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ATTORNEYS AND COUNSELORS AT LAW

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JUN 18 2018

S.C. SUPREME COURT
803-432-0804 (p)
803-432-0660 (f)

Reginald I. Lloyd, Esquire
lloydlaw3@gmail.com

June 13, 2018

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

RE: Cameren L. Kelley, Inmate # 347966, PCR Applicant/Appellant v.
State of South Carolina, C/A No.: 2013-CP-43-00205.

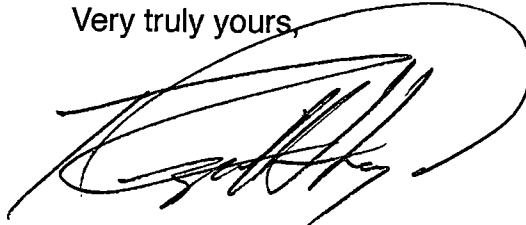
Dear Mr. Shearouse:

Enclosed for filing, please find a Notice of Appeal of the Post Conviction Relief Order in the above referenced case. Also enclosed, please find Proof of Service of the Notice of Appeal on the Respondent. A copy of the lower court Orders are attached to Notice of Appeal. As an inmate in the S.C. Department of Corrections, Mr. Kelley is indigent and will need appointed counsel for his appeal. Please let me know what I can do to assist with appointment of counsel for the Applicant.

This Notice of Appeal is being filed with the Supreme Court pursuant to Rule 243, SCACR and no filing fee is included pursuant to Rule 240(d), SCACR. If anything additional is needed or if you should have any questions, please do not hesitate to contact me. Thank you for your assistance with this matter.

With kind regards, I am

Very truly yours,



Reginald I. Lloyd

Enclosures

cc: Ms. Julie Coleman, Esq.,
Attorney for Respondent,

Hon. James C. Campbell,
Sumter County Clerk of Court

THE STATE OF SOUTH CAROLINA

In The Supreme Court

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APPEAL FROM SUMTER COUNTY
Court of Common Pleas

JUN 18 2018

S.C. SUPREME COURT

George C. James, Jr., Circuit Court Judge

Case No. 2013-CP-43-00205

Cameren L. Kelley, # 347966Petitioner,

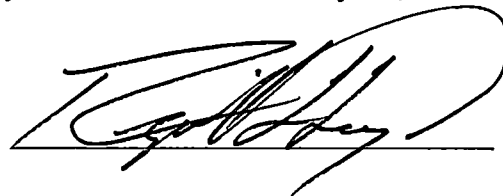
v.

State of South Carolina,Respondent.

NOTICE OF APPEAL

Cameren L. Kelley, Inmate # 347966, appeals the Post Conviction Relief Order of the Honorable George C. James, Jr., dated May 15, 2018 and filed May 16, 2018.

June 13, 2018



Reginald I. Lloyd
The Lloyd Law Firm, LLC
715 West DeKalb Street
Post Office Box 1555
Camden, South Carolina 29021
(803) 432-0004
Attorneys for Appellant

Other Counsel of Record:

Ms. Julie Coleman, Esq.
South Carolina Attorney General's Office
1000 Assembly Street, Room 519
PO Box 11549
Columbia, South Carolina 29211
Attorneys for Respondent

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JUN 18 2018

RECORDED

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

2018 MAY 16 PM 2:20

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT SUPREME COURT

Cameren L. Kelley, #347966,

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

2016-CP-43-00205

CERTIFIED TRUE COPY
OF ORIGINAL FILED

Applicant,

v.

State of South Carolina,

Respondent.

[Signature]
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

**ORDER DENYING RULE 59(e)
MOTION**

This matter is before the court pursuant to Applicant's timely Rule 59(e) Motion for Reconsideration and/or Amendment of Order. The order to which the motion is directed is this court's order denying post-conviction relief to Applicant dated January 15, 2018 and filed January 16, 2018. Applicant correctly argues that the court did not address his claim that trial counsel was ineffective in not objecting to the trial court's omission of a jury charge on the offense of First Degree Burglary.

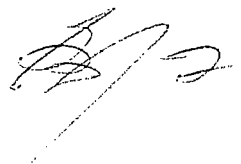
Applicant was indicted for murder, eight counts of kidnapping, two counts of assault and battery with intent to kill, two counts of armed robbery, six counts of attempted armed robbery, five counts of assault with intent to kill, and one count of first degree burglary. He was convicted of voluntary manslaughter, a lesser-included offense of murder, and was convicted as indicted of all remaining charges. The trial court sentenced Applicant to a forty-year term of imprisonment for first degree burglary, a thirty-year term of imprisonment for each count of armed robbery, a thirty-year term of imprisonment for each count of kidnapping, a thirty-year term of imprisonment for voluntary manslaughter, a twenty-year term of imprisonment for each count of attempted armed robbery, a twenty-year term of imprisonment for assault and battery with intent to kill, and

[Signature]

a ten-year imprisonment for each count of assault with intent to kill. All sentences are to run concurrently for an aggregate sentence of forty years.

The trial court did not charge the jury on the law of first degree burglary. Trial counsel did not bring this omission to the attention of the trial court. The question becomes whether (a) trial counsel was deficient in this regard, and (2) if trial counsel was deficient, was Applicant prejudiced by this deficiency.

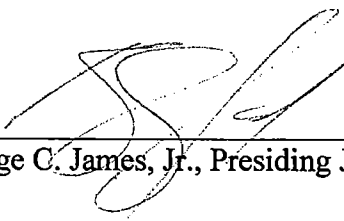
The court concludes that even though trial counsel may have been deficient in alerting the trial court to this omission, Applicant did not suffer any prejudice as a result of the deficiency. The State's theory of criminal liability against Applicant centered upon the theory of the hand-of-one is the hand-of-all. Calderone and Carlton Bracey (the Bracey brothers) entered a dwelling in Rembert and committed the offenses for which Applicant was convicted as an accomplice. The prefatory act for the Bracey brothers committing the acts other than burglary was their entry into a dwelling with the intent to commit a crime therein. During this entry into the dwelling, it was nighttime, the Bracey brothers were armed with deadly weapons, and the Bracey brothers caused physical harm to someone not a participant in the crime. All three of these realities form the basis for a charge of first degree burglary under S.C. Code Ann. § 16-11-311(A). The jury concluded the State had proven Applicant guilty of voluntary manslaughter, eight counts of kidnapping, two counts of assault and battery with intent to kill, two counts of armed robbery, six counts of attempted armed robbery, and five counts of assault with intent to kill. Obviously, if trial counsel had called the omission of a jury charge on first degree burglary to the attention of the trial court, it is likely the trial court would have properly instructed the jury on the law of first degree burglary. However, the court concludes that had the trial court given the charge, the jury would have still found Applicant guilty of first degree burglary. Therefore, Applicant has not established prejudice.

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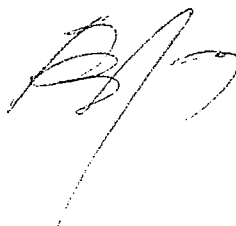
Based upon the foregoing, Applicant's motion is denied.

AND IT IS SO ORDERED.

May 15, 2018



George C. James, Jr., Presiding Judge



STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

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IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

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2016-CP-43-00205

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JUN 18 2018

S.C. SUPREME COURT

Cameren L. Kelley, #347966

JAMES D. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.
Applicant,

v.

ORDER OF DISMISSAL

State of South Carolina,

Respondent.

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on February 6, 2013. Respondent submitted its Return on December 10, 2013. An evidentiary hearing was convened on April 17, 2015, in the Sumter County Judicial Center. Applicant was present at the hearing and was represented by Reginald I. Lloyd, Esquire. Respondent was represented by Assistant Attorney General Daniel Gourley of the South Carolina Attorney General's Office.

At the evidentiary hearing, Applicant presented testimony from David Sullivan, Esquire (hereinafter "Trial Counsel"), and Pamela Kelley.¹ The Court had before it a copy of the trial transcript, the records of the Sumter County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, Applicant's appellate records, and the pleadings.

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. Applicant was indicted at the

¹ The evidentiary hearing was presented with a separate PCR hearing for Applicant's co-defendant, Vernon Goodwin, as both parties had similar issues and arguments presented on their behalf by the same attorney, Mr. Lloyd. The testimony summarized and addressed in this Order was presented in relation to Applicant's application.

May 2011 term of the Sumter County Grand Jury for murder, first degree burglary, eight counts of kidnapping, two counts of assault and battery with intent to kill, five counts of assault with intent to kill, two counts of armed robbery, and six counts of attempted armed robbery (2011-GS-43-881). David Sullivan, Esquire, represented Applicant. John P. Meadors, Esquire, prosecuted the case.

Applicant and his co-defendant Vernon Goodwin proceeded to a jury trial before the Honorable Howard P. King. Applicant was found guilty of the lesser-included offense of voluntary manslaughter and was found guilty as indicted on all remaining charges. On September 23, 2011, Judge King sentenced Applicant to imprisonment for thirty years for voluntary manslaughter, forty years for first degree burglary, thirty years for each count of kidnapping; twenty years for each count of assault and battery with intent to kill, ten years for each count of assault with intent to kill, thirty years for each count of armed robbery, and twenty years for each count of attempted armed robbery, with all sentences running concurrently.

A timely notice of appeal was filed on Applicant's behalf by Robert Pachak, Esquire. The South Carolina Court of Appeals dismissed the appeal. State v. Kelley, No. 2012-UP-656 (S.C. Ct. App. December 12, 2012). The remittitur was issued on January 4, 2013.

II. ALLEGATIONS

In his application, Applicant alleged he is being held in custody unlawfully based on the following allegations:

1. Ineffective assistance of counsel; in that,
 - a. "Counsel failed to investigate and render reasonable performance, counsel failed to lodge timely objections."
2. Due Process Violation

At the evidentiary hearing, Applicant raised the following allegations:

1. Trial Counsel failed to move to quash the indictment based on its lack of a reference to the theory of accomplice liability (hand of one, hand of all).
2. Trial Counsel failed to argue in his directed verdict motion or during the charge conference that a conviction under the accomplice liability theory requires proof of the defendant's physical presence at the scene of the crime.
3. Trial Counsel failed to pursue alibi defenses.

III. APPLICABLE LAW

In a post-conviction relief action, the applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "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, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. Applicant must overcome this presumption in order 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. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any 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." Id. at 117-18, 386 S.E.2d at 625.

IV. SUMMARY OF RELEVANT TESTIMONY

Trial Counsel's testimony

At the evidentiary hearing, Trial Counsel testified the charges against Applicant stemmed from an incident on December 14, 2009 in which Applicant drove two co-defendants, Carlton and Calderone Bracey (the Bracey brothers), to a drug house in Rembert to rob it. He testified the State contended Applicant was the driver and that it was Applicant's job to drop the Bracey brothers off and pick them up some time after the robbery was complete. Applicant was tried with his co-defendant, Vernon Goodwin. Trial Counsel testified the Bracey brothers accepted a plea offer, pled guilty before the trial, and testified against Applicant and Goodwin. Trial Counsel testified Applicant and Goodwin were charged as principals and were never charged as accomplices before the fact or for criminal conspiracy.

Trial Counsel testified that in order for Applicant to be convicted at trial, the State had to prove the "hand of one, hand of all" theory. He stated that he met with Applicant before the trial with his parents present to discuss where Applicant was on the evening of the crimes. He testified Applicant told him he drove the Bracey brothers to a location that was just short of the incident location and dropped them off. Trial counsel testified the Applicant told him he thought he was only taking the Bracey brothers to buy marijuana. Trial Counsel testified he did not believe Applicant had a valid alibi defense based on what Applicant told him because, regardless of whether he was at home that night before the robbery occurred, he drove the Bracey brothers to the scene of the crime and dropped them off. Trial Counsel stated he chose not to investigate potential alibi witnesses based on what Applicant's mother told him Applicant was doing that night and because Applicant told him he dropped the Bracey brothers off at what ended up being the crime scene. Applicant's mother's testimony is summarized below.

Trial Counsel testified the investigator he hired interviewed the victims present at the crime scene, the neighbors who lived nearby, but he believed all their testimony would have hurt Applicant more than helped him. Trial Counsel stated he did not argue in his directed verdict motion that there was no evidence that Applicant was present at the crime scene because he did not think it was necessary to make that argument. He stated that in hindsight, he wished he had made that argument, but he still did not believe he would have been successful if he had made it.

Trial Counsel testified the State contended Applicant, Goodwin, and the Bracey brothers met at the Bracey home and planned the robbery. Trial Counsel stated Goodwin was the person who knew where the house was and that there might be money and cocaine to be stolen. He stated Goodwin did not have a driver's license at the time, so the group decided Applicant would drive. Trial Counsel stated Applicant drove a blue Plymouth Sundance; this vehicle was identified by witnesses at the victim's house. Trial Counsel testified that on the way there, Applicant took a back road that only local people would know about. Trial Counsel testified Goodwin was familiar with the area and had been to the house before. According to the Bracey brothers' trial testimony, Applicant, Goodwin, and the Bracey brothers discussed the robbery plan on the way to the house, Goodwin gave the Bracey brothers weapons, and the Bracey brothers dressed in all black. Trial Counsel stated Goodwin also gave the Bracey brothers an extra cell phone so they could call him after the robbery.

Trial Counsel testified that at trial, the State contended Goodwin was the mastermind of the robbery plan. Trial Counsel testified Applicant told him that even though he drove the Bracey brothers to the crime scene, he was not aware of the plan to rob the house. Trial Counsel testified he did not believe that he or his investigator spoke to any witnesses who would have testified Applicant was at home at a birthday party during the robbery.

Pamela Kelley's testimony

Pamela Kelley is Applicant's mother. She testified at the PCR hearing that she met with Trial Counsel the week after Applicant was arrested and told Trial Counsel her side of the story. She testified that one of the victims who was shot, Kemper Holiday, is her husband's cousin. Ms. Kelley testified that on the day of the crime, December 14, 2009, Applicant was at home attending her niece's birthday party. She testified she remembers Applicant starting the car and leaving the house a little before 7 p.m. and returning home around 8:30 p.m. She stated when Applicant got home, there were about fifteen people at their house for the party. She testified that about 3 hours later, a family member texted someone who was attending the party and told him that Kemper Holiday had been shot. She stated Applicant spoke to a family friend, Deborah Holland, on the house phone around 9 p.m. that evening.

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has considered the testimony presented at the post-conviction relief hearing. The Court has further had the opportunity to observe the witnesses presented at the hearing, determine their credibility, and weigh their testimony accordingly. Set forth below are relevant findings of facts and conclusions of law as required by S.C. Code Ann. §17-27-80 (1985).

As a matter of general impression, this Court finds Trial Counsel's testimony to be credible and persuasive. While the Court finds Applicant's mother, Pamela Kelley, was a credible witness, her testimony did not add any substance to Applicant's grounds for relief. These credibility findings have been applied to the Court's findings and conclusions set forth below.



The Court finds Applicant has not met his burden of proving entitlement to relief. The Court finds Trial Counsel's representation did not fall below the standards of professional norms in any manner. Based on the testimony presented and the record before the court, this Court finds Trial Counsel's representation was not ineffective in any respect.

Failure to move to quash indictment based on its lack of reference to accomplice liability theory

Applicant alleges Trial Counsel was ineffective for failing to challenge the indictments based on the fact that they did not reference the accomplice liability theory of "the hand of one is the hand of all." This allegation is without merit. South Carolina case law allows for a defendant to be convicted on the theory of accomplice liability even if the indictment charges him only as the principal. State v. Dickman, 341 S.C. 293, 295, 534 S.E.2d 268, 269 (2000) ("It is well-settled that a defendant may be convicted on a theory of accomplice liability pursuant to an indictment charging him only with the principal offense.") (citing State v. Leonard, 292 S.C. 133, 136, 355 S.E.2d 270 (1987); State v. Cox, 258 S.C. 114, 187 S.E.2d 525 (1972); State v. Hicks, 257 S.C. 279, 185 S.E.2d 746 (1971); State v. Hunter, 79 S.C. 73, 60 S.E. 240 (1908)). Trial Counsel cannot be ineffective for failing to make an argument that would have failed as a matter of law. Therefore, this relief on this ground is respectfully denied.

Failure to argue during directed verdict motion or during charge conference that a conviction under the accomplice liability theory requires proof of the defendant's physical presence at the scene of the crime

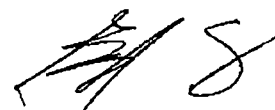
Applicant alleges Trial Counsel was ineffective for failing to argue to the trial court that the State had to prove Applicant's physical presence at the scene of the crime when the crime took place in order for Applicant to be found guilty. This argument fails as a matter of law.

A conviction under the accomplice liability theory is appropriate if there is proof beyond a reasonable doubt that a defendant participated with others in the pursuit of a common design to



commit an unlawful act and takes the part agreed upon or assigned to him in an effort to insure the success of the common undertaking. State v. Gilbert, 107 S.C. 443, 93 S.E. 125 (1917); State v. Blackwell, 220 S.C. 342, 67 S.E.2d 684 (1951); State v. Chavis, 277 S.C. 521, 290 S.E.2d 412 (1982); State v. Thompson, 374 S.C. 257, 647 S.E.2d 702 (2007); State v. Gibson, 390 S.C. 347, 701 S.E.2d 766 (2012); State v. Reid, 408 S.C. 461, 758 S.E.2d 904 (2015). In such an instance, the defendant is presumed to be present and is guilty as if physically present. Chavis at 522, 290 S.E.2d at 412-13 (citing State v. Gilbert, 107 S.C. 443, 93 S.E. 125 (1917)).

South Carolina courts have held proof of presence alone is not by itself enough evidence for a conviction and that proof of mere presence and prior knowledge that a crime was going to be committed, without more, is not enough to prove guilt. See State v. Harry, 420 S.C. 290, 803 S.E.2d 272 (2017). Indeed, a defendant's presence at the scene by pre-arrangement to aid, encourage, or abet in the perpetration of the crime constitutes guilt as a principal. See Gibson, 390 S.C. at 354, 701 S.E.2d at 770; State v. Hill, 268 S.C.390, 395-96, 234 S.E.2d 219, 221 (1977). However, this concept cannot be construed to mean that the State must prove presence as a precursor to guilt under the accomplice liability theory. In Blackwell, the Supreme Court upheld a guilty verdict when the defendant planned the commission of the crime with others and waited out of town during the commission of the crime by the physical perpetrators. Blackwell, 220 S.C. 342, 67 S.E.2d 684. Similarly, in Chavis, the defendant met with three other men to plan a robbery, supplied two of them with masks, guns, and gloves, and drove them to the scene. Chavis at 522, 290 S.E.2d at 412. He left them there to commit the crime and went to play cards three miles away from the robbery scene. Id. He was found guilty and the conviction was upheld under the accomplice liability theory. Chavis at 523, 290 S.E.2d at 413. The facts in Chavis are somewhat similar to the evidence presented the instant case.



In Applicant's case, Trial Counsel did not move for a directed verdict on the ground that Applicant was not physically present at the scene of the crime or that the accomplice liability theory had not been established. Instead, Trial Counsel generically argued the State had not proven its case. While this generic motion might appear deficient, the Court finds that if Trial Counsel had made a directed verdict motion on the ground suggested by Applicant, the motion would have been justifiably denied in light of the case law referenced above. Also, during the course of its ruling on the directed verdict motion, the trial court covered the accomplice liability issue and ruled there was evidence that Applicant, Goodwin, and the Bracey brothers "had planned and discussed what was going down and what they were going to do." (Tr., p. 572).

Trial Counsel testified that in hindsight, he should have argued lack of physical presence as part of the directed verdict motion. Again, however, this Court finds such an argument would have rightly been rejected by the trial court, so there can be no prejudice from the lack of this argument. Applicant has failed to prove deficiency on this point.

The evidence presented by the State required the trial jury to largely believe the testimony of the Bracey brothers that Applicant and Goodwin planned and were participants in the robbery scheme. While the Bracey brothers' credibility was certainly suspect, the jury obviously believed their testimony. Applicant has failed to meet his burden of proving Trial Counsel was deficient in failing to properly argue the directed verdict motion.

Failure to pursue alibi defenses

Applicant claims Trial Counsel should have pursued an alibi defense at trial. At the PCR hearing, Applicant offered the testimony of his mother, Pamela Kelley. As noted above, Ms. Kelley testified at the PCR hearing that on the evening of the crimes, Applicant was at home at her niece's birthday party and left the house a little before 7:00 p.m. and returned between 8:27



and 8:30 p.m. She testified co-defendant Vernon Goodwin was not with Applicant and that America's Funniest Home Videos was still on. She said there were still at least fifteen people at the house and that she told Applicant when he got home that he better not leave again with all those people there. She testified Applicant stayed home the rest of the night and was on the house phone with his girlfriend a little after 9:00 when Deborah Holland called her to talk to her husband about a ride to work the next day. Holland rang in on Applicant's call through call-waiting.²

The crimes occurred in Rembert. According to various trial witnesses, the crimes occurred anywhere from 8:00 p.m. to 9:15 p.m., or perhaps a little later. The record reflects that the distance between the scene of the crime in Rembert to Vernon Goodwin's house and then to Cameren Kelley's house was such that the drive would have been 30 minutes or more. Applicant argues Ms. Kelley's testimony would tend to establish that Applicant could not have been in the vicinity of where the Bracey brothers perpetrated the crimes. However, this argument ignores the critical fact that both Applicant and Goodwin admitted to law enforcement that they dropped off the Bracey brothers just prior to the crimes and that Applicant was driving and Goodwin was in the front seat. Both Applicant and Goodwin told law enforcement they dropped off the Bracey brothers near the scene of the crime to buy marijuana and then left to go to their respective homes. At trial, Applicant stipulated his statement to law enforcement was freely and voluntarily given, and the trial judge so ruled.

The alibi testimony of Applicant's mother would have added nothing to the statements given by Applicant and Goodwin to law enforcement and to their own lawyers. Trial Counsel

² This Court notes Applicant cannot use Deborah Holland's purported testimony as an alibi to prove she spoke with Applicant on the house phone at that time because Applicant did not present her testimony at the hearing. See Glover v. State, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995). However, Ms. Kelley's testimony establishes Ms. Holland called the house and spoke to Applicant.

testified that in his judgment, the best defense to put forward was that Applicant did drop the Bracey brothers off near the scene of the crime so the Braceys could buy marijuana but that he had no idea the Bracey brothers were planning a robbery.

The fact remains that both Applicant and co-defendant Goodwin admitted to law enforcement that they had dropped off the Bracey brothers near the crime scene, shortly before the crimes were committed. This comports with Ms. Kelley's testimony that Applicant was home by the time the crimes were committed; therefore, even if Trial Counsel were deficient for not calling Applicant's mother to testify, there is not a reasonable probability that the outcome of the trial would have been different.

Applicant argued at the PCR hearing that the alibi witness would have established that Applicant and Goodwin separated from each other after dropping off the Bracey brothers and that this would have created reasonable doubt that there was a plan for Applicant and Goodwin to pick up the Bracey brothers after the robbery. The Court concludes that Trial Counsel was not deficient in not calling Applicant's mother to establish that point, and that even if Trial Counsel were deficient, there is not a reasonable probability that the outcome of the trial would have been different. Therefore, Applicant has failed to meet his burden of proving either prong of the Strickland test, and relief on this ground is denied.

VI. CONCLUSION

Based upon the foregoing, the Court concludes Applicant has not established any constitutional violations or deprivations that would require this court to grant his application for post-conviction relief. Therefore, the Court denies the application for post-conviction relief and dismisses the application with prejudice.




Applicant must file and serve a notice of appeal within thirty 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 assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCR, provides that 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. The application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 15 day of January, 2018.



GEORGE C. JAMES, JR.
Presiding Judge

Sumter, South Carolina

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

JUN 18 2018

S.C. SUPREME COURT

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

George C. James, Jr., Circuit Court Judge

Case No. 2013-CP-43-00205

Cameren L. Kelley, # 347966Petitioner,

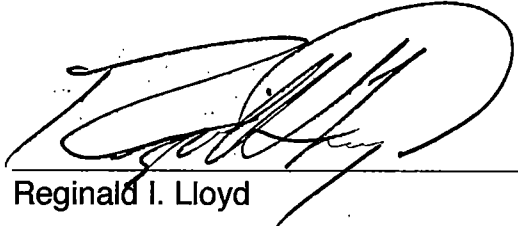
v.

State of South Carolina,Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Petitioner/Appellant's Notice of Appeal was served by first class United States mail, postage prepaid, this 14th day of June 2018, upon the following:

Ms. Julie Coleman, Esq.
South Carolina Attorney General's Office
1000 Assembly Street, Room 519
PO Box 11549
Columbia, South Carolina 29211
Attorneys for Respondent


Reginald I. Lloyd



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29211

U.S. POSTAGE
PAID
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AMOUNT

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REGINALD I. LLOYD
39 OLE STILL LANE
ELGIN, SOUTH CAROLINA 29045

HON. DANIEL E. SHEAROUSE
CLERK, SOUTH CAROLINA SUPREME COURT
POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211