

# Law Office of Leah B. Moody, LLC

Leah B. Moody  
Lbmatty@comporium.net

235 East Main Street, Suite 115  
Post Office Box 1015 (29731)  
Rock Hill, South Carolina 29730  
Telephone (803) 327-4192  
Facsimile (803) 329-1344

September 25, 2018

The Honorable Daniel E. Shearouse  
The Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, South Carolina 29221

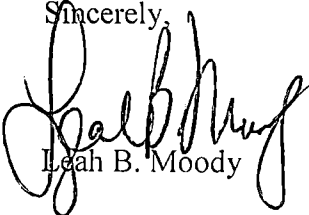
**RE: Brett Thomas Curtiss, #373259, v. State of South Carolina**  
**Case No.: 2017-CP- 46-03819**

Dear Mr. Shearouse:

The York County Court of Common Pleas appointed my office to represent **Brett Thomas Curtiss** in his Post-Conviction Relief action. Please find enclosed for filing the original and two (2) copies of the Notice of Appeal and Proof of Service in the above-referenced case. Please return the clocked copies to me in the enclosed self-addressed, stamped envelope. Also enclosed is a copy of the Order Granting Partial Post-Conviction Relief Application.

Thank you for your assistance with this matter.

Sincerely,



Leah B. Moody

LBM/aw

Enclosures

Cc Brett Thomas Curtiss  
Janell Gregory, Esquire, SC Attorney General's Office  
The Honorable David Hamilton, Clerk of Court, York County  
Sharon Graham, SCCID

**RECEIVED**

OCT 01 2018

S.C. SUPREME COURT

IN THE STATE OF SOUTH CAROLINA  
In The Supreme Court

RECEIVED

UUI 01 2018

S.C. SUPREME COURT

---

APPEAL FROM YORK COUNTY  
Court of Common Pleas

The Honorable William A. McKinnon, Presiding in York County

---

Case No. 2017-CP-46-03819

---

Brett Thomas Curtiss, #373259, ..... Appellant,

v.

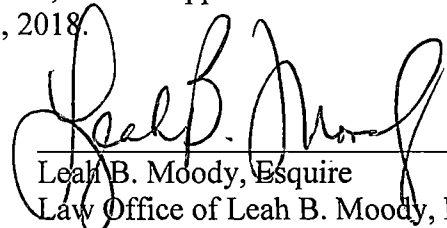
State of South Carolina, ..... Respondent.

---

NOTICE OF APPEAL

---

Brett Curtiss appeals the order of the Honorable William A. McKinnon, dated September 10, 2018 and mailed on September 12, 2018. Appellant received written notice of entry of the final order on September 14, 2018.

  
\_\_\_\_\_  
Leah B. Moody, Esquire  
Law Office of Leah B. Moody, LLC  
235 E. Main Street, Suite 115  
Post Office Box 1015  
Rock Hill, South Carolina 29731

Other Counsel of record:  
Janell Gregory, SC Attorney General's Office  
Attorney for Respondents  
Rembert C. Dennis Building  
Post Office Box 11549  
Columbia, South Carolina 29211-1549  
(803) 734-9603

**RECEIVED**

**IN THE STATE OF SOUTH CAROLINA  
In The Supreme Court**

UCL 01 2018

S.C. SUPREME COURT

---

**APPEAL FROM YORK COUNTY  
Court of Common Pleas**

**The Honorable William A. McKinnon, Presiding in York County**

---

**Case No. 2017-CP-46-03819**

---

**Brett Thomas Curtiss, #373259, ..... Appellant,**

**v.**

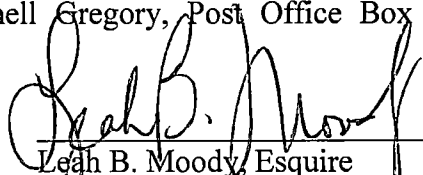
**State of South Carolina, ..... Respondent.**

---

**PROOF OF SERVICE**

---

I certify that I have served the Notice of Appeal on Janell Gregory, Esquire by depositing a copy of it in the United States Mail, postage prepaid, on September 26, 2018, addressed to its attorney of record, Janell Gregory, Post Office Box 11549, Columbia, South Carolina, 29211-1549.

  
\_\_\_\_\_  
Leah B. Moody, Esquire  
Law Office of Leah B. Moody, LLC  
235 E. Main Street, Suite 115  
Post Office Box 1015  
Rock Hill, South Carolina 29731

September 25, 2018

Cc Brett Thomas Curtiss  
Janell Gregory, Esquire, SC Attorney General's Office  
The Honorable David Hamilton, Clerk of Court, York County  
Sharon Graham, SCCID

**FORM 4**

**STATE OF SOUTH CAROLINA  
COUNTY OF YORK  
IN THE COURT OF COMMON PLEAS**

**JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2017CP4603819**

Brett Thomas Curtiss		South Carolina State Of	
----------------------	--	-------------------------	--

<b>PLAINTIFF(S)</b>	<b>DEFENDANT(S)</b>
<b>Submitted by: The Court</b>	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**       Rule 12(b), SCRPC;       Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);       Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**       Rule 40(j) SCRPC;       Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;       Other: \_\_\_\_\_
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;     Reversed;     Remanded;     Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order; (formal order to follow)  Statement of Judgment by the Court:

**ORDER INFORMATION**

This order  ends  does not end the case.  
 Additional Information for the Clerk: \_\_\_\_\_

<b>INFORMATION FOR THE JUDGMENT INDEX</b>		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

**Note: Title abstractors and researchers should refer to the official court order for judgment details.**

**E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.**

S/William McKinnon  
 Circuit Court Judge

2761  
 Judge Code

09/10/2018  
 Date

**For Clerk of Court Office Use Only**

This judgment was entered on **September 12, 2018**, and a copy mailed first class or placed in the appropriate attorney's box on **September 12, 2018**, to attorneys of record or to parties (when appearing pro se) as follows:

**Leah B. Moody** 235 E. Main St., Ste 115 PO Box 1015 Rock Hill, SC 29730

**Justin James Hunter** PO Box 12519 Columbia, SC 29211

---

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

---

**ATTORNEY(S) FOR THE DEFENDANT(S)**

David Hamilton

---

**Court Reporter**

---

**David Hamilton - Clerk of Court**

**Court Reporter:**

**E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.**

---

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

---

---

---

STATE OF SOUTH CAROLINA )  
COUNTY OF YORK )

IN THE COURT OF COMMON PLEAS  
FOR THE SIXTEENTH JUDICIAL CIRCUIT

Brett Thomas Curtiss, 373259, )  
Applicant, )

2017-CP-46-3819

v. )

**ORDER GRANTING PARTIAL RELIEF**

State of South Carolina, )  
Respondent. )

DAVID HAMILTON  
C.C.P. & GS  
YORK COUNTY, SC

2018 SEP 12 PM 3:40

FILED-RECEIVED

This matter comes before the Court by way of an Application for post-conviction relief filed on December 27, 2017, by Brett Thomas Curtiss ("Applicant"). The State filed a Return on March 14, 2018, requesting an evidentiary hearing. An evidentiary hearing into the matter was convened on July 31, 2018, at the Moss Justice Center in York, South Carolina. Applicant was present at the hearing and represented by Leah Moody, Esquire. Assistant Attorney General Janell H. Gregory of the South Carolina Attorney General's Office appeared on behalf of the State. Two witnesses testified at the hearing: Applicant and his trial counsel, Derek Chiarenza. After a review of the record and all evidence presented, this Court finds Applicant's allegation that he was sentenced above the statutory maximum for the possession of marijuana charge is meritorious. However, this Court finds Applicant has failed to meet the requisite burden of proof on the remaining allegations in his application. Therefore, this Court denies and dismisses with prejudice Applicant's remaining allegations in the application.

**PROCEDURAL HISTORY**

The records before this Court establish Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the York County Clerk of Court's order of commitment. Applicant was indicted at the August 2016 term of the York County Grand Jury for possession

with intent to distribute marijuana (2016-GS-46-2655) and trafficking in methamphetamine (2017-GS-46-2653). Applicant was indicted at the June 2015 term of the York County Grand Jury for possession with intent to distribute methamphetamine (2015-GS-46-1787). Derek Chiarenza, Esquire, represented Applicant. Assistant Solicitors Jennifer Colton and Ryan Newkirk of the Sixteenth Circuit Solicitor's Office prosecuted the case. On July 10, 2017, Applicant appeared with his counsel before the Honorable J. Cordell Maddox, Jr., and pled guilty to trafficking methamphetamine, possession with intent to distribute methamphetamine, and possession with intent to distribute marijuana. Pursuant to negotiations between Applicant and the State, Applicant's trafficking methamphetamine charge was reduced from over 100 grams to between 28 and 100 grams. Applicant also had two corresponding proximity charges dismissed as part of plea negotiations. Judge Maddox sentenced Applicant to imprisonment for nine years on each charge to run concurrently. Applicant did not appeal his guilty plea or sentence.

#### SUMMARY OF FACTS

For indictment 2015-GS-46-1787: On the March 26, 2015, officers with the Drug Enforcement Unit received a tip that Applicant was located on Keith Drive in Rock Hill, York County, South Carolina. (GP Tr. 8.) At that time he had an outstanding commitment order. Officers saw Applicant speaking with individuals in a driveway and approached him. (GP Tr. 8.) Applicant spoke with the individuals that were standing in the drive way and they told officers that they were there to purchase methamphetamine. (GP Tr. 8.) Officers then searched the home with consent from the home owner and recovered methamphetamine from the bathroom from where Applicant was located. (GP Tr. 8.) Applicant at that time told officers the meth was his. (GP Tr. 8.) There were also additional scales and some text message that indicated drug sales. (GP Tr. 8.)



For Indictments 2016-GS-46-2655 and 2017-GS-46-2653: On May 23, 2016, officers responded to 2055 McGee Road in Rock Hill, York County, South Carolina to assist escorting a DSS employee regarding reports that a nine year old was living in an apartment where methamphetamine was being produced. (GP Tr. 8.) A resident gave consent for officers to enter the apartment and upon doing so they saw in plain view a marijuana plant and methamphetamine. (GP Tr. 8-9.) Both Applicant and a co-defendant were located in the apartment. (GP Tr. 9.) Officers conducted a search and found forty-three grams of methamphetamine in Applicant's bedroom as well as marijuana, digital scales, and other indicia of intent to distribute. (GP Tr. 9.) Applicant informed the plea court that he agreed with the facts presented by the assistant solicitor. (GP Tr. 10.)

#### **ALLEGATIONS RAISED**

In his application, Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
  - a. Counsel failed to acquire the Brady<sup>1</sup> material in Applicant's case.
  - b. Counsel accepted a plea agreement that was not favorable to Applicant.
2. Due Process Violation
  - a. Applicant received a greater sentence than the statutory maximum for possession with intent to distribute marijuana, first offense.

#### **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**

This Court viewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the Clerk of Court records regarding the subject convictions, the plea transcript, and Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, and the legal arguments made by the

---

<sup>1</sup> Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194 (1963).

attorneys. Set forth below are the relevant findings of fact and conclusion of law as required by S.C. Code Ann. § 17-27-80 (2003).

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their 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, 286 S.C. 441, 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, 300 S.C. 115. 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, 300 S.C. 115. With respect to guilty plea counsel, the Applicant must show 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, 59 (1985).

WMM/4

## 1. Ineffective Assistance of Counsel

### a. Counsel failed to acquire Brady material in Applicant's case

Applicant alleges that Counsel was ineffective for failing to acquire Brady material in Applicant's case. Specifically, Applicant alleged Counsel failed to provide him lab reports that analyzed the drugs that were the basis of his charges. Counsel testified that he obtained all discovery material from Assistant Solicitor Jennifer Colton, including the lab reports, and he provided all of those materials to Applicant. Counsel further testified that he believes he received all materials from the State in Applicant's case.

Counsel testified one of the lab reports showed some of the material collected and tested by law enforcement did not test positive for drugs. Counsel testified that the non-drug material was not calculated in the drug weights that led to Applicant's charges.

Brady requires the State to disclose evidence in its possession favorable to the accused and material to guilt or punishment. Clark v. State, 315 S.C.385, 388, 434 S.E.2d 266, 268 (1993). Such a claim is complete if the accused can demonstrate (1) the evidence was favorable to the accused, (2) it was in the possession of or known to the prosecution, (3) it was suppressed by the prosecution, and (4) it was material to guilt or punishment. Gibson v. State, 334 S.C. 515, 524, 514 S.E.2d 320, 324 (1999). Under this requirement, "favorable" evidence includes both exculpatory evidence and impeachment evidence. State v. Kennerly, 331 S.C. 442, 453, 503 S.E.2d 214, 220 (Ct. App. 1998). "Determining whether evidence withheld by the state is 'material' under Brady turns on whether the cumulative effect of the withheld evidence results in a reasonable probability that, had the evidence been disclosed, the result of the proceeding would have been different." State v. Hill, 368 S.C. 649, 661, 630 S.E.2d 274, 280-81 (2006). Put another way, to establish a Brady violation, the aggrieved party must show "that the favorable

Wm/5

evidence could reasonably be taken to put the whole case in such a different light as to undermine confidence in the verdict.” Kyles v. Whitley, 514 U.S. 419, 434 (1995).

This Court finds Applicant failed to present evidence substantiating his claim that Counsel failed to acquire Brady material from the State, or that the State withheld any discovery from Counsel. This Court finds Counsel’s testimony credible that he received and shared Brady material with Applicant. This allegation is denied and dismissed.

**b. Counsel accepted a plea agreement that was not favorable to Applicant**

Applicant alleges Counsel was ineffective for failing to negotiate a favorable plea agreement on his behalf. Applicant testified he pled guilty to possession with intent to distribute marijuana, but that he was only in possession of one “pot plant.” Applicant testified he did not smoke marijuana, but had the plant because he enjoyed the way it smelled. Applicant testified he pled guilty to trafficking methamphetamine and possession with intent to distribute methamphetamine, but he did not feel he was guilty of those offenses. Applicant’s trafficking methamphetamine charges stemmed from a valid search conducted in an apartment bedroom that Applicant shared with a female. Applicant testified the female claimed the methamphetamine was hers and he should not have been charged with it. Lastly, Applicant testified that he did not get any charges dismissed as part of his plea agreement.

Counsel testified the female that Applicant shared a room with had “cut a deal” with the State and, as part of that agreement, had agreed to testify against Applicant regarding the methamphetamine. Counsel testified he reviewed the facts and evidence against Applicant and believed it was in his best interest to negotiate a plea agreement with the State. Counsel testified the State extended a fifteen year plea offer to Applicant, which would include the dismissal of the two proximity charges. Counsel testified he discussed this plea offer with Applicant and



Applicant told Counsel if he could get the sentence below ten years, he would take it. Counsel negotiated with the State and was able to secure a nine year concurrent sentence on all charges for Applicant. This Court notes that at the time Applicant pled guilty he was facing a total possible sentence of up to 85 years in prison. Counsel testified he would have proceeded to trial if that is what Applicant wanted. Counsel further testified it was Applicant's decision to accept the plea offer and that is was in Applicant's best interest to plead guilty. Additionally, Counsel testified Applicant had similar charges pending against him in Lancaster County. Counsel testified he spoke to the public defender handling Applicant's case in Lancaster and was able to assist Applicant in receiving a concurrent sentence in Lancaster County.

"The Strickland test operates similarly when an applicant claims counsel was ineffective in the context of a guilty plea." Hyman v. State, 397 S.C. 35, 43, 723 S.E.2d 375 (2012) (citing Hill v. Lockhart, 474 U.S. 52, 58 (1985)). "The second, or 'prejudice,' requirement...focuses on whether counsel's constitutionally ineffective performance affected the outcome of the plea process." Id. "In the guilty plea context, the inquiry with respect to the counsel's alleged deficiency turns on whether the plea was voluntarily, knowingly, and intelligently entered." Hyman, 397 S.C. at 43 (citing Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 651 (2000)). "There is a strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decision in the case." Hyman, 397 S.C. at 43 (citing Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007)).

Applicant has failed to establish Counsel was ineffective regarding plea negotiations. This Court finds that Counsel negotiated a favorable plea agreement for Applicant at Applicant's request and Applicant entered the guilty plea knowingly, intelligently, and voluntarily. Accordingly, this allegation must be dismissed.



### Due Process Violation

Applicant alleged he received a higher sentence on his possession with intent to distribute marijuana charge than is allowed by statute. During the plea hearing, Judge Maddox sentenced Applicant to a concurrent term of nine years on each of his three charges. Applicant asserts that a nine year sentence for a possession of marijuana, first offense, is above the five year statutory maximum for that offense. (S.C. Code Ann. § 44-53-0370(b)(2)). This Court finds Applicant's assertions are correct and Applicant was improperly sentenced during the plea hearing. Pursuant to the Uniform Post-Conviction Procedure Act, this Court <sup>amends</sup> ~~amended~~ the sentence of Applicant to five years, which is the maximum sentence appropriate for this charge. (S.C. Code Ann. §17-27-80.)

### CONCLUSION

Based on the foregoing, the Court amends applicant's possession with intent to distribute sentence to five (5) years, to run concurrent with his nine (9) year sentences for trafficking methamphetamine and possession with intent to distribute methamphetamine. Applicant's remaining allegations are dismissed with prejudice as discussed above.

The Court notes Applicant must file and serve a notice of appeal within thirty days from post-conviction relief 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), SCRCR, provides that if Applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a notice of appeal on

*Wm/8*

Applicant's behalf. Applicant is directed to Rule 243, SCACR, for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED THAT:**

1. Applicant's sentence for possession with intent to distribute marijuana is hereby amended to five (5) years, to be run concurrent with his nine (9) year sentences for trafficking methamphetamine and possession with intent to distribute methamphetamine;
2. Applicant's remaining allegations are dismissed with prejudice; and
3. Applicant will remain in the custody of the South Carolina Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 10 day of September, 2018.

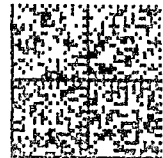
William A. McKinnon #2761  
WILLIAM A. MCKINNON  
Presiding Judge  
Sixteenth Judicial Circuit

York, South Carolina

*WAM/S*



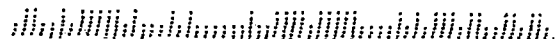
CLERK OF COURT COMMON PLEAS  
Post-Office Box 649, York, South Carolina 29745-0649



U.S. POSTAGE  
  
ZIP 29745  
02 4W  
000034588

RECEIVED SEP 14 2012

Leah B. Moody  
Law Office of Leah B. Moody, LLC  
235 E. Main St., Ste 115  
PO Box 1015  
Rock Hill, SC 29730



# Law Office of Leah B. Moody, LLC

Leah B. Moody  
Lbmatty@comporium.net

235 East Main Street, Suite 115  
Post Office Box 1015 (29731)  
Rock Hill, South Carolina 29730  
Telephone (803) 327-4192  
Facsimile (803) 329-1344

RECEIVED

ULI 01 2018

S.C. SUPREME COURT

September 25, 2018

Janell Gregory, Esquire  
South Carolina Attorney General's Office  
Post Office Box 11549  
Columbia, South Carolina 29211

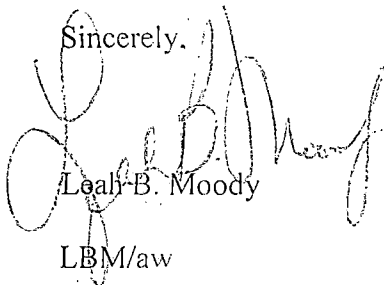
**RE: Brett Thomas Curtiss, #373259, v. State of South Carolina**  
**Case No.: 2017-CP- 46-03819**

Dear Ms. Gregory:

The York County Court of Common Pleas appointed my office to represent **Brett Thomas Curtiss** in his Post-Conviction Relief action. Please find enclosed a copy of the Notice of Appeal and Proof of Service in this matter.

If you have any questions or concerns, please feel free to contact my office. Thank you for your attention in this matter.

Sincerely,



Leah B. Moody

LBM/aw

Enclosures

Cc Brett Thomas Curtiss  
The Honorable Daniel E. Shearouse, Clerk of Court, South Carolina Supreme Court  
The Honorable David Hamilton, Clerk of Court, York County  
Sharon Graham, SCCID

# Law Office of Leah B. Moody, LLC

RECEIVED

Leah B. Moody  
Lbmatty@comporium.net

235 East Main Street, Suite 115  
Post Office Box 1015 (29731)  
Rock Hill, South Carolina 29730  
Telephone (803) 327-4192  
Facsimile (803) 329-1344

UCI 01 2018

S.C. SUPREME COURT

September 25, 2018

The Honorable David Hamilton  
York County Clerk of Court  
Post Office Drawer 649  
York, South Carolina 29745

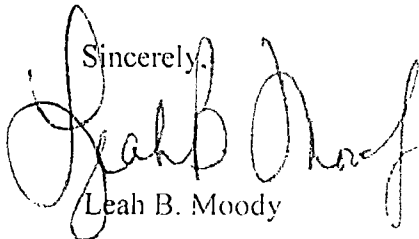
**RE: Brett Thomas Curtiss, #373259, v. State of South Carolina**  
**C.A. No.: 2017-CP-46-03819**

Dear Mr. Hamilton:

The York County Court of Common Pleas appointed my office to represent **Brett Thomas Curtiss** in his Post-Conviction Relief action. Please find enclosed a copy of the Notice of Appeal and Proof of Service in this matter.

If you have any questions or concerns, please feel free to contact my office. Thank you for your assistance in this matter.

Sincerely,



Leah B. Moody

LBM/aw

Enclosures

cc Brett Thomas Curtiss  
Janell Gregory, Esquire, SC Attorney General's Office  
The Honorable Daniel E. Shearouse, Clerk of Court, South Carolina Supreme Court  
Sharon Graham, SCCID

# Law Office of Leah B. Moody, LLC

RECEIVED  
OCT 01 2018  
S.C. SUPREME COURT

Leah B. Moody  
Lbmatty@comporium.net

235 East Main Street, Suite 115  
Post Office Box 1015 (29731)  
Rock Hill, South Carolina 29730  
Telephone (803) 327-4192  
Facsimile (803) 329-1344

September 25, 2018

Mrs. Sharon Graham  
SC Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11433  
Columbia, South Carolina 29211-1433

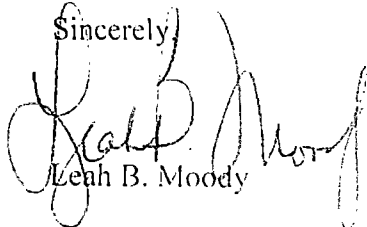
**RE: Brett Thomas Curtiss, #373259, v. State of South Carolina**  
**Case No.: 2017-CP-46-03819**

Dear Mrs. Graham:

The York County Court of Common Pleas appointed my office to represent **Brett Thomas Curtiss** in his Post-Conviction Relief action. Please find enclosed a copy of the Notice of Appeal and Proof of Service in this matter.

If you have any questions or concerns, please feel free to contact my office. Thank you for your attention in this matter.

Sincerely,



Leah B. Moody

LBM/aw

Enclosures

Cc Brett Thomas Curtiss  
Janell Gregory, Esquire, SC Attorney General's Office  
The Honorable Daniel E. Shearouse, Clerk of Court, South Carolina Supreme Court  
The Honorable David Hamilton, Clerk of Court, York County

LAW OFFICE OF LEAH B. MOODY, LLC  
235 E MAIN ST STE 115  
ROCK HILL, SC 29730



**\$1.10**  
US POSTAGE  
FIRST-CLASS  
FROM 29730  
SEP 27 2018  
stamps.com



06251282548308



The Honorable Daniel E. Shearouse  
The Supreme Court of South Carolina  
PO Box 11330  
Columbia SC 29211-1330