

# THE BOOZER LAW FIRM, LLC

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**Lance S. Boozer, Esq.\***

\*Also admitted in Florida

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May 9, 2017

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

The Honorable Gwen T. Hyatt  
Clerk of Court  
301 W. Main Street  
Dillon, SC 29536

**RE: Lorenzo Inman, #343510, v. State of South Carolina  
2014-CP-17-508**

Dear Mr. Shearouse and Ms. Hyatt:

Enclosed for filing is a Notice of Appeal in the above-referenced case. Also enclosed are the following:

- (1) Proof of Service of the Notice of Appeal;
- (2) A copy of the Order which is to be challenged on appeal; and
- (3) Prior Order of Appointment of Counsel.

As I was appointed to represent Mr. Inman in his PCR proceeding, I anticipate that the Office of Appellate Defense will represent Mr. Inman in this appeal.

Yours very truly,



Lance S. Boozer

**RECEIVED**

**MAY 11 2017**

**S.C. SUPREME COURT**

cc: Johnny E. James, Jr., AAG  
Office of Appellate Defense  
Lorenzo Inman, #343510

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM DILLON COUNTY  
Court of Common Pleas

The Honorable Roger E. Henderson, Circuit Court Judge

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Case No. 2014-CP-17-508

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Lorenzo Inman, #343510,.....Petitioner,

v.

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

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**NOTICE OF APPEAL**

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The Petitioner appeals the Honorable Roger E. Henderson's Order dated April 17, 2017, denying post-conviction relief to the Petitioner. Undersigned counsel received notice of entry of the Order on May 9, 2017. A copy of the Order on appeal is attached to this notice.

Respectfully submitted,



Lance S. Boozer  
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1400 Laurel Street, Suite 4A  
Columbia, SC 29201  
Tele: 803-608-5543

May 9, 2017

**RECEIVED**

MAY 11 2017

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM DILLON COUNTY  
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Case No. 2014-CP-17-508

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Lorenzo Inman, #343510,.....Petitioner,

v.

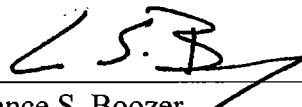
State of South Carolina,.....Respondent.

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**PROOF OF SERVICE**

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I, Lance S. Boozer, attorney for Petitioner, certify that I have today served within Notice of Appeal upon the Respondent by depositing a copy of it in the United States Mail, postage prepaid, addressed to Assistant Attorney General Johnny E. James, Jr., P.O. Box 11549, Columbia, SC 29211. I further certify that all parties required by Rule to be served have been served this 9th day of May, 2017.

  
Lance S. Boozer  
The Boozer Law Firm, LLC  
1400 Laurel Street, Suite 4A  
Columbia, SC 29201  
Tele: 803-608-5543

**RECEIVED**

MAY 11 2017

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF DILLON )  
 )  
 Lorenzo Inman, #343510, )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 State of South Carolina, )  
 )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 FOR THE FOURTH JUDICIAL CIRCUIT

C/A No.: 2014-CP-17-0508

**ORDER OF DISMISSAL**

FILED  
 GWENT, HYATT  
 2017 MAY -4 AM 10:20  
 CLERK OF COURT  
 DILLON COUNTY

This matter comes before the Court by way of an Application for Post-Conviction Relief filed November 19, 2014. Respondent made its Return on September 14, 2015. The Court convened an evidentiary hearing into the matter on January 13, 2016, at the Darlington County Courthouse. Applicant was present at the hearing and represented by Lance S. Boozer, Esquire. Jessica E. Kinard, 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, Emily Crayton, Esquire also testified. Her co-counsel, Michael Stephens, Esquire, was not present, and the record was held open for a deposition to acquire his testimony and closing arguments. This deposition was held at Mr. Boozer's office on March 23, 2016, with him and Ms. Kinard present with a court reporter, and Mr. Stephens appearing via telephone. Upon ruling, the Court had before it a copy of the trial transcript, the deposition transcript, the records of the Dillon County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, and the pleadings. The Court finds as follows:

*[Handwritten signature]*

**RECEIVED**  
 MAY 11 2017  
 S.C. SUPREME COURT

## **I. PROCEDURAL HISTORY**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Dillon County Clerk of Court. In November 2009, the Dillon County Grand Jury indicted Applicant for murder (2009-GS-17-1198), possession of a weapon during the commission of a violent crime (2009-GS-17-1199), failure to stop for a blue light (2009-GS-17-1203), first-degree burglary (2009-GS-17-1204), kidnapping (2009-GS-17-1205), armed robbery (2009-GS-17-1206), grand larceny (2009-GS-17-1207), and conspiracy (2009-GS-17-1209). Emily M. Crayton, Esquire, and A.C. Stephens, Esquire, represented Applicant. On November 1, 2010, Applicant proceeded to trial before the Honorable Thomas A. Russo and a jury. On November 4, 2010, the jury found Applicant guilty as indicted. Judge Russo sentenced Applicant to life imprisonment for murder, five years for possession of a weapon during the commission of a violent crime, three years for failure to stop for a blue light, life imprisonment for first-degree burglary, thirty years for kidnapping, thirty years for armed robbery, ten years for grand larceny, and five years for conspiracy.

Applicant filed a timely notice of appeal, and Kathrine H. Hudgins, Esquire, of the Office of Appellate Defense perfected the appeal. The South Carolina Court of Appeals vacated Applicant's kidnapping conviction on May 21, 2014, while leaving his other charges and sentences undisturbed. State v. Inman, Op. No. 2014-UP-197 (S.C. Ct. App. filed May 21, 2014). The remittitur was returned to the circuit court on June 16, 2014.

## **II. ALLEGATIONS**

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

1. "My counsel was ineffective"
  - a. "He conceded my guilt, put my codefendant on stand against me"
2. "My trial was not a fair trial and bias"
  - a. Applicant alleges his jury was not fair and impartial because of pre-trial publicity.
3. "Judge Errored in my trial"
  - a. "Didn't let the jury see the statement my codefendant wrote"

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

#### **A. Summary of Testimony Presented at Evidentiary Hearing**

Applicant testified that he was appointed his attorneys through the public defender's office. From the beginning, they discussed whether he would be open to pleading guilty, and he stated that he would take a thirty year sentence, but that was taken off of the table. He further testified that he disagreed with how Mr. Stephens characterized the case and the different charges, and that they had never discussed possible defenses. He recalls Mr. Stephens telling him that it was a very tough case with no real defenses, but Mr. Inman maintained that he was not guilty of any of the charges. He was surprised when Mr. Stephens stated in his opening that Mr. Inman was "in" for the armed robbery and conceded guilt on that charge, and then argued that he was not "in" on the acts that followed. Applicant further testified that he believed having a co-defendant, John Henry Bridges, plead guilty to the same charges hurt his case. He believed that his case was further harmed by the existence of conflicting stories in the case, in that Bridges alleged that the Applicant's brother, Damian Inman, pulled the trigger, but two other individuals involved in the case alleged that Bridges pulled the trigger.

Attorney Crayton testified she was assigned to the case in 2010. The general working theory was that no one said that the Applicant was the shooter, that their defense was in alignment with what the State alleged happened, but they disagreed as to the Applicant's



involvement. Attorney Crayton testified that she advised the Applicant that he would need to testify in order to attempt to clarify his version of events considering the statement that he provided to law enforcement. She also testified that she advised the Applicant to plead guilty many times, but he refused and stated that pleading to thirty years was not better than a life sentence, and that God's will would not let him be found guilty. She reiterated to him that it was always his choice to plead guilty or not, but she believed that his mother influenced his decision by her heavy involvement in the case.

On cross-examination, Attorney Crayton testified that she was lead counsel on this case due to it being her assignment and her doing a bulk of the work, but that Attorney Stephens helped a great deal, and was especially key because he was well-known and from Dillon County. She further testified of her understanding regarding the charges, possible defenses, and her memory of discussions with the Applicant about them: she explained accomplice liability and the hand of one is the hand of all; she discussed the potential of felony murder, but that she believed there was a withdrawal and movement between the robbery and the murder; she also testified that there was no evidence that the Applicant had withdrawn from the crimes. When discussing the venue of the hearing, Attorney Crayton testified that she had probably drafted a motion for change of venue, but that she and Attorney Stephens agreed to see if they could pull an impartial jury before filing that. They believed that this was possible because, even though it was a newsworthy case, the coverage had lost a lot of steam in the year between the crime and the trial. Attorney Crayton testified that, due to the nature of the evidence, a large part of the defense strategy was mitigation. This included the decision to call John Henry Bridges so that the jury could see his size (6'3" at age 16) and the intimidation that would bring. She further testified that they could not have introduced his statement because of the restrictions imposed by Bruton v.



United States, 391 U.S. 123 (1968).<sup>1</sup>

Attorney Stephens, during his deposition, concurred with Attorney Crayton's description of their roles as his being a figurehead due to his experience and being from Dillon, but her doing the brunt of the work and having most meetings with the Applicant. He further stated that he was "assigned" to the Applicant's mother, meaning that someone needed to manage her and control her expectations because she asserted a strong influence on the Applicant. He testified that he realized he was stipulating to some of the facts and to his client's guilt during parts of his arguments, because he felt it was necessary and potentially helpful given the facts of the case, as the Applicant was "in it" for the armed robbery and nothing more. Attorney Stephens testified that their strategy was to show that the Applicant's brother Damian was the shooter and that the varying stories, including Bridges' testimony, contributed to reasonable doubt. He corroborated Attorney Crayton's statements regarding the advice and discussions had with the Applicant regarding his rights and defenses, adding that she would have been the one to have most of those conversations with the Applicant.

### **C. Ineffective Assistance of Trial Counsel**

In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

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<sup>1</sup> Holding, in pertinent part: "...admission of codefendant's confession that implicated defendant at joint trial constituted prejudicial error...."

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland v. Washington, 466 U.S. 668. First, Applicant must prove that counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. 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.

*Concession of guilt and testimony of co-defendant*

Both attorneys testified that they met with the Applicant on several occasions, with Attorney Crayton meeting even more often. During these meetings, they discussed Applicant's knowledge of the facts, any available defenses, and trial strategy, including the fact that evidence against him was quite substantial. Attorney Crayton testified that, because of this, she advised him to plead guilty at many times rather than risking a trial, but he refused. Both she and Attorney Stephens testified that mitigation was a part of their defense strategy. This was evidenced through their conduct during the trial, such as calling Bridges to testify, using various elements and witnesses to show conflicting stories, and to point out that the Applicant had less




involvement than his co-defendants alleged. This Court finds that, based upon the testimony of Counsel at the hearing, trial counsel was extensively prepared for trial and articulated a wise trial strategy. Furthermore, this Court finds that, rather than hindering the defensive efforts in this case, presenting the case in the manner that they did may have benefitted the Applicant's case. Applicant made no showing that Counsel's trial preparation or performance fell below an objective standard of reasonableness and has therefore failed to overcome the presumption that Counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. See Strickland v. Washington, 466 U.S. 668, 690 (1984).

Additionally, Applicant presented no evidence that he was prejudiced by these decisions of trial counsel. Where counsel articulates a valid strategic reason for his action or inaction, counsel's performance should not be found ineffective. Roseboro v. State, 317 S.C. 292, 454 S.E.2d 312 (1996); Underwood v. State, 309 S.C. 560, 425 S.E.2d 20 (1992); Stokes v. State, 308 S.C. 546, 419 S.E.2d 778 (1992). "Courts must be wary of second guessing counsel's trial tactics; and where counsel articulates a valid reason for employing such strategy, such conduct is not effective assistance of counsel." Whitehead v. State, 308 S.C. 119, 417 S.E.2d 529 (1992). Therefore, Applicant has failed to prove prejudice with respect to this allegation. Because Applicant has failed to demonstrate either deficiency or prejudice, this allegation is denied and dismissed.

*Potential bias and effect of pre-trial publicity*

Applicant alleges counsel was deficient for failing to move for a change of venue for his trial due to the abundant news coverage of the incident. Applicant has failed to show that Counsel's conduct in not moving to change venue fell below an objective standard of reasonableness. First, both attorneys testified that they believed that they could pull an impartial



jury. Attorney Crayton also testified that she believed that she had a motion to change venue drafted and prepared to file in case an impartial jury could not be impaneled, which Attorney Stephens echoed. Attorney Crayton testified that she did not believe that the news coverage surrounding this incident would be a factor in the trial as it had diminished so greatly in the time since the incident. This Court finds Counsel articulated a credible reason for not moving to change venue, namely, that it simply was unnecessary. Where Counsel articulates a valid reason for employing a certain strategy, his conduct will not be deemed ineffective assistance. See Stokes v. State, 308 S.C. 546, 548, 419 S.E.2d 778, 779 (1992) (citing Whitehead v. State, 308 S.C. 119, 417 S.E.2d 529 (1992))).

Second, Applicant has made no showing that he would have been entitled to change of venue in this case had Counsel made such a request. Applicant was not entitled to a change of venue as a matter of right and, in fact, would have to prove that his right to be tried in the county where the alleged offense occurred should be waived. State v. Manning, 329 S.C. 1, 495 S.E.2d 191 (1997) Where such a motion is made, the decision to sever is addressed to the sound discretion of the trial court and “should not be disturbed on appeal absent an abuse of discretion.” State v. Evins, 373 S.C. 404, 412, 645 S.E.2d 904, 908 (2007). Further, “[w]hen a trial judge bases the denial of a motion for a change of venue because of pretrial publicity upon an adequate voir dire examination of the jurors, his decision will not be disturbed absent extraordinary circumstances.” Id. In this case, Counsel testified that they believed that an impartial jury could be impaneled, and that they were satisfied with this fact after *voir dire*. The case law supports their decision in not moving to change venue.

In light of these circumstances and in light of counsel’s reasoned decision that they need not ask to change venue, this Court finds Counsel was not deficient. In addition, this Court finds

there is no reasonable probability the outcome of trial would have been different but for the alleged error of counsel in not moving to change venue because Applicant made no showing that he would have been entitled to a change of venue. Accordingly, this allegation and it is denied and dismissed.

*Judicial error in co-defendant's statement*

In analyzing this allegation, this Court interprets it as one of ineffective assistance of counsel by failing to handle differently the jury question regarding the ability to see Bridges' statement and the ensuing argument regarding whether the statement was in evidence. Both counsel testified that they did not believe that Bridges' statement could be admitted into evidence or that it would help. They testified that they believed they received benefit from his testimony and presenting him physically to the jury. Attorney Crayton specifically stated that trying to get his statement admitted would be cumulative and therefore inadmissible, as well as barred by Bruton, supra; however, there were no issues with testimony if he took the stand. Applicant made no showing that Counsel's trial performance fell below an objective standard of reasonableness and has therefore failed to overcome the presumption that Counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. See Strickland v. Washington, 466 U.S. 668, 690 (1984).

Additionally, Applicant presented no evidence that he was prejudiced by these decisions of trial counsel. Where counsel articulates a valid strategic reason for his action or inaction, counsel's performance should not be found ineffective. Roseboro v. State, 317 S.C. 292, 454 S.E.2d 312 (1996); Underwood v. State, 309 S.C. 560, 425 S.E.2d 20 (1992); Stokes v. State, 308 S.C. 546, 419 S.E.2d 778 (1992). "Courts must be wary of second guessing counsel's trial tactics; and where counsel articulates a valid reason for employing such strategy, such conduct is



not effective assistance of counsel.” Whitehead v. State, 308 S.C. 119, 417 S.E.2d 529 (1992). Therefore, Applicant has failed to prove prejudice with respect to this allegation. Because Applicant has failed to demonstrate either deficiency or prejudice, this allegation is denied and dismissed.

### C. 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.

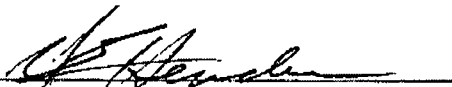
The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from PCR counsel’s receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a 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.



**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 17<sup>th</sup> day of April, 2017.

  
\_\_\_\_\_  
ROGER E. HENDERSON  
Presiding Judge  
Fourth Judicial Circuit

Chesterfield, South Carolina

STATE OF SOUTH CAROLINA ) IN THE COURT OF (Select one.)  
 COUNTY OF DILLON )  COMMON PLEAS  FAMILY COURT  
 ) 4TH JUDICIAL CIRCUIT  
 LORENZO INMAN, ) CASE NO.: 2014-CP-17-00508  
 Plaintiff(s), ) APPOINTMENT OF COUNSEL OR GAL  
 -vs- ) (Select one.)  
 STATE OF SOUTH CAROLINA, )  ORDER  
 Defendant(s). )  AMENDED ORDER

TYPE OF CASE/PROCEEDING: (Check one.)

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Post-Conviction Relief (PCR)/habeas case | <input type="checkbox"/> Adoption                  | <input type="checkbox"/> Juvenile          |
| <input type="checkbox"/> SVP case  | <input type="checkbox"/> Custody and/or Visitation | <input type="checkbox"/> Abuse and Neglect |
| <input type="checkbox"/> Minor Name Change                                   | <input checked="" type="checkbox"/> Other:         |  |

It appears that LORENZO INMAN, who is a litigant in this case, is entitled to court-appointed counsel or a guardian ad litem.

It further appears that: (Select only one.)

- counsel/guardian ad litem has not yet been appointed by the court; therefore, an appointment for counsel/guardian ad litem is necessary.
- counsel or a guardian ad litem was previously appointed by the court but has indicated either a possible conflict of interest, an entitlement to exemption, or other good cause warranting the appointment of new counsel or guardian ad litem based on: \_\_\_\_\_
- counsel was previously appointed by the court but has not indicated that the litigant has retained private counsel and is no longer entitled to appointed counsel.
- court appointed counsel has obtained \_\_\_\_\_, Esquire as substitute counsel pursuant to Rule 608(h)(2); provided, however, only the member who originally received the appointment and who sought substitute counsel shall receive credit.
- Other:

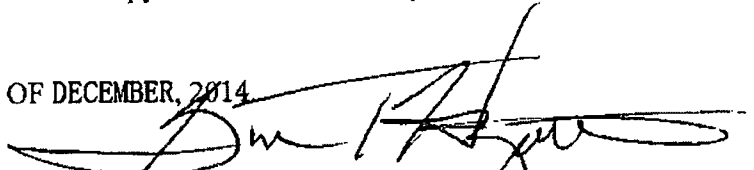
Therefore, it is ordered that LANCE BOOZER, hereby is appointed as (Select one.)

counsel  lead counsel (if capital PCR case)  guardian ad litem  
 for the above-named person. Any counsel or GAL previously appointed is/are hereby relieved.

(If Death Penalty PCR Case) It is further ordered that \_\_\_\_\_, Esquire, is hereby appointed as second counsel in this capital PCR case.

The clerk of court is directed to forward a copy of this order to all persons entitled to notice.

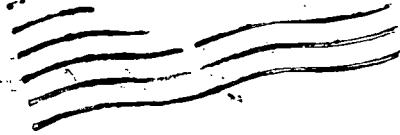
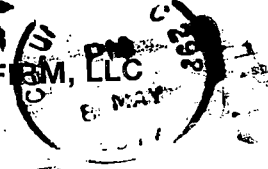
IT IS SO ORDERED THIS 29 DAY OF DECEMBER, 2014

  
 Circuit Judge  Clerk of Court

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online with OID within fifteen (15) days of this appointment at [www.sccid.sc.gov](http://www.sccid.sc.gov), and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or clerk of court. See SCCID website for further details.

THBOOZER LAW FIRM, LLC

14 Laurel Street, Suite 4A  
Columbia, SC 29201



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