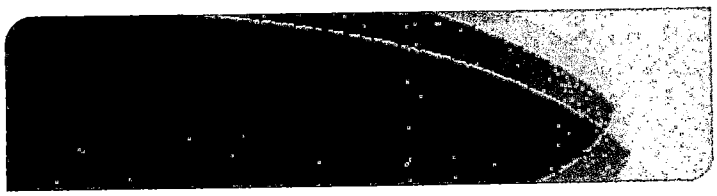

Lowcountry Law Office
101 Meeting Street, 5th Floor
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Phone: 843-882-5065 Fax: 843-958-1860
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December 11, 2018

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

RE: Vaughn Hilliard v. State of South Carolina, Case No.: 2017-CP-10-3719

Dear Mr. Shearhouse:

Enclosed for filing is the Notice of Appeal (original and clocked copy) in the above Post Conviction Relief (PCR) case. Also enclosed are the following:

(1) Proof of service of the Notice of Appeal on the respondent;

(2) The Order of Dismissal &

(3) A Request for Representation on Appeal.

The Applicant-Appellant was represented by me as an indigent pursuant to my contract with the South Carolina Commission on Indigent Defense (SCCID) to handle PCR cases. By copy of this letter, I am forwarding a duplicate set of documents to the SCCID.

The Request for Representation on Appeal and the Affidavit in Support thereof are signed by me as attorney for Applicant-Appellant. If you need anything further, do not hesitate to contact me. Thank you for your time and attention to this matter.

Sincerely,

Rodney D. Davis
South Carolina Bar #: 12396
101 Meeting Street, 5th Floor
Charleston, SC 29401
(843) 882-5065
Davis@LowcountryLawOffice.com

CC: Megan Jameson
Senior Assistant Deputy Attorney General

Paula Murdoch
Appellate Division, SCCID

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Case No.: 2017-CP-10-3719

Vaughn Hilliard, Appellant,

v.

State of South Carolina, Respondent.

NOTICE OF APPEAL

Vaughn Hilliard appeals the denial of his Post Conviction Relief application in this case. The Application for relief was denied, following an evidentiary hearing before the Honorable Deadra L. Jefferson on July 25, 2018. The Order of Dismissal was received on or about November 20, 2018.

December 11, 2018
12

Rodney D. Davis
101 Meeting Street, 5th Floor
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(843) 882-5065
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Attorney for Appellant

Other Counsel of Record:
Megan Jameson, Senior Assistant Deputy Attorney General
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P.O. Box 11549
Columbia, SC 29211-1549
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
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Deadra L. Jefferson, Circuit Court Judge

Case No.: 2017-CP-10-3719

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THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Case No.: 2017-CP-10-3719

Vaughn Hilliard, Appellant,

v.

State of South Carolina, Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State by mailing a copy of it to the address of record, Megan Jameson, P.O. Box 11549, Columbia, South Carolina 29211-1549, on December 12, 2018.

Rodney D. Davis
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Attorney for Respondent

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	)	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT
Vaughn Hilliard, SCDC #364310, Applicant, v. State of South Carolina, Respondent.	)	Case No. 2017-CP-10-3719 **ORDER OF DISMISSAL**

Presiding Judge:	The Hon. Deadra L. Jefferson
Applicant's Attorney:	Rodney Davis, Esquire
Respondent's Attorney:	Megan H. Jameson, Esq.
Trial Counsel:	Megan S. Ehrlich, Esq. Michael R. Loignon, Esq.
Date of Hearing:	July 25, 2018
Court Reporter:	Joyce Rueger

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed on July 21, 2017 by Vaughn Hilliard (Applicant). The Respondent made its Return on or about October 18, 2017. An evidentiary hearing into the matter was convened July 25, 2018 at the Charleston County Courthouse. The Applicant was present at the hearing and represented by Rodney D. Davis, Esquire. Megan H. Jameson, Esquire of the South Carolina Attorney General's Office was present on behalf of the State of South Carolina. The Applicant's trial counsel, Megan S. Ehrlich, Esquire, was also present at the hearing and testified regarding her representation of the Applicant.[1]

The Court also had before it the trial transcript, the records of the Charleston County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections, the PCR

[1] Attorney Michael Loignon was present at the hearing, but was not called as a witness by the State or Applicant.

application, and the Respondent's Return thereto. After careful consideration of these records, the testimony presented at the hearing, and the arguments of counsel, this Court finds that the Applicant failed to meet his burden of proof and hereby denies the Application for Post-Conviction Relief.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Charleston County Clerk of Court. The Applicant was indicted at the March 2014 term of the Charleston Grand Jury for Murder[2] (2014-GS-10-1341). This indictment stems from an incident occurring on September 7, 2013 whereby Applicant is alleged to have fired a single, fatal shot at the victim through a locked, six-foot tall chain-link fence with barbed wire following a physical altercation with the victim and a "cooling off" period.

The Applicant proceeded to trial before the Honorable Kristi L. Harrington on June 8, 2015. The Applicant was present at trial and represented by Megan Ehrlich, Esquire and Michael Loignon, Esquire of the Charleston County Public Defender's Office. Culver Kidd, Esquire and Richard Waring, Esquire of the Ninth Circuit Solicitor's Office prosecuted the case on behalf of the State of South Carolina. On June 10, 2015, the jury convicted Applicant of Murder. Judge Harrington subsequently sentenced the Applicant to imprisonment for forty (40) years.

The Applicant thereafter filed a timely Notice of Appeal at the South Carolina Court of Appeals. Robert M. Pachak, Esquire of the South Carolina Office of Appellate Defense filed a brief on behalf of the Applicant pursuant to Anders v. California, 386 U.S. 738 (1967). The South

[2] A person who is convicted of or pleads guilty to Murder must be punished by death, by imprisonment for life, or by a mandatory minimum term of imprisonment for thirty (30) years. See S.C. CODE ANN. § 16–3–20 (2006). The offense of Murder is a violent, most serious felony. See S.C. CODE ANN. § 16–1–60 (2006); S.C. CODE ANN. § 17–25–45 (2006).

Carolina Court of Appeals dismissed the appeal and granted counsel's motion to be relieved. State v. Hilliard, Op. No. 2017-UP-048 (S.C. Ct. App. filed January 25, 2017). The Remittitur was issued on February 10, 2017.

ALLEGATIONS

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

1. Ineffective Assistance of Trial Counsel

   a. "Trial Counsel's stewardship prior to and during Applicant's trial was both unreasonable and prejudicial."

   b. "Counsel was ineffective prior to trial for failing to move before the court for an immunity hearing under the Protection of Persons and Property Act codified in S.C. Code Ann. § 16-11-420(B) (Supp. 2010)."

   c. "Counsel was ineffective for failing to request a charge of manslaughter, the lesser included offense of murder."

   d. "Counsel was ineffective for failing to move for a mistrial when the trial court overruled Counsel's hearsay objection and allowed Lt. Tammy Sad to testify to witness identification of Applicant – Rule 801(c) SCRE."

At the evidentiary hearing, Applicant proceeded solely on the following allegations:

1. Counsel was ineffective for failing to properly argue Applicant's fragility and poor health in closing argument.

2. Counsel was ineffective for failing to request the trial court charge the jury on the lesser-included offense of Voluntary Manslaughter.

3. Counsel was ineffective for failing to explain to Applicant that he could have pled to the lesser-included offense of Voluntary Manslaughter pursuant to Alford without having to admit his guilt.

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The Applicant failed to present any evidence or testimony regarding any other allegations; therefore, this Court deems any other allegations to have been abandoned by the Applicant.

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 and arguments presented at the Post-Conviction Relief hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, closely pass upon his or her credibility, and weigh his or her testimony accordingly. The Court has detailed its relevant findings of facts and conclusions of law below, as required by S.C. Code Ann. §17-27-80 (1985).

The Applicant seeks relief from his conviction on the basis that he received ineffective assistance of counsel at his criminal trial in violation of the Sixth Amendment. The Sixth Amendment to the United States Constitution guarantees a defendant the right to effective assistance of counsel. U.S. Const. amend. VI; Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984). In an action for post-conviction relief, the Applicant bears the burden of proving the allegations in his or her application by a preponderance of the evidence. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (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, 466 U.S. at 686, 104 S. Ct. at 2064; Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court must apply a two-pronged test. Strickland, 466 U.S. 668, 104 S. Ct. at 2064. First, the applicant must prove that counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d

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624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690, 104 S. Ct. at 2064). The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690, 104 S. Ct. at 2064). The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. 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." Id. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland, 466 U.S. at 694, 104 S. Ct. at 2068).

After careful review of the entire record, including the testimony presented at the evidentiary hearing, and in consideration of the above standard, this Court finds that the Applicant has failed to meet his burden of proof and has, thus, failed to establish ineffective assistance of counsel. The Court will address each of the specific allegations made by the Applicant as follows.

I. Failure to Properly Argue Applicant's Fragility in Closing Argument

The Applicant asserts that trial counsel was ineffective for failing to properly argue his fragility to the jury during closing arguments. Applicant testified at the evidentiary hearing that he was in poor health at the time of the incident and that the victim was much larger, younger, and in better health than him. Applicant testified that his trial counsel should have presented more

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evidence of his poor health and fragility at the trial, specifically in her closing argument, and that counsel's failure to do so resulted in his conviction. In light of these allegations, trial counsel, Megan Ehrlich, testified at the hearing about the content of her closing argument. Ms. Ehrlich testified that she argued that the Applicant was in poor health, feeble, and at a significant physical disadvantage to the victim, the alleged instigator, during her closing argument.

This Court finds that trial counsel provided credible testimony that she did, in fact, argue that the Applicant was feeble, disabled, and in poor health at the time of the incident. The Court also finds it to be credible that Ms. Ehrlich drew comparisons between the Applicant's physical appearance and that of the victim during her closing argument. Moreover, Ms. Ehrlich's testimony is supported by the trial transcript, whereby she makes reference to the Applicant's fragility during the following portions of her closing argument:

(1) "Mr. Hilliard was scared, vulnerable, and feeble and acted in self-defense." Transcript of Trial at 450: 4-5, State v. Vaughn Hilliard, June 10, 2015.

(2) "The two guys walked towards the gate and Mr. Hilliard told you he wasn't taking this guy too seriously. I mean at the time he's 55 years old; he's 57 now, he's walking with a back brace and a cane. He's not going over there to fight. He can't fight. He thinks they are going to talk this through like normal people might be able to do. They might be able to just talk it through and then that would be the end of that and squash the conversation and squash the problem. But everything changes when Troy Cason decided to punch Mr. Hilliard." Transcript of Trial at 450:20 – 451:5, State v. Vaughn Hilliard, June 10, 2015.

(3) "This case is about a stranger who comes up and attacks an older in poor condition gentleman while he is making terrible threats and visible threats." Transcript of Trial at 452: 9-11, State v. Vaughn Hilliard, June 10, 2015.

(4) "Then you compare the two guys physically. You've got [the victim] 46 years old, able to ride a bike, able to run, 6-1, 243 pounds. I think they thought the medical examiner was going to say he wasn't in good shape but the medical examiner said no, he was in reasonable good shape." Transcript of Trial at 452: 23 – 453:3, State v. Vaughn Hilliard, June 10, 2015.

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(5) "Then you've got Mr. Hilliard at the time 55 years old, knee injury, wrist injury, back injury, wears a brace here [indicates], here [indicates], here [indicates], walks with a cane or a walker. We've got testimony from police officers that he was a very feeble, that he was having a hard time walking, that he needed a chair to sit in while they were trying to do the identification procedure." Transcript of Trial at 453: 4-11, State v. Vaughn Hilliard, June 10, 2015.

(6) "It is right there for everybody to see; right next to multiple bottles of medicine and the two canes by his bed." Transcript of Trial at 454: 15-16, State v. Vaughn Hilliard, June 10, 2015.

(7) "And the sergeant who was out there says he called Mr. Hilliard over, that he complied and came out and there weren't any problems with him except for the fact that he was having difficulty walking and seemed very weak." Transcript of Trial at 454: 17-21, State v. Vaughn Hilliard, June 10, 2015.

(8) "The only person who stopped him was the vulnerable feeble guy scared for his life who shot one time in self-defense." Transcript of Trial at 458: 17-19, State v. Vaughn Hilliard, June 10, 2015.

As evidenced above, the record conclusively establishes that trial counsel thoroughly and zealously argued Applicant's fragility and poor physical condition at the beginning, end, and all throughout her closing argument and tied these conditions directly to Applicant's theory of self-defense. This Court, thus, finds that counsel was not deficient in her performance.

Further, the Applicant did not suffer prejudice as a result of this purported deficiency as there is not any credible evidence that the result of Applicant's trial would have been different had counsel argued his fragility more forcefully during her closing statement. To the contrary, the evidence presented at trial establishes that the Applicant left the scene of the initial altercation with the victim, entered his home, and then reemerged with a rifle after a sufficient cooling off period. Further, eye witness testimony established that the victim had no weapon and had turned to leave when the fatal shot was fired. The Applicant thereafter shot the victim while the victim attempted to flee. The record simply does not support Applicant's assertions that he fired the shot in self-

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defense. In making this determination, the Court notes that it does not take any exceptional strength to pull the trigger of a firearm, and that Applicant could have performed this task easily, despite his physical limitations. Accordingly, this Court finds that the Applicant has failed to establish he was prejudiced by counsel's alleged failure to properly argue his poor physical condition during closing argument. This allegation is hereby denied and dismissed with prejudice.

II. Failure to Request Jury Charge on Lesser-Included Offense of Voluntary Manslaughter

The Applicant further asserts that trial counsel was ineffective for failing to request a jury instruction on the lesser-included offense of Voluntary Manslaughter.[3] At the evidentiary hearing, Applicant initially testified that he never discussed the lesser-included offense of Voluntary Manslaughter with counsel, but later changed his testimony to state that he did, in fact, discuss the offense of Voluntary Manslaughter with counsel. Specifically, Applicant testified that he wanted trial counsel to request a Voluntary Manslaughter instruction for the jury's consideration, but that she failed to do so. Conversely, Ms. Ehrlich testified that she discussed requesting a jury instruction on the lesser-included offense of Voluntary Manslaughter or proceeding with an "all or nothing" jury charge strategy with the Applicant numerous times. Applicant consistently told Ms. Ehrlich that he was not interested in serving any jail time since he did not believe he could survive it due to his poor health. Ms. Ehrlich testified that the Applicant left the decision regarding the Voluntary Manslaughter jury instruction to her, and that she ultimately decided not to request the lesser-included offense of Voluntary Manslaughter based on her conversations with the Applicant.

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[3] Voluntary Manslaughter is the unlawful killing of a human being in the sudden heat of passion upon sufficient legal provocation. State v. Wood, 362 S.C. 135, 142, 607 S.E.2d 57, 60 (2004). A person convicted of manslaughter, or the unlawful killing of another without malice, express or implied must be imprisoned not more than thirty years or less than two years. See S.C. CODE ANN. § 16–3–20 (2006). The offense of Voluntary Manslaughter is a violent, most serious felony. See S.C. CODE ANN. § 16–1–60 (2006); S.C. CODE ANN. § 17–25–45 (2006).

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This Court finds that the Applicant has failed to establish that trial counsel was deficient for failing to request a jury instruction on the lesser-included offense of Voluntary Manslaughter. There was credible testimony from Ms. Ehrlich that she discussed the lesser-included offense of Voluntary Manslaughter with Applicant numerous times, and that Applicant consistently voiced disinterest in a charge of Voluntary Manslaughter because it carried jail time, and he did not believe he could survive incarceration. Further, bolstering Counsel's decision was the Applicant's adamant position that he acted in self-defense and believed he had done nothing wrong. Ms. Ehrlich also expressed Applicant's position on Voluntary Manslaughter to the Court on the record at trial. See Transcript of Trial at 437: 7-13, State v. Vaughn Hilliard, June 10, 2015 ("He didn't even want a voluntary instruction.").

In light of these discussions with the Applicant, the Court finds that trial counsel made a valid strategic decision not to request a Voluntary Manslaughter instruction in accordance with the Applicant's desires. It is clear from the record and the testimony presented at the hearing that Counsel thought the best strategy was to go "all or nothing" and not give the jury the option of Voluntary Manslaughter, if the jury felt the State did not prove malice, especially since the Applicant repeatedly expressed his desire for freedom. Trial counsel must be given the necessary leeway to make reasonable strategic decisions as Counsel did here. Indeed, where counsel articulates a valid strategic reason for his action or inaction, counsel's performance should not be found ineffective. Roseboro v. State, 317 S.C. 292, 294, 454 S.E.2d 312, 313 (1996); Underwood v. State, 309 S.C. 560, 562, 425 S.E.2d 20, 22 (1992); Stokes v. State, 308 S.C. 546, 548, 419 S.E.2d 778, 778–79 (1992). Courts must be wary of second guessing counsel's trial tactics; and where counsel articulates a valid reason for employing such strategy, such conduct is not

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ineffective assistance of counsel. Whitehead v. State, 308 S.C. 119, 122, 417 S.E.2d 529, 531 (1992) (citing Goodson v. U.S., 564 F.2d 1071 (4th Cir. 1977)).

The Applicant has also failed to establish any resulting prejudice from Counsel's failure to request a charge of Voluntary Manslaughter. After all, there is no evidence in the record to support a charge of Voluntary Manslaughter. The record reflects that the Applicant was angry and embarrassed which precipitated his retrieval of the weapon from his residence as contrasted with being in fear of his life coupled with sudden heat of passion based on sufficient legal provocation thereby necessitating the use of deadly force. The record further reflects that the victim was unarmed. To the contrary, the evidence presented at trial established that the Applicant fired a single, fatal shot at the victim in retaliation for a previous altercation while the victim was fleeing and after there had been a sufficient cooling off period. Based on these uncontroverted facts, the Court finds it highly unlikely that a jury would have convicted Applicant of Voluntary Manslaughter instead of Murder. See State v. Hernandez, 386 S.C. 655, 661, 690 S.E.2d 582, 585 (Ct. App. 2010) (quoting State v. Knoten, 347 S.C. 296, 303, 555 S.E.2d 391, 395 (2001)) ("However, even when a person's passion is 'sufficiently aroused by a legally adequate provocation, if at the time of the killing those passions had cooled or a sufficiently reasonable time had elapsed so that the passions of the ordinary reasonable person would have cooled, the killing would be murder and not manslaughter."). Accordingly, the Court denies this allegation and dismisses it with prejudice.

III. Failure to Explain Nature of Alford Plea to Applicant

Lastly, the Applicant asserts that trial counsel was ineffective for failing to properly advise him of the option of pleading guilty to the charge of Voluntary Manslaughter without having to

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admit his guilt under North Carolina v. Alford, 400 U.S. 25 (1970). It is uncontested by the parties that there was a plea offer of twenty (20) years extended to the Applicant on the charge of Voluntary Manslaughter. The Applicant testified at the hearing that trial counsel advised him of the plea offer for twenty (20) years imprisonment on the lesser-included offense of Voluntary Manslaughter. However, the Applicant testified that he rejected the offer because he was not guilty, did not want to admit to killing the victim, and did not want to serve any time incarcerated. Applicant further testified that trial counsel did not discuss or explain the nature of an Alford plea to him during the course of her representation. Applicant was adamant during his testimony that he would have pled guilty under Alford if the option was presented to him by Counsel. Counsel testified that she explained the twenty (20) year plea offer to the Applicant both verbally and in writing, but did not discuss an Alford plea with him because it was not a part of the State's offer. Counsel further testified that Applicant would not have accepted any type of plea offer with jail time, Alford or otherwise, due to his ardent desire to remain out of jail.

This Court finds that the Applicant has failed to meet the burden of proof necessary to establish that trial counsel was deficient for failing to discuss Alford with him. Counsel properly advised Applicant of the State's plea offer and credibly testified at the hearing that the Applicant repeatedly advised her that he was not interested in any plea deal with an active sentence, including this one. The Court further finds that Applicant made the knowing, voluntary, and intelligent decision to decline the plea offer and proceed to trial on a theory of self-defense rather than admit his guilt and face incarceration. This Court finds counsel's performance and explanation of the offer to be reasonable and proficient.

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The Court further finds no showing of prejudice to the Applicant as a result of this alleged deficiency as there is no evidence in the record to suggest that an Alford plea was offered, negotiated, or viable. Indeed, the only evidence before this Court is that the State offered to allow Applicant to plead guilty to the offense of Voluntary Manslaughter in exchange for a negotiated term of twenty (20) years imprisonment, and that those negotiations were premised on Applicant accepting responsibility and admitting his guilt during the plea. The Court rejects the Applicant's assertion that he could and would have pled guilty pursuant to Alford if trial counsel presented the option to him. An Alford plea is traditionally negotiated as part of the plea offer; that is to say, this type of plea requires the consent of both the State and the Defendant. Because the Applicant has not proven that the State would have agreed to an Alford plea, the Applicant has failed to meet his burden of proving that trial counsel was ineffective for failing to discuss Alford with him. This allegation is therefore denied and dismissed with prejudice.

CONCLUSION

In light of the foregoing, this Court finds and concludes that the Applicant has not established any other constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Counsel was not deficient and the Applicant was not prejudiced by counsel's representation. The Application is therefore denied and dismissed with prejudice.

The Court advises the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt of this Order if he wants to secure the appropriate appellate review. See Rule 203, SCACR. The applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief; however, post-conviction relief counsel must serve and file

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a Notice of Appeal on the Applicant's behalf pursuant to Rule 71.1(g), SCRCP. See Austin v. State, 305 S.C. 453 (1991). The Applicant is hereby directed to South Carolina Appellate Court Rule 243 for the appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. This application for post-conviction relief is denied and dismissed with prejudice; and

2. Applicant shall remain in the custody of the State.

AND IT IS SO ORDERED this 8th day of November, 2018.

DEADRA L. JEFFERSON
Presiding Judge
Ninth Judicial Circuit

Charleston, South Carolina

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STATE OF SOUTH CAROLINA	)	IN THE SUPREME COURT OF SOUTH CAROLINA
	)	
COUNTY OF CHARLESTON	)	
	)	Case No.: 2017-CP-10-3719
	)	
VAUGHN HILLIARD,	)	
Applicant.	)	
	)	
-versus-	)	REQUEST FOR REPRESENTATION ON APPEAL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

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

1. He is the attorney for the Applicant-Appellant in the above captioned case. The Applicant-Appellant was in custody during and taken into custody immediately following the Post Conviction Relief (PCR) hearing and was not available to personally sign this request;

2. The Applicant-Appellant was represented by the undersigned attorney as an indigent, pursuant to a contract with the SCCID;

3. The Applicant-Appellant has been informed that he may request assistance from the SCCID Appellate Division in perfecting his appeal;

4. A timely Notice of Intent to Appeal has been filed on the Applicant-Appellant's behalf;

5. The Applicant-Appellant has been informed that nothing requires SCCID Appellate Division 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 Applicant-Appellant requests the aid of the SCCID Appellate Division in perfecting his appeal to the South Carolina Court of Appeals.

Respectfully Submitted,

Rodney D. Davis
South Carolina Bar #: 12396

12/12, 2018
Charleston, South Carolina.

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

PERSONALLY appeared before me, Rodney D. Davis, attorney for Vaughn Hilliard, being first duly sworn, deposes and says that he has read the foregoing *Request for Representation on Appeal* and the same is true of his knowledge except those matters alleged on information and belief, and as to those matters, he believes them to be true.

Rodney D. Davis
South Carolina Bar #: 12396

SWORN to and subscribed to me
this 12 day of December, 2018.

Notary Public for South Carolina
My Commission expires 7/28/24

Rodney D. Davis
101 Meeting Street, 5th Floor
Charleston, SC 29401

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