

# THE BOOZER LAW FIRM, LLC

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October 3, 2017

The Honorable Daniel E. Shearouse  
Clerk, Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211

**RECEIVED**

**OCT 05 2017**

**S.C. SUPREME COURT**

The Honorable Mary Brown  
Clerk, Berkeley County  
300 California Dr.  
Moncks Corner, SC 29461

**RE: Arthur Ray Chavis, #363789, v. State of South Carolina  
2016-CP-08-0033**

Dear Mr. Shearouse and Ms. Brown:

Enclosed for filing is a Notice of Appeal in the above-referenced case. Also enclosed are the following:

- (1) Proof of Service of the Notice of Appeal;
- (2) A copy of the Order which is to be challenged on appeal; and
- (3) Prior Order of Appointment of Counsel.

As I was appointed to represent Mr. Chavis in his PCR proceeding, I anticipate that the Office of Appellate Defense will represent Mr. Chavis in this appeal.

Yours very truly,



Lance S. Boozer

cc: Megan Harrigan Jameson, AAG  
Office of Appellate Defense  
Arthur Ray Chavis, #363789

RECEIVED

OCT 05 2017

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

S.C. SUPREME COURT

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

The Honorable Brooks P. Goldsmith, Circuit Court Judge

Case No. 2016-CP-08-0033

Arthur Ray Chavis; #363789,.....Petitioner,

v.

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

**NOTICE OF APPEAL**

The Petitioner appeals the Honorable Brooks P. Goldsmith's Order dated September 11, 2017, denying post-conviction relief to the Petitioner. Undersigned counsel received notice of entry of the Order on September 29, 2017. A copy of the Order on appeal is attached to this notice.

Respectfully submitted,

  
Lance S. Boozer

The Boozer Law Firm, LLC  
1400 Laurel St., Suite 4A  
Columbia, SC 29201  
Tele: 803-608-5543

October 3, 2017

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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OCT 05 2017

S.C. SUPREME COURT

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

The Honorable Brooks P. Goldsmith, Circuit Court Judge

Case No. 2016-CP-08-0033


Arthur Ray Chavis, #363789,.....Petitioner,

v.

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

**PROOF OF SERVICE**

I, Lance S. Boozer, appointed attorney for Petitioner, certify that I have today served within Notice of Appeal upon the Respondent by depositing a copy of it in the United States Mail, postage prepaid, addressed to Assistant Attorney General Megan Harrigan Jameson, P.O. Box 11549, Columbia, SC 29211. I further certify that all parties required by Rule to be served have been served this 3rd day of October, 2017.

  
Lance S. Boozer  
The Boozer Law Firm, LLC  
1400 Laurel St., Suite 4A  
Columbia, SC 29201  
Tele: 803-608-5543

STATE OF SOUTH CAROLINA )  
 COUNTY OF BERKELEY )  
 )  
 Arthur Ray Chavis, III, SCDC No. 363789, )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 State of South Carolina, )  
 )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 FOR THE NINTH JUDICIAL CIRCUIT

Case No.: 2016-CP-08-0033

**ORDER OF DISMISSAL**

FILED  
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 CLERK OF COURT  
 BERKELEY COUNTY, S.C.

This matter comes before the Court by way of an application for post-conviction relief filed January 6, 2016, by Arthur Ray Chavis, III (Applicant), alleging various grounds of ineffective assistance of counsel . Respondent made its Return on June 7, 2016, requesting an evidentiary hearing be held. On August 19, 2016, Applicant, through counsel, filed an amended application alleging two additional grounds of ineffective assistance of counsel. An evidentiary hearing into the matter was convened April 17, 2017, at the Berkeley County Courthouse. Applicant was present at the hearing and represented by Lance S. Boozer, Esquire. Assistant Attorney General Alicia Olive from the South Carolina Attorney General’s Office appeared on behalf of the State. At the conclusion of the hearing, this Court denied the application from the bench. This order follows.

**PROCEDURAL HISTORY**

The records before this Court establish Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Berkeley County Clerk of Court. During its October 2012 term of court, the Berkeley County Grand Jury indicted Applicant for two counts of murder, two counts of possession of a weapon during a violent

crime, and one count of armed robbery (2012-GS-08-1978, -1979, -1980, 1981, -1982). Grover C. Seaton, IV, Esquire, represented him. Assistant Solicitor Bryan A. Alfaro prosecuted the case on behalf of the State.

On April 21, 2015, Applicant appeared in the Berkeley County Court of General Sessions before the Honorable Kristi L. Harrington, circuit court judge, and pled guilty to two counts of the lesser-included offense of voluntary manslaughter, and as indicted to two counts of possession of a weapon during a violent crime and one count of armed robbery. Applicant also waived presentment to the Berkeley County Grand Jury and pled guilty to an additional count of armed robbery (2015-GS-08-0604). Applicant told the plea court he understood he could receive a sentence between two years to thirty years for voluntary manslaughter, ten year to thirty years for armed robbery, and up to five years for possession of a weapon during a violent crime and that he should expect to serve every day of the sentence. (Plea Tr. 4-5, 7). He told the plea court he was pleading guilty because he was guilty and it was solely his decision to plead guilty. (Plea Tr. 9). He also informed the plea court he was satisfied with counsel's services and had no complaints regarding his handling of the case. (Plea Tr. 10). The plea court informed him he had the right to appeal his guilty plea and he or counsel must do so within ten days. (Plea Tr. 10). Pursuant to plea negotiations between Applicant and the State, the plea court sentenced Applicant to twenty-five years imprisonment for each count of voluntary manslaughter and armed robbery and five years imprisonment for each count of possession of a weapon during a violent crime, with all six sentences to be served concurrently. Applicant did not appeal his guilty plea or sentence.

A handwritten signature or set of initials, possibly 'B.A.', written in black ink in the bottom right corner of the page.

### FACTUAL HISTORY

These charges arise from the double murder of two young women in Berkeley County in the late night hours of August 26, 2012 and early morning hours of August 27, 2012. Applicant and his co-defendant lured the women into the woods by asking for assistance finding a missing wallet in the hopes of stealing their vehicle to commit an armed robbery. Applicant's co-defendant then used a 9 millimeter pistol to fatally shot each girl before hiding their bodies in two separate locations and stealing the vehicle. (Plea Tr. 10-17). Applicant cooperated with law enforcement and agreed to testify against his co-defendant, who ultimately pled guilty and received an aggregate sentence of fifty-five years imprisonment. (Plea Tr. 15-17).

### ALLEGATIONS RAISED

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

1. "Ineffective Assistance of Counsel"
  - a. "Trial counsel was ineffective and failed to do a proper investigation."
  - b. "Trial counsel was ineffective and failed to advise that I had a right to a mental evaluation."
  - c. "Trial counsel was ineffective and failed to advise criminal responsibility"
  - d. "Trial counsel was ineffective for failing to withdraw guilty plea arrangement when State failed to meet contract agreement"
  - e. "Trial counsel was ineffective for failing to withdraw guilty plea when Judge asked defendant if he really wanted to take the Plea."

In his amended application, Applicant alleged trial counsel was ineffective for failing to file a direct appeal and failing to review his statements to law enforcement or attempting to suppress the statements.

## SUMMARY OF TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING

At the evidentiary hearing, Applicant testified on his own behalf. Applicant testified counsel represented him as a pro bono client. (PCR Tr. 8). He testified he met with counsel seven to eight times. (PCR Tr. 8-9). He testified at their initial meeting, counsel told him he was trying to secure a plea negotiation to allow Applicant to plead to a lesser-included offense such as accessory after the fact to murder. (PCR Tr. 9). He testified it had been a while since he had reviewed his discovery. (PCR Tr. 9). However, he acknowledged counsel had provided him with a copy of his discovery materials and had reviewed that information with him (PCR Tr. 24-25). He also testified he discussed the State's version of events and his version of events with counsel. (PCR Tr. 25).

He said counsel told him he had "this group of lawyers look over my statements to see if they could get it thrown out" but that counsel ultimately told him he could not get his statements "thrown out." (PCR Tr. 10, 18-19). He elaborated that he gave his statements to law enforcement while he was "doped up on medication" and counsel should have moved to suppress his statements based on these grounds. (PCR Tr. 16-19). Applicant testified there is nothing else counsel should have done to investigate his case. (PCR Tr. 10).

Applicant testified he thinks counsel should have had him evaluated because he "had just seen [his] co-defendant shoot two people in the head and it's kind of messed with [him]." (PCR Tr. 11, 26). He elaborated he thinks he "deserved a mental evaluation." (PCR Tr. 11). He acknowledged he never asked his attorney to have him evaluated and he understood what he was doing when he entered his guilty plea. (PCR Tr. 26). He testified he never asked counsel to withdraw his guilty plea. (PCR Tr. 26). He testified he did not know or understand what he listed

as allegations in his pro se application or post-conviction relief because he listed what people told him to write without understanding the allegations. (PCR Tr. 11).

Applicant testified he entered into a proffer agreement with the State and took a polygraph test. (PCR Tr. 12). He testified the agreement was the State would not be able to use his statements against him when he went to court. (PCR Tr. 12). He testified he was supposed to testify against his co-defendant, who ultimately pled guilty instead of proceeding to trial. (PCR Tr. 12, 19). He testified the State originally offered him a plea for between twenty to thirty years imprisonment and he declined this offer, but ultimately accepted a twenty-five year offer. (PCR Tr. 13). He testified he turned these offers down and wanted to go to trial on the two murder charges which each carried up to a life imprisonment sentence. (PCR Tr. 25).

He testified he wrote counsel when he got to Kirkland Correctional Institute asking counsel to file an appeal of his guilty plea, but does not have a copy of the letter. (PCR Tr. 14-1, 26-27). He testified counsel never responded to his letter. (PCR Tr. 16). He acknowledged the plea court reviewed his appellate rights with him during the plea colloquy. (PCR Tr. 27). He testified he only told the plea court that he was satisfied with counsel's services because he wanted to get the plea over with so he could file a PCR. (PCR Tr. 20-21).

Plea counsel testified next. He testified he was retained to represent Applicant at his bond hearing and preliminary hearing only, but then was appointed due to a conflict because the public defender's office was representing his co-defendant. (PCR Tr. 29). He agreed with Applicant's recollection that they met approximately seven times, but that his paralegal also met with Applicant and brought him discovery. (PCR Tr. 29). Counsel testified he reviewed the discovery with Applicant and discussed the State's evidence against him. (PCR Tr. 30). He testified they

discussed possible defenses, including that Applicant was unaware his co-defendant was going to shoot the two victims. (PCR Tr. 30). He testified they discussed "hand-of-one, hand-of-all" and its impact on the case and that Applicant appeared to understand these discussions. (PCR Tr. 31). He testified discovery was voluminous in this case and Applicant gave many statements to law enforcement. (PCR Tr. 31). He testified Applicant eventually gave a proffer to Solicitor Wilson and agreed to testify against his co-defendant (who was his cousin) in exchange for a more favorable sentence. (PCR Tr. 31-32). He testified he attempted to secure a plea offer for accessory after the fact to murder based on Applicant cooperation, but the State was unwilling to allow him to plead to anything less than voluntary manslaughter. (PCR Tr. 32-33, 40-41). He testified he discussed the benefits and drawbacks of pleading guilty with Applicant and Applicant's hesitation was pleading guilty when he insisted he did not know his co-defendant was going to shoot the victims. (PCR Tr. 33). He testified Applicant was unable to testify against his co-defendant when his co-defendant decided to plead guilty. (PCR Tr. 4-42).

Counsel testified he hired the National Legal Research Group from Charlottesville, Virginia to research possible suppression of Applicant's statements to law enforcement. (PCR Tr. 34). He testified he uses this group in difficult situations to research legal issues. (PCR Tr. 34). He testified he was attempting to suppress these various statements because they were the most damaging evidence against Applicant and Applicant was on medications on the time that might have affected his ability to provide statements. (PCR Tr. 34). He testified he obtained Applicant's medical records, including prescription records. (PCR Tr. 34). He testified the group provided him with a brief in support of suppression, but he ultimately concluded it was "fairly baseless," would not have resulted in suppression, and ultimately would have hurt Applicant in

the long run. (PCR Tr. 35). He testified he discussed this with Applicant and believes it is what ultimately led to the decision to enter into a proffer agreement with the State. (PCR Tr. 35). He testified he thinks Applicant likely would have been convicted at trial and received a much harsher sentence. (PCR Tr. 37). He testified Applicant had anxiety and suffered from trauma following the shooting, but he did not have him evaluated because it did rise to any legal level of a defense and he did not have any competency concerns. (PCR Tr. 38).

Counsel testified he received a letter from Applicant requesting he file an appeal, but it was well beyond the time had expired for filing, likely a month or two after the guilty plea. (PCR Tr. 35, 43-44). He testified he considered filing an untimely notice of appeal to cover himself against future claims, but ultimately decided against it because there were no meritorious issues from the negotiated plea for appellate review. (PCR Tr. 36, 44-45). He testified he would have filed an appeal on Applicant's behalf despite thinking it lacked merit, but did not receive Applicant's request on time. (PCR Tr. 44-45). He testified he reviewed appellate rights with Applicant immediately after the guilty plea in a jury room next to the courtroom and Applicant did not request he file an appeal. (PCR Tr. 36-37).

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearings. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Specifically, this Court finds plea counsel's testimony credible and finds Applicant's testimony not credible. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

In a post-conviction relief action, an applicant has the burden of proving the allegations in his or her application. Rule 71.1(e), SCRPC; 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 "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 an attorney provided representation within the range of competence required in criminal cases. Courts presume counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813. The applicant must overcome this presumption 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. 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. With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he or she would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985).

After careful review of the entire record, including the testimony presented at the evidentiary hearings, based on the standard discussed above, this Court finds Applicant has failed to carry his burden in this action regarding any of his allegations of ineffective assistance of counsel. Below are this Court's specific finding regarding each of Applicant's allegations of ineffective assistance of counsel:

*Allegation: Failure to Perform a Proper Investigation*

Applicant alleges counsel was ineffective for failing to properly investigate his case. However, at the evidentiary hearing, he testified he does not know what else counsel should have investigated. Moreover, Applicant failed to present any evidence of what additional investigation would have yielded. Therefore, this Court finds Applicant has failed to meet his requisite burden of proof. See Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998) (holding failure to conduct an independent investigation is not per se ineffective assistance of counsel, especially where an investigation would not have uncovered any helpful information); Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998) ("Respondent failed to present any evidence of what counsel could have discovered or what other defenses respondent would have requested counsel pursue had counsel more fully prepared for the trial."). This Court finds plea counsel's performance was reasonable according to professional standards and his allegations that plea counsel was ineffective for failing to investigate must be denied and dismissed with prejudice.

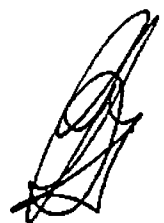
*Allegation: Failure to Advise of and Perform a Mental Evaluation*

Applicant alleges counsel was ineffective for failing to advise him of his right to a mental evaluation and have him evaluated prior to entering his guilty plea. In support of this allegation,

Applicant testified he thinks counsel should have had him evaluated because he “had just seen [his] co-defendant shoot two people in the head and it’s kind of messed with [him]” and, therefore, he “deserved a mental evaluation.” Applicant never alleged he was not competent, and to the contrary, admitted he understood what he was doing when he entered his guilty plea. Counsel testified Applicant had anxiety and suffered from trauma following the shooting, but he did not have him evaluated because it did rise to any legal level of a defense and he did not have any concerns as to Applicant’s competency.

“When a PCR applicant raises issues of competency in the context of a plea proceeding, the two-prong Strickland analysis still applies; however, because of the nature of the claim, proof of deficiency of counsel is intertwined with prejudice.” Ramirez v. State, 419 S.C. 14, 21, 795 S.E.2d 841, 844–45 (2017). “Specifically, when establishing Strickland prejudice in the context of plea counsel’s failure to request a mental competency evaluation, ‘the [applicant] need only show a ‘reasonable probability’ that he was ... incompetent at the time of the plea.’ ” Id. (quoting Jeter v. State, 308 S.C. 230, 233, 417 S.E.2d 594, 596 (1992)); see also Matthews v. State, 358 S.C. 456, 458–60, 596 S.E.2d 49, 50–51 (2004) (expanding the reasonable probability standard as the burden for proving both the deficiency of counsel and the prejudice prongs).

This Court finds Applicant has failed to meet his requisite burden of proof as to either deficiency of counsel or prejudice. Counsel testified there was no reasonable basis on which to have Applicant evaluated or doubt his competency. Applicant testified he understood his proceedings. Therefore, this allegation is denied and dismissed.



*Allegation: Failure to advise Applicant regarding criminal responsibility*

Applicant alleges counsel was ineffective for failing to advise him of criminal responsibility. When asked about this allegation at the evidentiary hearing, Applicant acknowledged he did not know what that meant and only alleged it because other inmates advised him to write it. Applicant presented no testimony in support of this allegation. Therefore, this allegation is denied and dismissed with prejudice.

*Allegation: Failure to withdraw guilty plea*

Applicant alleges counsel was ineffective for failing to withdraw his guilty plea when the State did not meet its contractual agreement. Counsel and Applicant both testified there was no promise or contractual agreement for any specific sentence Applicant would receive for cooperating in the prosecution against his co-defendant. This Court find this allegation is without merit and must be denied and dismissed with prejudice.

Additionally, Applicant alleges counsel was ineffective for withdraw his guilty plea when the plea court asked him if he really wanted to enter his guilty plea. Again, when asked about this allegation at the evidentiary hearing, Applicant acknowledged he did not know what that meant and only alleged it because other inmates advised him to write it. Applicant presented no testimony in support of this allegation. Therefore, this allegation is denied and dismissed with prejudice.

*Allegation: Failure to file an appeal*

Applicant alleges counsel was ineffective for failing to file an appeal on his behalf. Applicant alleged he sent counsel a written request for an appeal within the ten day time limit but counsel never responded and failed to file the notice as instructed. Counsel testified he and the



plea court both advised Applicant he had ten days to file a notice of appeal from his guilty plea. He testified he discussed appellate rights immediately after the guilty plea and Applicant did not request he file a notice of appeal. Counsel testified he did not receive a request to file a notice of appeal from Applicant until well beyond the time limits and did not file one because it would not have been timely. This Court finds Counsel's testimony credible and that Applicant did not timely request an appeal as instructed by both counsel and the plea court. This allegation is denied and dismissed with prejudice.

*Allegation: Failure to Suppress Statements*

Applicant alleges counsel was ineffective for failing to review his statements with him and move to suppress these statements. Counsel's credible testimony clearly refutes this allegation. Counsel testified he reviewed Applicant's various statements to law enforcement with Applicant, and then he retained the National Legal Research Group from Charlottesville, Virginia to research possible suppression of Applicant's statements to law enforcement. Counsel testified he obtained Applicant's medical records, including prescription records, in hopes of further supporting a motion for suppression. He testified the group provided him with a brief in support of suppression, but he ultimately concluded it was "fairly baseless," would not have resulted in suppression, and ultimately would have hurt Applicant in the long run. This Court finds counsel's performance was reasonable and in accordance with professional standards. This allegation is denied and dismissed with prejudice.

Ultimately, this Court finds plea counsel was thoroughly competent in his representation of Applicant and in his advice to Applicant that a guilty plea was in his best interest. Therefore, this application for post-conviction relief is denied and dismissed with prejudice.

**CONCLUSION**

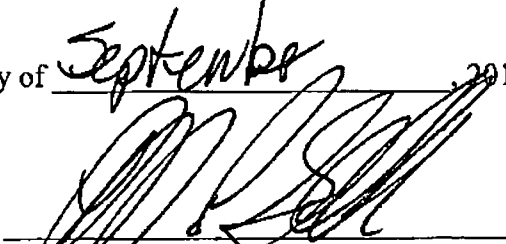
Based on all the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief is denied and dismissed with prejudice.

This Court notes Applicant must file and serve a notice of appeal within thirty days from the receipt of this Order by counsel of record to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCR, provides if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED:**

1. This application for post-conviction relief must be denied and dismissed with prejudice; and
2. Applicant shall remain in the custody of the State.

AND IT IS SO ORDERED this 11 day of September, 2017.

  
\_\_\_\_\_  
BROOKS P. GOLDSMITH  
Presiding Judge  
Ninth Judicial Circuit

\_\_\_\_\_, South Carolina

STATE OF SOUTH CAROLINA )  
COUNTY OF BERKELEY )  
Arthur Ray Chavis III, )  
Plaintiff(s), )  
-vs- )  
State of South Carolina, )  
Defendant(s). )

IN THE COURT OF COMMON PLEAS  
Ninth JUDICIAL CIRCUIT  
CASE NO.: 2016CP0800033  
APPOINTMENT OF COUNSEL OR GAL  
(Select one )

ORDER  
 AMENDED ORDER

TYPE OF CASE/PROCEEDING: (Check one.)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Post-Conviction Relief (PCR)/habeas case | <input type="checkbox"/> Adoption                               | <input type="checkbox"/> Juvenile          |
| <input type="checkbox"/> SVP case                                 | <input type="checkbox"/> Custody and/or Visitation              | <input type="checkbox"/> Abuse and Neglect |
| <input type="checkbox"/> Minor Name Change                        | <input checked="" type="checkbox"/> Other: Post Convict Rel 500 |  |

It appears Arthur Ray Chavis III, who is a litigant in this case, is entitled to court-appointed counsel or a guardian ad litem.

It further appears that: (Select only one )

- counsel/guardian ad litem has not yet been appointed by the court, therefore, an appointment for counsel/guardian ad litem is necessary
- counsel or a guardian ad litem was previously appointed by the court but has indicated either a possible conflict of interest, an entitlement to exemption, or other good cause warranting the appointment of new counsel or guardian ad litem based on:
- counsel was previously appointed by the court but has not indicated that the litigant has retained private counsel and is no longer entitled to appointed counsel.
- court appointed counsel has obtained . Esquire as substitute counsel pursuant to Rule 608(h)(2); provided, however, only the member who originally received the appointment and who sought substitute counsel shall receive credit
- Other: .

Therefore, it is ordered that Lance Boozer hereby is appointed as (Select one.)

counsel     lead counsel (if capital PCR case)     guardian ad litem  
for the above-named person. Any counsel or GAL previously appointed is/are hereby relieved.

(If Death Penalty PCR Case) It is further ordered that , Esquire, is hereby appointed as second counsel in this capital PCR case.

The clerk of court is directed to forward a copy of this order to all persons entitled to notice

IT IS SO ORDERED  
April 1, 2016

Mary P Brown  
 Circuit Judge     Clerk of Court

Plaintiff Attorney:

Lance Boozer	
807 Gervais Street, Ste 203	
Columbia, SC 29201	

Defendant Attorney

James Rutledge Johnson	
PO Box 11549	
Columbia, SC 29211	

NOTICE SC Supreme Court Order of September 29, 2006 requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online with OID within fifteen (15) days of this appointment at [www.sccid.sc.gov](http://www.sccid.sc.gov) and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or clerk of court. See SCCID website for further details.