

 **RESNICK & LOUIS, P.C.**  
ATTORNEYS AT LAW

Christopher L. Murphy  
Admitted in SC  
[cmurphy@rlattorneys.com](mailto:cmurphy@rlattorneys.com)

REPLY TO THE CHARLESTON OFFICE  
234 Seven Farms Drive, Suite 128  
Charleston, SC 29492  
(843) 800-1187

October 20, 2017

RECEIVED

OCT 24 2017

S.C. SUPREME COURT

**VIA U.S. MAIL**

The Honorable Daniel E. Shearhouse  
Clerk of South Carolina Supreme Court  
Supreme Court Building  
Post Office Box 11330  
Columbia, SC 29211

Re: *Antonio Patterson, #342594 v. State of South Carolina*  
Civil Action No.: 2014-CP-10-1212

Dear Mr. Shearhouse:

Enclosed for filing, please find an original and two copies of Appellant's Notice of Appeal of the denial of his application for Post-Conviction Relief, and a Proof of Service regarding same. If you find everything in order, please file the original and return the clocked-in copies in the enclosed self-addressed envelope.

Please note, I was appointed to this and case and have copied the Office of Appellate Defense on this who will handle the appeal. Please call if you have any questions.

With kindest regards, I am



Christopher L. Murphy, Esq.  
For the Firm

CLM/jh

Enclosures

cc (w/ encls.): Mr. Antonio Patterson  
Megan Harrigan Jameson, Senior Asst. Dep. AG  
Robert M. Dudek, Esquire  
The Honorable William H. Seals, Jr.  
The Honorable Julie J. Armstrong, Clerk, 9<sup>th</sup> Jud. Cir.

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

RECEIVED

OCT 24 2017

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

S.C. SUPREME COURT

William H. Seals, Jr., Circuit Court Judge

Case No.: 2014-CP-10-1212

Antonio Patterson, #342594..... Appellant

v.

State of South Carolina ..... Respondent

NOTICE OF APPEAL

Appellant appeals the Court's denial of his application for post-conviction relief.  
Attached is the order from the court dated September 14, 2017 and received October 2, 2017.

October 20, 2017



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Resnick & Louis, P.C.  
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Other Counsel of Record:  
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Senior Asst. Deputy Attorney General  
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ALAN WILSON  
ATTORNEY GENERAL

September 27, 2017

Christopher L. Murphy, Esquire  
Murphy Law Offices, LLC  
234 Seven Farms Drive, Suite 128  
Charleston, SC 29492

*Received  
at 2:12 PM*

**Re: Antonio Patterson, #342594 v. State of South Carolina  
2014-CP-10-1212**

Dear Mr. Murphy:

Enclosed is a copy of the **Order of Dismissal** in the above-captioned case signed by The Honorable William H. Seals and filed with the Charleston County Clerk of Court.

Sincerely,

Megan Harrigan Jameson  
Senior Assistant Deputy Attorney General

MHJ/jaj  
Enclosure(s)

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT

COUNTY OF CHARLESTON

CASE NO: 2014-CP-10-1212

ANTONIO PATTERSON, # 342594

**MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET**

Plaintiff,

vs.

STATE OF SOUTH CAROLINA

Defendant.

Plaintiff's Attorney:  
Christopher L. Murphy, Bar No.  
Address: Murphy Law Offices, LLC  
234 Seven Farms Drive, Suite 128  
Charleston, SC 29492  
Phone: \_\_\_\_\_ Fax \_\_\_\_\_  
E-mail: \_\_\_\_\_ Other: \_\_\_\_\_

Defendant's Attorney:  
Megan Harrigan Jameson, Bar No.  
Address: South Carolina Attorney General's Office  
PO Box 11549  
Columbia, SC 29211  
Phone: \_\_\_\_\_ Fax \_\_\_\_\_  
E-mail: \_\_\_\_\_ Other: \_\_\_\_\_

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

**SECTION I: Hearing Information**

Nature of Motion: \_\_\_\_\_

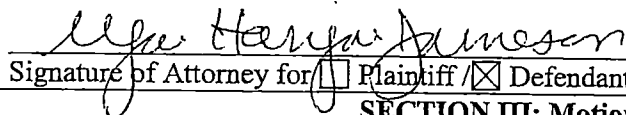
Estimated Time Needed: \_\_\_\_\_ Court Reporter Needed:  YES /  NO

**SECTION II: Motion/Order Type**

Written motion attached

Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

  
Signature of Attorney for  Plaintiff /  Defendant

September 13, 2017  
Date submitted

**SECTION III: Motion Fee**

PAID - AMOUNT: \$ \_\_\_\_\_

- EXEMPT: (check reason)
- Rule to Show Cause in Child or Spousal Support
  - Domestic Abuse or Abuse and Neglect
  - Indigent Status  State Agency v. Indigent Party
  - Sexually Violent Predator Act  Post-Conviction Relief
  - Motion for Stay in Bankruptcy
  - Motion for Publication  Motion for Execution (Rule 69, SCRPC)
  - Proposed order submitted at request of the court; or,  
reduced to writing from motion made in open court per judge's instructions  
Name of Court Reporter: \_\_\_\_\_
  - Other: \_\_\_\_\_

**JUDGE'S SECTION**

Motion Fee to be paid upon filing of the attached order.

Other: \_\_\_\_\_

JUDGE CODE \_\_\_\_\_

Date: \_\_\_\_\_

**CLERK'S VERIFICATION**

Collected by: \_\_\_\_\_ Date Filed: \_\_\_\_\_

MOTION FEE COLLECTED: \$ \_\_\_\_\_

CONTESTED - AMOUNT DUE: \$ \_\_\_\_\_

CC  
AG  
AT  
SDC  
GJ

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )  
Antonio Patterson, SCDC No. 342594, )  
Applicant, )  
v. )  
State of South Carolina, )  
Respondent. )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT

Case No.: 2014-CP-10-1212

**ORDER OF DISMISSAL**

2017 SEP 20 PM 3:37  
JULIE M. HARRIS  
CLERK OF COURT

This matter comes before the Court by way of an application for post-conviction relief filed February 25, 2014, by Antonio Patterson (Applicant), alleging ineffective assistance of counsel. Respondent made its Return on May 22, 2015, requesting an evidentiary hearing be held. An evidentiary hearing into the matter was convened January 11, 2017, at the Charleston County Courthouse. Applicant was present at the hearing and represented by Christopher L. Murphy, Esquire. Assistant Attorney General Alicia Olive from the South Carolina Attorney General's Office appeared on behalf of the State. Following the hearing, this Court denied the application. This order follows.

**PROCEDURAL HISTORY**

The records before this Court establish Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Charleston County Clerk of Court. During it September 2006 term, the Charleston County Grand Jury indicted Applicant for first-degree criminal sexual conduct (2006-GS-10-9248). Reese Stidham, Esquire, of the Charleston County Public Defender's Office represented Applicant. The case was prosecuted by Assistant Solicitors Jennifer Shealy and James Stack. On August 30, 2010,

Applicant proceeded to a jury trial before the Honorable Deadra L. Jefferson. The jury convicted Applicant as indicted. Judge Jefferson sentenced Applicant to twelve years imprisonment.<sup>1</sup>

Applicant filed a timely notice of appeal and Chief Appellate Defender Robert M. Dudek of the South Carolina Commission on Indigent Defense—Division of Appellate Defense represented him on appeal. Following the submission of an Anders<sup>2</sup> brief, the South Carolina Court of Appeals affirmed the conviction and sentence. State v. Antonio Patterson, Op. No. 2013-UP-254 (Ct. App. filed June 19, 2013). The Remittitur was returned to the circuit court on July 17, 2013.<sup>3</sup>

### FACTUAL HISTORY

This case arose from a sexual assault occurring on April 8, 2006, at a home in Charleston. T.G. (the victim) testified she had been invited to a cookout at Applicant's home and, while there, they grilled food, drank alcohol, and smoked marijuana with members of Applicant's family. (Tr.p.88, lines 9-17; p.96, line 7-p.97, line 9). Later that evening, the victim told Applicant she wanted to go home; however, Applicant told her he wanted to have sex and when she refused, Applicant went upstairs and returned with a gun. (Tr.p.98, lines 9-16). The victim testified Applicant forced her into the bathroom, where she again told him she did not want to

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<sup>1</sup>After he was convicted, Applicant also pled guilty to the third-degree criminal sexual conduct and Judge Jefferson sentenced him to a concurrent ten year sentence. Applicant already challenged this conviction in a separate post-conviction relief application, dismissed on January 18, 2012.

<sup>2</sup>Anders v. California, 386 U.S. 738 (1967).

<sup>3</sup>Applicant subsequently filed an application for post-conviction forensic DNA testing filed on August 2, 2013. On October 6, 2014, a hearing on this application was held before On October 6, 2014, a hearing was held before the Honorable Roger M. Young, Sr. Jennifer Kneece Shealy of the Ninth Circuit Solicitor's Office represented the State and Applicant proceeded pro se. On October 7, 2014, Judge Young entered an order denying the application, finding Applicant failed to meet his burden of proof as required by S.C. Code Ann. § 17-28-90 to show by a preponderance of the evidence that any further DNA testing would be appropriate. He subsequently appealed this ruling and was represented on this appeal by Appellate Defender Tiffany L. Butler of the South Carolina Commission on Indigent Defense—Division of Appellate Defense. Applicant filed a petition for a writ of certiorari on October 26, 2015. The State filed its return to this petition on November 25, 2015. By order dated June 7 2016, the South Carolina Court of Appeals denied certiorari. The Remittitur was issued on June 27, 2016.

have sex. (Tr.p.99, lines 9-13). The victim stated she was crying and screaming, but Applicant would not let her leave—locking the front door and taking her cell phone. (Tr.p.100, lines 16-18; p.101, lines 5-7; p.101, lines 21-25). The victim testified Applicant grabbed her arm, twisted it behind her back, and took her to the living room, where he bent her over the arm of the sofa. (Tr.p.103, lines 1-6). The victim stated Applicant pulled her underwear and pants down, she saw him put on a condom, and he sexually assaulted her. (Tr.p.104, lines 1-5). When Applicant was finished, the victim testified she escaped and ran to a neighbor's house to call police. (Tr.p.107, lines 6-14).

Officers who interviewed the victim on the night of the incident testified she was shaking, visibly upset, crying, and so distraught she vomited twice. (Tr.p.153, lines 18-21; p.169, lines 9-14). A Sexual Assault Kit, and the victim's underwear and clothes were collected and sent to SLED for DNA analysis. (Tr.p.274, line 17-p.275, line 11). Officers obtained a search warrant for Applicant's home where they took into evidence two used condoms and a carpet cutting from the living room and sent them to SLED for DNA analysis. (Tr.p.207, line 17-p.208, line 22; p.209, line 11-p.210, line 5; p.226, line 22-p.227, line 1; p.228, lines 2-20). Further, officers obtained a search warrant for Applicant's DNA, which was collected and sent to SLED for DNA analysis. (Tr.p.259, lines 14-16).

Prior to the trial in 2010, SLED analyzed the DNA from six items, including the samples from the victim and Applicant.<sup>4</sup> (App.pp.35-38). In the DNA report dated April 30, 2010, Lieutenant Robin Taylor reported: one of the condoms had a DNA profile that was a mixture of

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<sup>4</sup> No semen was found in the swabs taken from the victim's mouth, vagina, or rectum during the sexual assault exam, and none was found in the victim's underwear. (App.pp.35-36).

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at least two people and Applicant's DNA matched that of the major contributor, while the DNA profile of the minor contributor could not be matched to the victim. Taylor testified to and was cross-examined on the findings during Applicant's trial. (Tr..pp.253-71).

Applicant asserted a defense of consent. He presented two witnesses on his behalf: his nephew Emanuel Patterson and his brother Timothy Patterson, who both testified about the cookout and seeing the victim at the cookout. Both denied seeing anything inappropriate occur between the victim and Applicant.

### **ALLEGATIONS RAISED**

In his application, Applicant alleged he is being held in custody unlawfully based on allegations of ineffective assistance of counsel for failing to file a motion to quash the indictment and insufficient evidence to support the conviction. At the start of the evidentiary hearing, Applicant informed this Court he was proceeding forward on two grounds of ineffective assistance of counsel: failure to properly advise Applicant about testifying in his own defense and failure to ask for jury instructions on lesser-included offenses. (PCR Tr. p. 3-4).

### **SUMMARY OF TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING**

At the evidentiary hearing, Applicant testified on his own behalf. Applicant testified he was represented by Reese Stidham of the Charleston County Public Defender's Office and never met with him the entire time he was released on bond. (PCR Tr. p. 4-5). He testified a different attorney, Tommy Bolus, represented him at his bond hearing. (PCR Tr. p. 7). He testified he spoke with counsel once by telephone a week or two before trial. (PCR Tr. 5-6). He testified counsel never discussed plea offers with him. (PCR Tr. 7). However, he testified he was aware of a plea offer to third-degree criminal sexual conduct. (PCR Tr. p. 23).

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Applicant testified he told counsel he did not have sexual relations with the victim and he did not know the victim. (PCR Tr. 7-8, 13). He testified he recalled the trial judge asking him if he wanted to testify at trial and the judge giving him time to discuss the issue with counsel. (PCR Tr. p. 8-9, 25). He testified he discussed the issue with counsel and counsel advised him not to take the stand because the State would introduce his prior charges. (PCR Tr. p. 8-13). Applicant testified that if he would have taken the stand in his defense, he would have testified that he stopped by his family's cookout to eat and saw the victim, but did not converse with her. (PCR Tr. p. 13-15). However, he acknowledged he called two family members as defense witnesses who both testified they saw Applicant conversing with the victim that day although they denied anything improper occurred. (PCR Tr. p. 24, 25). He testified he told counsel his version of events, but counsel still advised him not to testify because of his prior convictions. (PCR Tr. p. 15-16). He denied that his defense at trial was a consensual sexual encounter. (PCR Tr. p. 24-25).

Applicant also testified counsel should have requested jury instructions on the lesser-included offenses. (PCR Tr. p. 17). He testified he never discussed whether to ask for lesser-included offense with counsel and he would have wanted counsel to get instructions on lesser-included offenses because he "would be doing less than 50 percent of the time [he's] doing now." (PCR Tr. p. 17-18). He testified he pled guilty to an unrelated charge following his conviction and counsel did not discuss this with him. (PCR Tr. 20-21).

Counsel testified next. Counsel testified he was appointed to represent Applicant and has been practicing law since 2006. (PCR Tr. p. 27). He testified he met with Applicant multiple

times and also discussed his case by telephone. (PCR Tr. p. 28, 32). He testified he went to various locations, including the family home where the sexual assault occurred and the county jail, in an attempt to corroborate Applicant's story that he gave the victim a ride to the jail to visit her boyfriend. (PCR Tr. 28). He testified he discussed Applicant's version of events "many times and at length" and "they were nothing similar at all to what he just testified to." (PCR Tr. p. 28, 30). Counsel elaborated Applicant advised him that he had known the victim for years, the two had partied together earlier before having consensual sex and that the whole defense was premised around this. (PCR Tr. p. 29, 31-32). Counsel testified this defense needed Applicant to testify and he prepared Applicant to testify. (PCR Tr. p. 29, 32). He testified he put up two defense witnesses first and the assistant solicitor was "extremely effective at cross-examining" the witnesses, particularly Applicant's brother. (PCR Tr. p. 29, 32). He testified Applicant was hesitant after that and he and co-counsel then spent a significant amount of time in a side room talking to Applicant about whether he should testify. (PCR Tr. p. 30, 32). He testified he does not recall ever telling Applicant whether or not he should testify and the decision would have been Applicant's choice. (PCR Tr. p. 30). However, he testified he stressed the importance of Applicant testifying "because he had to explain to the jury that it was consensual. And they needed to hear that from him." (PCR Tr. p. 30). He testified he does not think Applicant would have done well on the stand, noting he had Applicant evaluated by Dr. Burke prior to trial and Dr. Burke opined Applicant would not be a good witness. (PCR Tr. p. 30).

Counsel testified he did not request any lesser-included offenses because he "did not want to give the jury anything to compromise on and wind up with him getting a CSC second or third." (PCR Tr. p. 31). He elaborated there was an accompanying weapons charge of which the

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jury acquitted Applicant. (PCR Tr. p. 31). He testified he is certain “without a doubt” that he and co-counsel discussed lesser-included charges with Applicant and they would not have gone forward without Applicant’s permission not to request those lesser-included charges. (PCR Tr. p. 31, 34-25).

### **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 at the post-conviction relief hearings. 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. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

In a post-conviction relief action, an applicant has the burden of proving the allegations in his or her application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant alleges ineffective assistance of counsel as a ground for relief, he or she must prove “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 an attorney provided representation within the range of competence required in criminal cases. Courts presume counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813. The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

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Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). 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.

After careful review of the entire record, including the testimony presented at the evidentiary hearings, based on the standard discussed above, this Court finds Applicant has failed to carry his burden in this action regarding any of his allegations of ineffective assistance of counsel. Below are this Court's specific finding regarding each of Applicant's allegations of ineffective assistance of counsel:

*Allegation: Failure to properly advise Applicant about testifying in his defense*

Applicant alleges counsel failed to properly advise him about testifying on his own behalf. Applicant testified he wanted to testify on his own behalf, but counsel advised him against testifying because the State would introduce his prior convictions. He testified if he had taken the stand, he would have testified he did not speak with the victim at the cookout and did not have any sexual encounter with her. However, counsel testified Applicant had always asserted he had a consensual sexual encounter with the victim after a part of partying, in stark contrast to the testimony Applicant gave at the evidentiary hearing. Counsel testified that based on these conversations with Applicant, their defense theory was that Applicant and the victim had consensual sex and he discussed with Applicant the need for him to testify to support this

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defense of consent. Counsel testified had prepared Applicant to testify and had him evaluated by Dr. Burke in anticipation of him testifying. He testified Applicant changed his mind about testifying after observing the assistant solicitor's vigorous cross-examination of his brother and he discussed whether Applicant should testify with him at length. Counsel testified it was ultimately Applicant's decision to make and Applicant decided not to testify.

This Court finds counsel's testimony to be credible as to this issue and finds counsel adequately conferred with Applicant both before and during trial about his decision to testify. This Court finds Applicant's testimony on this issue to be not credible and find this allegation is without merit. Therefore, this allegation is denied and dismissed with prejudice.

*Allegation: Failure to request jury instructions on lesser-included offenses*

Applicant alleges counsel was ineffective for failing to request jury instructions on lesser-included offenses and denied counsel ever discussed this with him. In contrast, counsel testified he and his co-counsel discussed this with Applicant at length and all were in agreement not to request lesser-included offenses because they did not want to risk the jury compromising on a lesser-included offense such as second-degree or third degree criminal sexual conduct rather than acquitting Applicant.

This Court finds counsel's testimony to be credible as to this issue and finds counsel adequately conferred with Applicant about the decision not to request any jury instructions on lesser-included offenses. This Court finds Applicant's testimony on this issue to be not credible and find this allegation is without merit.

Additionally, this Court finds counsel's reasoning for not requesting jury instructions on lesser-included offenses was a valid trial strategy. "Counsel must articulate a valid reason for

employing a certain strategy to avoid a finding of ineffectiveness.” Abney v. State, 408 S.C. 41, 46, 757 S.E.2d 544, 546–47 (Ct. App. 2014) (citing Roseboro v. State, 317 S.C. 292, 294, 454 S.E.2d 312, 313 (1995)). When counsel articulates a strategy, it is measured under an objective standard of reasonableness. Ingle v. State, 348 S.C. 467, 470, 560 S.E.2d 401, 402 (2002). “[S]trategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable; and strategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation.” Strickland, 466 U.S. at 691. Counsel’s decision not to request jury instructions on lesser-included offenses was a valid trial strategy. See Abney, 408 S.C. at 46-47, 757 S.E.2d at 546–47 (recognizing counsel’s decision not to request a jury instruction on lesser included offenses can be a valid trial strategy). Therefore, this allegation is denied and dismissed with prejudice.

### CONCLUSION

Based on all 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 is denied and dismissed with prejudice.


This Court notes Applicant must file and serve a notice of appeal within thirty days from the receipt of this Order by counsel of record 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 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. This application for post-conviction relief must be denied and dismissed with prejudice; and
2. Applicant shall remain in the custody of the State.

AND IT IS SO ORDERED this 14<sup>th</sup> day of September, 2017.

  
\_\_\_\_\_  
WILLIAM N. SEALS, JR.  
Presiding Judge  
Ninth Judicial Circuit

Mam, South Carolina



ALAN WILSON  
ATTORNEY GENERAL

September 15, 2017

The Honorable Julie J. Armstrong  
Charleston Clerk of Court  
100 Broad St Ste 106  
Charleston, SC 29401-2210

Re: Antonio Patterson, 342594 v. State of South Carolina  
2014-CP-10-1212

Dear Ms. Armstrong:

Enclosed please find the original Order of Dismissal signed by the Honorable William H. Seals, in the above-captioned case, for filing in your office.

Pursuant to Rule 71.1(f), of the South Carolina Rules of Civil Procedure, please "provide notice of entry of judgment and serve a copy of the order or judgment to the parties as provided in Rule 77(d), SCRPC."

In addition, please forward proof of service and a time stamped copy back to our office for our file.

Sincerely,

Megan Harrigan Jameson  
Senior Assistant Deputy Attorney General

MHJ/jaj

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON  
IN THE COURT OF COMMON PLEAS

ANTONIO PATTERSON

Applicant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Order of Dismissal** has been served upon the applicant by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

**Christopher L. Murphy, Esquire  
Murphy Law Offices, LLC  
234 Seven Farms Drive, Suite 128  
Charleston, SC 29492**

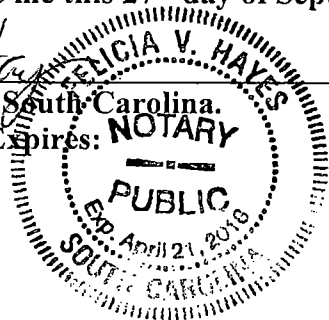
This 27<sup>th</sup> day of September, 2017.

*Jennifer Jennison*

Jennifer Jennison  
Legal Assistant for Respondent

SWORN to before me this 27<sup>th</sup> day of September, 2017.

*J. V. Hayes*  
Notary Public for South Carolina.  
My Commission Expires:



THE STATE OF SOUTH CAROLINA  
In the Supreme Court

RECEIVED  
OCT 24 2017  
S.C. SUPREME COURT

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

Case No.: 2014-CP-10-1212

Antonio Patterson, #342594..... Appellant  
v.  
State of South Carolina ..... Respondent

PROOF OF SERVICE

I certify that I have served APPELLANT’S NOTICE OF APPEAL by delivering a copy via U.S. Mail First-Class postage prepaid on the 20th day of October, 2017, on the following:

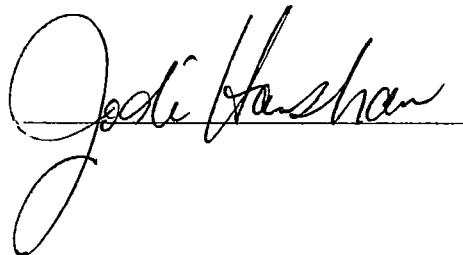
Megan Harrigan Jameson, Esquire  
Senior Assistant Deputy Attorney General  
SC Office of the Attorney General  
PO Box 11549  
Columbia, SC 29201

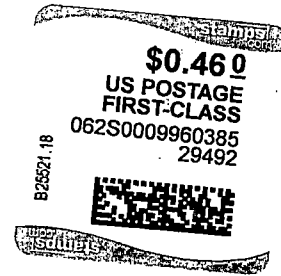
The Honorable William H. Seals, Jr.  
103 North Main Street  
Marion, SC 29571

The Honorable Julie J. Armstrong  
Clerk of Court, Ninth Judicial Circuit  
100 Broad Street, Suite 106  
Charleston, SC 29401

Robert M. Dudek, Esquire  
Office of Appellate Defense  
PO Box 11433  
Columbia, SC 29211-1433

Mr. Antonio Patterson, SCDC #342594  
Dorm B2C14B  
MacDougall Correctional Institution  
1516 Old Gilliard Road  
Ridgeville SC 29472





 **RESNICK & LOUIS, P.C.**  
ATTORNEYS AT LAW

234 Seven Farms Drive, Suite 128, Charleston, SC 29492

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