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S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

July 14, 2017

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: *Sammy Wiggins vs. State of South Carolina*
Appeal from Lexington County
Appellate Case No. 2016-002031

Dear Mr. Shearouse:

Enclosed for filing are the original and six (6) copies of the Respondent's Return to Petition for Writ of Certiorari and Proof of Service in the above-referenced matter.

Thank you for your assistance in this matter.

Sincerely,

Melody J. Brown
Senior Assistant Deputy Attorney General

MJB:dmd
Enclosures
cc: Lara M. Caudy, Esq. (w/two copies of encls.)
The Honorable S. Rick Hubbard, III, Solicitor, Eleventh Judicial Circuit (w/copy of encls.)
Trisha Allen, Victim Advocacy Division (w/copy of encls.)

RECEIVED
JUL 17 2017
S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas (PCR)

The Honorable Brooks P. Goldsmith, Post-Conviction Relief Judge

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Sammy Wiggins,

Petitioner,

v.

State of South Carolina,

Respondent.

Appellate Case No. 2016-002031

RETURN TO PETITION FOR WRIT OF CERTIORARI

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ATTORNEYS FOR RESPONDENT

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PETITIONER'S QUESTION PRESENTED

Did plea counsel's failure to show Petitioner the video footage from the homeowner's surveillance system, which captured the armed robbery and burglary, violate Petitioner's Sixth and Fourteenth Amendment rights to the effective assistance of counsel when Petitioner would have accepted a favorable plea offer from the state if he would have viewed the footage before the offer expired?

(Petition, p. 1).

RESPONDENT'S COUNTER PRESENTATION OF QUESTION PRESENTED

Is there probative evidence in the record supporting the PCR judge's ruling that Petitioner did not prove plea counsel's failure to play and review the full surveillance video prior to expiration of a plea offer was deficient and critically and negatively affected Petitioner's consideration of that offer where: 1) counsel reviewed stills from the video, which depicted the same material, with Petitioner prior to the expiration of the plea offer; 2) Petitioner was aware he had been identified by the victim who knew him before the crime; 3) Petitioner was aware his co-defendant was going to testify against him; and, 4) the solicitor had previously stated on the record during the plea proceedings that Petitioner had wanted an offer of a non-violent conviction which she indicated would not have occurred given the facts of the crime?

STATEMENT OF THE CASE[1]

Petitioner is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Clerk of Court in Lexington County. A Lexington County Grand Jury indicted Petitioner in a December 2010 term for armed robbery with a deadly weapon and kidnapping (2010-32-3554 and 2010-32-3555), and in September 2012, on the charge of burglary first degree, (2012-GS-32-2283). (App. pp. 329-334). All three charges stemmed from one August 30, 2010 crime. Id. Robert W. Mills, Esq., represented Petitioner on the charges.

The State called the charges for trial on October 15, 2012, before the Honorable Howard P. King. After pre-trial proceedings which included jury *voir dire*, jury selection, various pre-trial motions, and a *Neil v. Biggers*[2] hearing, Petitioner opted to change his plea and pled guilty to the charges. (See App. p. 101). Judge King, after a series of questions posed and answers received, found Petitioner's plea knowingly and voluntarily offered, with a sound basis of fact for the charge, and accepted the guilty plea. (App. p. 127). The judge subsequently imposed a sentence of twenty-five (25) years. (App. p. 162). Petitioner did not appeal his plea or sentence.

On February 12, 2013, Petitioner filed a PCR action and made the following allegations:

> (a) Applicant was denied the effective assistance of counsel when counsel advised applicant not to accept the States7-15

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[1] Respondent disagrees with the form and substance of Petitioner's "statement of the case." Petitioner has improperly blended procedural history, testimony, and argument in the statement. A statement of the case should reflect a non-argumentative presentation of the general procedural posture of the case. Rule 208(b)(1)(C), SCACR ("The statement shall not contain contested matters...."). *See also* Jean Hoefer Toal et al., *Appellate Practice in South Carolina*, Second Edition, p. 212 (2002) (to combine "facts and arguments in their statement of the case ... is inappropriate."). Respondent specifically and expressly does not adopt or concede any part of Petitioner's statement. Respondent relies on its own statement and the argument presented in this Return. See generally Rule 208(b)(2) ("If a respondent does not include his own statement of the case, he shall be bound by the matters stated or alleged in appellant's statement of the case.").

[2] 409 U.S. 188 (1972).

plea offer;

(b) Trial counsel was ineffective when he failed to conduct a[n] adequate pretrial investigation;

(c) State withheld evidence favorable to accused;

(d) Rule 5 violations

(e) Prosecutorial misconduct – presentation of false evidence and failure to correct evidence known to be false

(App. pp. 174-181).

The State made its return to the application on July 22, 2013. (App. pp. 184-188). Anna R. Good, Esq., represented Petitioner in the action. On August 14, 2013, counsel submitted a supplement to the application and added the following claim:

> Trial counsel rendered ineffective assistance of counsel for failure to request the judge to make a specific finding on the record the kidnapping charge was not of a sexual nature

(App. p. 190).

An evidentiary hearing was held April 15, 2014, before the Honorable William P. Keesley. (App. p. 194). At the hearing, PCR counsel withdrew the supplemental issue, and advised the PCR judge Petitioner would pursue the claim "basically denying a plea offer based on not receiving all the discovery in the case." (App. p. 198). After receiving testimony from Petitioner, plea counsel, and the former solicitor for the matter, and upon questioning regarded related matters, Judge Keesley discovered he had previously presided over certain actions regarding Petitioner, and questioned his comfort with hearing the PCR. (See App. pp. 239-244). On April 18, 2014, Judge Keesley issued an Order recusing himself from the matter. (App. p. 282).

Another evidentiary hearing was held on April 23, 2015. The Honorable Brooks P. Goldsmith presided. PCR counsel agreed to accept the prior testimony of the solicitor, but called Petitioner for live testimony before Judge Goldsmith. (App. p. 287). The State presented testimony from plea counsel. (App. p. 296). At the conclusion of the hearing, after reviewing the record and considering arguments by counsel, Judge Goldsmith denied relief. (App. p. 309). A formal written order of dismissal dated September 11, 2016, filed September 19, 2016, followed. (App. pp. 321-328).

Petitioner appealed the denial of relief and filed his petition for writ of certiorari on February 27, 2017. This return follows.

STATEMENT OF FACTS

The following factual recitation was presented at the October 2012 guilty plea by the prosecutor, Assistant Solicitor Angela Garrick:

> Your Honor, it happened on August 30th of 2010, the defendant and his co-defendant, Amanda Furr, were known to the victims, Carol and Ricky Acre. They had been to their home on numerous occasions. The Acres had known Amanda Furr before they had met Sam Wiggins. They met Sam Wiggins through Amanda.
>
> On this date, it was about a little after 8:00 in the evening. Ricky had gone to the pharmacy to pick up some medicine. Carol was home alone. It was dust, dark, turning dark. There was a knock at her door. She goes to the door and it's Sam Wiggins. She lets him in because he said he wants to meet with Ricky. They call Ricky. Ricky says he'll be home in 20 minutes or so. Amanda Furr also comes in.
>
> They're all talking there in the kitchen, then the defendant goes to the bathroom on the opposite end of the house. When he comes out of the bathroom, he comes back. He had taken a bookbag into the home with him and we assume that that's where the silver revolver came from. He presented a handgun to Carol

Acre. He told her to get on the floor. She was shocked. She couldn't believe this was happening. She did get on the floor.

She tried to call 9-1-1, but Amanda Furr took her cell phone and said, I'll call. Sam Wiggins gives Amanda Furr a gun as well and tells her to watch Carol. He demands to know what's the combination to the safe. He's holding a pistol behind Carol's head. She tells him that she can't remember the combination. She's flustered. Sam goes back to the computer room where the safe is and guns are. Amanda Furr walks out of the house.

At that point, Carole decides she's going to make a run for it. She gets up off the kitchen floor, runs out the back door. When she goes out the back door, she meets Amanda Furr, who's coming back inside the house. Carol grabs Amanda and says, Come on, let's go. And, at that point, that's when she realizes that Amanda is part of this armed robbery, burglary and kidnapping because Amanda pushes her away and hollers for Sam Wiggins, She's running, she's running.

Amanda goes into the house. Sam Wiggins runs out of the house, chases Carol down the back steps of the porch where he grabs her around the throat and throws her on the ground, holds the gun on her, once again, to her head and says, If you move, I'm going to kill you.

Carol Acre, as she told you in pretrial, believed that they were going to kill her because she knew who they were, she knew their names, she knew everything about their description and she was going to tell.

So Amanda Furr, at that point, has a gun. She's standing over Carol Acre. Sam Wiggins goes back and forth inside the house three or four more times where he proceeds to rob them of their property.

Your Honor, guns were taken, pistols, long guns, jewelry, several computers, antique gold and silver coins, briefcases that had cash money, things of that nature. He loads up the trunk of the car, then he and Amanda leave.

Law enforcement - - Carole goes back inside. She tries to call for law enforcement with her computer but the modem is gone, so she can't do that. But luckily, Ricky shows up just a couple of minutes, about three minutes later he shows up at the house.

> Carole tells him what's happened. They call 9-1-1. They identify that the armed robbers are Amanda and Sam.

(App. pp. 113-116).

The solicitor also summarized the investigation, which involved retrieval of a video from the home surveillance system. The solicitor noted:

> ... Don't get me wrong, it's not high definition, it's not something, you know, awesome, but it is pretty clear. If you know these people, you can identify them. Carol has identified herself, her husband ... [and] ... Sam and Amanda. Ricky's identified the people on the video.

(App. p. 116).

The solicitor also advised the plea judge that the co-defendant still had pending charges but no deal with the prosecution. (App. p. 116). The solicitor further advised the plea judge that the co-defendant had cooperation with the prosecution and was slated to testify against Petitioner. (App. p. 117). Further, the co-defendant's surrender led to a search, at her prompting, of the stolen car she had been using. She indicated they would find some of the victim's items in the trunk. (App. pp. 117-118). Officers recovered Petitioner's medical identification in the car, along with a laptop belonging to Ricky Acre, and "paperwork and mail that had Ricky Acre's name on it." (App. p. 118). They also recovered jewelry belonging to the Acres that the co-defendant had given a friend. (App. p. 118). Further still, the co-defendant gave investigating officers leads as to their whereabouts after the crime which allowed officers to recover a gun that appeared to be one stolen from Mr. Acre. (App. pp. 120-121).

Lastly, the prosecution had evidence that Petitioner had sent a message to the co-defendant to "keep her mouth shut" and telling her: " We're going to get off easy. Everything's going to be okay and she better not be cooperating with law enforcement." (App. pp. 121-122).

RELEVANT LAW

Standard of Review

"On certiorari in a PCR action, the Court applies the 'any evidence' standard of review." *Terry v. State*, 394 S.C. 62, 66, 714 S.E.2d 326, 328 (2011) (quoting *Cherry v. State,* 300 S.C. 115, 119, 386 S.E.2d 624, 626 (1989)). The reviewing court "will affirm if any evidence of probative value in the record exists to support the findings of the PCR court." *Id. See also Holden v. State*, 393 S.C. 565, 573, 713 S.E.2d 611, 615 (2011) ("In reviewing the PCR judge's decision, an appellate court is concerned only with whether any evidence of probative value exists to support that decision.").

Ineffective Assistance Regarding Plea Offers

"The Sixth Amendment requires effective assistance of counsel at critical stages of a criminal proceeding." *Lafler v. Cooper*, 566 U.S. 156, 165 (2012). This includes advice on "the plea-bargaining process." *Id.,* at 162 (citing *Missouri v. Frye*, 566 U.S. 133 (2012)). To be entitled to relief, a convicted defendant must show ineffective assistance of counsel pursuant to the test in *Strickland v. Washington*, 466 U.S. 668, 673 (1984). Id. That is, he must show "counsel's performance was deficient, and that the deficiency prejudiced the defense." *Wiggins v. Smith*, 539 U.S. 510, 521 (2003) (citing *Strickland*, 466 U.S. at 673).

In particular, "[i]n the context of pleas a defendant must show the outcome of the plea process would have been different with competent advice." *Lafler v. Cooper*, 566 U.S. at 163. Where the advice formed the basis for the convicted defendant to reject a plea offer, the convicted "defendant must show that but for the ineffective advice of counsel there is a reasonable probability that the plea officer would have been presented to the Court (*i.e.,* that the defendant would have accepted the plea and the prosecution would not have withdrawn it in light

of intervening circumstances), that the court would have accepted its terms, and that the conviction or sentence, or both, under the offer's terms would have been less severe than under the judgment and sentence that in fact were imposed." *Id.,* at 164.

The "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in the case" applies equally to evaluation of counsel's performance in the plea bargaining process. *Davie v. State*, 381 S.C. 601, 607, 675 S.E.2d 416, 419 (2009) (citing *Ard v. Catoe,* 372 S.C. 318, 331, 642 S.E.2d 590, 596, *cert. denied,* —— U.S. ——, 128 S.Ct. 370, 169 L.Ed.2d 247 (2007)). "An attorney's performance is not deficient if it is reasonable under professional norms." *Dempsey v. State*, 363 S.C. 365, 369, 610 S.E.2d 812, 814 (2005) (citing *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989).

A PCR "applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence." Rule 71.1 (e), SCRCP.

ARGUMENT

There is probative evidence in the record supporting the PCR judge's ruling that Petitioner did not prove plea counsel's failure to play and review the full surveillance video prior to expiration of a plea offer was deficient and critically and negatively affected Petitioner's consideration of that offer where: 1) counsel reviewed stills from the video, which depicted the same material, with Petitioner prior to the expiration of the plea offer; 2) Petitioner was aware he had been identified by the victim who knew him before the crime; 3) Petitioner was aware his co-defendant was going to testify against him; and, 4) the solicitor had previously stated on the record during the plea proceedings that Petitioner had wanted an offer of a non-violent conviction which she indicated would not have occurred given the facts of the crime.

When the question presented is analyzed within the proper legal framework as outlined above, and in light of the record before the PCR court, the record well-supports relief was not warranted. There is probative evidence supporting the PCR judge's determination Petitioner

failed to demonstrate the necessary deficient performance and resulting prejudice to be entitled to relief. The petition for writ of certiorari should be denied.

First PCR Hearing

Petitioner testified in his first PCR hearing that his trial counsel, Mr. Mills, advised him the State had offered a plea deal to attempted armed robbery with a 7-15 year sentence in or about August 2012, but Petitioner did not have a chance to accept:

> ... He came in and he had told me, he said that the State had offered a 7 to 15-year plea. And he, at that point in time - - well, he said the 7 to 15-year plea ... He told me, at that point in time, that he was still negotiating with the top of the line, like he was trying to get it down to a ten and whatnot. And he told me he would be back in a week because we had 60 days to accept or reject the plea. And, at that time I didn't see him again until the plea had been rejected and pulled back.

(App. pp. 200-201).

Petitioner also asserted he had not reviewed the stills from the video at the time he was advised of the plea deal. (App. p. 201). Petitioner testified that he only saw the video "for the first time in court," counsel then advised him to "take the plea, just to take the plea," and Petitioner reasoned he "didn't have any other choice but to take that plea because the other plea was already gone and I didn't want to get a life sentence...." (App. p. 204). On cross-examination he admitted that he previously knew the victim had already identified him, and confirmed that she knew him personally before the crime. (App. p. 205). He confirmed he was also aware his co-defendant was gave a confession that implicated him in the crime; the victim's properly had been found in her car along with his identification; one of the guns stolen had been identified; and, that understood that the victims had a home surveillance system. (App. pp. 206-207). He acknowledged the solicitor's statement at the plea that he rejected the prior plea offers

because he wanted a non-violent offense that would require the less incarceration time. (App. p. 212; see also p. 156). When asked why he "didn't speak up and tell Judge King" that he was upset about losing the plea opportunity when the solicitor placed that on the record, Petitioner responded: "That would have been untrue." (App. p. 212).

Contrary to Petitioner's testimony about discovery, trial counsel testified that he did go over discovery with Petitioner before the offer expired, and took his laptop into the jail and showed him the stills from the surveillance video. (App. pp. 216-217). Counsel testified there was actually a better offer before the 7-15 offer that Petitioner rejected because "[h]e wanted a better deal." (App. p. 219). Counsel was unsure why he could not see a running video, but explained the stills were from "every few seconds" of the action on the running video. (App. p. 221). He testified that it is different to see movement, (App. p. 224), and it does make the event look more specific with movement, (App. p. 228). He also testified: "Actually I believe when you look at them on a computer, it's a little bit better on the stills about who it is and who it looks like." (App. pp. 224-225). Counsel testified that he advise Petitioner on the evidence, but did not advise him not to take the plea "due to the stills." (App. p. 228).

The solicitor testified that the 7-15 attempted armed robbery offer was pending around March 2012 to June 25, 2012. (App. p. 232). It was her understanding Petitioner "always wanted a nonviolent and that was never going to be offered." (App. p. 232).

Second PCR Hearing

The State indicated that the transcript from the first hearing had been produced and given to the parties and prior defense counsel to review. (App. p. 285). The State indicated "... we are here today just to do an abbreviated review of the hearing just so Your Honor can make a credibility determination." (App. p. 285). The parties specifically adopted the solicitor's

testimony from the initial hearing. (App. p. 287). Next, Petitioner testified again.

In this testimony, Petitioner again stated he was not aware of the stills at the time of the plea. (App. pp. 289-290). He testified he would have taken the plea had he seen the moving video while the offer was pending. (App. pp. 291-292). He admitted he wanted a nonviolent charge as part of a plea agreement; but that was not the "only" reason he rejected the offer, confirming under questioning that he was "going" on "the evidence ... seen at the time...." (App. p. 292).

Trial counsel also testified again. Trial counsel presented specific dates that he met with his clients including the time between March through August of 2012. (App. p. 297). He testified:

> ... what I knew that we had was a CD or DVD that had stills, successive stills as if the video had been broken up into successive stills. I did bring a computer to the jail and Mr. Wiggins did see that during that summer before the offer had expired. But we did not have that I knew of whether it was due to some technological thing or whatever, but I did not know of a moving video until, as he stated, right before the trial. But we did have the still photographs which was a choppy version of a full video.

(App. pp. 297-298).

Defense counsel also testified the moving video "shows much more detail and shows a more – it looks worse for him in the moving video than the stills did." (App. p. 299). Counsel candidly testified his advice *on the evidence* would have been a bit different had he seen the moving video before, "it looks worse than just the stills do." (App. p. 302; see also p. 305). He also confirmed that "one of the issues during the representation" was that Petitioner wanted a nonviolent crime classification. (App. p. 304; p. 306).

The PCR Judge's Ruling

At the conclusion of the hearing, Judge Goldsmith stated, after reviewing the transcript and considering the issue, he was "compelled to deny applicant's motion." (App. p. 309). He accepted the State's argument, which was that Petitioner's testimony was not credible on the issue and Petitioner failed to carry his burden of proof given the totality of the evidence. (See App. pp. 308-309). The judge noted that a difference in sharpness that may result from use of different technology would not be sufficient to warrant relief; and, while acknowledging that was not specifically the case here, the analogy was compelling. (App. pp. 309-310).

In the subsequent order, the PCR judge first found Petitioner's testimony not credible that it was the failure to see the video that "induced his decision to reject the previous plea offer." (App. p. 325). Moreover, in finding Petitioner failed to carry his burden, the PCR found:

> This Court has taken into account the qualitative differences between still frames from a video and the actual video itself – keeping in mind that they depict the same material. However, in light of the substantial evidence of Applicant's guilt in this case – his testimony that seeing the video rather than the stills would have prompted him to plead earlier is not credible. The Applicant was identified by the victim of the home invasion, who knew him. (Plea Tr., p. 72-80). The Applicant's co-defendant was also planning on testifying against him. (Plea Tr., p. 116-17). Moreover, as explained by the solicitor during the sentencing hearing, the video stills captured screen images in consecutive orders, and showed the same thing that the full video would have shown. (Plea Tr. p. 156). Far more likely and, in this Court's mind, compelling an explanation is that Applicant – an experienced criminal defendant – was holding out for a more favorable non-violent plea offer until he was ultimately faced with the prospect of going to trial on a very unfavorable set of facts. Indeed, Ms. Garrick testified that this was her impression from her discussions with the Applicant's attorneys....

(App. pp. 325-326).

Additionally, the judge found no deficient performance based on the evidence presented:

"To the extent counsel's failure was the result of an oversight or miscommunication, this Court finds the oversight was not unreasonable given the circumstances. Counsel could very well have reasonably determined the stills – which he described at the hearing as simply a 'choppy version' of a full video – were all that came from the home surveillance system...." (App. pp. 326-327).

In short, the PCR judge found Petitioner's testimony to not be credible when considered in light of the full record. *See Davie v. State*, 381 S.C. 601, 608, 675 S.E.2d 416, 420 (2009) ("In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing.") (quoting *Suber v. State,* 371 S.C. 554, 558, 640 S.E.2d 884, 886 (2007)).

Discussion

"This Court gives great deference to a PCR judge's findings where matters of credibility are involved." *Simuel v. State*, 390 S.C. 267, 270, 701 S.E.2d 738, 739 (2010) (citing *Drayton v. Evatt,* 312 S.C. 4, 11, 430 S.E.2d 517, 521 (1993)); *Lucero v. State*, 414 S.C. 238, 777 S.E.2d 409 (Ct.App. 2015) (review court will '"give great deference to the PCR court's findings of facts and conclusions of law'") (quoting *Porter v. State*, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006)).

The PCR judge reasonably resolved the contest in favor of plea counsel. This is so in particular where Petitioner testified that he did not even see the stills before rejection of the plea. (App. p. 295). In contrast, and in detail, plea counsel testified:

> ... I remember it well. I don't have to look at the notes... what I knew that we had was a CD or DVD that had stills, successive stills as if the video had been broken up into successive stills. I did bring a computer to the jail and Mr. Wiggins did see that during that summer before the offer had expired. But we did not have that I knew of whether it was due to some technological thing or whatever, but I did not know of a moving video until, as he stated,

> right before the trial. But we did have the still photographs which was a choppy version of a full video.

(App. pp. 297-298).

While Petitioner maintained he was denied the opportunity to review the evidence in total before the expiration, counsel confirmed that he shared the photographs, though he also asserted "there was some difference between the two," the moving video showing much more of the "detail" of the crimes Petitioner committed. (App. pp. 298-299).

Moreover, the guilty plea record reflects that the solicitor noted that her impression from communications in plea negotiations was that Petitioner "wanted to plead to what he wanted to plead to. He wanted to plead to for ten years nonviolent....." (App. p. 156). In addition the plea transcript reflects counsel stated he had reviewed discovery "along the way" and had stills "shot every couple of seconds" though he had not seen the moving video until the *Thursday* before the *Monday* trial. (App. p. 138). This supports counsel's testimony as well as goes to refute Petitioner's testimony counsel pushed a plea upon looking at the video. The transcript further goes to refute Petitioner's suggestion the plea was not so immediate as the plea judge noted in discharging the jury – and is supported in the full appendix before the Court – Petitioner did not make his choice until reviewing the evidence *and* hearing the pre-trial motions. (App. p. 128).

Another troubling admission for Petitioner is that Petitioner confirmed to the plea judge that he had no complaints of counsel at the time he entered the plea, and that he was, in fact, satisfied with counsel's representation. (App. pp. 112).

Lastly, as the PCR judge correctly noted, Petitioner was well-familiar with the criminal justice system, having entered pleas prior to the plea challenged here. (See App. pp. 135-136; pp. 212-213, Petitioner's testimony admitting he had pled guilty "four or five times").

In short, the record fully supports the PCR judge's ruling. The petition for writ of certiorari should be denied as there is no cause to disturb the well-reasoned and well-supported ruling.

CONCLUSION

For the reasons stated above, this Court should deny the petition for writ of certiorari.

Respectfully submitted,

ALAN WILSON
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Deputy Attorney General

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Senior Assistant Deputy Attorney General

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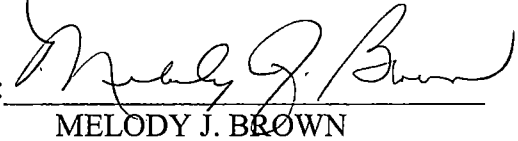
By: 

MELODY J. BROWN
SC Bar No. 14244

July 14, 2017.
Columbia, South Carolina.

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STATE OF SOUTH CAROLINA
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APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas (PCR)

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Sammy Wiggins,

Petitioner,

v.

State of South Carolina,

Respondent.

Appellate Case No. 2016-002031

PROOF OF SERVICE

I, Melody J. Brown, counsel for the Respondent, certify that I have served the within Return to Petition for Writ of Certiorari on the Petitioner by depositing two (2) copies of the same via U.S. mail, first class, postage prepaid to his attorney of record, Lara M. Caudy, Appellate Defender, South Carolina Commission on Indigent Defense, Division of Appellate Defense, P.O. Box 11589, Columbia, SC 29211-1589

This 14th day of July, 2017.

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ATTORNEY FOR RESPONDENT

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