THE BOOZER LAW FIRM, LLC

Lance S. Boozer, Esq.*
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June 5, 2017

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

The Honorable James C. Campbell
Clerk, Sumter County
215 N. Harvin Street
Sumter, SC 29150

RE: Mickey Johnson, #298814, v. State of South Carolina
2014-CP-43-1491

Dear Mr. Shearouse and Mr. Campbell:

Enclosed for filing is a Notice of Appeal pursuant to *White v. State* and appealing the denial of Mr. Johnson's remaining allegations 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. Johnson in his PCR proceeding, I anticipate that the Office of Appellate Defense will represent Mr. Johnson in this appeal.

Yours very truly,

Lance S. Boozer

Enclosures
cc: Julie Coleman, AAG
Loriene French, OAD
Mickey Johnson, #298814

RECEIVED

JUN 07 2017

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

The Honorable Brian M. Gibbons, Circuit Court Judge

Case No. 14-CP-43-1491

Mickey Johnson, #298814.....Petitioner,

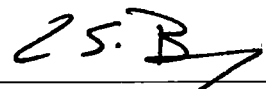
v.

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

NOTICE OF APPEAL

Now comes the Petitioner, by and though his undersigned and appointed counsel, stating Petitioner's Notice of Appeal should be heard pursuant to the Final Order of the Honorable Brian M. Gibbons which granted a *White* review of the Petitioner's trial held July 16-18, 2013 (2012-GS-47-03). The Final Order denied Petitioner's remaining allegations and Applicant appeals those as well with this Notice. Undersigned counsel received written notice of the Final Order granting a *White* review and denying Petitioner's remaining allegations on June 5, 2017. A copy of the Final Order is attached herewith.

Respectfully submitted,



Lance S. Boozer
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Columbia, South Carolina
June 5, 2017

THE STATE OF SOUTH CAROLINA
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v.

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PROOF OF SERVICE

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 Larone K. Washington, P.O. Box 11549, Columbia, SC 29211. I further certify that all parties required by Rule to be served have been served this 5th day of June, 2017.

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

Mickey Markell Johnson, #[illegible]	**THE COURT OF COMMON PLEAS**
	FOR THE 3RD JUDICIAL CIRCUIT
Applicant,	**2014-CP-43-01491**
v.	**ORDER DENYING POST-CONVICTION RELIEF**
State of South Carolina,	
Respondent.	

On July 22, 2014 Applicant filed for post-conviction relief (PCR), and supplemented by a "Petition in Support" filed on or about August 15, 2014. An evidentiary hearing was convened November 9, 2016, at the Sumter County Courthouse. Applicant was present at the hearing and was represented by Lance Boozer, Esquire. Respondent was represented by Assistant Attorney General LaRone K. Washington. After careful consideration, review of the motions and supporting documents, and hearing arguments on behalf of each party, for the reasons stated below, this Court denies Applicant's motion. The Respondent consents to Applicant's request for a review of direct appeal issues pursuant to White and concedes that the Applicant did not knowingly and voluntarily waive his right to a review of his direct appeal issues. This Court will allow Applicant's direct appeal.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the State Grand Jury Clerk of Court. The Applicant was indicted at the March 9, 2012 term of the State Grand Jury for Count One - Criminal Conspiracy; Count Three – Accessory Before the Fact to a Felony (Murder); Count Four – Accessory After the Fact (Murder); Count Six – Pointing and Presenting a Firearm at a Person; and Count Seven – Unlawful Carrying of a Pistol

(2012-GS-47-03). A superseding indictment followed on June 13, 2012 which added Count Eight – Accessory Before the Fact to Burglary, 1st Degree. Shaun C. Kent, Esquire represented the Applicant.

On July 16-18, 2013, the Applicant proceeded to trial and was convicted of Criminal Conspiracy, Accessory Before the Fact to a Felony (Murder), Pointing and Presenting a Firearm at a Person, and Unlawful Carrying of a Pistol. The Honorable William H. Seals, Jr. concurrently sentenced him to confinement for a period of 5 years for Criminal Conspiracy, life for Accessory Before the Fact to a Felony (Murder), 5 years for Pointing and Presenting a Firearm at a Person, and 1 year for Unlawful Carrying of a Pistol.

INITIAL APPLICATION

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

1. Ineffective assistance of counsel.
   a. Failure to Investigate
   b. Failure to perfect an appeal

2. Brady violation.

DISCUSSION

1. This Court finds Applicant is entitled to a direct appeal.

Applicant alleges a failure to perfect an appeal. The Respondent agrees that the allegation that the Applicant was denied a review of his direct appeal issues is meritorious. In the absence of an intelligent waiver by the defendant, counsel must either initiate an appeal if requested or comply with the procedure required by Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967). *See* White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974). When an Applicant does not freely and voluntarily waive his appellate

rights (and it is so granted by the PCR court), the Applicant may petition the South Carolina Supreme Court for review of appeal issues pursuant to White. *See* Rule 243(i), SCACR; Davis v. State, 288 S.C. 290, 342 S.E.2d 60 (1986)[1].

The Respondent consents to Applicant's request for a review of direct appeal issues pursuant to White and concedes that the Applicant did not knowingly and voluntarily waive his right to a review of his direct appeal issues. Therefore, the Court finds Applicant is entitled to a review of his direct appeal issues. A petition for review of these appellate issues pursuant to White v. State will remedy the Applicant's lack of a direct appeal.

2. **The State did not deny Petitioner any constitutional rights, as *Brady* was complied with.**

Petitioner asserts that he was denied his constitutional right to due process where the State of South Carolina failed to provide exculpatory evidence favorable to the defense to trial counsel in violation of *Brady v. Maryland.* First, Bryant Bradley, an indicted co-defendant, provided two statements to police, but only the second statement was turned over to the defense in discovery. This assertion was made based off two advise of rights forms.

Second, indicted co-defendant William Morgan, while in jail, received a letter from Bryant Bradley concerning the case and told detectives about the letter months later after Mr. Morgan agreed to cooperate with detectives against Mr. Johnson. Mr. Morgan gave investigators the note. In Mr. Morgan's statement, police said the contents were

[1] "Even where the post-conviction relief judge makes this finding, he may not grant relief on this basis. Instead, **the applicant must petition this Court for a White v. State review.**" [Emphasis added]. Davis, 288 S.C. at 291, n. 1, 342 S.E.2d at 60.

read into the recording, but neither the recording nor the note was ever provided to trial counsel in discovery. The note read:

"What happened that night was we was at Garney house, and Bless was talkin' about the murder. But at that time I didn't know what he was talking about. I thought he was talking about the shootout that happened that day. And then he said let's go get some beer. I guess that been a code that he was speaking, but I thought that he was going to get some beer. So he told me, Garney, Ratchet, and Ready to ride with him. And as we got close to the store, he passed it and say, 'We bout to go do a murder!' And I said, 'Not me!' And he said, 'No, you going to drive.' And I said, 'No!' And he said, 'Yes, you are going to, or I will violate you!' And then he parked the car by Friendship. He say, 'Ratchet, watch Bundy and make sure he doesn't leave.' And look out for police and told Ready to kill any dude that's in Apartment 50. And that's what he did. And I was shocked that my first cousin Bless forced me to stay and Ready shot the person and ran to the car and I drove off. And I was pissed off because Bless forced me to do that unnecessary stuff. And New York AKA William Morgan didn't know about the murder. The people who really knew what was going down was Ratchet, Mike, David, Bless-the main one, Garney, Ready, and that's it. Bless didn't want everybody to know what was going down I guess. And I guess that's why he probably say, 'Let's go get some beer.' because he probably didn't want his old lady to know what he was going to do. –Bryant Bradley"

Trial counsel testified he never knew of the note nor recording.

Brady requires the State to disclose evidence in its possession favorable to the accused and material to guilt or punishment. Clark v. State, 315 S.C.385, 388, 434 S.E.2d 266, 268 (1993). A Brady[2] claim is based upon the requirement of due process. Such a claim is complete if the accused can demonstrate (1) the evidence was favorable to the accused, (2) it was in the possession of or known to the prosecution, (3) it was suppressed by the prosecution, and (4) it was material to guilt or punishment. Gibson v. State, 334 S.C. 515, 524, 514 S.E.2d 320, 324 (1999). Impeachment or exculpatory evidence is material only if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different. Clark, 315 S.C. at 388, 434 S.E.2d at 268 (citing U.S. v. Bagley, 473 U.S. 667 (1985).

With regards to the recorded statement, the evidence shows no second statement was ever taken from the witness. Respondent maintains only one statement was taken from Mr. Bryant Bradley. An affidavit from the officer who signed the second advise of rights form states, "To the best of my recollection, I did not take a statement from Mr. Bryant Bradley on [the date of the form]. I advised Mr. Bradley of his Rights and transported Mr. Bradley to the Sumter/Lee Regional Detention Center."

As to the handwritten note, the record is clear that this particular witness was overwhelmingly impeached by the cross-examination of trial counsel on other grounds.

No Brady violation occurred.

3. **Applicant failed to show trial counsel was ineffective in dealing with Applicant's right to testify and investigation of alibi witnesses.**

[2] Brady v. Maryland, 373 U.S. 83 (1963).

Applicant also alleges Mr. Johnson received constitutionally defective assistance of counsel where trial counsel did not allow Applicant to testify and trial counsel failed to investigate available alibi witnesses that if presented would have provided exculpatory information tending to cast reasonable doubt on Mr. Johnson' guilt. Mr. Johnson identified several alibi witnesses to trial counsel and informed trial counsel of their expected testimony. Trial counsel told Mr. Johnson that because he could not to take the stand himself, trial counsel could not call any of these witnesses.

The right of a criminally accused to testify or not to testify is fundamental. *Rock v. Arkansas*, 483 U.S. 44, 52, 107 S.Ct. 2704, 97 L.Ed.2d 37 (1987) ("[F]undamental to a personal defense ... is an accused's right to present his own version of the events *in his own words*." (emphasis added)). "Every criminal defendant is privileged to testify in his own defense, or to refuse to do so." *Id.* at 53, 107 S.Ct. 2704 (quoting *Harris v. New York*, 401 U.S. 222, 230, 91 S.Ct. 643, 28 L.Ed.2d 1 (1971)). "The rightto testify on one's own behalf at a criminal trial has sources in several provisions of the Constitution." *Id.* at 51, 107 S.Ct. 2704. "It is one of the rights that 'are essential to due process of law in a fair adversary process.' " *Id.* (quoting *Faretta v. California*, 422 U.S. 806, 819 n. 15, 95 S.Ct. 2525, 45 L.Ed.2d 562 (1975)).

Also, 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.

It was the testimony of counsel that if Applicant had been adamant about testifying or calling witnesses, counsel would have let him. He only discouraged Applicant from testifying because Applicant appeared aggressive to others during Applicant's sample cross-examination during trial preparation.

Additionally, the trial Court questioned Applicant on these issues:

"THE COURT: "Mr. Johnson, do you intend to testify...in your trial?

THE DEFENDANT: No, sir.

THE COURT: ...Have you discussed that with your lawyer?

THE DEFENDANT: Yes, sir.

THE COURT: ...Has he answered all of your questions?

THE DEFENDANT: Yes, sir.

THE COURT: Have I answered all of your questions in regard to your right to remain silent and your right to testify?

THE DEFENDANT: Yes, sir." (Transcript at 556)

Applicant never brought up any issue about trial counsel telling him he could not testify.

Trial counsel also testified he and his investigator went and spoke with as many of Mr. Johnson's alibi witnesses as he could. The witnesses were placed on a potential witness list. However, from their investigation, none of them needed to testify to help the case. Counsel assessed that they all had credibility issues. Furthermore, none of the

witnesses who testified at the PCR hearing accounted for where Applicant was at the time of the hit.

Applicant has failed to show where trial counsel presented Applicant with ineffective assistance with regards to the alibi witnesses.

4. No newly discovered evidence exists in this case.

Applicant further alleges newly discovered evidence exists that warrants vacation of the sentences and convictions and remand of a new trial. Applicant submits that during incarceration he met a "Tre'Vaughn Jackson" who was cell-mates with State's witness Bryant Bradley while Bradley was being housed in the Detention Center. In essence Jackson's knowledge contains direct information that State's witness Bradley had confided in Jackson on several occasion that he (Bradley) had in fact lied on Applicant in order to obtain a pleasing deal from the Prosecution for his testimony.

Traditionally, in South Carolina, "'[t]o obtain a new trial based on after discovered evidence, the party must show that the evidence: (1) would probably change the result if a new trial is had; (2) has been discovered since trial; (3) could not have been discovered before trial; (4) is material to the issue of guilt or innocence; and (5) is not merely cumulative or impeaching.'" McCoy v. State, 401 S.C. 363, 368 n.1, 737 S.E.2d 623, 625 n.1 (2013) (quoting Clark v. State, 315 S.C. 385, 387–88, 434 S.E.2d 266, 267 (1993)). The last requirement, to wit, that the after-discovered evidence must not be merely cumulative or impeaching is recognized and followed in many cases. And in the case of State v. Pittman, 137 S.C. 75, 134 S.E. 514, 518, it is stated that the well-established general rule is that newly discovered evidence which "merely impeaches or contradicts

the testimony of a witness at the trial" affords no sufficient grounds for a new trial. State v. Strickland, 201 S.C. 170, 22 S.E.2d 417, 418 (1942).

Jackson's testimony is merely impeachment and cumulative evidence, and that does not qualify as newly discovered evidence. The record is clear that Bryant Bradley was overwhelmingly impeached by the cross-examination of trial counsel on other grounds. His testimony would have failed the first prong as well. The testimony would not have changed the result of the trial because trial counsel spent the whole trial saying the indicted co-defendants were not credible. Furthermore, the witness' testimony would have been inadmissible double hearsay.

Therefore, newly discovered evidence does not exist in this case.

5. Trial counsel was effective when not calling Willie Johnson as a witness.

Applicant submits counsel was ineffective for failing to call Willie Johnson as a witness for the defense. Johnson's testimony would have contradicted that of the state witness Bryant Bradley and the failure to present Mr. Johnson as a witness denied Applicant his right to call witnesses for his defense and his right to present a complete defense.

The Sixth Amendment's Compulsory Clause, applicable to state criminal proceedings through the Due Process Clause of the Fourteenth Amendment, See Washington v. Texas, 388 U.S. 14, 17-19 (1967), provides that "the accused shall enjoy the right ... to have compulsory process for obtaining witnesses in his favor."

Trial counsel testified he and his investigator went and spoke with as many of Mr. Johnson's potential witnesses as they could, and the witnesses were placed on a witness list. Willie Johnson was one of the potential witnesses, and he met with trial counsel

numerous times. However, from counsel's investigation and preparation, Willie Johnson did not need to testify to counter the testimony of Bryant Bradley. But trial counsel testified he would have let Willie Johnson testify if his client had insisted. The testimony was unnecessary because Bradley was overwhelmingly impeached by the cross-examination of trial counsel and Johnson's testimony would have been inadmissible double hearsay.

Trial counsel was effective with regards to handling Willie Johnson's testimony.

6. **Trial counsel's opening statement and closing argument were effective assistance of counsel.**

The application also alleges counsel was ineffective for conceding applicant's guilt in opening and closing summation to the jury, thus the State's burden of proof was substantially lightened. Applicant also claimed his counsel's story (Transcript at 596-599) at during closing argument was improper.

"Where counsel articulates a valid reason for employing certain strategy, such conduct will not be deemed ineffective assistance of counsel." Stokes v. State, 308 S.C. 546, 419 S.E.2d 778 (1992). "A strategic or tactical decision does not have to be articulated by counsel on the record; counsel doesn't to have to personally identify his or her thinking. It is enough that the record show a basis for strategy, not that counsel announce that strategy on the record." Wood v. Allen, 558 U.S. 290, __, 130 S.Ct. 841, 175 L.Ed.2d 738 (2010). Strickland itself recites that there are countless ways to provide effective assistance and even the best lawyers would not defend a particular client in the same way. 466 U.S. at 689. When counsel focuses on some issues to the exclusion of

others, there is a strong presumption of doing so for tactical reasons rather than sheer neglect, Yarborough v. Gentry, 540 U.S. 1, 8, 124 S.Ct. 1,5, 157 L.Ed.2d 1 (2003).

Also, "Improper comments do not automatically require reversal if they are not prejudicial to the defendant, and the appellant has the burden of proving he did not receive a fair trial because of the alleged improper argument." Humphries v. State, 351 S.C. 362, 373, 570 S.E.2d 160, 166 (2002).

Conceding guilt to the jury is strategic. Trial counsel was trying to gain credibility with the jury. This would allow him to be more convincing to them in regards to the remaining charges. With regards to the story, trial counsel has no duty to tell his client about his closing argument. Furthermore, nothing in the story would lead the jury to believe Applicant was the brother in the story.

Trial counsel's opening and closing summations were effective assistance.

7. **Failure to object to Attorney General's comments was not ineffective assistance of counsel.**

Applicant asserts counsel was ineffective for failing to object to the Attorney General's closing argument which bolstered the State's witness' credibility by vouching for the truthfulness of the testimony and injecting a misleading ambiguity into the minds of the jurors by assuring the jury the unexplained "rules" conveyed justice concerning the plea deals the State's witnesses received for their testimony against Applicant.

"Closing argument serves to sharpen and clarify the issues for resolution by the trier of fact in a criminal case. For it is only after all the evidence is in that counsel for the parties are in a position to present their respective versions of the case as a whole. Only then can they argue the inferences to be drawn from all the testimony, and point out the

weaknesses of their adversaries' positions." State v. Mouzon, 321 S.C. 27, 31-32, 467 S.E.2d 122, 124-25 (Ct. App. 1995), aff'd, 326 S.C. 199, 485 S.E.2d 918 (1997) (citing Herring v. New York, 422 U.S. 853 (1975)).

The comments made by the attorney general merely explained the proffer process to the jury. They furthered his argument on the facts of the case and the inferences from those facts. No comment was made from personal knowledge. Also, trial counsel testified it was his strategy not to bring their jurors' attention back to the testimony of the co-defendants.

Failing to object to these comments during the Attorney General's closing was not ineffective assistance.

8. There was no prejudice against Applicant where trial counsel failed to object to Court's malice instructions.

The next question is whether counsel was ineffective for failing to object to the trial court's malice instructions that resulted in a mandatory presumption when the trial court failed to instruct the jury that they could "accept or reject" the inference of malice from the use of a deadly weapon.

Jury instructions on malice must include a permissive inference, rather than a mandatory inference, and the following charge comports with the Due Process Clause:

> "The law says if one intentionally kills another with a deadly weapon, the implication of malice may arise. If facts are proved beyond a reasonable doubt, sufficient to raise an inference of malice to your satisfaction, this inference would be simply an evidentiary fact to be taken

into consideration by you, the jury, along with other evidence in the case, and you may give it such weight as you determine it should receive."

State v. Belcher. 685 S.E.2d 802 (S.C. 2009).

The issue of malice instructions need not be addressed. Trial counsel stated murder, and therefore malice, was not at issue for him or the attorney general. The issue in this case was whether Applicant ordered the murder and, therefore, was guilty of the accessory charge.

No prejudice to Applicant from jury charge exists.

9. Trial counsel was not required to object to the Court's hypotheticals.

The next issue is whether counsel was ineffective for failing to object to the trial court's jury instructions using hypothetical examples. During the instruction the Court stated, "For example, lying in wait for a person or any other acts of preparation going to show that the deed was within the principal's mind would be express malice." "Impermissible comments on the facts is prohibited in South Carolina." State v. Hartley. 414 S.E.2d 182 (S.C. App. 1992).

Here, the judge spoke hypothetically. His example coincided with this principal's behavior. Moreover, murder was not at issue.

Trial counsel did not need to object to the hypothetical examples.

10. Trial counsel was effective in his assistance of Applicant when he decided not to bring the car into issue.

Applicant questions why counsel didn't call SLED about fingerprints on car.

The law states, "Where trial counsel articulates a valid reason for employing certain trial strategy, counsel will not be deemed ineffective." McKnight v. State. 378 S.C. 33 (S.C. 2008).

During the hearing counsel informed the court his strategy was not to worry about the vehicle in the case. He chose to keep the jury focused on believing that his client did not order the hit.

Trial counsel gave effective assistance when he employed the strategy to avoid focusing on the car.

CONCLUSION

THEREFORE, for the reasons stated above, this Court orders that Applicant's application for post-conviction relief should be, and hereby is DENIED and DISMISSED WITH PREJUDICE. Applicant is entitled to a belated appeal.

IT IS SO ORDERED.

BRIAN M. GIBBONS
CIRCUIT COURT JUDGE

Chester, South Carolina
5/11, 2017

RECORDED
2017 JUN -1 PM 2:42
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

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2015 NOV 19 AM 08:58
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

STATE OF SOUTH CAROLINA)
COUNTY OF)

IN THE COURT OF (*Select one.*)
☑ **COMMON PLEAS** ☐ **FAMILY COURT**

Mickey Johnson

JUDICIAL CIRCUIT

CASE NO.: 2014-CP-43-1491

Plaintiff(s),
-vs-
State of South Carolina

Defendant(s).

APPOINTMENT OF COUNSEL OR GAL
(*Select one.*)
☑ **ORDER**
☐ **AMENDED ORDER**

CERTIFIED TRUE COPY OF ORIGINAL FILED
DEPUTY CLERK OF COURT
SUMTER, SOUTH CAROLINA

TYPE OF CASE/PROCEEDING: (*Check one.*)

☑ Post-Conviction Relief (PCR)/habeas case
☐ SVP case
☐ Minor Name Change
☐ Adoption
☐ Custody and/or Visitation
☐ Other:
☐ Juvenile
☐ Abuse and Neglect

It appears that Mickey Johnson, 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: Laura Boozer
1331 Park St
Columbia, SC 29201

☑ counsel ☐ lead counsel (*if capital PCR case*) ☐ guardian ad litem

Therefore, it is ordered that Boozer, hereby is appointed as (*Select one.*) 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 18 DAY OF Nov, 20 15.

THE BOOZER LAW FIRM, LLC
1400 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