



Lowcountry Law Office

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August 16, 2017

RECEIVED

AUG 21 2017

S.C. SUPREME COURT

Kimberly McCall
South Carolina Commission on Indigent Defense
P.O. Box 11433
Columbia, SC 29211-1433

RE: Antonio Jacobs v. State of South Carolina, Case #: 2015-CP-18-2086
Cesar O. Portillo v. State of South Carolina, Case #: 2015-CP-18-1665

Dear Ms. McCall:

Enclosed is a duplicate set of Appeal documents that I have forwarded to the Clerk of the Supreme Court concerning the above-listed Post Conviction Relief (PCR) cases. I was appointed to the PCR cases pursuant to a contract that I have with your office. I have requested that your office assume the appeal of the above-listed cases.

Should you need anything further, please do not hesitate to contact me.

Thank you for your time and attention to this matter.

Sincerely,



Rodney D. Davis
South Carolina Bar #: 12396
4000 Faber Place Drive, Suite 300
Charleston, SC 29405
(843) 323-4353
Davis@LowcountryLawOffice.com

Enclosure(s). As stated above.
RDD/mmt

cc: Antonio Jacobs (with enclosures)
Cesar O. Portillo (with enclosures)

Lowcountry Law Office

4000 Faber Place Drive, Suite 300

Charleston, SC 29405

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August 16, 2017

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

RECEIVED

AUG 21 2017

S.C. SUPREME COURT

RE: Antonio Jacobs v. State of South Carolina, Case #: 2015-CP-18-2086
Cesar O. Portillo v. State of South Carolina, Case #: 2015-CP-18-1665

Dear Mr. Shearhouse:

Enclosed for filing is the Notice of Appeal (original and clocked copy) in the above Post-Conviction Relief (PCR) cases. Also enclosed are the following:

- (1) Proof of service of the Notice of Appeal on the Respondent;
- (2) The Order of Dismissal &
- (3) A Request for Representation on Appeal.

The Applicants-Appellants were represented by me as an indigent pursuant to my contract with the South Carolina Commission on Indigent Defense (SCCID) to handle PCR cases. By copy of this letter, I am forwarding a duplicate set of documents to the SCCID.

The Request for Representation on Appeal and the Affidavit in Support, thereof, are signed by me as attorney for Applicants-Appellants. Should you need anything further, do not hesitate to contact me.

Thank you for your time and attention to this matter.

Sincerely,



Rodney D. Davis
South Carolina Bar #: 12396
4000 Faber Place Drive, Suite 300
Charleston, SC 29405
(843) 323-4353
Davis@LowcountryLawOffice.com

Enclosures, As stated above.

RDD/mmt

cc: Ruston W. Neely, Assistant Attorney General
Kimberly McCall, Appellate Division, SCCID

RECEIVED

AUG 21 2017

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

The Honorable Robert E. Hood

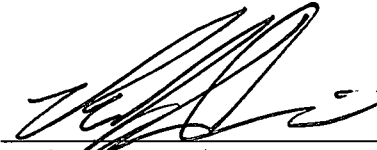
Case #: 2015-CP-18-2086

Antonio Jacobs, Appellant.
v.
State of South Carolina, Respondent.

NOTICE OF APPEAL

Antonio Jacobs appeals the denial of his Post Conviction Relief (PCR) application in this case. The application for relief was denied following an evidentiary hearing before the Honorable Robert E. Hood on February 27, 2017. Counsel for the Appellant received a copy of the filed Order of Dismissal on or about July 17, 2017.

August 8, 2017


Rodney D. Davis
400 Faber Place Drive, Suite 300
Charleston, SC 29405
Attorney for Appellant

Other Counsel of Record:
Ruston W. Neely
Assistant Deputy Attorney General
State of South Carolina
P.O. Box 11549
Columbia, SC 29211-1549
Attorney for Respondent

RECEIVED
AUG 21 2017
S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

The Honorable Robert E. Hood

Case #: 2015-CP-18-2086

Antonio Jacobs, Appellant.
v.
State of South Carolina, Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State by mailing a copy, via US Mail, to the address of record, Ruston W. Neely, P.O. Box 11549, Columbia, South Carolina 29211-1549, on August 9, 2017.

August 9, 2017



Michelle Moore Trimble
Paralegal to Rodney D. Davis
400 Faber Place Drive, Suite 300
Charleston, SC 29405
(843) 323-4353
Davis@LowcountryLawOffice.com
Attorney for Appellant

Other Counsel of Record:
Ruston W. Neely, Assistant Attorney General
Office of the Attorney General, State of South Carolina
P.O. Box 11549
Columbia, SC 29211-1549
Attorney for Respondent

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DORCHESTER)
)
 Antonio Jacobs, #306881)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIRST JUDICIAL CIRCUIT

Case No. 2015-CP-18-2086

ORDER OF DISMISSAL

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 Clerk of Court
 DORCHESTER COUNTY

This matter comes before the Court through a post-conviction relief (PCR) application filed by Applicant on October 29, 2015. This Court convened an evidentiary hearing into this matter on February 27, 2017, at the Dorchester County Courthouse. Applicant was present at the hearing and represented by Rodney Davis, Esquire. Ruston W. Neely, Esquire, of the South Carolina Attorney General's Office, represented Respondent. Applicant's plea counsel, Pierce Wehman, Esquire ("Counsel"), was present and testified. This Court had the opportunity to listen to the testimony of Applicant and counsel. This Court had before it a copy of the plea transcript, the records of the Dorchester County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, and the pleadings in this matter. This Court finds as follows:

I. PROCEDURAL HISTORY

Applicant was indicted during the October 2014 term Dorchester County Grand Jury for two counts of possession with intent to distribute marijuana third offense (2014-GS-18-0498; 0499) and trafficking cocaine 10g-28g third offense (2014-GS-18-0500). On December 8, 2014, Applicant pleaded guilty to possession with intent to distribute marijuana third offense and trafficking cocaine 10g-28g third offense. On December 9, 2014, Applicant was sentenced to twenty-two years' incarceration for trafficking cocaine 10g-28g third offense and twenty years'

concurrent incarceration for possession with intent to distribute marijuana third offense by the Honorable Kristi L. Harrington. Applicant did not appeal his plea or sentence.

II. ALLEGATIONS

Applicant alleged the following grounds in his original application:

1. Ineffective assistance of counsel.
 - a. Advice
 - i. Counsel was deficient for advising Applicant to plead without seeing audio/video evidence
 - ii. Failed to advise Applicant that he had the right to have his indictment presented to a grand jury.
 - b. Discovery
 - i. Failed to request cell phone records and unproduced evidence
 - ii. Failed to request the audio/video recordings of the controlled drug purchases
 - iii. Failed to request photos of alleged crime scene
 - iv. Failed to raise trial defenses
 - v. Failed to utilize evidence favorable to the defense
 - vi. Failed to attack credibility of confidential informant.
 - vii. Failed to attack search warrant
 - viii. Failed to make state present all the evidence it had against Applicant
 - ix. Failed to subject prosecution's case to meaningful adversarial testing
 - x. Failed to request continuance to prepare for case
 - xi. Failed to argue that Applicant had not been indicted within 90 days
 - xii. Failed to argue that indictment did not state the enhancement level of the offense
 - ii. Failed to make the State present all the evidence it had of guilt
2. Preliminary hearing
 - a. Counsel failed to inform the court at preliminary hearing that he did not receive mail or have his name on the utility bills at the address on the search warrant
 - b. Counsel failed to attack law enforcement's supplementary report at the preliminary hearing
3. Subject matter jurisdiction
 - a. Court lacked subject matter jurisdiction because the charge was unindicted and counsel never informed Applicant of his right to waive presentment to the Grand Jury
 - b. Possession with intent to distribute marijuana indictment failed to state the enhancement level of the offense
4. Counsel failed to perfect appeal on Applicant's behalf

At the evidentiary hearing, Applicant proceeded forward on the grounds of:

1. Failure to Properly Advise Client
 - a. Failure to Advise
 - i. Counsel failed to advise Applicant of the consequences of his guilty plea
 - ii. Counsel failed to advise discuss potential defenses and elements of charges
 - iii. Counsel failed to advise Applicant on the evidence against Applicant
 - b. Failure to Adequately Prepare for Trial
2. Involuntary guilty plea
 - a. Plea was involuntarily entered due to Applicant's concerns that his mother would be charged if he didn't plead guilty

At the evidentiary hearing, Applicant proceeded only on allegations "a" through "f" listed in paragraph 4. Applicant waived her allegations in paragraphs 1-3 by presenting no evidence at the hearing as to those allegations.

III. SUMMARY OF FACTS

On January 24, 2014, law enforcement utilized a confidential informant, equipped with audio and video recording equipment, to purchase over half a gram of cocaine from Applicant. Subsequently, on February 5, 2014, law enforcement used the same method to purchase half a gram of cocaine from Applicant. On April 10, 2014, law enforcement used the same method to purchase half a gram of cocaine from Applicant at a house. Based on that last drug purchase, law enforcement obtained a search warrant for that house. Law enforcement conducted a search of the house and found around 20 grams of cocaine along with a quantity of marijuana. Applicant's criminal history contained multiple drug convictions including: 1998 - possession of crack cocaine; 2001 - possession of crack cocaine; 2003 - two counts of possession with intent to distribute crack cocaine; 2004 - possession of crack cocaine.



V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court finds the record fully supports the knowing and voluntary nature of Applicant's guilty plea. Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). A guilty plea is a solemn, judicial admission of the truth of the charges against an individual, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Blackledge v. Allison, 431 U.S. 63, 97 S.Ct. 1621, 52 L.Ed.2d 136 (1977). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984).

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. 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. The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. "A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial. Thus, an applicant must show both error and prejudice to win relief in a PCR proceeding." Roscoe v. State, 345 S.C.16, 546 S.E.2d 417 (2001). To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238 (1969).

Perit

This Court reviewed the record in its entirety, listened to the testimony given, and heard the arguments presented at the evidentiary hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. This Court finds counsel's testimony was credible and persuasive and Applicant's testimony lacked credibility. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

A. Ineffective Assistance of Counsel

This Court finds that Applicant has failed to satisfy his burden to prove that counsel was deficient or that he was prejudiced by counsel's alleged deficiencies.

Here, counsel articulated valid reasons for his recommendation to Applicant that he plead guilty. The plea judge's colloquy was appropriate and complete. Counsel's advice to Applicant and trial preparation was competent and complete. This Court finds Counsel's testimony persuasive and credible and Applicant's testimony lacked credibility. This Court finds that Counsel sufficiently advised Applicant concerning the consequences of Applicant's choice to plead guilty. For the reasons set out below, this Court finds counsel was not ineffective.

1. **Failure to Advise**

Applicant's testimony at his guilty plea proceeding severely undermines the credibility of his testimony at the PCR evidentiary hearing. At the evidentiary hearing, Applicant testified he would not have pleaded guilty if he had understood the consequences of pleading guilty. He claimed he did not know he was facing one hundred and forty years in jail and not life without parole sentences. He also claimed he was not told that the charges he pleaded to were violent and required incarceration for 85% his sentence. Applicant testified he met with Counsel three or four times, less than ten minutes at each meeting. Applicant testified Counsel never discussed the

elements of his crimes, potential defenses, strikes on his record, or his prior criminal history. Counsel testified he went over all of the consequences with Applicant. Counsel's testimony is supported by the record at Applicant's plea proceedings.

At Applicant's plea proceedings, Applicant stated he understood strikes, the defenses he was giving up, and the collateral consequences of his guilty plea. Tr. p. 7. The plea court even had Applicant explain the collateral consequences. In Applicant's words, "I know a violent offense is -- a violent serious offense is eighty-five percent and I would have to do -- I would have to complete eighty-five percent of that time, and upon release, what, two years supervision I think." Tr. p. 8. Applicant's testimony shows he fully understood the consequences of his plea and Counsel had clearly explained those consequences to Applicant before his plea.

Applicant also testified that he wanted a twenty-year sentence, which was the bottom of Applicant's negotiated range in his plea deal. Applicant's plea deal was a negotiated sentencing range of twenty to twenty-five years' incarceration. The Honorable Carmen Mullen sentenced Applicant to twenty-two years' incarceration. Applicant's discontent regarding his sentence is not grounds for collateral attack on his sentence. "Wishful thinking regarding sentencing does not equal a misapprehension concerning the possible range of sentences, especially where one acknowledges on the record that one knows the range of sentences and that no promises have been made." Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 371 (1997).

Applicant failed to satisfy his burden to prove that Counsel was deficient. Based on the answers given by Applicant at the guilty plea and Counsel's testimony at the evidentiary hearing, Counsel's advice was within the range of competence demanded of attorneys. 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. At his guilty

plea, Applicant testified that he understood the sentencing range was twenty to twenty-five years. Tr. p. 4. Applicant indicated his understanding of the collateral consequences by describing the 85% and violent collateral consequences of his guilty plea to the Judge. Statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976). Applicant has failed to show why he should be allowed to depart from his testimony at his guilty plea.

Counsel testified that he went over the elements of the charged offenses, potential defenses, and discovery with Applicant. Counsel's credible testimony refuted Applicant's statements that Counsel failed to discuss those matters with him. Similarly, Applicant acknowledged he was giving up his right to any trial defenses. Tr. p. 6. Applicant also agreed with the facts the State cited, which supported the elements of Applicant's charges. Tr. p. 12.

Applicant testified that he would have gone to trial, but for the fact that Counsel was not prepared for trial. At his guilty plea, Applicant waived his right to have Counsel present his defenses and attack the validity of the State's evidence against him. Tr. p. 7. Counsel testified he was prepared to go to trial if Applicant wanted to proceed to trial. Counsel also testified he would have asserted each of Applicant's applicable defenses if Applicant had chosen to proceed to trial. However, the evidence against Applicant was overwhelming and Applicant's decision to plead guilty and negotiate a plea deal was in his best interest.

Applicant failed to satisfy his burden to prove that counsel's advice concerning his charges was deficient. Counsel testified that he discussed the elements and defenses of the charges with Applicant and Applicant's statements at his guilty plea evinced those discussions. This Court finds Counsel's advice was within the range of competence demanded of attorneys.

Therefore, the allegation that Counsel failed to advise Applicant of his charges' elements and defenses is denied and dismissed.

This Court finds Applicant has failed to satisfy his burden to prove that Counsel failed to advise him of the consequences of his guilty plea. Therefore, the allegation that Counsel failed to advise Applicant of his consequences is denied and dismissed.

This Court finds Counsel's preparation of Applicant's case was within the range of competence demanded of attorneys. 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. This Court finds Applicant has failed to prove Counsel's preparation was deficient. Applicant has failed to satisfy his burden to prove ineffective assistance of counsel with regard to this allegation. Therefore, the allegation that Counsel failed to adequately prepare for trial on Applicant's charges is denied and dismissed.

To prove prejudice, Applicant must show a reasonable probability that he would not have pleaded guilty, but insisted on a trial based on Counsel's deficiency. An Applicant must show a "reasonable probability that, but for counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial." Roscoe v. State, 345 S.C.16, 546 S.E.2d 417. Applicant's statement at the evidentiary hearing, that he wanted a twenty-year incarceration sentence, indicates he would not have proceeded to trial, but only wanted a better sentence than he received. Therefore, Applicant has failed to prove he was prejudiced by any alleged deficiency of Counsel.

Furthermore, Counsel provided competent representation in light of the overwhelming evidence against Applicant. See Harris v. State, 377 S.C. 66, 79, 659 S.E.2d 140, 147 (2008) (applicant cannot prove prejudice where there is overwhelming evidence of guilt). Law

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enforcement used a confidential informant, equipped with audio and video recording equipment, to purchase cocaine from Applicant on three separate occasions. Law enforcement then served a search warrant on Applicant's home, where they had purchased drugs from him on prior occasions, and found trafficking quantities of cocaine. Applicant failed to prove that Counsel's alleged deficiencies would have resulted in Applicant proceeding to trial instead of pleading guilty.

B. Involuntary Guilty Plea

Applicant asserts that his guilty plea was entered involuntarily as the result of ineffective assistance of counsel. To find a guilty plea is voluntarily and knowingly entered into, the record must establish the Applicant had a full understanding of the consequences of his plea and the charges against him. See Boykin v. Alabama, 395 U.S. 238, 243 (1969). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence presented at the PCR hearing. See Harris v. Leeke, 282 S.C. 131, 134, 318 S.E.2d 360, 361 (1984).

The transcript reflects that the guilty plea was knowingly and voluntarily entered with a full understanding of the charges and consequences of the plea. Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. See Blackledge v. Allison, 431 U.S. 63, 73-74 (1977). Statements made during a guilty plea should be considered conclusively, unless an Applicant presents valid reasons why he should be allowed to depart from the truth of his statements. See Crawford v. U.S., 519 F.2d 347, 350 (4th Cir. 1975) (overruled on other grounds by U.S. v. Whitley, 759 F.2d 327 (4th Cir. 1985)). The Applicant presented no reasons to show that he should be allowed to depart from the truth of the statements he made during his guilty plea hearing.

An Applicant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness, and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial instead. See Roscoe, 345 S.C. at 20, 546 S.E.2d at 419. Given the Applicant's burden of proof and the analysis to be applied to this claim, the Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it will be treated as such.

The record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Id. An applicant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." Roddy, 339 S.C. at 34, 528 S.E.2d at 421. "[T]he voluntariness of a guilty plea is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing." Dalton, 376 S.C. at 138, 654 S.E.2d at 874. Admissions, "made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements." Id. at 137-38, 654 S.E.2d at 874.

Having reviewed the pleadings, considered the applicable law, and reflected upon the plea transcript and testimony provided at the evidentiary hearing, the Court denies Applicant's request for post-conviction relief. From a review of the entire record, this Court finds plea counsel were effective in their representation of Applicant, and Applicant, therefore, has failed to meet her burden of proving ineffective assistance of counsel. Applicant admitted his guilt to the

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plea court. Tr. pp. 4, 12. Applicant agreed with the State's statement of the evidence and that he did those acts. Tr. p. 7. Applicant acknowledged he was satisfied with his attorney. Tr. p. 9.

At the evidentiary hearing, Applicant claimed he pleaded guilty only because he was afraid his mother would be prosecuted with the crime. Counsel claimed that Applicant was concerned about his mother's case, but that the ultimate decision to plead guilty was Applicant's. The record reflects Applicant's awareness of his plea negotiations and the knowing, intelligent, and voluntary nature of his guilty plea. There was no credible evidence that the State threatened Applicant with the prosecution of his mother to induce a guilty plea.

This Court finds Applicant has failed to prove that his guilty plea was involuntary. Applicant has failed to satisfy his burden to prove ineffective assistance of counsel with regard to this allegation. Therefore, the allegation that Applicant's plea was not voluntarily is denied and dismissed.

To prove prejudice, Applicant must show a reasonable probability that he would not have pleaded guilty, but insisted on a trial based. An Applicant must show a "reasonable probability that, but for counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial." Roscoe v. State, 345 S.C.16, 546 S.E.2d 417. Applicant's statement at the evidentiary hearing, that he wanted a twenty-year incarceration sentence, indicates he would not have proceeded to trial, but only wanted a better sentence than he received. Therefore, Applicant has failed to prove he was prejudiced by any alleged deficiency of Counsel.

Furthermore, Counsel provided competent representation in light of the overwhelming evidence against Applicant. See Harris v. State, 377 S.C. 66, 79, 659 S.E.2d 140, 147 (2008) (applicant cannot prove prejudice where there is overwhelming evidence of guilt). Law enforcement used a confidential informant, equipped with audio and video recording equipment,

to purchase cocaine from Applicant on three separate occasions. Law enforcement then served a search warrant on Applicant's home, where they had purchased drugs from him on prior occasions, and found trafficking quantities of cocaine. Applicant failed to prove that his guilty plea was involuntary would have resulted in Applicant proceeding to trial instead of pleading guilty.

VI. CONCLUSION

Based on the foregoing, this 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.

This Court notes Applicant must file and serve a notice of appeal within thirty (30) days from 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, his post-conviction relief attorney must serve and file a notice of appeal on Applicant's behalf. Applicant and his attorney are 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

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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 3 day of July, 2017.

Robert E. Hood

ROBERT E. HOOD
Presiding Judge
1st Judicial Circuit

Columbia, South Carolina

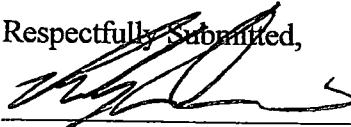
STATE OF SOUTH CAROLINA) IN THE SUPREME COURT OF SOUTH CAROLINA
)
 COUNTY OF DORCHESTER) Case #: 2015-CP-18-2086
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)
 ANTONIO JACOBS,)
)
 Applicant.) REQUEST FOR REPRESENTATION ON APPEAL
)
 -versus-)
)
 STATE OF SOUTH CAROLINA,)
)
 Respondent.)

On behalf of the request of the above-named Applicant, to be represented by the South Carolina Commission of Indigent Defense, Appellate Division (SCCID), the undersigned attorney would show unto this Honorable Court that:

1. He is the attorney for the Applicant-Appellant in the above captioned case. The Applicant-Appellant was in custody during and taken into custody immediately following the Post Conviction Relief (PCR) hearing and was not available to personally sign this request;
2. The Applicant-Appellant was represented by the undersigned attorney as an indigent, pursuant to a contract with the SCCID;
3. The Applicant-Appellant has been informed that he may request assistance from the SCCID Appellate Division in perfecting his appeal;
4. A timely Notice of Intent to Appeal has been filed on the Applicant-Appellant's behalf;
5. The Applicant-Appellant has been informed that nothing requires SCCID Appellate Division to pursue this appeal unless that office's Chief Attorney is satisfied that there is arguable merit to this appeal and that he cannot afford to hire an attorney.

At this time, the Applicant-Appellant requests the aid of the SCCID Appellate Division in perfecting his appeal to the South Carolina Court of Appeals.

Respectfully Submitted,


 Rodney D. Davis
 South Carolina Bar #: 12396


Charleston, South Carolina.
 August 8, 2017.

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)
)

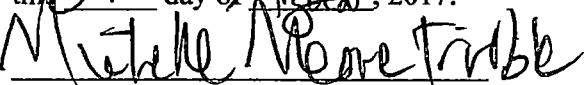
CASE NO: 2015-CP-18-2086

VERIFICATION

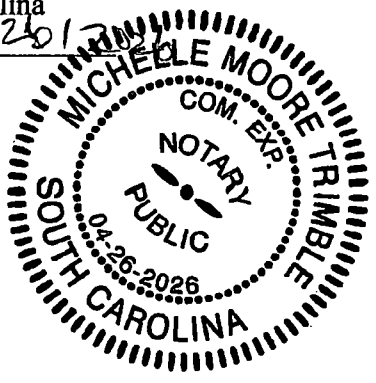
PERSONALLY appeared before me, Rodney D. Davis, being first duly sworn, deposes and says that he has read the foregoing *Request for Representation on Appeal* to be filed on behalf of the Applicant-Appellant, **Antonio Jacobs**, and the same is true of his knowledge except those matters alleged on information and belief, and as to those matters, he believes them to be true.

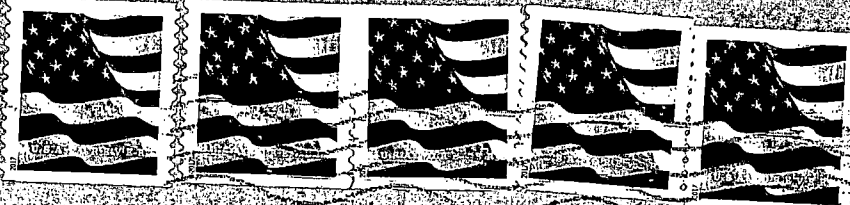
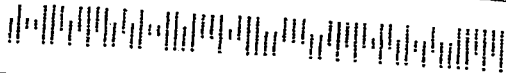


Rodney D. Davis
South Carolina Bar #: 12396

SWORN to and subscribed to me
this 04 day of April, 2017.


Notary Public for South Carolina
My Commission expires 04/26/2026





CHARLESTON, SC 29405

WEB 10/14/05 237

Swcountry Law Office

dney D. Davis
00 Faber Place Drive, Suite 300
arleston, SC 29405

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