

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

ORIGINAL

Appeal from Richland County
G. Thomas Cooper, Jr., Circuit Court Judge

RECEIVED

AUG 31 2018

S.C. SUPREME COURT

WILLIAM OLIVER DICKERSON, JR.,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2018-001499

RETURN TO MOTION FOR APPOINTMENT
OF OUTSIDE COUNSEL

Undersigned counsel, makes this return to petitioner's motion for appointment of outside counsel, in which he, on behalf of the Division of Appellate Defense, does not oppose the motion for the following reasons:

1. Undersigned counsel, Appellate Defender Kathrine H. Hudgins, and Jeffrey P. Bloom represented petitioner in his mandatory direct appeal of his murder conviction and death sentence to this Court. Appellate counsel raised four specific assignments of error. See Order of Dismissal at p. 2.
2. This Court affirmed petitioner's conviction, and death sentence in State v. Dickerson, 395

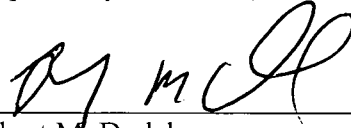
S.C. 101, 716 S.E.2d 895 (2011). The United States Supreme Court denied certiorari in Dickerson v. South Carolina, 566 U.S. 964 (2012).

3. Petitioner subsequently filed a timely application for post-conviction relief in the Charleston County Court of Common Pleas. Petitioner was represented in post-conviction relief by Elizabeth A. Franklin-Best, Esquire, and E. Charles Grose, Esquire. Petitioner alleged his appellate attorneys were ineffective for not raising the objections to various photographs on appeal, and for not raising trial counsel's objection to the questions of Dr. Phillips about whether petitioner knew "right from wrong" at the time of the killing on appeal.
4. Undersigned counsel testified at one of the post-conviction relief hearings held before the Honorable G. Thomas Cooper Jr.
5. Judge Cooper issued an order of dismissal filed June 25, 2018. Judge Cooper addressed the allegations of ineffective assistance of counsel against the undersigned Chief Appellate Defender in his order denying relief. See Order of Dismissal at pp.73-79 ruling undersigned counsel was not ineffective.
6. Since Petitioner raised grounds of ineffective assistance of appellate counsel against the undersigned Chief Appellate Defender, and the Chief Appellate Defender testified at a post-conviction hearing in this case, and the PCR judge addressed those allegations in his order, albeit denying relief, the Appellate Division of the Commission on Indigent Defense does not oppose petitioner's motion for the appointment of outside counsel.

WHEREFORE, undersigned counsel does not oppose the motion for the appointment of outside counsel for the reasons stated above, and submits the matter of petitioner's representation to

the sound discretion of this Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. M. Dudek', written over a horizontal line.

Robert M. Dudek
Chief Appellate Defender

August 31, 2018

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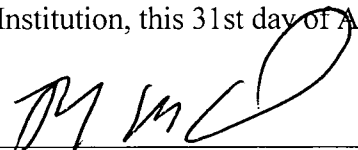
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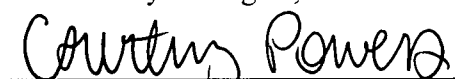
Appellate Case No. 2018-001499

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the return to the motion for outside counsel in the above-referenced case has been served upon Melody J. Brown, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and upon Elizabeth A. Franklin-Best, Esquire, at 900 Elmwood Ave., Suite 200, Columbia, SC 29201, and William Dickerson, Jr., #6030, at Kirkland Correctional Institution, this 31st day of August, 2018.


Robert M. Dudek
Chief Appellate Defender

SUBSCRIBED AND SWORN TO before me
this 31st day of August, 2018.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: May 2, 2027.