

STATE OF SOUTH CAROLINA
In the Supreme Court

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S.C. SUPREME COURT

CERTIORARI TO HORRY COUNTY
Court of Common Pleas
Brooks P. Goldsmith, Circuit Court Judge

Appellate Case No. 2018-000116

Christopher M. Stephens,

Respondent,

v.

State of South Carolina,

Petitioner.

PETITION FOR WRIT OF CERTIORARI

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INDEX

ISSUES PRESENTED..... ii

STATEMENT OF THE CASE..... 1

STANDARD OF REVIEW 5

ARGUMENT 7

 I. THE PCR COURT ERRED IN FINDING TRIAL COUNSEL INEFFECTIVE
 BECAUSE TRIAL COUNSEL TIMELY OBJECTED AND BECAUSE NO EVIDENCE
 EXISTS TO SUPPORT A FINDING OF PREJUDICE WHERE THE INSTRUCTION AT
 ISSUE WAS AN ACCURATE STATEMENT OF LAW, PRECEDED BY NUMEROUS
 ACCURATE STATEMENTS OF DEFENDANT’S LACK OF BURDEN, AND
 FOLLOWED BY EIGHTY-FIVE MINUTES OF DELIBERATION WITH NO
 EXPRESSION OF CONFUSION OR MISUNDERSTANDING AFTER A WEEK-LONG
 TRIAL..... 7

 II. NO EVIDENCE EXISTS TO SUPPORT THE PCR COURT’S GRANT OF RELIEF
 DUE TO INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL BECAUSE TRIAL
 COUNSEL DID NOT OBJECT AND PRESERVE THE ISSUE FOR APPEAL, AND
 BECAUSE THE ISSUE OF THE THIRD-PARTY GUILT CHARGE WAS NOT CLEARLY
 SUPERIOR TO THOSE RAISED ON DIRECT APPEAL. 13

CONCLUSION..... 14

ISSUES PRESENTED

- I. **Did the lower court err in finding trial counsel ineffective for failing to challenge a jury charge where Counsel properly and timely objected, and where said charge was an accurate statement of law, made up a small portion of an otherwise accurate set of jury instructions, was preceded by numerous reminders that the defendants did not have to prove anything, and did not result in any discernible confusion on the part of the jury?**

- II. **Did the lower court err in finding appellate counsel ineffective for failing to raise the issue of the validity of the third-party guilt jury instruction where the issue was not clearly superior to those raised by appellate counsel?**

STATEMENT OF THE CASE

Summary of Procedural History

Christopher Stephens (“Stephens”) is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Horry County Clerk of Court. Stephens was indicted at the July 2007 term of the Horry County Grand Jury for two counts of accessory before the fact – murder (2007-GS-26-02974, -02975), and one count of accessory before the fact – armed robbery (2007-GS-26-02976). Bobby G. Frederick, Esq., and Laura L. Hiller, Esq., represented Stephens on the charges. Bradley C. Richardson, Esq., and Donna Elder, Esq., each of the Fifteenth Circuit Solicitor’s Office, prosecuted the case.

Stephens initially proceeded to trial in November 2008, which ended in a mistrial. Charges against one co-defendant, Marshal Stephens, were dismissed for lack of evidence.

On February 2, 2009, Stephens again proceeded to trial before the Honorable Steven H. John and a jury. Stephens was tried jointly alongside his remaining co-defendant Jimmy Lee Sessions, who was represented by Johnny Gardner, Esq. The jury found Stephens guilty as indicted on February 6, 2009. Judge John sentenced Stephens to imprisonment for concurrent terms of 40 years for each accessory to murder, and 30 years for accessory to armed robbery.

Stephens filed a timely notice of appeal and a direct appeal was perfected by Robert M. Dudek, Esq., who raised the following two issues:

1. Whether the court erred by admitting the hearsay testimony of James Pearl that decedent Jamilla Hightower was screaming at appellate in anger about the money he owed her for drugs since this hearsay testimony was highly prejudicial because it strongly implied an alleged motive for killing the drug dealing decedent?.
2. Whether the trial court committed reversible error by allowing SLED “victimologist” Mike Podan to testify about the “victimology, method of operation, motive, things like that,” of the murders, since such testimony was

speculative, irrelevant, and inadmissible “expert” testimony under State v. Tapp, 387 S.C. 159, 691 S.E.2d 165 (Ct. App. 2009).

The parties proceeded to oral arguments on October 3, 2012. Stephens was represented at arguments by Mr. Dudek.; the State was represented by W. Edgar Salter, III, Esq., of the South Carolina Attorney General’s Office. By unpublished opinion decided January 30, 2013, the South Carolina Court of Appeals affirmed Stephens’ convictions. State v. Stephens, Op. No. 2013-UP-062 (S.C. Ct. App. filed Jan. 30, 2013). Stephens, by and through counsel Dudek, petitioned Court of Appeals for rehearing on February 14, 2013. The Court of Appeals denied the petition by order filed March 20, 2013.

Stephens, by and through counsel Dudek, petitioned the Supreme Court of South Carolina for a writ of certiorari by filing on June 19, 2013. The State filed its return to the petition on July 19, 2013. The Supreme Court denied the petition by order filed November 7, 2014. The Remittitur was issued on November 10, 2014.

Stephens filed an application for post-conviction relief on December 4, 2014 (2014-CP-26-07977). He alleged the following grounds for relief in his application, as amended by Counsel:¹

1. Appellate Counsel Robert Dudek, Chief Appellate Defender, failed to include in Applicant’s appeal the issue of whether the Court erred in charging the Jury on the issue of Third Party Guilt. On page 1010 of the record on appeal, the trial court charged the jury on third party guilt. On page 1019 of the record on appeal trial counsel objected to the inclusion of the third party guilt charge. The issue was properly preserved by trial counsel, and Appellate counsel should have included it as one of the issues on appeal.
2. Certain family members of the victims appeared in court and in the presence of the jury wearing T-shirts and or buttons bearing pictures of the victims. Once it

¹ Though a formal amendment was prepared and mailed to the State on November 7, 2016, it does not appear to have ever been properly filed with the Horry County Clerk of Court. Nonetheless, the evidentiary hearing proceeded upon the issues contained therein.

was known that certain jurors were exposed to this influence from the victim's family, trial counsel should have either moved for a mis-trial or sought to have jurors subjected to individual voir dire to determine if the exposure affected the jurors' ability to be fair and impartial.

3. Prior to this trial, there was a mistrial as the result of a hung jury. Trial counsel was ineffective by failing to procure a transcript of the prior trial prior to the commencement of the dispositive trial. There were numerous instances where the State's witness's testimony differed from the first trial to the second trial. Trial counsel's failure to obtain the prior transcript deprived trial counsel of an effective tool for impeaching the testimony of the State's witnesses.
4. Trial counsel filed [sic] to call witnesses that would have provided either alibi or exculpatory testimony.
5. Trial counsel failed to object during State's closing arguments when State impermissibly bolstered the testimony of its own witnesses.
6. Trial counsel failed to object to the State's impermissible "golden rule" arguments during the State's opening and closing arguments.
7. During closing arguments the State told jury that defense counsel know their clients were guilty. Trial counsel was ineffective for merely asking that prejudicial remarks be stricken and not seeking a mistrial.

The State made its return on July 30, 2015. An evidentiary hearing into the matter was convened on November 15, 2016, held jointly with co-defendant and applicant Jimmy Lee Sessions,² before the Honorable Brooks P. Goldsmith. Stephens was present at the hearing and represented by James K. Falk, Esq.³ Jessica E. Kinard, of the South Carolina Attorney General's Office, represented the State. The PCR Court took the testimony of Stephens' appellate counsel Robert M. Dudek, Esq.; Libby Pierce; Respondent Stephens; Jimmy Lee Sessions; Stephens' trial counsel Bobby G. Frederick, Esq.; and co-defendant's trial counsel Johnny Gardner, Esq. By written order dated February 3, 2017, and filed February 10, 2017, Judge Goldsmith granted the application, finding (1) the trial court's instruction on third-party guilt was likely to have

² The parties agreed to a joint evidentiary hearing. The undersigned is unaware of any other instance of a joint evidentiary hearing occurring in the past, nor of any expected to ever occur again. Consequently, this petition is submitted concurrently with that filed in Sessions v. State, App. Case No. 2018-000117.

³ Mr. Falk represented both Stephens and co-defendant/applicant Sessions, who evidently waived any conflict of interest.

confused the jury and led them to believe Stephens had a burden of proving his innocence; (2) trial counsel was ineffective in failing to object to the charge as burden-shifting, such that it was not raised on appeal; and (3) appellate counsel was ineffective in failing to raise the issue that the third-party guilt charge was confusing. The State filed a motion pursuant to Rule 59(e), SCRC, on February 23, 2017, which was denied by order filed January 5, 2018.

This petition follows.

STANDARD OF REVIEW

The post-conviction relief court's findings of fact receive great deference during appellate review and will be upheld if "any evidence of probative value" exists in the record to support the lower court's findings. Sellner v. State, 416 S.C. 606, 610, 787 S.E.2d 525, 527 (2016). Questions of law are reviewed *de novo*, and appellate courts will reverse the decision of the post-conviction relief court when it is controlled by an error of law. Id.; Smalls v. State, 422 S.C. 174, 180-81, 810 S.E.2d 836, 839 (2018).

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 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, 686 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814. The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Strickland at 687. "There is a strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in the case." Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007). 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 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. “[E]very effort be made to eliminate the distorting effects of hindsight” and to evaluate counsel’s decisions at the time they were made. Id. Accordingly, courts must be wary of second-guessing counsel’s tactics. Whitehead v. State, 308 S.C. 119, 122, 417 S.E.2d 529, 531 (1992).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel’s performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under professional norms.” Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel’s deficient performance must have prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. 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. Id. at 697. If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. Id.

ARGUMENT

I. THE PCR COURT ERRED IN FINDING TRIAL COUNSEL INEFFECTIVE BECAUSE TRIAL COUNSEL TIMELY OBJECTED AND BECAUSE NO EVIDENCE EXISTS TO SUPPORT A FINDING OF PREJUDICE WHERE THE INSTRUCTION AT ISSUE WAS AN ACCURATE STATEMENT OF LAW, PRECEDED BY NUMEROUS ACCURATE STATEMENTS OF DEFENDANT'S LACK OF BURDEN, AND FOLLOWED BY EIGHTY-FIVE MINUTES OF DELIBERATION WITH NO EXPRESSION OF CONFUSION OR MISUNDERSTANDING AFTER A WEEK-LONG TRIAL

The PCR Court's finding of ineffective assistance of trial counsel and grant of post-conviction relief to Stephens was error and must be overturned because Trial Counsel timely objected to the third-party guilt instruction and because there is no evidence in the record nor precedent in the law to provide that the six-line charge on third-party guilt, accurate in its statement of law, either confused the jury or shifted the burden after a week of testimony and breathless emphasis on the fact that the State carried the burden of proving Stephens' guilt beyond a reasonable doubt.

The State, in prosecuting an accused, carries the burden of proving an accused's guilt beyond a reasonable doubt, and any instruction that has the effect of relieving the State of that burden is prohibited. Lowry v. State, 376 S.C. 499, 505, 657 S.E.2d 760, 763 (2008) (citing Sandstrom v. Montana, 442 U.S. 510 (1979)). Where an instruction is argued to have been confusing and burden-shifting, the relevant inquiry "is whether there is a reasonable likelihood that the jury applied the challenged instruction in a way that violates the Constitution." Id. "In order to make this determination, the challenged instruction must be examined in the context of the trial court's *entire charge* to the jury and not in isolation." Id. (emphasis added); see also Cupp v. Naughten, 414 U.S. 141, 146-47 (1973) (Jury instructions "may not be judged in artificial isolation," but must be considered in the context of the instructions as a whole and the trial record.).

While numerous cases in South Carolina jurisprudence consider the admissibility of third-party guilt evidence, there is no case law that supports the proposition that a trial court must charge the jury on third-party guilt as a standalone defense. See State v. Tindall, 379 S.C. 304, 313, 665 S.E.2d 188, 193 (Ct. App. 2008) (reversed on other grounds, 388 S.C. 518, 698 S.E.2d 203 (2010)) (rejecting argument the trial court erred in failing to instruct the jury on the issue of third-party guilt); acknowledged by Teamer v. State, Op. No. 2016-MO-013, 3 (S.C. Sup. Ct. filed April 13, 2016).⁴ However, there is also no caselaw to specifically prohibit a third-party guilt charge, and such charges are permitted, if not required, in other jurisdictions. See, e.g. State v. Arroyo, 935 A.2d 975 (Conn. 2007) (required); Commonwealth v. Hoose, 5 N.E.2d 843, 858 (Mass. 2014) (not required, but not error). Where such instructions are rejected, they are not disfavored for some inherent unconstitutional character, but because they do not add much of substance to other substantially more important and standard instructions that the State must prove its case beyond a reasonable doubt. See, e.g., People v. Lucas, 333 P.3d 587, 691-92 (Cal. 2014) (“It is hardly a difficult concept for the jury to grasp that acquittal is required if there is reasonable doubt as to whether someone else committed the charged crimes.”); State v. Welch, 340 P.3d 387 (Ariz. Ct. App. 2014) (“It is established that no Arizona case has required a third-party culpability instruction because the substance of the instruction is adequately covered by the instructions on the presumption of innocence and the State’s burden of proving beyond a reasonable doubt all elements of the crimes charged.”) (quotations omitted).

At trial, the trial judge briefly instructed the jury on third-party guilt evidence:

Evidence offered by an accused as to the commission of a crime by another person must be limited to facts that are inconsistent with the accused’s guilt, and

⁴ Petitioner does not offer this citation as any kind of precedent, but as a mere instance of the Court previously reaching the same negative research conclusion as the undersigned.

to such facts which raise an inference as to his innocence. There must be such connection with the crime, such facts or circumstances which tend to point out the other person as the guilty party.

(Appx. 1016, ll. 16-21). The instruction is a near-verbatim recitation of the law governing the *admissibility* of third-party guilt evidence. See State v. Gregory, 198 S.C. 98, 16 S.E.2d 532, 534 (1941). Trial Counsel objected to the third-party guilt charge both during the charging conference and after the fact, arguing the charge was not a proper instruction, but a rule of admissibility, and that once admitted the jury was free to consider it for whatever purpose they saw fit. (Appx. 821, ll. 10-22; pp. 1024-25).

The PCR Court's finding of ineffectiveness is incorrect in that Trial Counsel very clearly objected and articulated an accurate observation and basis for his challenge. That he did not specifically use the phrase "burden-shifting" did not foreclose the possibility of raising the propriety of the charge on direct appeal.

In any event, the PCR Court's finding that the charge impermissibly shifted the burden to the defendant plainly ignores the rest of the jury instructions, as well as the extensive arguments of both defense counsels and the State on the subject of the State's burden. The trial court was emphatic from its opening remarks that the burden of proof lay entirely with the State:

Now, to those crimes and offense for which the State has charged these Defendants they have pled not guilty. That means they are presumed innocent of the crimes for which they have been charged. That plea of not guilty, and that presumption of innocence places the burden of proof in this case, on all of the matters, upon the State of South Carolina. The State of South Carolina has the burden of proof. The State must produce to you evidence which convinces you, beyond a reasonable doubt, of the guilt of the crimes charged, and it's going to be your job to weigh the evidence, find that evidence which convinces you of [its] truth, and then taking that evidence and weighing it against the burden that the State of South Carolina has, that is, to prove the Defendants guilty of the crimes charged beyond a reasonable doubt. The Defendants have nothing to show you. The Defendants have nothing to prove to you. The Defendants need not testify.

There is no burden on the Defendants. Throughout the entirety of trial the burden rests entirely upon the State of South Carolina.

(Appx. 93-94). Returning to the subject during its jury instructions, the trial court instructed the jury that it must “apply that evidence that you find to be true against the burden that the State of South Carolina has, to prove the defendant guilty beyond a reasonable doubt of the particular crime charged.” (Appx. 1011, ll. 14-17). The trial court reminded the jury of its opening instructions and “that the plea of not guilty puts the burden of proof upon the State of South Carolina to prove the Defendants guilty beyond a reasonable doubt of the particular crimes charged.” (Appx. 1012, ll. 6-9). In the very next sentence the Court unequivocally affirmed that “[a] defendant is never required to prove themselves innocent.” (Appx. 1012, ll. 10-11). The trial court emphasized at length that the defendant “is always presumed to be innocent”, that the presumption “didn’t end at the start of the trial” and had not ended at the time of instruction. (Appx. 1012, ll. 11-16). The trial court again stated that the presumption only ends when “the jury, collectively, are convinced from the evidence before you of the guilt of that Defendant of the crime charged, beyond a reasonable doubt.” (Appx. 1012, ll. 16-19). The trial court thereafter utilized a common “robe of righteousness” simile and again emphasized the burden of “beyond a reasonable doubt.” (Appx. 1012, ll. 19-25). The trial court instructed the jury that the presumption of innocence is “a substantial right” only dissolved by evidence to show guilt beyond a reasonable doubt. (Appx. 1013, ll. 1-5). The trial court thereafter explained reasonable doubt. (Appx. 1013, ll. 6-18). In discussing the Stephens’ decision not to testify, the trial court plainly reminded the jury “the Defendants don’t have anything to prove to you, to show you. The State of South Carolina has the burden of proof to prove the Defendants guilty of the crimes charged, beyond a reasonable doubt.” (Appx. 1015, ll. 13-16).

Counsels for each of the defendants were similarly emphatic in their closing arguments.

Co-defendant's attorney Johnny Gardner told the jury "we all know, we all agree, that the burden of proof in a criminal case is much higher than it is in a civil case." (Appx. 949-50). Gardner emphasized the question was whether the evidence proved, beyond a reasonable doubt, murder. (Appx. 952, ll. 9-11). Gardner differentiated his use of incarcerated witnesses from the State in part by explaining "I'm not trying to prove, beyond a reasonable doubt, two people should be convicted of murder[.]" (Appx. 960, ll. 8-9). As did the trial court, Gardner reminded the jury that "[t]he Defense doesn't have to prove what happened that night out at Pridgen. The Defense can't prove it. That's why the State has to prove it." (Appx. 962, ll. 17-19). Gardner shortly thereafter returned to the subject of the burden at length:

I want to talk about the burden of proof for a minute. The burden of proof is always on the State. Just because the Defense elects to put up some evidence should not be confused – do not let the State confuse you into thinking that the Defense has to prove something. The Defense doesn't have to prove something because, in some cases they can't prove something.

[. . .]

Reasonable doubt does not go to the State. They don't get reasonable doubt. They have proof beyond a reasonable doubt. They have to do that. Don't be confused about that when they start second-guessing their own State witnesses about it.

(Appx. 963, ll. 5-11; p. 964, ll. 4-8). Gardner made clear that the standard does not change or shift. (Appx. 965, ll. 15-19).

Stephens' counsel Bobby G. Frederick, Esq., was perhaps the most eloquent and emphatic of all on the subject in his own closing argument, after a lengthy treatise on all the different standards of proof that exist in our justice system:

And the last, and the highest standard of proof in our justice system is beyond all reasonable doubt, and this is the standard of proof that we have to use in every criminal case. A reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act. It is a doubt for which you could give a

reason. Reasonable doubt is a safeguard that is given to all citizens in our Country. It protects all of us. It prevents the conviction of innocent people. Why do we have that safeguard? Why is it that we have a presumption of the innocence in civil cases and reasonable doubt in all criminal cases? The Founding Fathers, in our Constitution, said that the prosecutor has to prove his case beyond a reasonable doubt because they knew, they knew from their own experience way back then with the Crown, they knew that the prosecutors had all of the power, they knew that an innocent person can never prove a negative. They knew that seldom can anyone prove their innocence. Because the prosecutor has all the power he can compel testimony through the threat of prosecution and the promise of freedom. We can't do that, and so the prosecutor has to prove his case beyond a reasonable doubt, because the prosecutor has all the power. We have the right to a trial by jury, so that you are here to stand between Christopher and the awesome power of the government. The Founding Fathers said, in the Constitution, that they must prove their case until all doubts are removed from your mind. They have to prove their case until you do not hesitate before reaching a verdict.

(Appx. 975-76). Counsel thereafter described reasonable doubt. (Appx. 976, ll. 5-18). The State itself confirmed its burden in its own closing summation. (Appx. 989, ll. 4-17). The State explained its exhaustive presentation of evidence by way of reference to its burden: "I have to prove every element. That's what I've done." (Appx. 990, ll. 9-10).

One may readily compare the length and frequency of emphasis on the proper burden recited above to the brevity of the third-party instruction relied upon as the basis for relief. There is no conceivable way any jury could have been confused as to who had the burden of proof, and surely not the jury that asked no questions in its deliberations be required a mere 85 minutes to convict Stephens for his role in the execution-murders of Jamilla Hightower and Monica Walls in their own home. To whatever extent the instruction could cause any confusion, the jury was preemptively cured, inoculated against any possible confusion or erroneous suggestion of burden shifting by the breathless, repeated, endless emphasis that the burden was entirely and only on the State of South Carolina. Accordingly, the order granting relief due to ineffective assistance

of counsel is without any support in either fact or law. The order should be reversed and relief denied.

II. NO EVIDENCE EXISTS TO SUPPORT THE PCR COURT’S GRANT OF RELIEF DUE TO INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL BECAUSE TRIAL COUNSEL DID NOT OBJECT AND PRESERVE THE ISSUE FOR APPEAL, AND BECAUSE THE ISSUE OF THE THIRD-PARTY GUILT CHARGE WAS NOT CLEARLY SUPERIOR TO THOSE RAISED ON DIRECT APPEAL.

The PCR Court also erred in finding appellate counsel ineffective for failing to raise the third-party guilt charge on appeal. “A defendant is entitled to effective assistance of appellate counsel.” Tisdale v. State, 357 S.C. 474, 476, 594 S.E.2d 166, 167 (2004). “Although appellate counsel is required to provide effective assistance of counsel, appellate counsel is *not* required to raise every nonfrivolous issue that is presented by the record.” Id. (emphasis original, quotations omitted). “For judges to second-guess reasonable professional judgments and impose on . . . counsel a duty to raise every ‘colorable’ claim suggested by a client would disserve the very goal of vigorous and effective advocacy[.]” Id. (quoting Jones v. Barnes, 463 U.S. 745, 754 (1983)).

The issue is not clearly superior to the two issues raised on appeal, in particular the second issue raised by Appellate Counsel pertaining to the admissibility of expert testimony from SLED victimologist Mike Prodan, which was found to be harmless error. (Appx. 1114-15). Appellate counsel testified to his belief that State v. Tapp⁵ would secure the reversal of the convictions—he went so far as to describe it as “our ride home here to a new trial[.]” (Appx. 1202, ll. 2-24). Attorney Dudek’s judgment was sound, especially given the weakness of the argument for the prejudice of the third-party guilt instruction, articulated above. Accordingly,

⁵ State v. Tapp, 387 S.C. 159, 691 S.E.2d 165 (Ct. App. 2010) (reversed 398 S.C. 376, 728 S.E.2d 468 (2012)).

the order granting relief due to ineffective assistance of appellate counsel is without any support in either fact or law. The order should be reversed and relief denied.

CONCLUSION

For the foregoing reasons, this Court should grant this Petition for Writ of Certiorari, reverse and vacate the Order Granting PCR Relief filed February 10, 2017, and direct an order denying relief.

Respectfully submitted,

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6 Aug., 2018

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Horry County
Court of Common Pleas
The Honorable Brooks P. Goldsmith, Circuit Court Judge

2014-CP-26-87977
Appellate Case No. 2018-000116

CHRISTOPHER M. STEPHENS,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

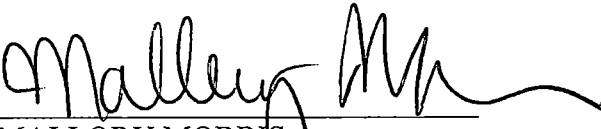
Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of Petition for Writ of Certiorari and Appendix has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

David Alexander, Esquire
1330 Lady Street, Ste. 401
Columbia, SC 29201

This 6th day of August, 2018.



MALLORY MORRIS
Legal Assistant for Respondent

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S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

August 6, 2018

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

RE: Christopher M. Stephens v. State of South Carolina
Appellate Case No. 2018-000116
Lower Court Case No. 2014-CP-26-7977

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the Petition for Writ of Certiorari and an original appendix and one copy (1). By copy of this letter we are serving opposing counsel today.

Sincerely,

Johnny E. James Jr.
Assistant Attorney General
S.C. Bar No. 101260

JEJ/mm
Enclosures

cc: David Alexander, Esquire
Victim Advocacy Division (without enclosures)