

Law Office of Leah B. Moody, LLC

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April 26, 2017

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

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MAY 15 2017

S.C. SUPREME COURT

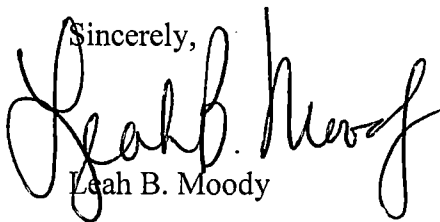
RE: Dantonyo Heath v. State of South Carolina
Case No.: 2015-CP- 46-3686

Dear Mr. Shearouse:

The York County Court of Common Pleas appointed my office to represent Dantonyo Heath in his Post-Conviction Relief action. Please find enclosed for filing the **original and one (1) copy of the Notice of Appeal and Proof of Service, a copy of the Order Dismissing Post-Conviction Relief Application** in the above-referenced case. Please return the clocked copies to me in the enclosed self-addressed, stamped envelope.

Thank you for your assistance with this matter.

Sincerely,



Leah B. Moody

LBM/lt

Enclosures

Cc Dantonyo Heath
Justin Hunter, Esq.
David Hamilton, Clerk of Court, York County
Sharon Graham, SCCID

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

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MAY 15 2017

APPEAL FROM YORK COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable J. Mark Hayes, II, Presiding in York County

Case No. 2015-CP-46-3686

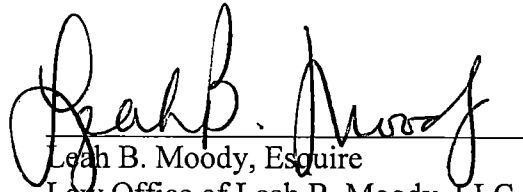
Dantonyo Heath, Appellant,

v.

State of South Carolina, Respondent.

NOTICE OF APPEAL

Dantonyo Heath appeals the order of the Honorable J. Mark Hayes, II, dated April 17, 2017 and mailed on April 27, 2017. Appellant received written notice of entry of the final order on May 5, 2017.



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

Other Counsel of record:
Justin Hunter, SC Attorney General's Office
Attorney for Respondents
Rembert C. Dennis Building
Post Office Box 11549
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MAY 15 2017

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

S.C. SUPREME COURT

APPEAL FROM YORK COUNTY
Court of Common Pleas

The Honorable J. Mark Hayes, II, Presiding in York County

Case No. 2015-CP-46-3686

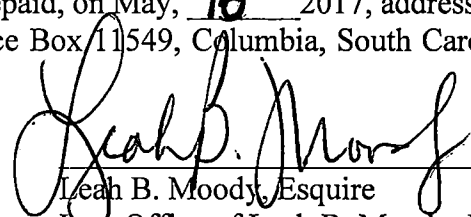
Dantonyo Heath, Appellant,

v.

State of South Carolina, Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Justin Hunter by depositing a copy of it in the United States Mail, postage prepaid, on May, 10 2017, addressed to its attorney of record, Justin Hunter, Post Office Box 11549, Columbia, South Carolina, 29211-1549.



Leah B. Moody, Esquire
Law Office of Leah B. Moody, LLC
235 E. Main Street, Suite 115
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May 10, 2017

Cc Dantonyo Heath
Justin Hunter, Esq.
David Hamilton, Clerk of Court, York County
Sharon Graham, SCCID

FORM 4

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

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2015CP4603686

Dantonyo Heath		South Carolina State Of	
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PLAINTIFF(S)	DEFENDANT(S)
Submitted by: Justin J Hunter	Attorney for: <input type="checkbox"/> Plaintiff <input checked="" 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: PCR
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- STAYED DUE TO BANKRUPTCY**
- 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
 ORDER OF DISMISSAL

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.

S/ J MARK HAYES II
 Circuit Court Judge

2132
 Judge Code

4/27/2017
 Date

For Clerk of Court Office Use Only

This judgment was entered on 04/27/2017, and a copy mailed first class or placed in the appropriate attorney's box on 04/27/2017, to attorneys of record or to parties (when appearing pro se) as follows:

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

Justin James Hunter PO Box 11549 Columbia, SC 29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

Court Reporter

David Hamilton - 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), SCRCP.

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 YORK

FILED - RECEIVED
2017 APR 27 PM 12:56

IN THE COURT OF COMMON PLEAS
OF THE SIXTEENTH JUDICIAL CIRCUIT

Dantonyo Heath,
S.C.D.C. No. 263884,

DAVID HAMILTON
C.C.C.P. & G.S.
YORK COUNTY, SC

2015-CP-46-3686

Applicant,

v.

State of South Carolina,


Respondent.

ORDER OF DISMISSAL

This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed November 24, 2015. Respondent made its Return on or about June 23, 2016. An evidentiary hearing into the matter was convened on January 31, 2017, at the Moss Justice Center in York, South Carolina. Applicant was present at the hearing and represented by Leah Moody, Esquire. Justin Hunter, Esquire, of the South Carolina Attorney General's Office represented Respondent. At the hearing, Applicant testified on his own behalf. Applicant's trial counsel, Phil Smith, Esquire, also testified. This Court had before it a copy of Applicant's records from the York County Clerk of Court, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's PCR Application, and Respondent's Return.

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the York County Clerk of Court. Applicant was indicted at the September 2011 term of the York County Grand Jury for kidnapping (2011-GS-46-2901), armed robbery (2011-GS-46-2898), criminal conspiracy (2011-GS-46-2900), and attempted murder (2011-GS-46-2899). Applicant was represented by Philip Smith, Esquire. On July 22, 2013, the



State called the case for a jury trial before the Honorable John C. Hayes, III. Following the trial, Applicant was found guilty of kidnapping, guilty of strong armed robbery as a lesser included offense of armed robbery, guilty of criminal conspiracy, and guilty of second degree assault and battery as a lesser included offense of attempted murder. He was sentenced to imprisonment for thirty years for kidnapping, fifteen years for strong armed robbery, five years for criminal conspiracy, and three years for second degree assault and battery.

Applicant filed a notice of appeal and an appeal was perfected by Appellate Defender Susan B. Hackett. In an unpublished opinion filed October 14, 2015, the South Carolina Court of Appeals affirmed Applicant's convictions. State v. Heath, Op. No. 2015-UP-487 (Ct. App. filed October 14, 2015). The Remittitur was sent November 4, 2015.

PCR Application

In his application for post-conviction relief, Applicant alleged ineffective assistance of counsel, ineffective assistance of appellate counsel, and subject matter jurisdiction.

II. APPLICABLE LAW

In a post-conviction relief action, the applicant bears the burden of proving the allegations in their 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, 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, 104 S. Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable



professional judgment. Strickland, 466 U.S. 668. Applicant must overcome this presumption in order 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. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any 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." Id. at 117-18, 386 S.E.2d at 625.


III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the Clerk of Court records regarding the subject convictions, the trial transcript, Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief and its amendment, and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80 (2003), this Court makes the following findings of fact based upon all of the probative evidence presented.

As a matter of general impression, this Court finds Counsel's testimony to be credible and persuasive on all matters. These credibility findings have been applied to the Court's findings and conclusions set forth below.

Failure to Raise Confrontation Clause Violation

Applicant alleged that Counsel was ineffective for failing to raise a Confrontation Clause violation. Applicant testified that he thought his codefendant would testify for him and that



Page 3 of 11

Counsel should have filed a motion to sever their cases. Counsel testified that Applicant's codefendant did not testify at trial and the State did not introduce a statement from him. Counsel testified that he made a motion to sever based on three grounds: that the jury would see a video of the codefendant with another person and assume that Applicant was the other person, to call the codefendant as a witness, and to be able to have the last argument to the jury.

This Court finds that Counsel was not ineffective as he did make a motion to sever Applicant's case from his codefendant so that he could call the codefendant as a witness. See Trial Transcript p. 28-30. The Trial Court denied this motion. See Trial Transcript p. 32. As Counsel did raise these arguments, he was not deficient for failing to do so. Accordingly, this allegation must be dismissed.

Failure to raise double jeopardy issue

Applicant alleged that Counsel should have raised the issue of double jeopardy since this was Applicant's second trial on these charges. Counsel testified that he explained to Applicant that there was no double jeopardy issue but Applicant wanted him to raise it at trial.

This Court finds that Counsel was not ineffective. This Court finds that Counsel made a motion to have the charges dismissed based on double jeopardy. See Trial Transcript p. 113, ll. 1-12. As Counsel did raise this argument, Applicant has failed to show that he was deficient. Accordingly, this allegation must be dismissed.

Failure to investigate

Applicant alleged that Counsel failed to investigate. He testified that he met with Counsel seven to eight times but did not discuss anything about the trial. He testified that they did not discuss the evidence although they did look at the victim's statements.

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Counsel testified that the first trial was mistried due to a jury pool issue. He testified that he and Applicant went over the discovery materials, which included a video that was very damaging to Applicant's case. He testified that the video was very chilling and shows Applicant with a partially covered face.

This Court finds that Applicant has failed to show that Counsel was ineffective in his investigation. "Criminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case." Walker v. State, 397 S.C. 226, 235, 723 S.E.2d 610, 615 (Ct. App. 2012). Failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to result. Porter v. State, 368 S.C. 378, 385-86, 629 S.E.2d 353, 357 (2006) (citing Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998)). This Court finds that Applicant has failed to show what additional investigation Counsel should have undertaken and has failed to show that the outcome of his trial would have been different. Accordingly, this allegation must be dismissed.

Failure to challenge the State's case

Applicant alleged that Counsel failed to challenge the State's case against him. He testified that Counsel should have challenged Victim Jordan's identification of Applicant and the use of his nickname. He testified that he should have challenged the inconsistencies in the witnesses' testimonies. Applicant also testified that Counsel should have challenged Amanda Crane's in-court identification of Applicant. Applicant testified that he should have challenged where the money came from. Applicant further testified that improper evidence from the first trial was introduced at the second trial and Counsel should have made an objection.

Counsel testified that he made a motion to suppress Amanda Crane's in-court identification of Applicant because her identification was based on seeing Applicant at a bond hearing and in an online photo. Counsel also testified that he pointed out the State's witnesses' inconsistent testimonies on cross-examination and during his closing argument.

This Court finds that Counsel was not ineffective. A Neil v. Biggers hearing was held on Victim Jordan's identification of Applicant and Amanda Crane's identification of Applicant. Counsel challenged these identifications and the Trial Court ruled them to be admissible. This Court also finds that Counsel challenged inconsistencies in the State's witnesses' testimonies through cross-examination. This Court finds that Applicant has failed to show that the outcome of his trial would have been different had Counsel challenged the State's case in the way he alleged. Accordingly, this allegation must be dismissed.

Failure to object to prosecutorial misconduct

Applicant alleged that Counsel should have objected to the solicitor's prosecutorial misconduct as the prosecutor withheld information about Victim Crane having marijuana on him at the time of the incident. Counsel testified that the issue of Victim Crane having marijuana was raised at the trial and he joined in the codefendant's motion for a mistrial, arguing that the State knew about this and did not turn it over in discovery.

This Court finds that Applicant has failed to meet his burden of proving that Counsel was deficient. This Court finds that Counsel did challenge this evidence and moved for a mistrial based on the State's failure to turn the evidence over. The record reflects that the Trial Court denied the mistrial, finding that no manifest necessity existed that would warrant the granting of a mistrial. See Trial Transcript p. 626. This Court finds that Applicant has failed to show that he

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suffered prejudice, especially considering the fact that the Trial Court ruled on the mistrial motion. Accordingly, this allegation must be dismissed.

Failure to object to unreasonable search and seizure

Applicant alleged that Counsel should have objected to the unreasonable search and seizure. He testified that he was searched because of his nickname and no evidence was ever found at his house. Counsel testified that nothing was searched or seized from Applicant. Applicant has failed to meet his burden of proving that Counsel's actions were deficient in this regard and has failed to show that the outcome of his trial would have been different. Accordingly, this allegation must be dismissed.

Failure to challenge subject matter jurisdiction

Applicant alleged that Counsel should have challenged the Trial Court's subject matter jurisdiction over Applicant and alleged that Counsel allowed the indictments to be altered. Counsel testified that there was no issue with Applicant's indictment.

This Court finds that Applicant has failed to meet his burden of proving that Counsel should have objected to his indictments. Applicant has failed to show that specific defects existed in his indictments that would cause an issue with the Trial Court's subject matter jurisdiction. As such, Counsel's performance was not deficient.

Additionally, this Court finds that any allegation that the Trial Court lacked subject matter jurisdiction is without merit. A circuit court has subject matter jurisdiction to convict a defendant of an offense if there is an indictment that sufficiently states the offense, the defendant waives presentment, or the offense is a lesser-included offense of the crime charged in the indictment. State v. Wilkes, 353 S.C. 462, 464-465, 578 S.E.2d 717, 719 (2003) (citing Brown v. State, 343 S.C. 342, 540 S.E.2d 846 (2001)). In this case, the Applicant was indicted by the York



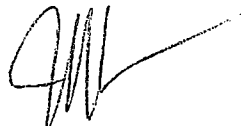
County grand jury. That indictment was true-billed and signed by the foreman of the grand jury. The said indictment contains all the necessary elements of the offense, and further cites the applicable statute. Accordingly this allegation must be dismissed.

Violation of Rules of Professional Conduct

Applicant alleged that Counsel violated the Rules of Professional Conduct as he failed to communicate or consult with Applicant. Applicant testified that he met with Counsel seven to eight times but did not discuss anything about the trial. He testified that they did not discuss the evidence although they did look at the victim's statements. Applicant testified that he told Counsel that he was innocent.

Counsel testified that he and Applicant met a number of times before the trial. He testified that they went over the discovery in the case which included a video that was damaging to Applicant's case. He testified that Applicant was not very talkative but seemed to understand what was going on in the case. Counsel testified that Applicant did not want to plead guilty but maintained that he wanted to pursue a trial. Counsel further testified that Applicant gave Counsel a list of alibi witnesses. He testified that he investigated these witnesses, however they were not willing to come forward and testify and the supposed alibi did not line up.

This Court finds that Applicant has failed to show that Counsel was ineffective for failing to communicate or consult with Applicant. This Court finds that Counsel met with Applicant prior to the trial and reviewed discovery, and investigated Applicant's alibi witnesses. This Court finds that Applicant has failed to show any specific shortcomings in Counsel's communication and has failed to show that Counsel's actions were deficient. This Court also finds that Applicant has failed to show that Counsel violated any of provision of the South Carolina Rules of Professional Conduct. This Court further finds that Applicant has failed to show that the outcome

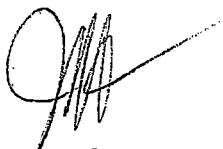


of his trial would have been different had Counsel communicated differently. Accordingly, this allegation must be dismissed.

Failure to present a proper defense

Applicant alleged that Counsel failed to present a proper defense. Applicant testified that he wanted Counsel to call alibi witnesses but Counsel said he would not because he wanted the last argument. Counsel testified that he investigated Applicant's alibi witnesses. He testified that these witnesses were not willing to come forward and testify and the supposed alibi did not line up.

This Court finds that Counsel was not ineffective for failing to present a proper defense or call an alibi witness. To qualify as an alibi, a witness's testimony must account for the defendant's whereabouts during the time of the crime such that it would have been physically impossible for the defendant to commit the crime. Walker v. State, 397 S.C. 226, 237, 723 S.E.2d 610, 616 (Ct. App. 2012). In order to support a claim that trial counsel was ineffective for failing to interview or call potential alibi witnesses, a PCR applicant must produce the witnesses at the PCR hearing or otherwise introduce the witnesses' testimony in a manner consistent with the rules of evidence. Glover v. State, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995). The applicant's mere speculation about what the witnesses' testimony would have been cannot, by itself, satisfy the applicant's burden of showing prejudice. Id. This Court finds Counsel provided credible testimony that he did contact Applicant's witnesses but they were either unwilling to cooperate or they did not provide a proper alibi. Additionally, Applicant has failed to meet his burden as he has failed to produce these witnesses or their testimony at the PCR hearing. As Applicant has failed to show that Counsel was deficient and that he was prejudiced by Counsel's actions, this allegation must be dismissed.



Failure to challenge the DNA evidence

Applicant alleged that Counsel should have challenged the DNA evidence against him. He testified that there was no DNA evidence that could link him to the crime and he wanted an expert witness to testify to that. He testified that the State's expert witness said there was a chance the DNA could be linked to Applicant.

Counsel testified that he cross-examined the State's DNA expert extensively and believed it was very effective. He testified that he focused on the fact that there is a difference between someone who "cannot be excluded" based on DNA evidence and someone who is a "match" based on DNA evidence. Counsel testified that he explained this to Applicant.

This Court finds that Applicant has failed to show that Counsel was ineffective. This Court finds that Counsel cross-examined the State's DNA expert extensively regarding any possible link to Applicant and argued the issue to the jury in closing argument. As to any allegation that Counsel was ineffective for failing to call his own expert witness, this Court finds that this allegation must be dismissed as Applicant has failed to present such a witness or the witness's testimony at the PCR hearing. This Court finds that Applicant has failed to show that Counsel's actions were deficient and that the result of the trial would have been different but for the alleged shortcomings. Accordingly, this allegation must be dismissed.

IV. CONCLUSION

Based on the foregoing facts, the Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Applicant failed to demonstrate that Counsel's performance was unreasonable under prevailing professional norms. Cherry, 300 S.C. at 117-18, 386 S.E.2d at



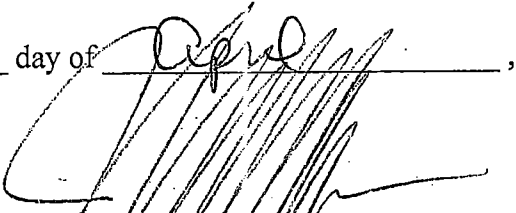
625; Stalk v. State, 383 S.C. 559, 563, 681 S.E.2d 592, 594 (2009). Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

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 shall remain in the custody of the South Carolina Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 17th day of April, 2017.



J. MARK HAYES, II
Presiding Judge
Sixteenth Judicial Circuit

York, South Carolina

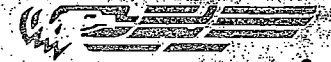
York County
south carolina

CLERK OF COURT'S OFFICE

Post Office Box 649, York, South Carolina 29745-0649



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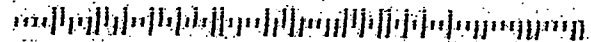


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Rock Hill, SC 29730

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Law Office of Leah B. Moody, LLC

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April 26, 2017

The Honorable David Hamilton
York County Clerk of Court
Post Office Drawer 649
York, South Carolina 29745

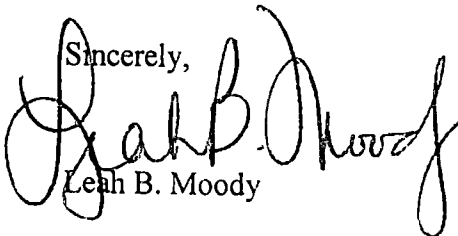
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C.A. No.: 2015-CP-46-3686

Dear Mr. Hamilton:

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

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

Sincerely,



Leah B. Moody

LBM/lpt

Enclosures

cc Dantonyo Heath
Justine Hunter, Esq.
Daniel E. Shearouse, Clerk of Court, South Carolina Supreme Court
Sharon Graham, SCCID

S.C. SUPREME COURT

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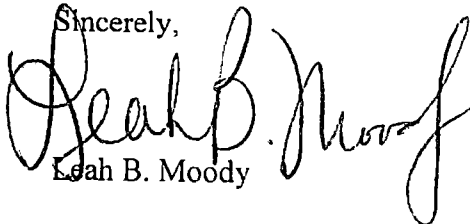
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April 26, 2017

Sharon Graham
SC Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11433
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Case No.: 2015-CP-46-3686

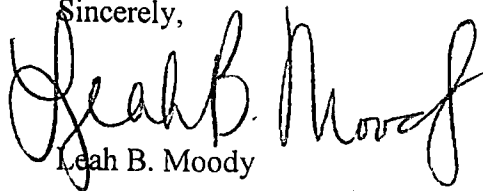
S.C. SUPREME COURT

Dear Ms. Graham:

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

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

Sincerely,



Leah B. Moody

LBM/lpt

Enclosures

Cc Dantonyo Heath
Justin Hunter, Esq.
Daniel E. Shearouse, Clerk of Court, South Carolina Supreme Court
David Hamilton, Clerk of Court, York County

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Honorable Daniel E. Shearouse
The Supreme Court of South Carolina
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