



# SCCID

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ORIGINAL

RECEIVED

DEC 12 2016

S.C. SUPREME COURT

December 12, 2016

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

Appellate Case No. 2016-001889

Eriva Youomous, Petitioner v. State of South Carolina, Respondent

Dear Mr. Shearouse:

I recently discovered a discrepancy regarding the spelling of Petitioner's surname. I have enclosed the cover page of a few documents that are a part of my file. Based on a review of the available exhibits, the following documents have Petitioner's last name spelled Y-O-U-M-O-U-S:

- Indictments
- Trial transcript
- Sentencing sheets
- Application for post-conviction relief
- Form 4 cover page of Order of Dismissal

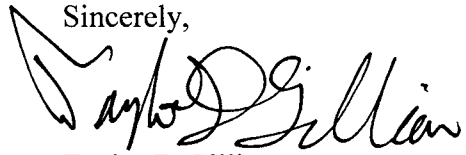
Conversely, the following items list Petitioner's last name as Y-O-U-O-M-O-U-S:

- Post-conviction relief hearing transcript
- Notice of Intent to Appeal
- Order of Dismissal

Upon information and belief, Petitioner completed the application for post-conviction relief by offering his hand-written responses. That leads me to believe that the former spelling is correct. Nonetheless, I wished to bring this to the Court's attention and seek guidance on how to spell Petitioner's last name when submitting any future filings.

*(signature page follows)*

Sincerely,

A handwritten signature in black ink, appearing to read "Taylor D Gilliam". The signature is fluid and cursive, with the first name "Taylor" and last name "Gilliam" clearly distinguishable.

Taylor D Gilliam  
Appellate Defender

TDG/tg

Enclosures

Cc: Jessica Kinard, Esquire

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

Eriva Youomous, #231443,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

2014-CP-40-05460

ORDER GRANTING RELIEF IN PART  
AND DENYING RELIEF IN PART

2016 JUL 22 AM 11:25  
RICHLAND COUNTY  
FILED  
MEANETTE W. HIGBES  
C.C.P. & G.S.

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed September 8, 2014. Respondent filed a Return on March 12, 2015, requesting an evidentiary hearing be convened. Jonathan D. Waller, Esquire, was appointed to represent Applicant. An evidentiary hearing was held on March 29, 2016, at the Richland County Courthouse. Applicant was present and represented by Counsel Waller. J. Clayton Mitchell, Esquire, of the South Carolina Attorney General's Office, represented Respondent.

At the PCR hearing, Applicant testified on his own behalf. Also testifying were Applicant's plea counsel, Mark A. Sawyer, Jr., Esquire. This Court had before it the Richland County Clerk of Court records, Applicant's South Carolina Department of Corrections records, the PCR application, the Return, and the transcript.

### I. PROCEDURAL HISTORY

Applicant is currently incarcerated with the South Carolina Department of Corrections pursuant to the Richland County Clerk of Court's orders of commitment. The Richland County Grand Jury indicted the Applicant for Kidnapping (2013-GS-40-01495), two (2) counts of Assault and Battery – First degree (2014-GS-40-05968, -01506), two (2) counts of Grand Larceny – Value more than \$2,000 but less than \$10,000 (2013-GS-40-05998), Failure to Stop

CR

STATE OF SOUTH CAROLINA

County of Richland

ERIVA Youmans 231443

Full name and prison number (if any) of Applicant,

vs.

State of South Carolina

Name of Respondent.

In the Court of Common Pleas

**2014C P4005460**

APPLICATION FOR  
POST-CONVICTION RELIEF

JEANNETTE W. MCBRIDE  
C.P. & G.S.

2014 SEP -8 AM 12:40

RICHLAND COUNTY  
FILED

**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make it clear to which question any such continued answer refers.

Since every application must be sworn to under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken *in forma pauperis*, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which applicant was convicted.

1. Place of detention Lieber Correctional Institution  
136 Wilborn Avenue, Ridgville SC 29472
2. Name and location of Court which imposed sentence Richland County Court of General Sessions  
1701 Main Street, Columbia, SC 29201
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
  - (a) 2013A4010200065 2013654001495 Kidnapping 16-03-910
  - (b) 2013GS4005968 Assault & Battery 1st Degree 16-03-600(C)(1)
  - (c) 2013GS4001506 Assault & Battery 1st Degree 16-03-600(C)(1)  
*see back of Page for d-1*
4. The date upon which sentence was imposed and the terms of the sentence:
  - (a) September 03, 2013 25 years
  - (b) September 03, 2013 10 years
  - (c) September 03, 2013 10 years  
*see back of Page for d-1*

WITNESSES

(S) Tanesha Reese  
- Richland County Sheriff

ARREST WARRANT NUMBER

2013A4010900070

ACTION OF GRAND JURY

Foreperson of Grand Jury  
Date:

Foreperson of Panel Jury  
Date:

VERDICT  
RICHLAND COUNTY  
SOUTH CAROLINA  
C.C.C. PLS. AND G.S.

DOCKET NO. 2013GS4006405

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2013

42

THE STATE  
vs.

Eriva A Youmous Jr

Indictment for  
FTC FRAUD (\$500 OR LESS)

SC Code: 16-14-0060(a)(1-5)  
CDR Code: 0731

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I, Eriva Youmous  
hereby appear in my own proper person and plead guilty to the within indictment ~~or to~~

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS.
Eriva A Youmous Jr
AKA:
Race: BLACK Sex: M Age: 41
DOB: 12-19-1971 SS#:
Address: 3022 Lindenwood Dr
City, State, Zip: Columbia, SC 29204-3121
DL#: 004355869 SID#:

INDICTMENT/CASE#: 2013 GS 40 6405
A/W#: 2013A401090007X0
Date of Offense: 1/6/2013
S.C. Code § : 16-14-0060(a)(1-5)
CDR Code #: 0731

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: FinanTC / Financial Transaction Card fraud value \$500 or less in six month period

in violation of § 16-14-0060(a)(1-5) of the S.C. Code of Laws, bearing CDR Code # 0731
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GRS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Campbell, Luck SC Bar# 13009 Defendant
Attorney for Defendant 76140 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 241 days
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S C Code §17-25-135.

pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Table with 3 columns: Description, Amount, Total. Rows include assessments, surcharges, and fees.

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Jeanette McBride
Court Reporter: Reed

Presiding Judge
Judge Code: 216
Sentence Date: 9-3-13



STATE OF SOUTH CAROLINA ) COURT OF GENERAL SESSIONS  
COUNTY OF RICHLAND ) 2013-GS-40-1495  
) 2013-GS-40-1506  
) 2013-GS-40-1507  
) 2013-GS-40-1508  
) 2013-GS-40-6403  
State Of South Carolina ) 2013-GS-40-6404  
) 2013-GS-40-6405  
vs. ) 2013-GS-40-5968  
) 2013-GS-40-45998  
Eriva Youmous ) )  
DEFENDANT ) September 3, 2013  
Columbia, South Carolina

B E F O R E:

THE HONORABLE DEANDREA G. BENJAMIN, JUDGE.

A P P E A R A N C E S:

LUCK CAMPBELL, ASSISTANT SOLICITOR  
MEHGAN WALKER, ASSISTANT SOLICITOR  
Attorneys for the State

MARY SAWYER, ESQUIRE  
STEPHEN KRZYSTON, ASSISTANT PUBLIC DEFENDER  
Attorneys for the Defendant

KESHIA REED  
Official Court Reporter