THE STATE OF SOUTH CAROLINA

In the Supreme Court

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APPEAL FROM THE COUNTY OF Horry

Court of Common Pleas

The Honorable Circuit Court Judge, William H. Seals, Jr.

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Case No. 2016-CP-26-06560

---

Edward L. Morris, SCDC # 380698 ..... Petitioner,

v.

State of South Carolina, .....Respondent.

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**NOTICE OF APPEAL**

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The Petitioner appeal the Honorable William H. Seals Jr.'s Order filed on March 13, 2018, 2018, denying post conviction relief to the Petitioner.

The Order was received by the undersigned counsel on March 21, 2018. A copy of the said Order on appeal is attached to this Notice.

This is the 24th day of March, 2018.

Steven W. Fowler
Fowler Law Firm
730 Main Street, Unit 237
North Myrtle Beach, SC 29582
Telephone: 843-663-0006
Fax: 843-280-0003
myfowlerlaw@gmail.com
SC Bar #69683

RECEIVED
MAR 26 2018
S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

In the Supreme Court

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APPEAL FROM THE COUNTY OF Horry

Court of Common Pleas

The Honorable Circuit Court Judge, William Seals

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Case No. 2016-CP-26-06560

Edward L. Morris, SCDC # 280698 ..... Petitioner,

v.

State of South Carolina, .....Respondent

**PROOF OF SERVICE**

---

I, Steven W. Fowler, court- appointed attorney for Petitioner, certify that I have today served within Notice of Appeal and Copy of the Order signed by the presiding Judge upon the Respondent by depositing a copy of it in the United States Mail, postage prepaid, addressed to the following:

1) Assistant Attorney General, PO Box 11549, Columbia, SC 29211 and
2) Clerk of the South Carolina Supreme Court , 1231 Gervais St, Columbia, SC 29201

I further certify that all parties required by Rule to be served have been served on this below named date.

This is the 24th day of March, 2018.

Steven W. Fowler
Fowler Law Firm
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North Myrtle Beach, SC 29582
Telephone: 843-663-0006
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SC Bar #69683

RECEIVED

MAR 26 2018

S.C. SUPREME COURT

| | | |
|---|---|---|
| STATE OF SOUTH CAROLINA | ) | IN THE COURT OF COMMON PLEAS |
| | ) | FOR THE FIFTEENTH JUDICIAL CIRCUIT |
| COUNTY OF HORRY | ) | |
| Edward L. Morris,<br>S.C.D.C. No. 280698, | ) | Case No.: 2016-CP-26-06560 |
| Applicant, | ) | |
| | ) | **ORDER OF DISMISSAL** |
| v. | ) | |
| State of South Carolina, | ) | |
| Respondent. | ) | |

HORRY COUNTY
2018 MAR 13 PM 1:02
CLERK OF COURT
HORRY COUNTY SC

This matter comes before the Court by way of an application for post-conviction relief filed by Edward L. Morris ("Applicant") on October 12, 2016. Respondent made its return on or about August 3, 2017. The Court convened an evidentiary hearing into the matter on Thursday, November 30, 2017, at the Horry County Courthouse in Conway, South Carolina. Applicant was present at the hearing and represented by Stevne W. Fowler, Esq. 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 counsel, J.M. "Buddy" Long, III, Esq. ("Counsel") also testified. The Court had before it Applicant's records from the South Carolina Department of Corrections, a copy of the original plea 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[1]

[1] Due to a scrivener's error, the face of the indictment indicates the January **2015** term. All other elements of the indictment point to 2016.

term of the Horry County Grand Jury for murder (2016-GS-26-00956).[2] J.M. "Buddy" Long, III, Esq. represented Applicant, and Lauree Richardson Ortiz, of the Fifteenth Circuit Solicitor's Office, prosecuted the case. On April 4, 2016, Applicant pled guilty as indicted. The Honorable Kristi L. Harrington accepted negotiated terms and sentenced Applicant to imprisonment for a term of 30 years. Applicant did not appeal his plea or sentence.

**Present Application**

In his post-conviction relief application, Applicant alleges he is being held unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
    a. Applicant "received constitutionally ineffective assistance of counsel by virtue of counsel's erroneous advice that [Applicant] had a better chance of pleading because [Applicant] had a slim chance of winning at trial because the evidence in the case was in the prosecutor's favor instead of the evidence helping [Applicant], which was not true."
    b. "Counselor never drew up arguments for the case, never asked for a lesser included offense when [Applicant] requested him to, and never requested or set a motion for [Applicant] to have a bond hearing while [Applicant] set in the county jail for a year and two months."
    c. "Throughout [Applicant's] stay in the county jail, [Applicant] only seen (sic) [his] lawyer 4 times and no more than 15 minutes each to prepare for the case."
    d. "If counselor would've presented facts of the evidence in the case in a court hearing or through trial, the results would have been different."
    e. "After the court hearing, [Applicant] asked counselor to do an appeal and he stated that there's no reason to appeal because the judge made no mistakes. No appeal was drawn up."
    f. "During the court hearing when counselor and prosecutor described how the incident occurred to the judge and victims family was false and inaccurate from the confession and evidence in the case." (sic)
2. Involuntary Guilty Plea
    a. Applicant's "confession should've been viewed as involuntary manslaughter because [Applicant] showed no intent to murder. [At] the time, [Applicant's] then live in girlfriend told detectives [Applicant] was home around 3 A.M., which didn't put [Applicant] at the scene of the crime that showed on surveillance cameras and was predicted that that the

[2] Applicant was additionally indicted for possession of a weapon during the commission of a violent crime (2016-GS-26-00957) and, during the March 2016 term, armed robbery (2016-GS-26-01506). These indictments were dismissed *nolle prosequi* as part of Applicant's plea.

victim was shot. Therefore, [Applicant's] plea was involuntary."

b. Applicant "only pleaded because [his] lawyer convinced [him] to plead when [Applicant] told him [Applicant] didn't want to plead."
c. "If not for counselor's erroneous advice, [Applicant] would not have plead guilty."

## 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 & Involuntary Guilty Plea

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). With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

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)).

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.

***1. Misadvice of Counsel***

Applicant's alleges Counsel erred in advising him to plead guilty, and that Applicant only pled guilty because his lawyer told him to do so.

At the plea proceeding, Applicant told the Court that it was his decision to plead. (Tr. 7, ll. 10-12.) Applicant denied that anybody promised him anything or forced him to plead guilty. (Tr. 7, ll. 4-9.) Applicant affirmed the facts as briefly summarized by the State; to wit:

> On February the 25th of 2015 in the Myrtle Beach section of Horry County, this Defendant approached the victim. Your Honor, they did know each other for a brief amount of time, but they did know each other.
>
> They had been hanging out together that nigh; had been out a little bit drinking. At some point they were in an altercation and in the Denny's parking lot the victim was shot and killed by this Defendant.

(Tr. 8, ll. 1-8; affirmed at l. 19.)

At the evidentiary hearing, Applicant testified Counsel told Applicant prior to trial that he might someday get out of prison if he pled in exchange for a 30 year sentence, but that he would probably receive a life sentence if he went to trial and was convicted. When asked to gauge the strength of the State's case against Applicant, Counsel testified on a one-to-ten scale, with ten being the strongest: the State had a "seven" for murder and a "nine" for the lesser-included offense of manslaughter. Counsel recalled Applicant insisted on an alibi defense until confronted with his second statement to law enforcement, and that Counsel's investigation of Applicant's purported alibi witnesses didn't check out. Counsel noted that although fingerprints not belonging to Applicant were found on the murder weapon, the weapon was recovered from Applicant's own home. Counsel confirmed that Applicant was reluctant to plead guilty, but ultimately accepted the negotiated plea.

The Court finds no error in Counsel's advice. Applicant was charged with murder and, if convicted, did in fact face a potential sentence of 30 to life. By pleading guilty, Applicant received a negotiated sentence of 30 years and, as he was aged 33 at the time of his plea, may again walk free upon service of his sentence. Given the facts of the case as they are presented to

this Court, conviction was indeed possible, if not extremely likely. Counsel made Applicant aware of his potential defenses and their weakness, as is further explored in the next section of this order. As such, Counsel's advice was well within the range of competence demanded of attorneys in criminal cases, and the Court finds that Applicant's plea was knowingly, intelligently, and voluntarily entered. Applicant's request for relief by way of this allegation is **DENIED**.

***2. Failure to Prepare for Trial***

Applicant alleges Counsel was ineffective for failing to draw up arguments for trial, adequately meet with Applicant in order to prepare for trial, or properly investigate his case. 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 proceeding, Applicant told the Court that he was satisfied with the services of Counsel and that he had no complaints regarding Counsel's handling of his case. In his application, Applicant claimed Counsel met with him four times, with no meeting lasting more than 15 minutes. At the evidentiary hearing, Applicant testified he met with Counsel three times,

and that the fourth meeting was only with Counsel's investigator. Applicant testified he wanted more time with Counsel. Applicant argued Counsel should have investigated the crime scene, witness interviews, and done more to suppress evidence. Applicant pointed out somebody else's fingerprints were found on the murder weapon. Applicant denied he was told of any potential defenses. Applicant asserted Counsel should have argued that Applicant and the victim had been out drinking.

Counsel testified he met with Applicant six times, with each meeting lasting between 15 and 45 minutes. Counsel confirmed receipt of discovery and that he reviewed it. Counsel reviewed the most significant portions with Applicant—in particular the ballistics that matched the slug pulled from the victim to the gun recovered from Applicant's home, and Applicant's two statements to law enforcement, the first of which offered an alibi, and the second of which offered a defense of self-defense. As previously noted, Counsel acknowledged the fingerprints that did not match Applicant. Counsel testified he investigated Applicant's alibi, but that the purported alibi witness Mae West did not check out, and that he told Applicant that the witness was not a good one. In any event, Applicant's deficient alibi could not be reconciled with his second statement to law enforcement. Counsel recalled that the only strategy apparent to him was self-defense, but that in light of the facts of the case, the probability of prevailing on that strategy was low, as he could not find anything to corroborate Applicant's version of events. Counsel explained the strategy and the elements to Applicant. Counsel testified the case did not demand much investigation.

The Court finds no deficiency on the part of Counsel, nor prejudice therefrom. No potential witnesses or their testimony were presented at the evidentiary hearing, so the Court is left with mere speculation as to how they could have assisted in Applicant's defense. Nor has Applicant presented any other compelling defenses that could have been developed given a

greater commitment of time by Counsel. Rather, Applicant offers inadequate support for two mutually exclusive lines of defense which were apparent to Counsel prior to the plea. Counsel's testimony demonstrated familiarity with the facts of the case and reflected substantial review and investigation well within the range of competence expected of attorneys in criminal cases. Accordingly, Applicant's request for relief by way of this allegation is **DENIED.**

***3. Failure to Seek Lesser-Included Offense***

Applicant argues Counsel was ineffective for failing to seek a lesser-included offense of voluntary manslaughter. A defendant has no constitutional right to plea bargain, and prosecutors may choose to offer or not offer a plea deal in their broad discretion. Reed v. Becka, 333 S.C. 676, 511 S.E.2d 396 (Ct. App. 1999).

At the evidentiary hearing, Applicant testified he asked Counsel to seek a plea to voluntary manslaughter. Applicant offered that he did not think about killing the victim and wasn't thinking when he shot the victim. Applicant recalled that Counsel explained lesser-included offenses to him. Applicant denied having any malice aforethought in killing the victim, and argued he should have been permitted to plead to voluntary manslaughter. Counsel testified the State wouldn't budge on murder and would not agree to any offer of a plea to voluntary manslaughter.

The Court finds no deficiency on the part of Counsel, nor prejudice therefrom. Applicant had no right to plead to a lesser-included offense. Counsel endeavored to secure such a plea and was rebuffed. There was nothing more he could have done to pursue Applicant's request. Accordingly, Applicant's request for relief by way of this allegation is **DENIED.**

***4. Failure to seek Bond Hearing***

Applicant alleges Counsel was ineffective in failing to seek a hearing on bond. At the evidentiary hearing, Applicant testified that he asked for a bond hearing, but never got one.

Applicant never offered what, if anything, different he or Counsel could have done to prepare or explore defenses had he been out on bond, rather than incarcerated prior to trial. As such, there is no evidence before this Court to show any possible prejudice to Applicant resulting from his pre-trial detention. Accordingly, Applicant's request for relief by way of this allegation is **DENIED.**

***5. Failure to Suppress Evidence***

At the evidentiary hearing, Applicant requested to amend his application to allege that Counsel was ineffective for failing to file any motions to suppress evidence at the plea proceeding. Counsel testified at the evidentiary hearing that he would have made such motions prior to trial, and explained the strengths and limited weaknesses in the State's evidence, as explored in prior sections of this order. The Court is satisfied by Counsel's response and finds no deficiency on his part, nor prejudice therefrom. Accordingly, Applicant's request for relief by way of this allegation is **DENIED.**

***6. Failure to File a Notice of Appeal***

Applicant alleges Counsel was ineffective for failing to file a notice of appeal after he asked Counsel to do so. Applicant alleges that he was denied the right to a direct appeal of his conviction and sentence. "Following a trial, counsel is required to make certain the defendant is made fully aware of the right to appeal." Turner v. State, 380 S.C. 223, 670 S.E.2d 373 (2008) (citing White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974)). In the absence of an intelligent waiver by the defendant, counsel must either initiate an appeal or comply with the procedure in Anders v. California, 386 U.S. 738 (1967). Id. Where an Applicant does not knowingly and voluntarily waive his right to an appeal, and where Counsel fails to either initiate that appeal or comply with Anders procedure, "White permits consideration of the full trial record on [an] issue in conjunction with appellate review of the PCR proceeding under an exception to the

prohibition against appellate courts considering appeals in the absence of notice of direct appeal given and timely served." Smith v. State, 309 S.C. 413, 415, 424 S.E.2d 480, 481 (1992) (citing Davis v. State, 288 S.C. 290, 342 S.E.2d 60 (1986)).

The plea transcript reflects the Court informed Applicant of his appellate rights during the plea proceeding. (Tr. 7, ll. 19-22.) At the evidentiary hearing, Counsel testified Applicant never asked for an appeal. The Court, after listening to the testimony in its entirety and closely observing the witnesses on the stand, finds Counsel's testimony credible. Applicant did not ask Counsel to file an appeal. 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 6 day of March, 2018.**

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

Marion, South Carolina

STATE OF SOUTH CAROLINA )
)
COUNTY OF HORRY )

IN THE COURT OF COMMON PLEAS

Edward L. Morris, #280698
☐ Plaintiff

v.

State Of South Carolina
☒ Defendant.

CASE NO.
2016-CP-26-6560

MOTION AND ORDER INFORMATION FORM AND COVER SHEET

| Plaintiff's Attorney: | Defendant's Attorney: |
|---|---|
| Steven W. Fowler, Bar No. 69683 | Johnny E. James Jr, Bar No. 101260 |
| Address: | Address: |
| 730 Main St., Unit 237 N. Myrtle Beach, SC 29582 | Post Office Box 11549 Columbia SC 29211-1549 |
| phone: fax: | phone: (803) 734-3737 fax: (803) 734-4113 |
| e-mail: other: | 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)**

2018 MAR 13 PM 1:02
CLERK OF COURT
HORRY COUNTY, SC
HORRY COUNTY

**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. March 1, 2018
Signature of Attorney for ☐ Plaintiff / ☒ Defendant Date submitted

**SECTION III: Motion Fee**

☐ PAID – AMOUNT:
☒ EXEMPT: ☐ Rule to Show Cause in Child or Spousal Support
(check reason) ☐ 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. | _____ JUDGE |
| ☐ Other: | CODE: _____ Date: _____ |

**CLERK'S VERIFICATION**

Date Filed:

Collected by: _____

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

SCCA/233 (11-03)

ALAN WILSON
ATTORNEY GENERAL

2018 MAR 13 PM 1:02
CLERK OF COURT
HORRY COUNTY, SC
HORRY COUNTY

March 9, 2018

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

**Re: Edward L. Morris, #280698 v. State of South Carolina**
**2016-CP-26-6560**

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.

If 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

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

IN THE COURT OF COMMON PLEAS

---

EDWARD L. MORRIS, #280698,

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:

**Steven W. Fowler, Esquire**
**Fowler Law Firm**
**730 Main Street, Unit 237**
**North Myrtle Beach, SC 29582**

This 15th day of March, 2018.

MALLORY MORRIS
LEGAL ASSISTANT FOR RESPONDENT

**SWORN to before me this 15th day of March, 2018.**

**Notary Public for South Carolina.**
**My Commission Expires:** 5/14/2024

ALAN WILSON
ATTORNEY GENERAL

March 15, 2018

Steven W. Fowler, Esquire
Fowler Law Firm
730 Main Street, Unit 237
North Myrtle Beach, SC 29582

*Re:* **Edward L. Morris, #280698 v. State of South Carolina**
**2016-CP-26-6560**

Dear Mr. Fowler:

Enclosed please find a copy of the **Order of Dismissal** for the above-captioned post-conviction relief application; signed by the Honorable William H. Seals, Jr., Presiding Judge for the Fifteenth Judicial Circuit.

Sincerely,

Johnny E. James Jr.
Assistant Attorney General

JEJ/mm
Enclosure

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**Fowler Law Firm**
730 Main Street
Unit 237
NMB, SC 29582

FOWLER
Law Firm

TO → Clerk Astrid Thompson
SC Supreme Court
1231 Gervais Street
Columbia, SC
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