

 **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: *Arthur Lee Rivers, #254993 v. State of South Carolina*  
Civil Action No.: 2015-CP-10-1003

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. Arthur Lee Rivers  
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

APPEAL FROM CHARLESTON COUNTY **OCT 24 2017**  
Court of Common Pleas

S.C. SUPREME COURT

William H. Seals, Jr., Circuit Court Judge

Case No.: 2015-CP-10-1003

Arthur Lee Rivers, #254993..... Appellant

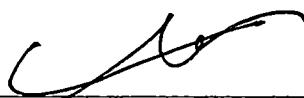
v.

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



Christopher L. Murphy  
Resnick & Louis, P.C.  
234 Seven Farms Drive, Suite 128  
Charleston, SC 29492  
Phone & Fax: (843) 800-1187  
Email: [cmurphy@rlattorneys.com](mailto:cmurphy@rlattorneys.com)

Other Counsel of Record:  
Megan Harrigan Jameson  
Senior Asst. Deputy Attorney General  
Rembert C. Dennis Building  
PO Box 11549  
Columbia, SC 29211-1549  
Phone: (803) 734-3970  
Fax: (803) 253-6283  
[mjameson@scag.gov](mailto:mjameson@scag.gov)



ALAN WILSON  
ATTORNEY GENERAL

September 27, 2017

*Oct 2 - received*

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

**Re: Arthur Lee Rivers, #254993 v. State of South Carolina**  
**2015-CP-10-1003**

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)



C  
AG  
AT  
Es  
SOL

2015-CP-10-1003

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )  
Arthur Lee Rivers, SCDC No. 254993, )  
Applicant, )  
v. )  
State of South Carolina, )  
Respondent. )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT

Case No.: 2015-CP-10-1003

**ORDER OF DISMISSAL**

2017 SEP 20 PM 3:32  
CLERK OF COURT

This matter comes before the Court by way of an application for post-conviction relief filed February 17, 2015, by Arthur Lee Rivers (Applicant), alleging ineffective assistance of counsel. Respondent made its Return on July 8, 2015, requesting an evidentiary hearing be held. An evidentiary hearing into the matter was convened January 9, 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 its October 2008 term, the Charleston County Grand Jury indicted Applicant for assault on a police officer while resisting arrest, trafficking in cocaine (10-28 grams) (third offense), and trafficking in cocaine base (greater than 10 grams) (third offense). Applicant was represented by James W. Smiley, IV, Esquire. The case was prosecuted by

Assistant Solicitors Rutledge DuRant and Culver Kidd. On September 15, 2009, Applicant proceeded to a jury trial before the Honorable Roger M. Young, Sr. The jury convicted Applicant of assault on a police officer while resisting arrest, trafficking in cocaine (10-28 grams) (third offense) as indicted and possession of cocaine base (third offense) as a lesser-included offense. Judge Young sentenced Applicant to concurrent sentences of twenty five years imprisonment for the trafficking charge, fifteen years imprisonment for the possession charge, and ten years imprisonment for the resisting arrest charge.

Applicant filed a timely notice of appeal and retained Tara Dawn Shurling, Esquire, to represent him on appeal. Following briefing and argument, the South Carolina Court of Appeals affirmed the convictions and sentences. State v. Rivers, Op. No. 2011-UP-495 (Ct. App., filed November 7, 2011). Applicant's petition for rehearing was denied by the Court of Appeals on December 19, 2011. Applicant then sought certiorari from the South Carolina Supreme Court, which denied the petition. The Remittitur was returned to the circuit court on February 18, 2014.

### **FACTUAL HISTORY**

Deputy Ryan Blakeley was serving a warrant on David Tyrone Robinson. Blakeley found Robinson in a common area, sitting on a chair by a shed, as Blakeley pulled up in a marked police car. Deputy Blakeley also saw Applicant walking. Robinson and Applicant were the only two people in the vicinity. (Trial Tr. 179-181)

Rivers did not see Deputy Blakeley at first, but then as he saw the Deputy, his eyes widened, he looked surprised, his whole body language changed. Applicant stealthily tossed an item to the ground, "as [if] he didn't want [Blakeley] to notice it" and continued walking. (Trial Tr. 181). Blakeley was suspicious of narcotic activity, but Blakeley felt that if he approached

Applicant at that point, Applicant would run. So Blakeley proceeded to serve the warrant on Robinson, who was cooperative. Blakeley put Robinson in handcuffs. (Trial Tr. 182-183).

Then Blakeley approached Applicant, who had been walking towards the shed, told Applicant that he noticed Applicant throw an object down, and asked for Applicant's license for a warrant check. It came back clear, at which point, Blakeley asked Applicant if he had any problem with Blakeley patting him down and searching him for narcotics. Applicant consented. Blakeley testified that he wanted to search Applicant for weapons—they were in a high crime area and high drug area. Blakeley did not find anything from the pat-down search. At that point, Blakeley grabbed Applicant's hand to detain him while he checked out the item Applicant dropped. Applicant yanked his hand away and asked what Blakeley was doing. Blakeley explained he was detaining Applicant to investigate the item Applicant littered. Applicant pulled away a second time and pushed Blakeley in the chest. Then Applicant ran. (Trial Tr. 182-186).

Blakeley pursued Applicant and tried to Taser Applicant. The Taser managed to cause Applicant to fall, but did not immobilize him. When Blakeley caught up to Applicant, they struggled. Applicant threw the handcuffs into the woods. Blakeley told Applicant he was under arrest, to quit resisting. Blakeley at this point was going to arrest Applicant for assaulting police. The struggle continued. Applicant continued to try and break away from Blakeley, Blakeley used brachial stuns, knees to the groin, and eventually brought Applicant under his control, and then Blakeley hit the emergency button on his shirt while he waited for backup to arrive. Applicant was under arrest for assaulting a police officer and resisting arrest. (Trial Tr. 187-195).

Blakeley read Applicant his Miranda rights. Applicant was taken to the police cruiser. Then Blakeley went back to retrieve the items Applicant dropped. Deputy Summersell found the

items—a pill bottle with over 10 grams of crack cocaine inside and a clear plastic bag with 22 grams of cocaine powder. (Trial Tr. 196-200, 289-290).

Applicant then tried to get the officers' attention by banging his head against the police car window. Blakeley opened the door to see what Applicant wanted. Applicant was trying to talk about the incident that occurred, but Blakeley read Applicant his Miranda rights a second time. Then Applicant told Blakeley that the coke was his, but not the crack. (Trial Tr. 200-207).

### **ALLEGATIONS RAISED**

In his application, Applicant alleged he is being held in custody unlawfully based on allegations of ineffective assistance of counsel for:

1. Failing to argue Applicant's statement to law enforcement was improper character evidence, thereby leaving this argument unpreserved for appellate review
2. Failure to make a motion *in limine* at the start of trial or a motion to suppress during trial to suppress the drug evidence

At the conclusion of Applicant's testimony, Applicant moved to conform his allegations to the testimony presented, including an additional allegation that trial counsel was ineffective for failing to properly communicate with him regarding plea offers. The State did not object to this motion, and the Court granted the motion and allowed Applicant to proceed forward on the allegation that counsel failed to adequately communicate with him as to plea offers.

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

At the evidentiary hearing, Applicant testified on his own behalf. Applicant testified he was represented by trial counsel, who he had known for "quite some time." (PCR Tr. 6). He testified the State made him an initial plea offer of five years imprisonment followed by a

subsequent plea offer of fifteen years imprisonment. (PCR Tr. 6-7). He testified he discussed these plea offers with counsel, including the five year plea offer that was made when he “was on the street.” (PCR Tr. 7, 13). He testified he thought he was accepting the five year offer when he came to court for his trial. (PCR Tr. 7-8, 12). Applicant denied he ever turned down a plea offer for five to thirty years. (PCR Tr. 12). However, he testified the five year plea offer seemed “long” and he asked counsel to get him a lower plea offer. (PCR Tr. 13-14). He also recalled the fifteen year offer came “during the court session” but counsel said they were ready to go to trial. (PCR Tr. 7-8). He acknowledged he turned down the fifteen year plea offer. (PCR Tr. 13). He testified he did not speak with counsel privately before the trial began. (PCR Tr. 8). He testified he never met with counsel other than once on the day of trial. (PCR Tr. 14).

Applicant testified a statement to law enforcement that the cocaine was his but the crack was not was admitted during trial over counsel’s objection. (PCR Tr. 9). He testified counsel should have also objected and move to exclude the statement as improper character evidence and this argument was found unpreserved on appeal because counsel failed to object on this ground. (PCR Tr. 9-10). Applicant also testified counsel failed to move *in limine* or during trial to suppress the drug evidence, thereby failing to preserve the issue for appellate review. (PCR Tr. 10-11).

Counsel also testified. He testified he has been practicing law since 1993 and he exclusively practices criminal defense. (PCR Tr. 18). He testified he was retained “fairly early on” and spoke with Applicant by phone frequently, as well as met with him “two to three times” before trial. (PCR Tr. 18, 26). Counsel estimated he spent ten to fifteen hours preparing for trial. (PCR Tr. 26). He testified his file for Applicant’s case was inadvertently destroyed. (PCR Tr.

27). Counsel testified there was never a plea offer for five years, but there was an offer for a sentence range of five to thirty years and that the State would recommend five years. (PCR Tr. 18-19). He testified Applicant turned down this plea offer on the record. (PCR Tr. 19). He testified there was also a fifteen year plea offer the day trial started. (PCR Tr. 19). He testified Applicant was aware he would receive at least a twenty-five year sentence if convicted at trial. (PCR Tr. 27).

Counsel testified Applicant denied the drugs were his and noted the drugs were found down the street. (PCR Tr. 19). He testified his trial strategy was the drugs were not Applicant's, Applicant did not throw them, and he should not have been detained by law enforcement. (PCR Tr. 19-20). He testified Applicant also denied making the statement that the cocaine was his but the crack was not and denied assaulting the officer. (PCR Tr. 20). Counsel testified he went to the scene, spent some time there, and formulated an argument that it was not possible for the officer to have seen Applicant throw the drugs. (PCR Tr. 21). He testified he also called Applicant's mother to the stand to testify she had dropped Applicant off down the street to visit an elderly gentleman. (PCR Tr. 21). Counsel testified despite his defense strategy, the jury did not agree and convicted Applicant. (PCR Tr. 21). He testified he advised Applicant that he should accept a plea offer rather than risk the mandatory minimum twenty-five year sentencing if convicted, but Applicant wanted to proceed to trial. (PCR Tr. 21). Counsel testified he was ready for trial and the case was on the docket for a while before it was tried. (PCR Tr. 22-24). He testified he had not planned on Applicant testifying at trial, but Applicant ended up electing to testify. (PCR Tr. 25). Counsel testified he did not have any grounds to suppress the drugs

---

because his trial strategy was the drugs were not Applicant's. (PCR Tr. 25). He elaborated he argued mere presence was not enough for a conviction. (PCR Tr. 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).

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 her 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 argue Applicant's statement to law enforcement was improper character evidence, thereby leaving this argument unpreserved for appellate review*

Applicant alleges counsel failed to argue his statement to law enforcement was inadmissible as improper character evidence. Additionally, Applicant argues since counsel failed to move to exclude his statement on this specific ground, the issue was unpreserved for appellate review.

At trial, counsel argued Applicant's statement to law enforcement should be suppressed because it was involuntary. During the suppression hearing, counsel argued that blows received while he resisted arrest and confinement in a small space while in the company of two police officers rendered his confession involuntary "in violation of my client's Fifth Amendment right to remain silent, the South Carolina constitution, and Miranda, Jackson versus Denno and its progeny." (Trial Tr. 97-100). The trial court ultimately denied this motion and allowed the statements to be introduced at trial. (Trial Tr. 100).

Initially, this Court finds counsel's decision to argue for suppression of Applicant's statement based on voluntariness was reasonable under the circumstances of this case. The mere fact that appellate counsel chose to raise a different argument on appeal than the one presented below does not make counsel's decision on what to argue at trial any less reasonable or prudent. See Strickland, 466 U.S. at 693 ("Representation is an art, and an act or omission that is unprofessional in one case may be sound or even brilliant in another.").

Additionally, this Court finds counsel is not ineffective for failing to raise this specific argument on appeal, as there is no reasonable likelihood such an argument would have prevailed on appeal. Our appellate courts have previously held an issue that was raised on direct appeal but found to be unpreserved may be raised in the context of a post-conviction relief claim alleging ineffective assistance of counsel. McHam v. State, 404 S.C. 465, 475, 746 S.E.2d 41, 47 (2013) (citing McLaughlin v. State, 352 S.C. 476, 575 S.E.2d 841 (2003); Foye v. State, 335 S.C. 586, 518 S.E.2d 265 (1999)). However, to be entitled to relief on such a claim, an applicant must establish the underlying claim is meritorious and would have resulted in a reversal on appeal to a reasonable probability. McHam, 404 S.C. at 475–76, 746 S.E.2d at 47 ("Since the Fourth Amendment issue was not considered on direct appeal because it was unpreserved, an examination of the merits of the issue is appropriate in analyzing the prejudice prong in McHam's PCR claim.") (citing Sikes v. State, 323 S.C. 28, 30, 448 S.E.2d 560, 562 (1994) ("When the defendant claims that counsel's failure to articulate a Fourth Amendment claim was ineffective assistance, [the] defendant must show that such claim is **meritorious** and that the verdict would have been different absent the evidence that should have been excluded." (emphasis in McHam)). Therefore, before a post-conviction relief court can find an applicant has

prevailed on a claim of ineffective assistance of trial counsel for failing to preserve a ground for appellate review, the court must determine the underlying claim was meritorious and a reasonable probability that it would have resulted in reversal and a new trial.

Applicant alleges counsel should have moved to exclude his statement to law enforcement as improper character evidence. Generally, “[e]vidence of a person’s character or a trait of character is not admissible for the purpose of proving action in conformity therewith on a particular occasion.” Rule 404(a), SCRE. However, as the State was not seeking to introduce the statement as improper character evidence, but as a confession to the charged crimes. Therefore, this argument fails and would not have been successful on appeal. In conclusion, this Court finds this allegation must be denied and dismissed with prejudice.

*Allegation: Failure to make a motion in limine at the start of trial or a motion to suppress during trial to suppress the drug evidence*

Applicant alleges counsel was ineffective for failing to move to suppress the drug evidence introduced against him at trial based on a violation of Forth Amendment rights to unlawful searches and seizures. Trial counsel testified he did not move for suppression of the drug evidence based on Forth Amendment grounds because the drugs were not found near Applicant and his entire trial strategy focused on the drugs not belonging to Applicant. This Court finds Applicant has failed to meet his requisite burden of proof as to this allegation.

In the present case, counsel set forth a reasonable trial strategy for not moving for suppression of the drugs—a defense that because the drugs were never found on Applicant, they clearly were not his drugs. “[W]hen counsel articulates a valid reason for employing a certain strategy, such conduct generally will not be deemed ineffective assistance of counsel. The

validity of counsel's strategy is viewed under an 'objective standard of reasonableness.' ” Edwards v. State, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011) (quoting Lounds v. State, 380 S.C. 454, 462, 670 S.E.2d 646, 650 (2008)).

Moreover, had counsel moved for suppression based on Forth Amendment grounds, the trial court would have denied this motion because Applicant abandoned the drugs when he threw them on the ground and walked away. “[T]he Fourth Amendment is not triggered unless a person has an actual and reasonable expectation of privacy or unless the government commits a common-law trespass for the purpose of obtaining information.” State v. Robinson, 410 S.C. 519, 527, 765 S.E.2d 564, 568 (2014) (citation omitted). Whether such an expectation of privacy has been abandoned “is determined on the basis of the objective facts available to the investigating officers, not on the basis of the owner’s subjective intent.” State v. Brown, 414 S.C. 14, 23, 776 S.E.2d 917, 922 (Ct. App. 2015) (citing United States v. Tugwell, 125 F.3d 600, 602 (8th Cir.1997)); see also State v. Taylor, 401 S.C. 104, 119, 736 S.E.2d 663, 670–71 (2013) (“Whether a Fourth Amendment violation has occurred turns on an objective assessment of [an officer’s] actions in light of the facts and circumstances confronting him at the time...” (alteration by court) (internal quotation marks omitted)). Moreover, in determining whether property has been abandoned in the Fourth Amendment context, the inquiry is not whether the owner of the property has relinquished his or her interest in it such that another, having acquired possession, may successfully assert a superior interest. Brown, 414 S.C. at 23, 776 S.E.2d at 922 (citing State v. Dupree, 319 S.C. 454, 457, 462 S.E.2d 279, 281 (1995)). Rather, “ ‘the question is whether the defendant has, in discarding the property, relinquished his reasonable expectation of privacy so that its seizure and search is reasonable within the limits of the Fourth Amendment. In

essence, what is abandoned is not necessarily the defendant's property, but his reasonable expectation of privacy therein.” Brown, 414 S.C. at 23, 776 S.E.2d at 922 (citations omitted). In the present case, Applicant threw down the drugs and walked away. Additionally, he denied any ownership of the drugs. Therefore, any Forth Amendment challenge would have failed. In conclusion, this Court finds this allegation is denied and dismissed with prejudice.

*Allegation: Failure to adequately communicate with Applicant as to plea offers*

Applicant alleges counsel was ineffective for failing to adequately confer and communicate with him regarding plea offers. Applicant testified he believed he was going to court to plead guilty in exchange for a five year plea offer, not pick a jury and begin his trial. In contrast, counsel testified there was never a plea offer for a negotiated five year sentence, but instead, there was an offer for Applicant to plead guilty and receive a sentence between five to thirty years and the State would recommend a five year sentence. Counsel testified Applicant turned down this offer on the record and insisted on going to trial throughout his representation of Applicant. This Court finds counsel’s testimony to be credible and Applicant’s testimony to be not credible as to this issue. This Court finds counsel adequately communicated with Applicant regarding plea offers, as well as all other aspects of Applicant’s case, and that this allegation is denied and dismissed with prejudice.

**CONCLUSION**

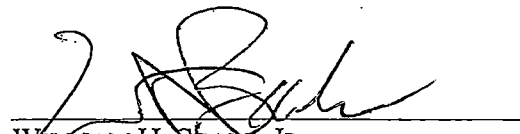
Based on all the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief is denied and dismissed with prejudice.


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), SCRCR, 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 day of Sept., 2017.

  
WILLIAM H. SEALS, JR.  
Presiding Judge  
Ninth Judicial Circuit

, 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: Arthur Lee Rivers, #254993 v. State of South Carolina  
2015-CP-10-1003

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

ARTHUR LEE RIVERS

Applicant,

v.

STATE OF SOUTH CAROLINA,

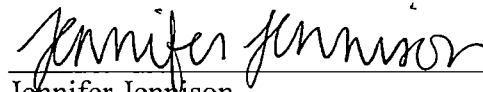
Respondent.

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

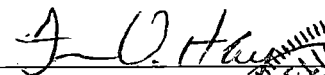
This 27<sup>th</sup> day of September, 2017.

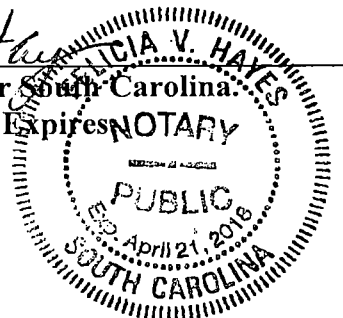


Jennifer Jennison

Legal Assistant for Respondent

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

  
Notary Public for South Carolina  
My Commission Expires



THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

Case No.: 2015-CP-10-1003

Arthur Lee Rivers, #254993..... 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:

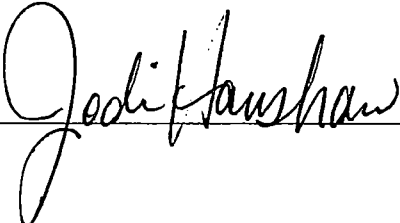
Megan Harrigan Jameson, Esquire  
Senior Assistant Deputy Attorney General  
SC Office of the Attorney General  
PO Box 11549  
Columbia, SC 29201

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. Arthur Rivers, SCDC #254993  
Lieber Correctional Institution  
PO Box 205  
Ridgeville, SC 29472

  
\_\_\_\_\_



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

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

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