

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

The Honorable Keith Kelly, Presiding in Spartanburg County

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C.A. No.: 2014-CP-42-3903

JUN 20 2016

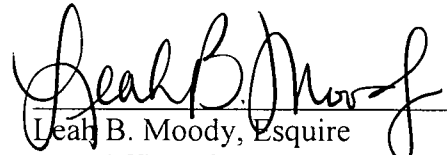
Ricky Dwight Cheeks, ... Appellant **SC. SUPREME COURT**

v.

State of South Carolina, ... Respondent.

NOTICE OF APPEAL

Ricky Dwight Cheeks appeals the order of the Honorable Keith Kelly dated June 2, 2016 and mailed on June 2, 2016. Appellant received written notice of entry of the final order on June 10, 2016.


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:
Alicia Olive, SC Attorney General's Office
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Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-3970

IN THE STATE OF SOUTH CAROLINA
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APPEAL FROM SPARTANBURG COUNTY
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Ricky Dwight Cheeks, ... Appellant,

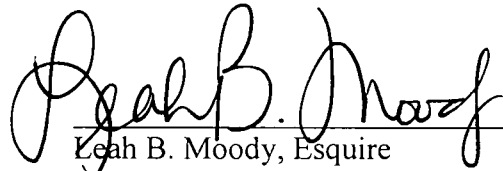
v.

S.C. SUPREME COURT

State of South Carolina, ... Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Alicia Olive by depositing a copy of it in the United States Mail, postage prepaid, on June 15, 2016 addressed to its attorney of record, Alicia Olive, 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
Post Office Box 1015
Rock Hill, South Carolina 29731

June 15, 2016

cc Ricky Dwight Cheeks
Alicia Olive, Esquire
Hope Blackley, Clerk of Court, Spartanburg County
Sharon A. Graham, SCCID

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Ricky D. Cheeks, #343107,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2014-CP-42-3903

ORDER OF DISMISSAL

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M. HOPE BLACKLEY

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed October 6, 2014. Respondent made its return on March 5, 2015, requesting that an evidentiary hearing be held. An evidentiary hearing into the matter was convened at the Spartanburg County Courthouse before the undersigned on March 24, 2016. Applicant was present and represented by Leah B. Moody, Esquire. Alicia A. Olive, Esquire, represented Respondent.

At the evidentiary hearing, Applicant testified on his own behalf. The State presented testimony from J. Roger Poole, Esquire. This Court also had before it the records of the Spartanburg County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's appellate records and the pleadings.

I. PROCEDURAL HISTORY

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Spartanburg County Clerk of Court's orders of commitment. The Spartanburg County Grand Jury indicted the Applicant at the November 2009 term of General Sessions for possession with

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intent to distribute crack cocaine within one-half mile of a school (2009-GS-42-6455), trafficking crack cocaine, 400 grams or more (2009-GS-42-6456), and trafficking crack cocaine, 100 grams-200 grams (2009-GS-42-6457). J. Roger Poole, Esquire, ("Counsel") represented Applicant.

Applicant proceeded to trial before the Honorable Roger L. Couch and a jury October 4-6, 2010. The jury found him guilty of all charges. Judge Couch sentenced Applicant to imprisonment for concurrent terms of twenty-five years for both trafficking charges and ten years for possession with intent to distribute within one-half mile of a school.

A timely notice of appeal was filed on Applicant's behalf. Wanda H. Carter, Esquire, perfected the appeal. The Court of Appeals affirmed Applicant's conviction and sentence on October 24, 2012. State v. Cheeks, Op. No. 5042 (S.C. Ct. App. filed October 24, 2012). The Supreme Court of South Carolina granted certiorari and affirmed Applicant's conviction and sentence on May 28, 2014. State v. Cheeks, Op. No. 27390. (S.C. Sp. Ct. filed May 28, 2014). The Remittitur was returned on June 13, 2014.

II. ALLEGATIONS

Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of trial counsel, in that Counsel:
 - a. Failed to intervene and call witnesses on behalf of Applicant;
 - b. Failed to attack the credibility of confidential informant;
 - c. Failed to move to suppress evidence seized as a result of an illegal search;
 - d. Failed to object to flawed chain of custody;
 - e. Failed to seek a "video tape of the Bronco driving the day of the traffic stop";
 - f. Failed to attack the credibility of testifying co-defendants;
 - g. Failed to receive a similar sentence given to Applicant's codefendants;
 - h. Failed to object to perjury testimony of co-defendants;

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- i. Failed to move for directed verdict;
 - j. Failed to object to comments made by Solicitor Hunter;
 - k. Failed to explain or discuss a defense strategy with Applicant;
 - l. Failed to properly investigate and prepare Applicant's case;
2. Judicial Misconduct, in that:
- a. Magistrate approved an invalid search warrant
3. Due Process Violations
- a. Defective Search Warrant
 - b. Officer's lacked probable cause when stopping Applicant's vehicle

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court has reviewed the record in its entirety and has heard the testimony and arguments presented at the evidentiary hearing. The Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. The Court finds trial counsel conducted a proper investigation, adequately conferred with Applicant, and was thoroughly competent in his representation. This Court finds Counsel's performance was not deficient. Regarding Applicant's specific allegations, set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80.

A. Summary of Testimony Presented

Applicant's convictions arose out of the traffic stop of a vehicle in which he was the passenger and the search of a home pursuant to a search warrant. Applicant testified that Counsel should have called people to testify that the drugs were not his. Applicant testified he asked Counsel why he was not calling these witnesses and Counsel said that if they were not in the house they could not help Applicant. Applicant testified that Counsel should have attacked the testimony of his co-defendants, Eric Elder and Tracy Markley. Applicant testified that he

wanted his attorney to ask them why they were lying. Applicant referred to Markley and Elder as "informants."

Applicant testified that Counsel should have further investigated and that if he had done so he would have been able to show the drugs were not his. Applicant testified Counsel did not perform his job well and that he could tell Counsel "worked for the State."

Applicant testified that Counsel should have made a different argument regarding the search warrant of the home. Applicant testified that Counsel should have attacked the traffic stop. Applicant testified that they had reason to stop the car because the driver intentionally ran the stop sign and that the stop turned into a Terry stop. Applicant testified he told Counsel he did not drop any drugs. Applicant testified that the drug dog went under the car and pulled them out of the middle of the car. Applicant testified Counsel should have attacked the stop more.

Counsel testified that he has been practicing law for thirty-six years. Counsel testified he was appointed in July of 2009, met with Applicant several times before trial but did not recall exactly how many, and had ample time to prepare for trial. Counsel testified he reviewed discovery with Applicant, discussed the elements of the charges and what the State would be required to prove, and discussed possible defenses with Applicant. Counsel testified that Applicant maintained his innocence and Counsel's strategy at trial was to show that the State was unable to fulfill its obligation to prove him guilty beyond a reasonable doubt. Counsel also testified that his defense was mere presence.

Counsel testified that he made suppression motions. Counsel testified that he moved for a mistrial due to the mischaracterization of Applicant as the "baker" or "cook." Counsel testified that Markley possessed the home, and that Elder and Markley were State's witnesses, but were

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not informants. Counsel testified that he could not recall if Applicant gave him any leads, but that if he did, if the witnesses were not in the house or the car, their testimony would not have been useful. Counsel testified that Applicant was riding as a passenger in a vehicle that law enforcement pulled over because the driver of the vehicle ran a stop sign. Counsel testified that at that point, law enforcement already knew about the drugs that were found in the house prior to the stop. Counsel testified this was in the discovery. Counsel testified that he did not challenge the drugs seized in the traffic stop because he had no basis for a suppression motion with respect to the stop. Counsel testified, and the record reflects, that he did move to suppress the evidence that was seized from the house by challenging the search warrant at trial.

On cross-examination, Counsel testified he did not recall any plea offers from the State. Counsel testified that if there had been, he would have informed Applicant. Counsel testified on cross that it was Applicant's contention that he was just a drug user and that he was using but the drugs were not his. He testified Applicant stated he was not the one who threw the drugs, maintained his innocence the whole time, and was not interested in any plea offers. Regarding the witnesses Applicant alleged Counsel should have called, Counsel testified he was not sure what the witnesses were going to testify to other than character. He testified he did not think it was wise to put people up to say that Applicant is a drug user. Counsel testified that he had those kinds of conversations with Applicant and that he reviewed all discovery with Applicant. Counsel testified that Applicant said he never had any drugs and that he was innocent.

Counsel testified he was certain that he spoke with the solicitor during trial preparation, but that he was not sure about whether he spoke with law enforcement. Counsel testified he explained to Applicant that he had no basis to challenge the traffic stop. Counsel testified that he

focused on mere presence and that he made a suppression motion and moved for a mistrial. Counsel testified that the trial was six years ago and that he may have spoken to witnesses then but does not remember. Counsel testified he did not recall whether Markley and Elder had a record. Counsel testified he told Applicant what sentence he was facing and that he was clear on that.

B. Ineffective Assistance of Counsel

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

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

presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, Counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

This Court finds Counsel met with Applicant several times, discussed charges and sentencing ranges, and reviewed discovery materials with Applicant. Counsel also testified Applicant's co-defendant—his nephew—was represented by J. Faulkner Wilkes, and that during trial preparation, he discussed the case in great detail with Wilkes. Counsel testified that it is customary when co-defendants are tried together for attorneys to work together in preparing the case, allowing one attorney to move on certain issues and to make objections and the other attorney to join in the motion or objection, so as not to present repetitive arguments to the court.

There are no plea offers in the record before the Court and counsel testified that to his recollection, there were no plea offers made. Applicant also reiterated that he maintained his innocence the whole time and was not interested in any plea offers.

Failure to explain or discuss a defense strategy

Applicant testified that Counsel would not tell him what was going on at trial, that he kept "shushing" him. Applicant testified that Counsel never told him a defense strategy. Applicant testified that Counsel should have proceeded under the theory that he was innocent. Counsel testified he met with Applicant several times, reviewed all discovery materials with Applicant and discussed possible defenses with Applicant. Applicant continued to maintain that he was a user and not a dealer. Counsel testified that putting this defense before the jury was not in Applicant's best interest and that his theory and strategy for the trial was to put forth a "mere



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presence" defense. This Court is not convinced by Applicant's testimony that Counsel failed to discuss the case with him. This Court finds that Counsel adequately conferred with Applicant and thoroughly discussed the case with him, including any available defenses he had. As Counsel testified, his defense theory was mere presence. The record reflects that Counsel's strategy was evident in the trial and that the trial judge instructed the jury on mere presence. Applicant fails to point to any other viable defense. Therefore, this Court finds that Applicant has failed to demonstrate that counsel's performance was deficient.

Further, Applicant failed to demonstrate how this alleged deficiency affected the outcome of his trial. Counsel agreed that Applicant maintained his innocence of the charges but admitted to being a drug user. Counsel testified he discussed this with Applicant. Regardless, Applicant has made no showing that his knowledge or lack of knowledge about Counsel's defense strategy had any bearing on the outcome of the trial. Therefore, this Court further finds that Applicant has failed to demonstrate that this alleged deficiency prejudiced him.

Failure to advise of right to testify

Applicant testified he did not testify at trial because Counsel told him it would hurt him to testify. Applicant acknowledged that he elected not to testify at his trial following Counsel's advice, because he believed that his Counsel "knows best." Counsel testified that he believed that it was in Applicant's best interest not to testify at trial. The trial judge inquired of his decision, and he advised the court that it was his decision not to testify. Applicant failed to offer any evidence that he sought to invoke his right to testify. Therefore, this Court finds that Applicant has presented no evidence that Counsel failed to advise him of his right to testify. Accordingly, Applicant has failed to show that Counsel rendered deficient performance in this regard.

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Furthermore, Applicant failed to provide any specific explanation or reason why his testimony was necessary at trial or how it would have changed the outcome at trial. Accordingly, this Court finds Applicant has failed to prove any prejudice resulting from this alleged deficiency.

Failure to call witnesses or properly investigate and prepare Applicant's case

To show ineffective assistance in this regard, Applicant must present evidence to show what counsel could have discovered had he been more fully prepared for the trial. Jackson v. State, 329 S.C. 345, 354, 495 S.E.2d 768, 772 (1998). 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)).

Counsel testified that he discussed his strategy with Applicant and advised him that the witnesses he wanted to present would not benefit the case for two reasons. First, these witnesses were not present at the home where the drugs were seized or in the vehicle at the time of the arrest. Second, for that reason, such witnesses would only be able to provide character testimony, and counsel did not wish to present testimony of that nature and did not think it would assist in Applicant's defense. Further, Counsel testified that he was unaware of any other investigations that would be helpful. Applicant alleges that Counsel could have shown that the drugs were not his, but Applicant failed to produce any evidence to that effect apart from his own testimony. Applicant failed to call any witnesses at the PCR hearing. According to Counsel's testimony, Counsel had already explored these potential avenues.

Therefore, this Court finds that Applicant has failed to meet his burden of proving that Counsel was deficient in this regard. This Court further finds that Applicant failed to produce any evidence of how any further investigation would have affected the outcome at trial. See Glover v. State, 318 S.C. 496, 499, 458 S.E.2d 538, 540 (1995) ("[A]pplicant's mere speculation what the witnesses' testimony would have been cannot, by itself, satisfy the applicant's burden of showing prejudice."). Accordingly, this Court finds that this allegation must be denied and dismissed with prejudice.

Failure to properly cross-examine witnesses

Applicant alleged that Counsel failed to attack the credibility of "confidential informant," failed to object to the "perjur[ed]" testimony of co-defendants," and failed to attack the credibility of testifying co-defendants. The Court interprets these claims as an allegation that Counsel failed to properly cross-examine these witnesses. Cross-examination is a matter of trial strategy, and as such, this Court must presume that Counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 690). In making a fair assessment of attorney performance, a court must make every effort to "eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from counsel's perspective at the time." Strickland v. Washington, 466 U.S. 668, 689. There is a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance and the "[applicant] must overcome the presumption that, under the circumstances, the challenged action might be considered sound trial strategy." Id.

Counsel testified, and the record reflects, that he cross-examined the witnesses presented

against Applicant. Applicant acknowledged that Counsel cross-examined State's witnesses. This Court finds Counsel adequately cross-examined all State's witnesses and pointed out inconsistencies in their testimony. Applicant has failed to produce any evidence regarding what information Counsel could have uncovered had he cross-examined the witnesses more extensively, or how it would have changed the outcome of his trial. Therefore, Applicant has failed to produce any evidence to substantiate his claim that there would have been a different outcome if counsel had been "more vigorous" in his cross-examination of the witnesses. As a result, this Court, this Court "can only speculate whether a 'better' cross examination would have helped [Applicant]." Skeen v. State, 325 S.C. 210, 216-17, 481 S.E.2d 129, 133 (1997).

Accordingly, this Court finds Applicant has failed to satisfy his burden of proving either prong of Strickland with regard to this allegation, and it is therefore denied and dismissed.

Failed to move to suppress evidence seized as a result of the automobile stop

Counsel testified that he did not challenge the drugs seized in the traffic stop because he had no basis for a suppression motion with respect to the stop. Counsel testified that Applicant was riding as a passenger in a vehicle that law enforcement pulled over because the driver of the vehicle ran a stop sign. Counsel testified the stop was a legal stop due to the driver running a traffic sign. Counsel testified that at that point, law enforcement already knew about the drugs that were found in the house prior to the stop. Counsel testified this was in the discovery. This Court finds that Applicant has failed to show any deficiency in Counsel's performance with regard to this allegation. This Court further finds that Applicant has failed to show that there is a reasonable probability that the outcome would have been different had Counsel made the suppression motion. Accordingly, this allegation is denied and dismissed.

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Failure to move to suppress evidence seized as result of illegal search of the home

This Court finds that this issue was properly raised and ruled upon by the trial court and that ruling was affirmed on appeal. The Court of Appeals noted that Applicant's attorney joined in Wilkes' argument for suppression at trial as to this issue. The Court also acknowledged the possibility that Applicant may not have standing to challenge the search warrant, but declined to address that issue. This Court finds Applicant has no standing to challenge the search warrant of the home because he was not the homeowner. Accordingly, this Court finds Applicant has failed to show that there was any deficiency in Counsel's conduct with regard to this allegation. Further, Applicant has failed to demonstrate that any alleged deficiency prejudiced him. Because the Court of Appeals affirmed the trial judge's denial of the suppression motion, there is no reasonable probability that the outcome of Applicant's trial would have been different.

Failure to secure video recording from law enforcement vehicle

Applicant testified that there should have been a video available from a Bronco involved in the traffic stop. At Applicant's trial, the solicitor asked Officer Hutchens whether the Bronco had a camera and he testified that it was an undercover vehicle and it therefore did not have a video camera. Similarly, Counsel testified that he advised Applicant that the law enforcement vehicle in question was not equipped with a videotape because the vehicle was used for undercover operations. Accordingly, this Court finds Applicant has failed to satisfy either prong of Strickland with regard to this allegation, and it is therefore denied and dismissed.

Failure to move for a directed verdict

Applicant testified that Counsel should have moved for a directed verdict. However, Counsel testified that he moved for a directed verdict, and the record reflects Counsel moved for

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a directed verdict. Accordingly, this allegation is without merit and is denied and dismissed.

Failure to object to comments made by Solicitor Hunter

Applicant alleged Counsel failed to object to comments made regarding statements about his and his co-defendant's respective roles as the cook and runner. However, Applicant and Counsel testified that Counsel objected to testimony and cross-examined witnesses regarding these statements. Further, Counsel testified and the trial transcript reflects that Counsel moved for a mistrial based on these statements. (Tr. p. 153, lines 4-6). Applicant also admits that he never had a conversation with Counsel regarding this issue. Applicant has failed to show either deficiency or prejudice with regard to this allegation. This Court finds this allegation is without merit, and it is therefore denied and dismissed.

Failure to receive a similar sentence given to Applicant's codefendants

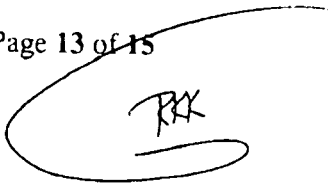
The Court finds that Applicant failed to present any testimony, argument, or evidence at the hearing regarding this allegation. Accordingly, this Court finds the Applicant has abandoned this allegation.

Failure to object to flawed chain of custody

At the hearing, Applicant withdrew this allegation.

C. Judicial Misconduct

Applicant alleges that the Magistrate approved an invalid search warrant. This allegation raises a direct appeal issue that is procedurally barred by S.C. Code Ann. §17-27-20(b) (2003). Post-conviction relief is not a substitute for a direct appeal. Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1974). "In a direct appeal, the focus generally is upon the propriety of rulings made by the circuit court in response to a party's motions or objections." Al-Shabazz v. State, 338 S.C.

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M. HOPE BLACKLEY

354, 363-64, 527 S.E.2d 742, 747 (2000). A post-conviction relief application cannot assert any issues that could have been raised at trial or on direct appeal. Ashley v. State, 260 S.C. 436, 196 S.E.2d 501 (1973). "Errors in a petitioner's trial which could have been reviewed on appeal may not be asserted for the first time, or reasserted, in post-conviction proceedings." Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1975). Accordingly, issues that could have been raised at trial on direct appeal cannot be asserted in a PCR action absent a claim of ineffective assistance of counsel. Drayton v. Evatt, 312 S.C. 4, 9, 430 S.E.2d 517, 520 (1993). Accordingly, this Court finds this allegation is improper for a PCR action. Therefore, this allegation is denied and dismissed.

D. Due Process Violations

Applicant alleges that his due process rights were violated. Specifically, Applicant alleged drugs were seized from the home as the result of a defective search warrant and that the officers lacked probable cause when stopping Applicant's vehicle. This Court finds these allegations are without merit. This Court notes that the issue regarding the search warrant was addressed in Applicant's direct appeal. With respect to Applicant's claim the stop was unlawful, this Court finds this issue is a direct appeal issue that cannot be raised in a PCR action. See Drayton v. Evatt, 312 S.C. 4, 9, 430 S.E.2d 517, 520 (1993). To the extent that it was couched as a claim of ineffective assistance, this Court has addressed this issue above in Part B above.

IV. CONCLUSION

Based on the foregoing, this Court concludes that Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, his application must be denied and dismissed with prejudice.

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This Court notes that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel 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 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 27 day of may, 2016.

RK 27 May, South Carolina

R. Keith Kelly
R. KEITH KELLY
Presiding Judge
Seventh Judicial Circuit

2016 MAY 31 AM 9:25
M. HOPE BLACKLEY

A CERTIFIED COPY

M. Hope Blackley

CLERK OF COURT

SPARTANBURG COUNTY

BY: M. Hope Blackley D.C.

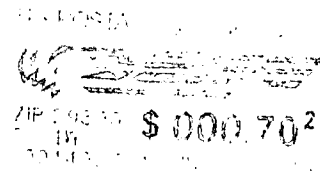
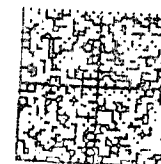
DATED: 6/2/16

M. HOPE BLACKLEY
Clerk of Court, Spartanburg County
Post Office Box 3483
Spartanburg, South Carolina 29304-3483

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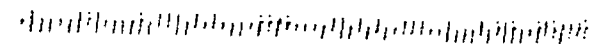
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Lbmatty@comporium.net

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June 15, 2016

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

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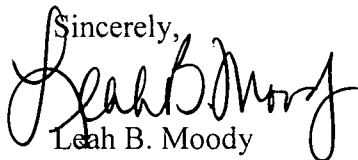
S.C. SUPREME COURT

RE: Ricky Dwight Cheeks v. State of South Carolina
Case No.: 2014-CP-42-3903

Dear Mr. Shearouse:

The Spartanburg County Court of Common Pleas appointed my office to represent Ricky Dwight Cheeks in his Post-Conviction Relief action. Please find enclosed for filing the original and two (2) copies of the Notice of Appeal, Proof of Service, and one (1) copy of the Order of Dismissal 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/jh

Enclosure

cc Ricky Dwight Cheeks
Alicia Olive, Esquire
Hope Blackley, Clerk of Court, Spartanburg County
Sharon Graham, SCCID

Law Office of Leah B. Moody, LLC

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June 15, 2016

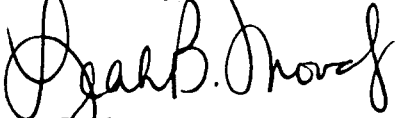
The Honorable Hope Blackley
Spartanburg County Clerk of Court
Post Office 3483
Spartanburg, South Carolina 29304

RE: Ricky Dwight Cheeks v. State of South Carolina
C.A. No.: 2014-CP-42-3903

Dear Ms. Blackley:

Please find enclosed the Notice of Appeal and the Proof of Service in the above-referenced matter.

Sincerely,



Leah B. Moody

LBM/jh

Enclosures

cc Ricky Dwight Cheeks
Alicia Olive, Esquire
Daniel E. Shearouse, Clerk of Court, South Carolina Supreme Court
Sharon Graham, SCCID

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June 15, 2016

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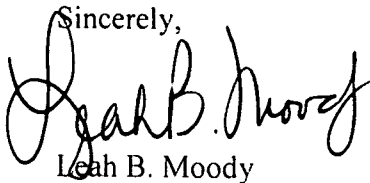
RE: Ricky Dwight Cheeks v. State of South Carolina
C.A. No.: 2014-CP-42-3903

Dear Ms. Olive:

The Spartanburg County Court of Common Pleas appointed my office to represent Ricky Dwight Cheeks 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/jh

Enclosures

Cc Ricky Dwight Cheeks
Daniel E. Shearouse, Clerk of Court, South Carolina Supreme Court
Hope Blackley, Clerk of Court, Spartanburg County
Sharon Graham, SCCID

Law Office of Leah B. Moody, LLC

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June 15, 2016

Ms. Sharon A. Graham
SC Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11433
Columbia, South Carolina 29211-1433

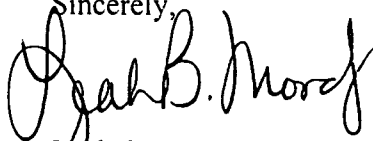
RE: Ricky Dwight Cheeks v. State of South Carolina
Case No.: 2014-CP-42-3903

Dear Ms. Graham:

The Spartanburg County Court of Common Pleas appointed my office to represent Ricky Dwight Cheeks in his Post-Conviction Relief action. Please find enclosed the Notice of Appeal and Proof of Service the above-referenced matter.

Thank you for your attention in this matter.

Sincerely,



Leah B. Moody

LBM/jh
Enclosures

cc Ricky Dwight Cheeks
Alicia Olive, Esquire
Daniel E. Shearouse, Clerk of Court, South Carolina Supreme Court
Hope Blackley, Clerk of Court, Spartanburg County

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TO:

Honorable Daniel E. Shearouse
The Supreme Court of South Carolina
PO Box 11330
Columbia SC 29211-1330