THE STATE OF SOUTH CAROLINA
In the Supreme Court

POST CONVICTION RELIEF APPEAL FROM HORRY COUNTY
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

PCR Case Number: 2016-CP-26-06494

Robbie Lee Bufkin, Jr., Applicant

v.

The State of South Carolina, Respondent.

NOTICE OF APPEAL

Counsel of Record:

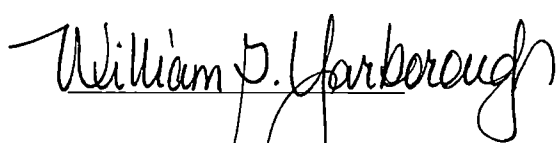
Alan Wilson, South Carolina Attorney General
Johnny Ellis James, Jr., Assistant Attorney General
Assistant Attorney General
PO Box 11549
Columbia, SC 29211-1549

Applicant appeals the decision of the Fifteenth Judicial Circuit's Court of Common Pleas, taken from the attached Order (*See Order*), filed on January 5, 2018, and respectfully requests that this Honorable Court allow him the opportunity to file an appeal.

A copy of this Notice has been served upon Attorney General Alan Wilson and Assistant Attorney General Johnny Ellis James, Jr., by U.S. Mail.

THEREFORE, the Applicant, respectfully moves this Honorable Court to grant the appeal.

Respectfully submitted,



William G. Yarborough
Attorney for the Applicant
522 North Church Street
Greenville, SC 29601
(864) 331-1612
SC Bar No.: 10271

Greenville, SC
January 10, 2018

THE STATE OF SOUTH CAROLINA
In the Supreme Court

POST CONVICTION RELIEF APPEAL FROM HORRY COUNTY
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

PCR Case Number: 2016-CP-26-06494

RECEIVED
JAN 16 2018
S.C. SUPREME COURT

Robbie Lee Bufkin, Jr., Applicant

v.

The State of South Carolina, Respondent.

AFFIDAVIT OF SERVICE

I, Traci Trouton-Burr, certify on this date, January 10, 2018, I served a Notice of Appeal in this action, dated January 10, 2018, on Alan Wilson, South Carolina Attorney General and Johnny Ellis James, Jr., Assistant Attorney General by mailing it to him/her at his/her work address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

Alan Wilson, South Carolina Attorney General
Johnny Ellis James, Jr., Assistant Attorney General
Assistant Attorney General
PO Box 11549
Columbia, SC 29211-1549

Respectfully submitted,

Traci Trouton-Burr
Paralegal to William G. Yarborough, Esquire

SWORN TO before this 10
Day of January, 2018

Notary Public for South Carolina
My Commission expires: 10/9/23

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY	)	
Robbie Lee Bufkin, Jr., S.C.D.C. No. 256043,	)	Case No.: 2016-CP-26-06494
Applicant,	)	
	)	**ORDER OF DISMISSAL**
v.	)	
State of South Carolina,	)	
Respondent.	)	

This matter comes before the Court by way of an application for post-conviction relief filed by Robbie Lee Bufkin, Jr. ("Applicant") on October 4, 2016. Respondent made its return on or about August 3, 2017. The Court convened an evidentiary hearing into the matter on Tuesday, September 19, 2017, at the Horry County Courthouse in Conway, South Carolina. Applicant was present at the hearing and represented by William G. Yarborough, III, Esquire. Johnny Ellis James Jr., of the South Carolina Attorney General's Office, represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's plea counsels, L. Morgan Martin, Esquire ("Morgan"), and Mary Ashley Martin ("Mary Ashley") also testified. Finally, Applicant's mother briefly testified. The Court had before it Applicant's records from the South Carolina Department of Corrections, a copy of the original trial transcript, the records of the Horry County Clerk of Court regarding the subject convictions, and the pleadings. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Horry County Clerk of Court. Applicant was indicted at the January 2016 term of the Horry County Grand Jury for trafficking cocaine, between 10 and 28 grams (2016-GS-26-00176). Applicant waived presentment of an additional indictment for trafficking cocaine, between 28 and 100 grams (2016-GS-26-02357).[1] Morgan Martin, Esquire, and Mary Ashley Martin, Esquire, represented Applicant. Joshua Holford, of the Fifteenth Circuit Solicitor's Office, prosecuted the case. On May 17, 2016, Applicant pled guilty to the above two counts of trafficking cocaine. Upon recommendation by the State that Applicant be sentenced to between 15 and 20 years, the Honorable Thomas W. Cooper, Jr. sentenced Applicant to imprisonment for concurrent terms of 16 years for each crime. Applicant did not appeal his plea or sentence.

Present Application

In his post-conviction relief application, as amended by and through counsel on August 9, 2017, Applicant alleges he is being held unlawfully for the following reasons:

1. "Ineffective assistance of counsel pursuant to Strickland v. Washington due to retained counsel failing to adequately prepare for the case, failing to properly inform Applicant by sharing the State's discovery with him, and appearing at Applicant's plea hearing with no knowledge of Applicant's case."
    a. "Ineffective assistance of counsel pursuant to Strickland v. Washington. Retained counsel was ineffective by failing to prepare at all for Applicant's case, instead relying on his younger daughter to prepare Applicant's case so that counsel could work on other cases. Instead of familiarizing himself in any way with Applicant's case, counsel appeared at Applicant's plea hearing having no knowledge of Applicant's case. Applicant was prejudiced because he desired to go to trial, but when he

[1] Applicant was additionally indicted for murder (2015-GS-26-01733); trafficking cocaine, between 100 and 200 grams (2016-GS-26-00084); trafficking cocaine, between 10 and 28 grams (2016-GS-26-00177); unlawful possession of a firearm by a person convicted of a violent offense (2016-GS-26-00185); and possession of a stolen pistol (2016-GS-26-00186). These indictments were dismissed *nolle prosequi*.

realized his attorney was completely unprepared, Applicant decided to plead guilty rather than risk a trial with an unprepared attorney. Applicant's attorney allowed his other case load to interfere with his zealous advocacy for Applicant, and denied Applicant the opportunity to go to trial as he wished."

2. "Applicant's counsel was also ineffective by failing to properly inform Applicant by sharing the State's discovery with him."
    a. "Applicant's counsel was also ineffective by failing to properly inform Applicant by sharing the State's discovery with him. Applicant was prejudiced because he did not know that there was a suppression issue in his case due to counsel's errors. Had Applicant known about the suppression issue, he would not have pled guilty but would have gone to trial."
3. "Applicant's guilty plea was involuntary since Applicant desired to go to trial but decided to plead guilty when he realized counsel knew nothing of his case, relying instead on his younger daughter to do all the work on Applicant's case and allowing his other cases to interfere with Applicant's case."
    a. "Applicant's guilty plea was involuntary because Applicant pled in order to avoid the risks of going to trial with his unprepared counsel. Applicant desired for his counsel to try the case and expressed this to his counsel, but when counsel appeared at the plea hearing unprepared, Applicant made an involuntary plea to avoid having to try an unprepared case."
4. "Denial of due process because Applicant was unable to get a continuance so that he could remedy his counsel's unprofessional mistake, instead having to plead guilty."
    a. "Denial of due process because Applicant was unable to get a continuance so that he could remedy his attorney's unprofessional mistake and instead had to plead guilty. Though alerted to Applicant's attorney's unprofessionalism in not being adequately prepared for trial, the trial judge refused to grant Applicant a continuance to remedy his attorney's unprofessional error, violating Applicant's due process rights guaranteed by the 4th and 14th Amendments."
5. "Ineffective assistance of counsel pursuant to Strickland v. Washington due to counsel failing to challenge the unlawful search and seizure of Applicant's possessions by moving for a suppression hearing."
    a. "Ineffective assistance of counsel pursuant to Strickland v. Washington, due to counsel failing to challenge the unlawful search and seizure of Applicant's possessions or making a motion for a suppression. The officers in Applicant's case entered his home without a warrant and with no justifiable exception to the warrant requirement. Although this issue is

clear from the police reports, counsel failed to make a motion to suppress or challenge the search and seizure. Applicant was prejudiced by this since the illegally seized evidence was the only evidence the State had against Applicant and there is a reasonable probability that had it been challenged, the evidence stemming from the illegal search would have been suppressed."

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the records submitted to it by the parties and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings based upon all of the probative evidence presented.

A. Ineffective Assistance of Counsel

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." Butler at 442, 334 S.E.2d 441 (quoting Strickland v. Washington, 466 U.S. 668, 686 (1984)). The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Id.

"[C]ounsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler at 442, 334 S.E.2d 441 (quoting Strickland at 690). The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989). "Judicial scrutiny of counsel's performance must be highly deferential, as it is all too tempting for a

defendant to second-guess counsel's assistance after conviction or an adverse sentence, and it is all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable." Strickland, 466 U.S. at 689; Edwards v. State, 392 S.C. 449, 456-57, 710 S.E.2d 60, 64 (2011). "[W]hen counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel." Smith v. State, 386 S.C. 562, 567, 689 S.E.2d 629, 632 (2010) (citing Caprood v. State, 338 S.C. 103, 110, 525 S.E.2d 514, 517 (2000)).

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 at 117, 386 S.E.2d at 625 (citing Strickland at 688). 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 at 117-18, 386 S.E.2d at 625 (citing Strickland at 694). The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. Strickland at 696. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. Strickland, 466 U.S. at 696-97.

Applicant further claims his plea was not entered knowingly or voluntarily. To find a guilty plea is voluntarily and knowingly entered into, the record must establish Applicant had a full understanding of the consequences of his plea and the charges against him. See Boykin v.

Alabama, 395 U.S. 238, 243 (1969); Dover v . State, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence presented at the PCR hearing. See Harris v. Leeke, 282 S.C. 131, 134, 318 S.E.2d 360, 361 (1984).

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

An applicant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness, and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial instead. See Roscoe v. State, 345 S.C.16, 20, 546 S.E.2d 417, 419 (2001); see also Richardson v. State, 310 S.C. 360, 362 426 S.E.2d 795, 797 (1993). Given Applicant's burden of proof and the analysis to be applied to this claim, Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it will be treated as such.

IAC Allegation #1 – Failure to Prepare, Motion for Suppression

Applicant alleges that his representation was ineffective because Morgan was wholly unprepared and unduly relied upon Mary Ashley, and in particular that because of his lack of

preparation, Morgan failed to identify and challenge issues with the warrants for Applicant's arrest and subsequent search of his residence. In order to prevail upon a claim that counsel did not adequately prepare or investigate a case, an applicant must present evidence of what counsel could have discovered or what other defenses applicant could have requested counsel develop and present had counsel been more prepared. Harris v. State, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46 (2008) (citing Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998)). Furthermore, an applicant must also present evidence to show how the discoverable matters or defenses would have resulted in a different outcome. Id. (citing Davis v. State, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997); Skeen v. State, 325 S.C 210, 214, 481 S.E.2d 129, 132 (1997)). Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id., 377 S.C. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

At the plea, this Court notes that the plea court asked Applicant if he was "fully satisfied with everything that *Mr. Martin* and *Mary Ashley* have done for you in their representation[,]" to which Applicant affirmed that he was satisfied, that both attorneys had done everything asked of them, and that he required no additional time to confer with counsels. Tr. 8-9 (emphasis added). In the course of an extensive argument in mitigation, Morgan condemned the murder charge dismissed as part of the plea as completely unsupported by evidence. Tr. 14-15.

At the evidentiary hearing, Morgan testified that both he and Mary Ashley represented Applicant and that Applicant was fully aware that both attorneys represented him. Morgan noted that Applicant had been arrested multiple times and was facing multiple charges as a consequence of each arrest. As for the charges to which Applicant pled, Morgan noted the State had both a warrant for Applicant's arrest and a warrant to search the room at the Sea Mist Hotel.

Morgan testified that he perceived no valid challenges for the warrants or the search. When challenged with Applicant's claim that he was in custody when the search warrant was signed, Morgan observed that police may simply wait for a search warrant after an arrest is executed. Morgan additionally noted that to some extent a search may be conducted incident to arrest. Morgan emphasized that Applicant faced a multitude of extremely serious charges, which provided the State multiple opportunities to try and convict Applicant. Morgan testified that both he and Mary Ashley had several conversations with Applicant in preparation, explained to him the weakness of potential suppression motions, and that seeking a plea was the best course among bad options. Morgan asserted that making motions and pursuing pre-trial hearings thereupon can poison plea negotiations. Morgan testified that he saw nothing to show any deception on the part of law enforcement and that the arrest warrants appeared valid.

Mary Ashley also testified that both she and Morgan represented Applicant. Mary Ashley considered challenging the search warrant and evidence recovered from the hotel room. While exploring the possibility, Mary Ashley personally visited the Sea Mist Hotel to see if the State's story checked out and, after that investigation, concluded that there was no possibility of successfully suppressing drugs tossed out of the hotel room window and recovered from a landing below. See also, A/W # 2014 A26 10400563.[2] Mary Ashley echoed Morgan's concern that going forward with pre-trial motions presents the risk that plea offers are withdrawn.

Applicant testified that he did not have proper knowledge of his case. Applicant denied ever talking to defense counsels about the warrants, denied ever getting a copy of his discovery, and denied ever seeing the affidavit in support of the warrant for his arrest. Applicant further

[2] "Agents had reason to believe that [Applicant] had tossed a large amount of narcotics from his hotel room upon police entry. On today's [date,] Agents returned and located a broken class [sic] measuring jar and 144.3 grams of off white rock substance, with in [sic] direct eyes sight [sic] and throwing sight of the hotel room previously occupied by the defendant. A similar measuring device was also located in [Applicant's] hotel room."

denied knowing that he was nearing trial and denied knowing that the charges against him carried between 7 and 30 years.[3] Applicant alleged that law enforcement misled the magistrate who approved the warrants, and that the magistrate was improperly influenced. Applicant claimed that the drugs and money collected as evidence against him were found before the search warrant was signed.

The Court finds no deficiency on the part of counsels, nor deficiency therefrom. Both attorneys represented Applicant and Applicant was clearly aware that both worked on his case. The thorough, detailed, and wholly credible testimony of Morgan and Mary Ashley shows that they were aware of potentially challenging the warrants against Applicant, explored the possibility of doing so, and determined that a defense based on suppressing the evidence against Applicant was not viable. Counsels explained the weakness of any defense to Applicant. No evidence exists to show that either attorney unduly burdened the other or shirked their obligations in representing Applicant. Both attorneys clearly articulated strategic reasons for not filing motions to suppress well ahead of trial—namely, that it would diminish options in plea negotiations. As such, this Court cannot condemn their representation as ineffective assistance of counsel. See Smith, 386 S.C. at 567, 689 S.E.2d at 632. Applicant's testimony, conversely, is not credible. There is no evidence to support his bald allegations of misconduct on the part of the State, and his broad claim of dissatisfaction with counsel throughout their representation is irreconcilable with his affirmation of satisfaction at the plea hearing. Accordingly, Applicant cannot show any deficiency on the part of counsel or prejudice therefrom, and his request for relief by way of this allegation is **DENIED**.

[3] However, see Tr. 3-4, wherein the plea court advised that the charges carried sentences of between 7 and 25 years and up to 30 years, respectively.

IAC Allegation #2 – Failure to Discuss Discovery

Applicant also alleges that counsels failed to review the contents of his discovery with him. At the plea proceeding, this Court again notes that the plea court asked Applicant if he was "fully satisfied with everything that Mr. Martin and Mary Ashley have done for you in their representation[,]" to which Applicant affirmed that he was satisfied, that both attorneys had done everything asked of them, and that he required no additional time to confer with counsels. Tr. 8-9. At the evidentiary hearing, Mary Ashley confirmed that counsels filed motions pursuant to Rule 5, SCCrimP, and Brady.[4] As previously noted, Morgan testified that both he and Mary Ashley had several conversations with Applicant in preparation, explained to him the weakness of potential suppression motions, and that seeking a plea was the best course among bad options.

The Court finds no deficiency on the part of counsels or deficiency therefrom. The Court finds that counsels sought discovery, received it, reviewed it, applied due professional judgment, and explained their findings to Applicant. Accordingly, Applicant's request for relief by way of this allegation is **DENIED**.

B. Denial of Due Process – Denial of Continuance

Applicant alleged that his due process rights were violated by the Court's refusal to grant Applicant a continuance in order for Applicant to remedy the mistakes of his unprepared counsel. There is no indication of any request for a continuance by Applicant in the guilty plea transcript. Once again, the Court notes that Applicant affirmed at the plea proceeding that he required no additional time. Having already found that both counsels Martin and Mary Ashley were fully prepared and engaged in the representation of Applicant, the Court finds there were no mistakes for Applicant to remedy. Applicant cannot show that he ever asked for a continuance

[4] Brady v. Maryland, 373 U.S. 83 (1963).

or how a continuance would have changed the outcome of this case. Accordingly, Applicant's request for relief by way of this allegation is **DENIED**.

III. CONCLUSION

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

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) 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 PCR. Rule 71.1(g), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention 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 South Carolina Department of Corrections.

AND IT IS SO ORDERED this 19 **day of** December, **2017.**

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

Marion, South Carolina

STATE OF SOUTH CAROLINA COUNTY OF HORRY Robbie Lee Bufkin, Jr., #256043 ☐ Plaintiff v. State Of South Carolina ☒ Defendant.	))))))))))	IN THE COURT OF COMMON PLEAS CASE NO. 2016-CP-26-6494 MOTION AND ORDER INFORMATION FORM AND COVER SHEET

Plaintiff's Attorney:	Defendant's Attorney:
William G. Yarborough, Iii, Bar No. 10271 Address: 522 N. Church St. Greenville, SC 29601 phone: (864) 331-1612 fax: (864) 370-0022 e-mail: other:	Johnny E. James Jr, Bar No. 101260 Address: Post Office Box 11549 Columbia SC 29211-1549 phone: (803) 734-3737 fax: (803) 734-4113 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)**

FILED
2018 JAN 5 PM 2:18
HORRY COUNTY
CLERK OF COURT
HORRY COUNTY, SC

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.

Johnny E. James Jr. — December 14, 2017
Signature of Attorney for ☐ Plaintiff / ☒ Defendant — 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, SCRCP)
- ☐ 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

Date Filed:

Collected by: _____

☐ MOTION FEE COLLECTED: _____
☐ CONTESTED – AMOUNT DUE: _____

SCCA/233 (11-03)

ALAN WILSON
ATTORNEY GENERAL

December 14, 2017

The Honorable William H. Seals, Jr.
Presiding Judge, 15th Judicial Circuit
103 North Main Street
Marion, SC 29571

Re: Robbie Lee Bufkin, Jr., #256043 v. State of South Carolina
2016-CP-26-6494

Dear Judge Seals:

Enclosed please find the proposed **Order of Dismissal** in the above-captioned case.

If this Order meets your approval, please sign and return to me in the enclosed envelope, and I will forward to the Horry County Clerk of Court to be filed and served. If you have any questions, please do not hesitate to contact me.

Sincerely,

Johnny E. James, Jr.
Assistant Attorney General

JEJ/mm
Enclosure

cc: William G. Yarborough, III, Esquire

ALAN WILSON
ATTORNEY GENERAL

January 2, 2018

The Honorable Renee N. Elvis
Clerk of Court, Horry County
Post Office Box 677
Conway, SC 29528-0677

Re: Robbie Lee Buffkin, Jr., #256043 v. State of South Carolina
2016-CP-26-6494

Dear Ms. Elvis:

Enclosed please find the original **Order of Dismissal** signed by the Honorable William H. Seals, Jr., 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), SCRCP."

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

Should you have any questions, please do not hesitate to call me at (803) 734-3737.

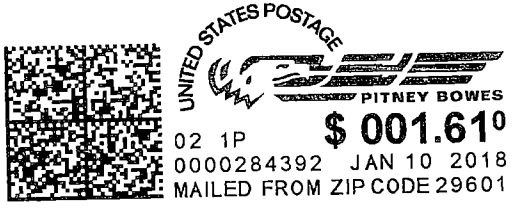
Sincerely,

Johnny Ellis James Jr.
Assistant Attorney General

JEJ/mm

Enclosure

Law Office of William G. Yarborough III
522 North Church Street
Greenville, SC 29601



Mr. Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
PO Box 11330
Columbia, SC, 29211