VITETTA
LAW GROUP

February 11, 2016

Daniel E. Shearouse
Clerk, South Carolina Supreme Court
PO Box 11629
Columbia, South Carolina 29211

Re: Casey Raymond Perkins v SC
Case No.: 13-CP-12-00278
Charges: Denial of PCR

Dear Mr. Shearouse:

Enclosed is the certified, filed copy of a Notice of Intent to Appeal in the above-referenced case, together with appropriate Proof of Service upon the Attorney General. Also enclosed is a Request for Representation on Appeal. The Plaintiff is indigent pursuant to the Defense of Indigents Act. By copy of this letter, I am forwarding a duplicate set of these documents to the South Carolina Commission of Appellate Defense.

The Request for Representation on Appeal, and the Affidavit in support thereof, has been signed by me as attorney for the Defendant-Appellant.

As proof of filing for my records, I would appreciate it if one of your Clerks would clock the enclosed copy of this letter and return it to me in the envelope I have provided.

Sincerely,

Guy J. Vitetta

Enclosures as stated above

cc: South Carolina Commission of Appellate Defense
Casey Perkins
Croom Hunter, Esq.

NOTICE OF APPEAL

STATE OF SOUTH CAROLINA

IN THE SOUTH CAROLINA COURT OF APPEALS

APPEAL FROM CHESTER COUNTY

THE HONORABLE R. KNOX MCMAHON

CASE NO.: 2013-CP-12-0278

CASEY RAYMOND PERKINS, APPELLANT

VS.

THE STATE OF SOUTH CAROLINA, RESPONDENT

NOTICE OF APPEAL

Appellant appeals from judgement of Judge R. Knox McMahon of the Court of Common Pleas for the Sixth Judicial Circuit, filed on December 18, 2013 and delivered to Appellant's counsel on January 22, 2016.

GUY J. VITETTA
ATTORNEY FOR THE APPELLANT
225 Seven Farms Drive, Ste. 201
Daniel Island, SC 29492

Other counsels of record are:

J. Croom Hunter
Assistant Attorney General
Post-Conviction Relief Section
6th & 12th Judicial Circuits
(803) 734-3737

SERVICE OF THE WITHIN NOTICE OF APPEAL IN THE MATTER OF *Perkins v South Carolina,* 2013-CP-12-0278, IS HEREBY ACKNOWLEDGED THIS 3 DAY OF Feb, 2016 BY MAILING A FILED COPY VIA U.S. MAIL WITH PROPER POSTAGE ATTACHED THERETO TO J. CROOM HUNTER, ESQUIRE, ATTORNEY FOR SOUTH CAROLINA.

BY: Guy J. Vitetta

GUY J. VITETTA
ATTORNEY FOR THE APPELLANT

From: **Croom Hunter** chunter@scag.gov
Subject: RE: Perkins v SC;
Date: January 22, 2016 at 4:15 PM
To: Vitetta Law Group - Google Apps guy@vitettalawgroup.com
Cc: Wendy Keefer wendykeefer@yahoo.com

Guy,

Please see attached. Let me know if you need anything else.

Thanks,

J. Croom Hunter
Assistant Attorney General
Post-Conviction Relief Section
6th & 12th Judicial Circuits
(803) 734-3737

From: Vitetta Law Group - Google Apps [mailto:guy@vitettalawgroup.com]
Sent: Thursday, January 21, 2016 11:23 AM
To: Croom Hunter
Cc: Wendy Keefer
Subject: Perkins v SC;

Hey Croom: I noticed today that the judge signed your order of dismissal in the Perkins matter and that it was filed on 12.18, but I never was served with a filed copy. Would you please send me the same so I can advise Mr. Perkins of his appellate rights?

Thank you.

Guy

Guy J. Vitetta, Esq.
Attorney at Law
Vitetta Law Group
225 Seven Farms Drive, Ste. 201
Daniel Island, SC 29492
843-302-2050 (telephone)
843-377-8390 (facsimile)

documents is strictly prohibited. If you received this transmission in error, please notify us immediately by return email, delete the message, and destroy any copies - electronic, paper, or other - that you may have of this transmission and any attached documents. Thank you.

ALAN WILSON
ATTORNEY GENERAL

December 15, 2015

The Honorable Sue K. Carpenter
Clerk of Court, Chester County
PO Drawer 580
Chester, SC 29706-0508

Re: **Casey Raymond Perkins, #286100 v. State of South Carolina**
2013-CP-12-0278

Dear Ms. Carpenter:

Enclosed please find the original **Order of Dismissal**, signed by The Honorable R. Knox McMahon, in the above-captioned case, for filing in your office. Please forward a **time stamped copy** back to our office for our files.

Sincerely,

J. Croom Hunter
Assistant Attorney General

CH/ah
Enclosure(s)

STATE OF SOUTH CAROLINA COUNTY OF CHESTER	)	IN THE COURT OF COMMON PLEAS FOR THE SIXTH JUDICIAL CIRCUIT
Casey Raymond Perkins, #286100, Applicant, v. State of South Carolina, Respondent.	)	Case No. 2013-CP-12-0278 **ORDER OF DISMISSAL**

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on June 21, 2013. Respondent made its return on November 14, 2013. An evidentiary hearing into the matter was convened on August 12, 2015, at the Lancaster County Courthouse. Applicant was present at the hearing and was represented by Guy Vitetta, Esquire, and Adam Owensby, Esquire. Respondent was represented by Assistant Attorney General J. Croom Hunter of the South Carolina Attorney General's Office.

PROCEDURAL HISTORY

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Chester County Clerk of Court's orders of commitment. The Applicant was indicted at the October 2005 term of the Chester County Grand Jury for murder (2005-GS-12-0438). Jeff Dunn, Esquire represented him. Applicant proceeded to a jury trial, and on December 20, 2008, the Applicant was found guilty. The Honorable Brooks P. Goldsmith sentenced the Applicant to fifty (50) years in prison.

A notice of appeal was filed at the South Carolina Court of Appeals. Robert M. Dudek, Esquire, of the South Carolina Commission on Indigent Defense perfected the appeal. The Court

of Appeals affirmed the Applicant's conviction and sentence. State v. Casey Ray Perkins, Op. No. 2012-UP-525 (S.C. Ct. App. filed September 12, 2012). The Remittitur was sent on September 28, 2012.

ALLEGATIONS

At the post-conviction relief hearing, Applicant proceeded to argue his confinement is unlawful based upon the following grounds:

1. Ineffective assistance of counsel.
   a. Trial counsel failed to properly investigate and prepare a defense for trial.
   b. Counsel failed to interview witnesses and have them present at trial.
   c. Counsel failed to object to hearsay.

SUMMARY OF TESTIMONY PRESENTED

At the evidentiary hearing, Applicant testified on his own behalf. Applicant also called trial counsel, Geoff Dunn, to testify.. This Court also had before it a copy of the trial transcript, the Lancaster County Clerk of Court records, the Applicant's South Carolina Department of Corrections records, the PCR application, the appellate records, and the return.

At the PCR hearing, Applicant initially took the stand and testified he is serving a 50 year sentence after being convicted of murder. Applicant testified that he was represented at trial by Geoff Dunn. Throughout the PCR hearing, Applicant maintained his innocence, despite the fact that he gave multiple different confessions to the police. Applicant testified that he gave the confessions because the police threatened to arrest his parents for the murder if he did not confess. Applicant testified that trial counsel never showed him the tapes of the confessions, and the first time he saw them was at trial. Applicant complained that he never got a chance to explain his side of the case to the jury. Applicant also testified that he gave trial counsel a list of witnesses he wanted to testify at his trial, but trial counsel did not interview them, and they were not present to testify. In particular, Applicant attempted to persuade the court that someone

named "Ed Devatt" threatened Applicant, which resulted in him confessing to the crime. Applicant testified this person was the mastermind behind the victim's murder; however, these allegations appear to be entirely unfounded. Applicant claimed that his gasoline-soaked clothes were found because of "Ed Devatt." Applicant testified he also wanted a woman named Vicki to testify at his trial, but trial counsel never contacted her. Applicant testified he met with trial counsel many times prior to trial and told him these things; however, trial counsel did not thoroughly investigate Applicant's claims. Applicant maintained that there was no forensic evidence linking him to the crime. Applicant complained that trial counsel did not hire a forensic expert to testify at his trial. Applicant complained that he never personally spoke with the false confession expert that trial counsel retained, and that the expert never reviewed his statement. Applicant testified he never spoke with a private investigator regarding his case, and to his knowledge trial counsel did not hire one.

On cross-examination, Applicant admitted that he confessed to guards at the jail, as well as the sheriff and investigators. Applicant acknowledged that he told the investigators who arrested him that he had demons inside him, that he could not remember what he did, and that he wanted the death penalty; however, Applicant stressed that he only said these things to protect his parents from arrest. Applicant maintained that his clothes were covered in gasoline because of his work as a mechanic, and not because of an attempt to cleanse them of forensic evidence. Applicant maintained that despite the overwhelming evidence against him, he had been set up and was innocent.

Applicant next called trial counsel to take the stand. Counsel testified he was appointed to represent Applicant on his murder charge. Counsel testified that after the victim's murder, Applicant was initially arrested for failure to register as a sex offender. Counsel testified he

discussed with Applicant the fact that he was facing life in prison if he was convicted at trial. Counsel testified he hired an investigator who went through the evidence and conducted an investigation. Counsel testified he saw no need to retain an independent fingerprint examiner because the State's fingerprint examiner failed to find any prints on the cigarette lighter that was found at the scene of the crime. Counsel testified he did have an independent DNA analysis done, but the jury did not hear about that because its findings were not beneficial to Applicant. Counsel testified that the most damning evidence linking Applicant to the crime was his confession, which counsel challenged at an extremely thorough Jackson v. Denno hearing. Counsel testified he also spoke with Sheriff Benson about the confession and did not believe the confession was coerced. Counsel testified that the clothes and lighter which were linked to Applicant also hurt his case. Counsel testified that Applicant's family told him Applicant's father was being interrogated as well; however, the private investigator talked to Applicant's father and came to the conclusion that his mental health was deteriorated to the point that his statements were unreliable. Counsel testified that although he did not specifically remember who "Ed Devatt" was, he knew that the PI investigated Applicant's claims regarding his involvement and came to the conclusion they were meritless. Counsel testified he also had Applicant's mental status evaluated and conducted a Blair hearing. Counsel testified he attempted to present a witness named Yale Zamore, who would have testified as to what happened at Applicant's mental evaluation. Counsel testified he attempted to enter Mr. Zamore's testimony under the hearsay exceptions outlined in rule 803(3) and 803(4). However, after a discussion at the bench, the trial judge ruled his testimony was not admissible. Counsel testified the PI went to both the victim's house and Applicant's house during the course of his investigation. Counsel testified he prepared for his cross-examination of the police officers who testified for the State by speaking

with the witnesses prior to trial. Counsel testified that prior to trial he consulted with mental health experts, who provided insight into questions that counsel should ask.

Counsel testified that he asked questions to challenge the state's assertion that Applicant's statements were given voluntarily. Counsel testified that he did have some concerns with Applicant's confessions, namely his mental health because he asked for both probation and the death penalty. Counsel also testified that Applicant originally claimed in his confession that the sexual activity with the victim was voluntary. Counsel testified that Applicant told him his confession was coerced; however, counsel stated that the videotape of the confession did not support Applicant's claims. Counsel specifically discussed why he thought there was no evidence of coercion, addressing the fact that the interview was conversational in tone, as well as the fact that Applicant asked the sheriff to turn the video off. Counsel testified Applicant was read his Miranda rights, and counsel did not recall noticing any discrepancies between the audio and video. Despite this, counsel applied for and received funding to retain a highly regarded expert in false confessions, who reviewed the video as well as counsel's file and determined Applicant's confession was not falsely given. For this reason, the expert's testimony at trial centered on false confessions in general, rather than specifically addressing Applicant's confession.

Counsel testified that he could only conceive of two strategies to pursue at Applicant's trial, based upon the nature of the evidence against Applicant. First, counsel attempted to argue that Applicant gave a false confession, and 2nd, counsel attempted to argue that the sexual activity between Applicant and the victim was consensual. Counsel testified he did not believe these two theories were mutually exclusive. Counsel testified the only way he believed he could argue against Applicant's confession was to somehow convince the jury that it was falsely given.

Upon questioning by Applicant's attorney as to why he did not object to various instances of hearsay at trial, trial counsel testified that although he could not recall the specific reasoning, it was likely he did not think it would be beneficial to object at the time. Counsel testified that he does not normally object to every possible instance of hearsay. Counsel testified there was an issue with the chain of custody surrounding some items that were introduced as evidence at Applicant's trial, specifically that Shane Stewart, an investigator who worked on the case, was deployed to the Middle East at the time of trial. Counsel testified that he could have continually objected to Stewart's absence; however, he did not see any reason to do so because multiple other officers testified regarding the chain, and there was no evidence that it was not intact. Counsel did object to Applicant's shirt being admitted as an exhibit based upon Stewart's absence; however, his objection was overruled. Counsel testified he did not make a big deal out of the objection because he did not want the jury to fixate on the pieces of evidence that were admitted. Counsel testified he also objected to the canine handler being qualified as an expert, but in his experience their testimony is almost never excluded.

On cross-examination by Respondent, counsel reiterated that is not his practice to object to every instance of hearsay that may come up during trial. Counsel testified he filed all Rule 5 and Brady motions, and that he did not have any trouble getting discovery from the State. Counsel testified that he reviewed discovery with Applicant. Counsel testified that Applicant's cigarette lighter was found at the scene, and that although Applicant now denied that the lighter belonged to him, Applicant did tell the sheriff it was his lighter, and Don and Mary Wilson both identified the lighter as belonging to Applicant. Counsel testified that although he had an articulable strategy to pursue at trial, he knew it would be difficult to succeed based upon the evidence collected by the state. Counsel reiterated that leading up to trial he had Applicant

evaluated, and the report came back stating the Applicant was malingering. Counsel testified he checked out Applicant's alibi witnesses, but they did not provide anything beneficial to Applicant's case. Counsel reiterated that his strategy was to attack the confession, which after a 2 day Jackson v. Denno hearing, was found to be admissible. Counsel testified he raised objections throughout the trial when he thought it was necessary. Counsel reiterated the fact that the false confession expert he retained determined that Applicant's confession was not falsely given. Counsel testified that he and Applicant discussed whether Applicant would testify, and that Applicant ultimately made the decision not to take the stand. Counsel testified that there was no evidence to support a 3rd party guilt defense. Counsel testified that he made the decisions he thought proper at the time with regard to objections in trial strategy. Finally, counsel testified he did not believe it necessary to hire an independent physician to examine the victim because the penetrating wound to her pelvis was so graphic that her cause of death was obvious.

INEFFECTIVE ASSISTANCE OF COUNSEL

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, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (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. The Applicant must overcome this presumption

in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989). The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 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. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

As an initial matter, this Court finds Applicant failed to demonstrate that Counsel's performance was deficient in any way. This Court further finds that Applicant presented no evidence to show any prejudice resulting from Counsel's representation. This Court finds that Counsel met with Applicant an adequate number of times prior to the guilty plea. This Court further finds Counsel obtained discovery from the solicitor and went over it with Applicant. Additionally, this Court does not find Applicant's testimony to be credible; conversely, this court does find trial counsel's testimony to be credible.

A. Failure to thoroughly investigate and prepare Applicant's case

This Court finds Applicant has failed to show Counsel's performance was deficient with regard to investigating Applicant's case and preparing for trial. Under Strickland, there is a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance. "[S]trategic choices made after thorough investigation of law and facts relevant to

plausible options are virtually unchallengeable[.]" Strickland, 466 U.S. at 690; see also Meyer v. Branker, 506 F.3d 358, 374 (4th Cir. 2007) ("[L]egal judgments based on thorough investigation are virtually unassailable on collateral review."). The determination of what strategy to pursue was trial counsel's to make, not Respondent's. See Abney v. State, 408 S.C. 41, 48, 757 S.E.2d 544, 547. (Ct. App. 2014).

This Court finds trial counsel acted well within the range of professional norms in investigating Applicant's claims and preparing the case for trial. Counsel testified that he obtained discovery from the State, and he went over those materials with Applicant. Counsel's testimony indicated that he hired a private investigator to track down leads as well as witnesses, and he retained an expert in false confessions to attempt an attack upon the states most damning piece of evidence. Although counsel was unsuccessful in obtaining an acquittal for Applicant, such a result does not have any bearing on whether or not counsel's performance was deficient. As such, this court finds Applicant has failed to meet his burden in showing that counsel was deficient in any manner. Accordingly this allegation is without merit.

B. Failure to call witnesses at trial

Applicant alleges Trial Counsel was ineffective for failing to interview and call further defense witnesses at trial. In order to support a claim that trial counsel was ineffective for failing to interview or call potential alibi witnesses, a PCR applicant must produce the witnesses at the PCR hearing or otherwise introduce the witnesses' testimony in a manner consistent with the rules of evidence. Glover v. State, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995). The applicant's mere speculation about what the witnesses' testimony would have been cannot, by itself, satisfy the applicant's burden of showing prejudice. Id.

This Court finds Applicant has failed to meet his burden with regard to his claim that

counsel was ineffective for not interviewing and calling further witnesses to testify. Because Applicant did not present these witnesses, regardless of who they are, at the PCR hearing, all this Court has to go on his Applicant's unsubstantiated allegations. Because this Court does not find Applicant's testimony credible, such unsubstantiated testimony does nothing to persuade this court that counsel acted in a deficient manner. As such this allegation is without merit.

C. Failure to raise all objections at trial

Applicant alleges trial counsel was ineffective for failing to raise all possible hearsay objections at trial. This Court finds Applicant's allegation is without merit. It is well founded that "any alleged impropriety must be examined on appeal in light of the entire record." State v. Brown, 333 S.C. 185, 191, 508 S.E.2d 38, 41 (Ct.App.1998). A criminal defendant is entitled to a fair trial, not a perfect one. State v. Mizell, 332 S.C. 273, 504 S.E.2d 338 (Ct.App.1998), *cert. denied* (Apr. 12, 1999). State v. Sweet, 342 S.C. 342, 348, 536 S.E.2d 91, 94 (Ct. App. 2000).

The trial transcript shows that trial counsel vigorously challenged the State's case. Furthermore, counsel challenged the admissibility of Applicant's statement through a Jackson v Denno hearing. Trial Counsel made multiple contemporaneous objections throughout the trial. Additionally counsel objected to the admission of Applicant's shirt based upon flaws in the chain of custody. He also moved for a directed verdict at the close of the State's case, and he renewed all of his objections. As such, this Court finds Applicant had a fair trial and finds the allegation to be without merit.

Accordingly, this Court finds Applicant did not demonstrate any deficiencies in Counsel's representation. This Court finds that because Counsel's representation was well within the range of competence required in criminal cases, Applicant has further failed to make any

showing that but for Counsel's alleged deficiencies, the result of Applicant's case would have been any different.

OVERWHELMING EVIDENCE OF GUILT

This Court notes that Applicant can show no prejudice in regards to any of the alleged allegations as there is clear overwhelming evidence of guilt. See Franklin v. Catoe, 346 S.C. 563, 570, 552 S.E.2d 718, 722 (2001), cert. denied, 535 U.S. 1114, 122 S.Ct. 2332, 153 L.Ed.2d 162 (2002) (finding overwhelming evidence of guilt negated any claim that counsel's deficient performance could have reasonably affected the result of defendant's trial); Geter v. State, 305 S.C. 365, 367, 409 S.E.2d 344, 346 (1991) (concluding reasonable probability of a different result does not exist when there is overwhelming evidence of guilt).

ALL OTHER ALLEGATIONS

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this order, the Court finds Applicant failed to present sufficient evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

CONCLUSION

Based on the foregoing, the Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Plea counsel rendered effective assistance in regard to the claims raised by Applicant. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from PCR counsel's receipt 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, 409 S.E.2d

395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant 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 Respondent.

AND IT IS SO ORDERED this 10 day of DEC, 2015.

R. KNOX MCMAHON
Presiding Judge
Sixth Judicial Circuit

Lexington, South Carolina

CLERK OF COURT
CHESTER CO. S.C.
2015 DEC 18 A 11:51
FILED

STATE OF SOUTH CAROLINA	)	**IN THE SOUTH CAROLINA COURT OF APPEALS**
	)	
COUNTY OF CHESTER	)	**Case No.: 13-CP-12-00278**
	)	**Warrant Nos.: H-758512**
CASEY RAYMOND PERKINS,	)	**Charges: Denial of PCR Relief**
Appellant	)	
	)	
-versus-	)	**REQUEST FOR REPRESENTATION ON APPEAL**
	)	
STATE OF SOUTH CAROLINA	)	
	)	
Respondent.	)	
	)	

On behalf of the request of the above-named Plaintiff, to be represented by the South Carolina Commission of Appellate Defense, the undersigned attorney would show unto this Honorable Court that:

1. He is the attorney for the Plaintiff in the above captioned case. The Plaintiff has been placed in State custody and is not available to personally sign this Request.

2. The Plaintiff's mother retained counsel on behalf of the Plaintiff for the trial of the matter. She has exhausted all funds and neither she nor the Plaintiff have funds available to retain appellate counsel.

3. The Plaintiff has been informed that he may request assistance from the South Carolina Commission of Appellate Defense in perfecting his appeal.

4. A timely Notice of Intention to Appeal has been filed on the defendant's-appellant behalf.

5. The Plaintiff has been informed that nothing requires that office to pursue this appeal unless that office's Chief Attorney is satisfied that there is arguable merit to this appeal and that he cannot afford to hire an attorney.

At this time, the Plaintiff requests the aid of the South Carolina Commission of Appellate Defense in perfecting his appeal to the South Carolina Court of Appeals.

Guy J. Vitetta
Attorney for Casey Raymond Perkins

Charleston, South Carolina

Dated: 2. 11, 2016.

STATE OF SOUTH CAROLINA)
) **VERIFICATION**
COUNTY OF CHARLESTON)

Personally appeared before me the above-signed attorney, who being first duly sworn, deposes and says that he has read the foregoing Request for Representation on Appeal and knows the allegations contained therein are true, except as to those which may be alleged to be upon information and belief and as to those he believes them to be true.

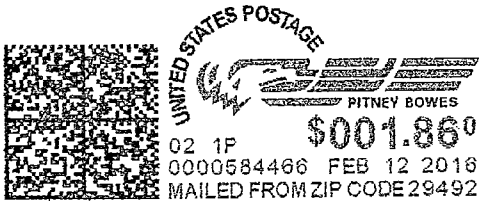
SWORN to and subscribed before me

this 11th day of February, 2016.

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: January 15 2023

LOUANN HEBBLE NOTARY PUBLIC MY COMMISSION EXPIRES 1/15/2023 SOUTH CAROLINA



RECEIVED

FEB 16 2016

SC Court of Appeals

Daniel E. Shearouse
Clerk, South Carolina Supreme Court
PO Box 11629
Columbia, South Carolina 29211