for the charge of voluntary manslaughter.

Best of

Solicitor testified that Applicant was the lead defendant in this crime, and he made the tactical decision to try him first before trying the co-defendants. He testified that the State absolutely planned to use the testimony of the two co-defendants against Applicant had he gone to trial. Solicitor stated that there was no plea offer to either of Applicant's co-defendants before Applicant pled guilty, and that Bob Harte, Booker's attorney, would be able to testify about this, as well, because he and Booker were both present at Applicant's guilty plea.

Solicitor testified that the State had video testimony of Booker's statement that they would have used at Applicant's trial even if Booker decided not to take the stand. He stated that, after Applicant's plea, he originally offered Booker a twenty year sentence in exchange for pleading guilty, but Booker backed out, so when he did decide to plead guilty the State changed its plea offer to a twenty-two year sentence.

Solicitor testified that Applicant pled to a no-parole offense, which under South Carolina law means that Applicant would have to serve eighty-five percent of his sentence before becoming eligible for parole.

Trial Counsel

Trial Counsel Tanya D. Jeffords testified that she has been practicing law for fifteen years. She stated that she was retained in this case and met with Applicant frequently before the guilty plea. She stated that she filed Rule 5 and Brady motions, she reviewed discovery with Applicant, and they discussed the elements of the charges, possible defenses, and Applicant's version of the facts. Trial Counsel stated that she would characterize the State's evidence against Applicant as overwhelming; the State had statements from Applicant and his two co-defendants in addition to several other pieces of evidence against him. She stated that she would not have encouraged him to plead guilty if his co-defendants were not going to testify against him.

Page 5
Trial Counsel testified that Applicant was, at the time, a nineteen year old kid facing a murder charge and a sentence of life without parole, so they were preparing for trial from the very beginning. She stated that Applicant sent her a letter explaining that, when he committed the crime, he was scared and he fired his gun, but the actual bullet that killed the victim was from Booker's gun. She stated that they had also discussed an alibi defense, but it was risky for trial, so they chose not to pursue it.

Trial Counsel testified that she discussed with Applicant the differences in parole eligibility and no-parole offenses, and she explained to him that he would have to serve eighty-five percent of his sentence before he would be eligible for parole because he was pleading to a no-parole offense. She explained that she remembered discussing parole eligibility because she sat down with Applicant and drew out a grid on a piece of paper to show how much of his sentence he would have to serve. Trial Counsel stated that she reviewed Applicant's constitutional rights before the guilty plea and he never told her that he did not understand something. She stated that she spoke to his family about the risks of going to trial as opposed to pleading guilty, and she felt that it was in his best interest to accept the plea deal. Trial Counsel stated that, in the end, it was Applicant's decision to plead guilty.

Trial Counsel testified that Applicant wanted to go to trial until he was offered the plea deal on the eve of trial. She stated that she saw no reason to request a continuance before the trial because she was completely prepared to go to trial that Monday. She stated that she did not see any legal reason to make a motion to reconsider the guilty plea or the sentence. She did not recall Applicant ever asking her to file an appeal of his guilty plea. She further stated that she saw no reason to object to the solicitor's comments at the guilty plea, and even if she had objected to something, it would not have changed Applicant's decision to plead guilty.

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Trial Counsel stated that she was not aware before Applicant's guilty plea of any plea offers made to Applicant's co-defendants and she did not believe that any deals were offered until after his plea. She testified that, prior to the guilty plea, she did make a motion to reveal the deal, there was a hearing on the issue before a judge, and there was no deal to reveal.

IV. APPLICABLE LAW

In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty pleas, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366 (1985).

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

As a matter of general impression, this Court finds Applicant's testimony and assertions to be not credible. In contrast, this Court finds Counsel's testimony to be credible and persuasive. These credibility findings have been applied to the Court's findings and conclusions set forth below.

INEFFECTIVE ASSISTANCE OF COUNSEL

Applicant has asserted several allegations of ineffective assistance of counsel. This Court finds these claims to be meritless and they should be denied and dismissed with prejudice.

Failing to properly explain the sentencing collateral affects and parole

Applicant alleges that Trial Counsel was ineffective for failing to properly explain Applicant's parole eligibility. This allegation is meritless and must be denied.

Trial Counsel credibly testified at the PCR hearing that she explained no-parole offenses to Applicant. She sat down with Applicant and drew a chart on a piece of paper to show him exactly how much time he would have to serve before he was eligible for parole. This Court finds that Trial Counsel's testimony regarding this issue is more credible than Applicant's testimony that she explained his parole eligibility incorrectly. Applicant has failed to meet his burden of proof, and this allegation is denied and dismissed with prejudice.

Failing to mitigate and examine co-defendant sentences

Applicant's allegation that Trial Counsel was ineffective for failing to mitigate his sentence with the sentences of his co-defendants is meritless and must be denied.

The testimony presented by Trial Counsel and by Solicitor show that there were no offers whatsoever made to either of Applicant's co-defendants before Applicant pled guilty. Solicitor indicated that Applicant was the lead defendant in this case and was going to be tried before his co-defendants. The co-defendants were not sentenced until after Applicant's plea and sentencing, and thus there is no way Trial Counsel could have been ineffective in this regard. Applicant has failed to meet his burden in proving that either prong of the Strickland test is satisfied, and this allegation is denied and dismissed with prejudice.

Failing to make a motion to reconsider

Applicant's allegation that Trial Counsel was ineffective for failing to make a motion to reconsider is meritless. Trial Counsel credibly testified that she saw no legal reason to make such motion or to withdraw Applicant's guilty plea. Applicant has failed to present any basis whatsoever on which this motion should have been made, and has thus failed to meet his burden in proving either prong of the Strickland test. This allegation must be denied and dismissed with prejudice.

Failing to request a continuance under Langford

Applicant's allegation that Trial Counsel is ineffective for failing to request a continuance under Langford is meritless. Trial Counsel credibly testified that she saw no reason to move for a continuance because she was completely prepared to go to trial on the date for which it was set. The only reason they did not go to trial is because Applicant decided to accept the plea deal that was offered to him on the eve of trial, which Trial Counsel agreed was in his best interest.

Applicant has not presented any evidence to support this allegation, and therefore it is denied and dismissed with prejudice.

*Failing to investigate and challenge extradition process
and due process violations*

Applicant has failed to meet his burden in proving that any of Trial Counsel's actions or inactions in regard to this allegation were ineffective and prejudicial, and this allegation must be denied and dismissed with prejudice.

*Failing to object to improper solicitor comments at sentencing and
identifying issues with discovery*

Applicant has failed to present any evidence supporting this allegation, including the alleged improper comments that were made by Solicitor at the sentencing. Trial Counsel credibly testified that she saw no reason to object to Solicitor's comments at the guilty plea, and if she had found something objectionable at the time, she would have objected. Therefore, her choice not to object cannot be said to be ineffective. Furthermore, even if she had objected to a comment at the sentencing, her objection would not have changed the outcome of the proceeding; it would not have changed Applicant's decision to plead guilty nor altered the sentence Applicant received. Thus, this inaction cannot be prejudicial to Applicant in any way. Because neither prong of the Strickland test is met, this allegation must be denied and dismissed with prejudice.

PROSECUTORIAL MISCONDUCT

Failing to reveal the deal

Applicant also alleges prosecutorial misconduct. Prosecutorial misconduct is not an issue for post-conviction relief. Rather, this allegation is a direct appeal issue that is procedurally barred by S.C. Code Ann. § 17-27-20(B) (2003). Post-conviction relief is not a substitute for an appeal. Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974). A post-conviction

relief application cannot assert any issues that could have been raised at trial or on appeal. Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). Applicant could have raised this issue on appeal. The failure to do so has waived this allegation as grounds for relief.

Regardless, it is Applicant's burden to prove actual prosecutorial misconduct. Alabama v. Smith, 490 U.S. 794, 109 S. Ct. 2201 (1989). Solicitor credibly testified that there were no plea deals offered before the eve of trial, so there was no deal to reveal. Trial Counsel credibly testified that she made a motion to reveal the deal, a hearing on the issue was held, and there was no deal to reveal. This Court finds that Applicant has failed to carry his burden of proving actual prosecutorial misconduct, therefore, this allegation is denied and dismissed with prejudice.

This Court finds the Applicant's claim of prosecutorial misconduct is completely meritless and violates Rule 11 of the South Carolina Rules of Civil Procedure. Rule 11 requires the signature of an attorney on all pleadings and motions submitted to the Court constitute a certificate that there is a good ground to support the claim. In this case, Applicant filing a claim for prosecutorial misconduct or continuing to pursue such a claim by Applicant's PCR Counsel is meritless. Applicant's PCR Counsel could provide no justification in any form of any good ground for filing this cause of action or continuing with the cause of action at the hearing. PCR counsel was questioned on the record at the PCR trial about her "good ground" belief in the prosecutorial misconduct claim and no "good ground" in any way could be stated to the court. Rank speculation was the basis for filing the prosecutorial misconduct cause of action.

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, this Court finds the Applicant failed to

present any testimony, argument, or evidence at the hearing regarding such allegations. Accordingly, this Court finds the Applicant has abandoned any such allegations.

VI. CONCLUSION

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

This Court notes that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel 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 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 28 day of Oct, 2016.

Post
12
C. M. Smith, SC

Re: [unclear]
Circuit Court
Judge

FORM 4

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

**JUDGMENT IN A CIVIL CASE
CASE NUMBER 2015CP0200579**

Raphael Alexander Wooden	South Carolina State Of	
--------------------------	-------------------------	--

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.
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 - 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; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

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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.**

Circuit Court Judge	Judge Code	11/3/2016 Date
---------------------	------------	-------------------

For Clerk of Court Office Use Only

This judgment was entered on 11-13-16, and a copy mailed first class or placed in the appropriate attorney's box on 11-13-16, to attorneys of record or to parties (when appearing pro se) as follows:

Aimee Jendrzejewski Zmroczek A.J.Z. Law Firm, LLC PO
Box 11961 Columbia, SC 29211

Julia Amanda Coleman PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)



Court Reporter

Liz Godard - 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.



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The Supreme Court of South Carolina
ATTN: Daniel Shearouse, Clerk of Court
PO Box 11330
Columbia, SC 29211