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RECEIVED

August 14, 2015

AUG 18 2015

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

S.C. SUPREME COURT

RE: DonSurvi Chisolm v. State of South Carolina, Case No.: 2013-CP-08-0422

Dear Mr. Shearhouse:

Enclosed for filing is the Notice of Appeal (original and clocked copy) in the above Post Conviction Relief (PCR) case. 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 Applicant-Appellant was 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 Applicant-Appellant. If 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

cc: J. Rutledge Johnson
Assistant Attorney General

Kimberly McCall
Appellate Division, SCCID

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AUG 18 2015

THE STATE OF SOUTH CAROLINA
In The Supreme Court

S.C. SUPREME COURT

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Eugene C. Griffith, Jr.,
Presiding Judge, Ninth Judicial Court

Case No.: 2013-CP-08-0422

DonSurvi Chisolm, Appellant,

v.

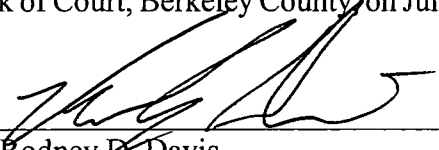
State of South Carolina, Respondent.

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15 AUG 14 PM 2:01
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

NOTICE OF APPEAL

DonSurvi Chisolm appeals the denial of his Post Conviction Relief application in this case. The Application for relief was denied, following an evidentiary hearing before the Honorable Eugene C. Griffith, Jr., on July 7, 2015 and filed with the Clerk of Court, Berkeley County on July 14, 2015.

August 14, 2015


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

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

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Eugene C. Griffith, Jr., Circuit Court Judge

Case No.: 2013-CP-08-0422

FILED
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MARY P. GROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

DonSurvi Chisolm, Appellant,

v.

State of South Carolina, Respondent.

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AUG 18 2015

S.C. SUPREME COURT

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State by mailing a copy of it to the address of record, J. Rutledge Johnson, P.O. Box 11549, Columbia, South Carolina 29211-1549, on 8/14, 2015.

8/14, 2015


Rodney D. Davis
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Attorney for Appellant

Other Counsel of Record:
J. Rutledge Johnson
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 BERKELEY)
)
)
 DonSurvi Chisolm, #347831,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 2013-CP-08-0422

2015 JUL 14 PM 4:53
 CLERK OF COURT
 BERKELEY COUNTY, SC
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ORDER OF DISMISSAL

Presiding Judge:	The Honorable Eugene C. Griffith, Jr.
Applicant's Attorney:	Rodney Davis, Esquire
Respondent's Attorney:	Ashleigh R. Wilson, Esquire
Plea Counsel:	D. Ashley Pennington
Date of Hearing:	February 19, 2015

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed February 18, 2013. The Respondent made its Return on December 8, 2014. An evidentiary hearing into the matter was convened on February 19, 2015 at the Charleston County Courthouse. The Applicant was present at the hearing and represented by Rodney Davis, Esquire. Ashleigh R. Wilson, Esquire, of the South Carolina Attorney General's Office represented the Respondent.

The Applicant testified on his own behalf at the PCR hearing. The Applicant's plea counsel, D. Ashley Pennington, Esquire, also testified at the hearing. This Court had before it the guilty plea transcript, the records of the Berkeley County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections, the PCR application, the Respondent's Return thereto, and the Applicant's appellate records.

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PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Berkeley County. The Applicant was indicted at the August 2010 of the Berkeley County Grand Jury for assault and battery with intent to kill (ABWIK) (2010-GS-08-1424), murder (2010-GS-08-1425), and possession of a weapon during the commission of a violent crime (2010-GS-08-1426). D. Ashley Pennington, Esquire, represented the Applicant. The Applicant pled guilty pursuant to Alford in exchange for the State not seeking the death penalty. Pursuant to a negotiated plea agreement, the Honorable R. Markley Dennis sentenced the Applicant to confinement for life without parole for murder, twenty years for ABWIK, and five years for possession of a weapon. The sentences were run concurrently. The Applicant filed a timely notice of appeal for his guilty plea. The Court dismissed his appeal and the remittitur was issued on February 28, 2013.

ALLEGATIONS

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

1. Ineffective assistance of counsel.
 - a. Applicant's right to proceed *pro se* was impeded without request and a plea was entered in a forum that forced hybrid representation. But for this formality and counsel's ineffectiveness, the Applicant would have proceeded to trial.
2. 6th amendment right to self-representation/prohibition against hybrid representation.
3. Involuntary guilty plea.
4. Violation of due process.

At the hearing, the Applicant waived all grounds for relief except ineffective assistance of counsel for the following reasons:

1. Ineffective assistance of counsel.
 - a. Counsel impeded Applicant's right to proceed *pro se*.
 - b. Counsel failed to properly research the Protections of Persons and Property Act.
 - c. Counsel failed to interview witnesses.
 - d. Counsel failed to discuss lesser included offenses.

e. Counsel failed to subpoena the Applicant's medical records.

This Court finds all claims raised in the application and not addressed in this order are hereby deemed abandoned. This Court finds the Applicant has failed to present any evidence or testimony regarding such claims. Therefore, they are hereby denied and dismissed.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon his or her credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

Summary of the Testimony

The Applicant was present and testified he pled guilty to a life sentence under Alford. He testified he understood what Alford meant and pled guilty so that the State would not seek the death penalty. The Applicant testified the incident that led to his arrest was a dispute in his residence with his family. He testified at the conclusion of the dispute two family members were shot and one died.

The Applicant testified he previously represented himself at trial in Dorchester County. He testified he was set to go to trial and represent himself on the Berkeley charges. He testified trial counsel came to talk to him in prison and told him the State might seek the death penalty. The Applicant testified trial counsel made him believe that Judge Dennis approved of counsel taking over representation in his case. He testified he never asked the court to have trial counsel take over his case and never told the court he wanted an attorney. The Applicant testified he

proceeded with trial counsel representing him. He also testified he received a benefit by having trial counsel represent him and he recalled telling the plea court he was satisfied with counsel's representation during his guilty plea.

The Applicant testified counsel failed to properly research his case. The Applicant testified he felt he had a self-defense claim. He testified trial counsel told him he researched the Castle Doctrine and that his case did not meet the grounds for the Castle Doctrine. The Applicant testified trial counsel did not tell him about the Protection of Persons and Property Act. He testified the altercation during the incident was with his brother, but the person who was killed was not his brother. He testified shooting his nephew was an accident. Applicant testified he was not aware of the Protection of Persons and Property Act and that if he had been aware of the statute he would not have pled guilty.

The Applicant also testified counsel failed to discuss lesser included offenses with him. He testified if he had been advised of the possibility of being convicted of a lesser offense he would not have pled guilty. The Applicant testified he was not fully aware of the possibilities and options in going forward at trial.

The Applicant testified trial counsel did not investigate his case. He testified he asked counsel to interview the witnesses since they were giving conflicting testimony. The Applicant testified counsel never interviewed the witnesses or received any transcripts from interviews. He testified the State interviewed the witnesses several times. The Applicant testified he was given copies of the witness statements.

The Applicant testified he asked trial counsel to subpoena medical records from California to help prove that he was injured during the dispute. He testified counsel never subpoenaed the records. The Applicant testified while in California he received treatment for a

shoulder injury. He testified he shot his brother and his brother still was able to injure him.

Also present and testifying was D. Ashley Pennington, Esquire. Counsel testified he has been practicing criminal law in South Carolina since 1980 and he is the current chief public defender for the 9th circuit. Counsel testified he learned of the Applicant's case in fall 2011 in a meeting with the Solicitor about old cases. He testified he learned the Applicant was representing himself and the State was seeking death.

Counsel testified he drove to the prison to make sure the Applicant understood that the State was seeking death on his charges. He testified when he spoke with the Applicant, the Applicant indicated he was interested in his representation and that he was unhappy about representing himself in the prior trial. Counsel testified he assumed representation of the Applicant after filing a notice of representation.

Counsel testified he met with the Applicant at the prison. He testified they had six or more in-depth meetings, they corresponded by mail, and he spoke with the Applicant's family. Counsel testified he reviewed the discovery material with the Applicant. He testified he discussed with the Applicant the elements of the charges he was facing and what the State was required to prove to convict him. He testified they also discussed the Applicant's version of facts. Counsel testified he and the Applicant discussed the details of the incident and that Applicant never disputed shooting his brother. He testified the sticking point was the shooting of the Applicant's nephew.

Counsel testified he and the Applicant discussed the State's witnesses and their testimony. Counsel testified he used a private investigator and made a list of things he wanted to investigate. He testified he did not know where to find witnesses and hoped the State could not find them either. He testified they did not have leads on how to find the witnesses and did not

want to "stir the pot" to find the witnesses. Counsel testified initially they thought the State would be unable to locate Russell Kapinski and that he would be unavailable to testify. He testified ultimately Kapinski was located and his testimony was consistent with its theory of the case. Counsel testified Kapinski said the Applicant came out of the bedroom and shot his brother in the face and then he heard a second shot, after which he found the nephew shot in the neck in another room. Counsel testified multiple witnesses said the Applicant was directly involved in the nephew's death. Counsel testified the State re-interviewed the witnesses and video recorded them. Counsel and the Applicant reviewed the recorded interviews.

Counsel testified he discussed self-defense and voluntary manslaughter with the Applicant as is his standard practice. He testified self-defense would not have been a viable defense since the most credible evidence showed the Applicant was angry after a fight with his brother and there was no evidence of the Applicant's brother being armed or threatening anyone. He testified further it was unlikely the jury would believe the Applicant was acting with provocation.

Counsel testified he did not recall going through the details of the Protection of Persons and Property Act with the Applicant and he did not offer an immunity hearing. Counsel testified he did not see the essential elements of no fault and reasonableness. He testified he did not think the Applicant could prove immunity from the Act. Counsel testified the Protection of Persons and Property Act adopted the common law and expanded it to settings outside of the home. He testified they were dealing with essential self-defense elements. Counsel testified he felt his advice to the Applicant about the Castle Doctrine was still good law.

Counsel testified they discussed getting the victim's medical records about his shoulder, but that would have been something he would have done had the Applicant gone to trial. He

testified the injury would have shown he was in pain and angry before his brother sustained the gunshot wound. Counsel testified further this would have been relevant to the element of provocation, however, the brother involved in the altercation was not the person killed. Counsel testified the Applicant never acknowledged shooting the nephew accidentally.

Counsel testified after it was clear his Dorchester conviction would stand, he got signals from the Applicant that he was interested in pleading guilty. He testified after obtaining the recorded interviews, it was clear the Applicant would be convicted, thereafter and he began to move into the directions of a plea.

Ineffective Assistance of Counsel

The Applicant alleges that he received ineffective assistance of counsel. In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test to evaluate allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong,

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attorney performance is measured by its "reasonableness under professional norms." Id. at 117, 386 S.E.2d at 625 (citing Strickland, 466 U.S. 668). 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." Id. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997). When there has been a guilty plea, the applicant must prove that counsel's representation was below the standard of reasonableness and that, but for counsel's unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (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, 243-44 (1969); Dover v. State, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991). When determining issues relating to guilty pleas, the court will consider the entire record, including the transcript of the guilty plea, and the evidence presented at the post-conviction relief hearing. Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 657 (2000) (citing Harres v. Lecke, 282 S.C. 131, 318 S.E.2d 360 (1984)). When a defendant pleads guilty on the advice of counsel, the plea may only be attacked through a claim of ineffective assistance of counsel. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2002) (citations omitted).

As an initial matter, this Court finds the Applicant's testimony was not credible. This Court finds the testimony of trial counsel to be credible. This Court finds further Counsel is a criminal practitioner who has extensive experience in the trial of serious offenses. Counsel conferred with the Applicant on numerous occasions. During conferences with the Applicant,

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Counsel discussed the pending charges, the elements of the charges and what the State was required to prove, Applicant's constitutional rights, Applicant's version of the facts, and possible defenses or lack thereof. The record reflects that Applicant's plea was entered freely, voluntarily, knowingly, and intelligently. The Applicant told the plea court that he was satisfied with his attorney and that no one had threatened him or promised him anything to plead guilty. This Court finds that Applicant understood the terms of his negotiated sentence.

Regarding the Applicant's claims of ineffective assistance of counsel, this Court finds the Applicant has failed to meet his burden of proof. This Court finds that Applicant's attorney demonstrated the normal degree of skill, knowledge, professional judgment, and representation that are expected of an attorney who practices criminal law in South Carolina. State v. Pendergrass, 270 S.C. 1, 239 S.E.2d 750 (1977); Strickland, 466 U.S. at 668; Butler, 286 S.C. 441, 334 S.E.2d 813. This Court further finds counsel adequately conferred with the Applicant, conducted a proper investigation, and provided thorough representation. This Court finds that counsel's representation did not fall below an objective standard of reasonableness.

Failure to investigate

Applicant first claimed Counsel failed to investigate his case. Applicant claimed he asked Counsel to interview witnesses because the witnesses gave conflicting statements to law enforcement. Applicant also claimed Counsel failed to subpoena medical records from California to prove Applicant was injured during the dispute, which could show provocation.

Prejudice from trial counsel's failure to interview or call witnesses cannot be shown where the witnesses do not testify at post-conviction relief. Underwood v. State, 309 S.C. 560, 425 S.E.2d 20 (1992); Bassette v. Thompson, 915 F.2d 932 (4th Cir. 1990), cert. denied, 499 U.S. 982 (1991). The Applicant's mere speculation as to what a witnesses' testimony would have

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August 12, ²⁰¹⁵15

Antavius Gadsen
SCDC Inmate#: 253537
Allendale Correctional Institution
PO Box 1151
Fairfax, SC 29827

RE: Gadsen v. State; 2015-CP-10-00419

Dear Mr. Gadsen:


I wanted to keep you informed about your case. I still have not been notified of a court date. I will remind you that Court Administration (at the Supreme Court in Columbia) sets aside only a few weeks each year for Post Conviction Relief hearings. As soon as I am informed of a hearing date, I will let you know.

The major tasks for me to properly represent you include: reviewing your application; researching the issues; reviewing the State's Reply; analyzing the transcript; speaking with your previous attorney(s); reviewing their file and meeting with you. All of these steps are essential. I represent PCR clients that were convicted in Berkeley, Charleston & Dorchester counties. However, my clients may be serving their sentence at any correctional institution around the state. Therefore, I must plan my visits efficiently. I prefer to have reviewed the transcript (if possible) before meeting with you. At this time I have received the following:

- PCR Application
- State's Reply
- Transcript
- Letter(s) from you

I will stay in touch as I received items relating to your case and as matters develop.

Sincerely,


Rodney D. Davis

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been cannot, by itself, satisfy his burden of showing prejudice. Clark v. State, 315 S.C. 385, 434 S.E.2d 266 (1993); Glover v. State, 318 S.C. 496, 458 S.E.2d 538 (1995). An Applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice from the witness' failure to testify at trial. Bannister v. State, 333 S.C. 298, 509 S.E.2d 807 (1998).

Applicant provided no witnesses at the PCR hearing which would have contradicted the State's case which was presented at the guilty plea. Therefore, Applicant can prove no prejudice for Counsel's alleged failure to call witnesses on Applicant's behalf.

"Failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result." Moorehead v. State, 329 S.C. 329, 496 S.E.2d 415 (1998).

While Counsel testified he thought the medical records could be relevant to show provocation at trial, Applicant failed to provide a copy of these records at the PCR hearing. As such, Applicant has failed to meet his burden of proving Counsel's ineffectiveness for failing to investigate and subpoena the medical records or any resulting prejudice. Thus, these allegations are dismissed.

Failure to Research

Applicant also claims Counsel was ineffective for failing to research the Protection of Persons and Property Act (PPPA) because Applicant thought he had a claim for self-defense. Applicant testified Counsel told him he had researched the Castle Doctrine and that he did not satisfy the grounds for self-defense. Applicant also testified Counsel never discussed with him the PPPA and that had Applicant known about the PPPA, he would not have pled guilty but insisted on going to trial.

To the contrary, Counsel testified he discussed the elements of self-defense with Applicant. While Counsel stated he did not specifically recall going over the details of the PPPA, he testified he did not find the essential elements of no fault and reasonableness in Applicant's case. Counsel also testified he did not believe Applicant could not gain immunity from a hearing on the PPPA. Counsel further testified the PPPA essentially codified the Castle Doctrine and expanded it to settings outside of the home and trusted that his advice to Applicant concerning the Castle Doctrine was correct.

This Court finds Applicant's testimony concerning Counsel's failure to research the PPPA not credible, while finding Counsel's testimony credible. This Court also finds Counsel adequately researched the applicable and provided sound legal advice to Applicant. Thus, this allegation is dismissed.

Failure to apprise Applicant of lesser included offenses

Applicant further claims Counsel failed to discuss with him the lesser included offenses of murder. Applicant testified had he known about the possibility of a lesser included offense, he would not have pled guilty. Specifically, Applicant stated Counsel did not discuss involuntary manslaughter.

Once again to the contrary, Counsel testified he discussed self-defense and voluntary manslaughter with the Applicant as is his standard practice. He testified self-defense would not have been a viable defense since the most credible evidence showed the Applicant was angry after a fight with his brother and there was no evidence of the Applicant's brother being armed or threatening. He testified further it was unlikely the jury would believe the Applicant was acting with provocation.

This Court finds Applicant's testimony concerning Counsel's failure to apprise Applicant

of lesser included offenses not credible, while finding Counsel's testimony credible. Therefore, Applicant has failed to meet his burden of proof as to this allegation.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test, specifically that counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that counsel committed either errors or omissions while representing the Applicant. The Applicant failed to show that counsel's performance was deficient. Therefore, this Court need not address prejudice. Applicant's complaints concerning counsel's performance are without merit and are denied and dismissed.

All Other Allegations

As to any and all allegations that were raised in the application in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present sufficient evidence or testimony regarding such allegations. Accordingly, this Court finds the Applicant abandoned such allegations. Therefore, they are hereby denied and dismissed.

CONCLUSION

Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his guilty plea and sentencing proceedings. Applicant was not prejudiced by counsel's representation. Therefore, this application for PCR must be denied and dismissed with prejudice.

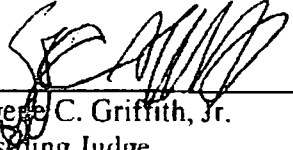
This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of written notice of entry of this Order to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been

timely served and filed.

IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 2nd day of July, 2015



Eugene C. Griffith, Jr.
Presiding Judge
9th Judicial Circuit

Newberry, South Carolina.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)
)
)
DONSURVI CHISOLM,)
)
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Applicant.)
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-versus-)
)
STATE OF SOUTH CAROLINA,)
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)
Respondent.)

IN THE SUPREME COURT OF SOUTH CAROLINA
Case No.: 2013-CP-08-0422

REQUEST FOR REPRESENTATION ON APPEAL

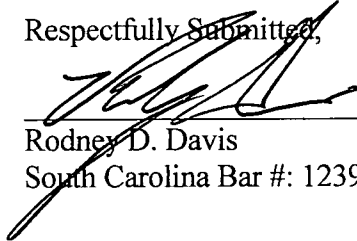
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MARTIN P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

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

8/14, 2015
Charleston, South Carolina.



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The Honorable Daniel E. Shearhouse
Clerk, Supreme Court of South Carolina
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