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May 24, 2019

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

RE: Lonnie Patterson #374294 v. State of South Carolina
2018-CP-29-0266

Dear Mr. Shearouse:

Please find enclosed a Notice of Appeal along with the accompanying Order for the above-referenced matter. By way of this letter I am copying the Office of Appellate of Defense, as I was appointed to represent Mr. Patterson.

Best regards,



Donae A. Minor, Esq.
Attorney at Law

cc: Lonnie Patterson (#374294)
Samuel L. Key
Lancaster County Clerk of Court
Office of Appellate Offense

RECEIVED

MAY 31 2019

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

The Honorable Paul M. Burch, Circuit Court Judge

Case No. 2018-CP-29-0266

Lonnie Patterson, #374294, Petitioner,

v.

State of South Carolina, Respondent.

NOTICE OF APPEAL

Applicant, Lonnie Patterson, appeals the order of the Honorable Paul M. Burch, dated May 13, 2019, and filed May 16, 2019.

May 28, 2019



DONAE A. MINOR, ESQUIRE
Minor Law Offices, LLC
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ATTORNEY FOR APPLICANT

Opposing Counsel:
Samuel L. Key
Post-Conviction Relief
6th and 13th Judicial Circuits
P.O. Box 11549
Columbia, SC 29211-1549

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v.

State of South Carolina, Respondent.

PROOF OF SERVICE

I, Brittany Clark, certify that I have served the within Notice of Appeal on Respondent by depositing a copy of the same in the United States mail, postage prepaid, addressed to:

Samuel L. Key
Post-Conviction Relief
6th and 13th Judicial Circuits
P.O. Box 11549
Columbia, SC 29211-1549

I further certify that all parties required by Rule to be served have been served.

May 28, 2019

Brittany Clark

BRITTANY E. CLARK
PARALEGAL TO ATTORNEY DONAE A. MINOR
1750 SC Highway 160 West,
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803-504-0971

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MAY 31 2019

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

Lonnie E. Patterson, 374294)

Applicant,)

v.)

State of South Carolina,)

Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE SIXTH JUDICIAL CIRCUIT

2018-CP-29-0266

ORDER OF DISMISSAL

FILED
OFFICE OF CLERK
OF COURT
LANCASTER, SC

2019 MAY 16 AM 11:46

The matter before the Court is an action for post-conviction relief (PCR) commenced by Lonnie Patterson (Applicant) on March 8, 2018. The State submitted its return May 23, 2018. Applicant amended his PCR application on November 12, 2018, alleging ineffective assistance of counsel for: (a) failure to investigate, (b) failure to provide and review the discovery with Applicant, (c) failure to advise Applicant of the charges and the consequences of the charges, and (d) failure to discuss potential defenses and strategies available to Applicant.

An evidentiary hearing convened January 23, 2019, at the Lancaster County Courthouse before the undersigned. Applicant was present and represented by Donae A. Minor, Esquire. Assistant Attorney General Samuel Key represented the State. Applicant and his former plea counsel testified at the hearing. After hearing the testimony at the PCR hearing and a full review of the record, the Court finds, as explained below, Applicant's allegations are without merit, denies relief, and dismisses the action with prejudice.

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lancaster County Clerk of Court. In October of 2015, the Lancaster County Grand Jury indicted Applicant for felony DUI causing death (2015-GS-29-

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1293), felony DUI causing great bodily harm (2015-GS-29-1292), and child endangerment, committing certain vehicular offenses with minor in vehicle (2015-GS-29-1291). Ryan Payne, Esquire, represented Applicant. Solicitor Randy Newman and Assistant Solicitor Cassity Brewer prosecuted the case. On October 16, 2017, Applicant waived jurisdiction and pleaded guilty as indicted to all charges before the Honorable Daniel D. Hall in Fairfield County. Judge Hall sentenced Applicant to concurrent terms of imprisonment of ten years on each charge.

Applicant filed a timely notice of appeal on October 19, 2017. The court of appeals dismissed the appeal for failure to provide a sufficient explanation as required by Rule 203(d)(1)(B)(iv), SCACR, by order filed December 12, 2017. *State v. Patterson*, S.C. Ct. App. Order dated Dec. 12, 2017. The case was remitted to the lower court January 5, 2018.

II. FACTS

On August 13, 2015, Applicant was involved in a car wreck. Applicant was driving with his ten-year-old and five-year-old sons in the back seat of his car. His five-year-old was not properly restrained. Applicant veered across the centerline and off the road, striking a tree and a utility pole before finally striking a second tree which overturned the vehicle. Applicant was driving approximately fifty-seven to sixty-two miles per hour at the time he swerved off the road. Trooper Altman from Highway Patrol responded to the incident. After the children were transported from the scene, Altman spoke to Applicant. Applicant's ten-year-old son was transported to Richland County by helicopter with severe injuries, and his five-year-old son was transported to the hospital in Lancaster with severe injuries. After speaking with Applicant, Altman noticed Applicant's breath and body strongly smelled of alcohol. Additionally, Altman observed Applicant's speech was slurred and his eyes were glassy. Applicant advised Altman he had consumed three beers and three shots.

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Applicant's five-year-old son, who had been transported to Lancaster, was later transported to Charlotte, and died two days after the accident. Applicant consented to give a blood sample at the hospital. His blood-alcohol content was .228, and he also tested positive for marijuana. (Plea Tr. 12-13).

III. ISSUES

In his PCR application, Applicant alleges he is being held in custody unlawfully due to ineffective assistance of counsel and violations of his right to Due Process. Applicant amended his PCR application November 12, 2018 to assert the following allegations of ineffective assistance of counsel:

- a. Failure to investigate;
- b. Failure to provide and review the discovery with Applicant;
- c. Failure to advise Applicant of the charges against him and the consequences of the charges; and
- d. Failure to discuss possible defenses and strategies available to Applicant.

IV. PCR HEARING TESTIMONY

Applicant's Testimony

Applicant testified on his behalf at the PCR hearing and stated plea counsel was appointed to represent him about two to three months before he pleaded guilty. Applicant stated a different public defender represented him for two years before plea counsel was substituted as counsel, and he felt as though plea counsel did not have enough time to investigate and prepare for trial. Applicant recalled his initial contact with plea counsel was by telephone, and during this phone call, plea counsel indicated he was Applicant's new attorney. Applicant stated he met with plea counsel two other times before he pleaded guilty. Applicant stated plea counsel advised him he would probably be sentenced between eight to twelve years if he pleaded guilty.

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Applicant stated his case was originally supposed to appear on the December 2017 roster, but his case appeared on the October 2017 roster instead.

Applicant testified he received a copy of the discovery in his case in 2015; however, plea counsel never reviewed the discovery with him. Applicant stated he did not feel plea counsel was familiar with his case. Applicant asked plea counsel whether his charges were classified as violent or non-violent, but plea counsel did not know the answer to his question. Further, Applicant stated he and plea counsel never discussed the facts of the case. However, Applicant asked plea counsel to interview his ex-wife regarding the case, and plea counsel spoke with her.

When asked why he pleaded guilty, Applicant answered he did not know anything about the law. He also admitted he was satisfied with plea counsel at the time he pleaded, but he thought plea counsel would do more on his behalf. Applicant testified plea counsel discussed the possible sentences Applicant could receive if convicted. Applicant testified he would have opted to proceed to trial if plea counsel had more time to prepare for trial, and he felt as though a trial would have concluded with a better result. Applicant's main complaint was that he was serving violent time.

Applicant testified the State never made any plea offers, and he elected to plead straight up. Applicant stated he chose to plead guilty because plea counsel informed him that if he did not plead in October or November, the State would ask for a twenty-five-year sentence at trial. Applicant stated he waived jurisdiction so he could plead in Fairfield County rather than in Lancaster County. Applicant admitted he was placed under oath at his plea hearing, and he informed the plea court he was satisfied with plea counsel's representation; however, Applicant stated he thought he was going to receive a non-violent ten year sentence. Applicant clarified that plea counsel did not promise him he would receive a lesser sentence, but plea counsel

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thought Applicant would receive a lesser sentence. Applicant informed plea counsel he was willing to accept a ten-year, non-violent plea offer, but plea counsel was unable to contact the State to negotiate the requested offer.

Applicant admitted he was guilty of causing the accident. Applicant stated he did not agree with the State's version of the facts, but he admitted he did not mention his disagreement during the plea hearing. Finally, Applicant admitted he signed the sentencing sheet and the sheet indicated he pleaded to a violent crime; however, Applicant stated that he did not notice the sentencing sheet indicated his offense was violent until the day after he pleaded guilty.

Plea Counsel's Testimony

Plea counsel admitted his representation of Applicant was brief compared to Applicant's previously appointed counsel; however, he stated he had three months to prepare for the case and that he immersed himself in the case during those three months. Plea counsel's notes indicated he was appointed to represent Applicant on August 20, 2017, and he met with Applicant on August 29. Plea counsel stated by the time he was appointed, Applicant already had a copy of the discovery and was very familiar with the case. Plea counsel stated Applicant's voluntary blood draw indicated he had a .228 blood-alcohol level, and Applicant tested positive for marijuana. Plea counsel felt the real problem with Applicant's case was his .228 blood-alcohol level. Plea counsel stated he went over this evidence with Applicant, and Applicant was aware of the difficulties the evidence presented. Plea counsel also explained to Applicant that his surviving son would need to be a witness at trial, and Applicant did not want to put his family through a trial. Plea counsel stated at this point, he and Applicant began discussing a plea.

As for his investigation, plea counsel stated he lived in the area and was familiar with the area where the accident occurred. Plea counsel stated he reviewed the accident reconstruction

report, but the blood draw really hurt Applicant's case. Plea counsel testified Applicant's previous attorney had researched a defense based on Applicant being "clinically drunk" but not actually impaired and he reviewed previous counsel's research. Plea counsel stated he reviewed and discussed this strategy with Applicant.

Plea counsel reiterated he had enough time to prepare for the case. He stated in his review of the accident report, Applicant was traveling within the speed limit but was impaired because of his blood-alcohol level. Plea counsel admitted Applicant's case was his first felony DUI case; however, he stated he had handled regular DUI cases regularly. Plea counsel discussed Applicant's case with Applicant's previous attorney who advised plea counsel of everything he had done, and plea counsel sought advice from other attorneys within the Public Defender's office. Plea counsel recalled Applicant had been released on bond, and law enforcement began pressuring the State to resolve the case.

Plea counsel recalled discussing whether he would move for a continuance in the case with the State. Plea counsel stated the State was insistent on moving the case by December because the case had been dormant for a while. Plea counsel testified Applicant never indicated he wanted a trial. Further, plea counsel testified had Applicant wanted a trial, plea counsel would have moved for a continuance to procure expert witnesses.

Plea counsel recalled discussing with Applicant whether the sentence was classified as violent or non-violent. He further stated he negotiated with the State in an attempt to reduce the charge to a non-violent offense; however, the State never agreed and did not want to negotiate a plea offer at all. Plea counsel testified the State never offered a non-violent sentence and only offered to remain silent during sentencing. Further, the State informed plea counsel if Applicant proceeded to trial or pleaded guilty after December, it would request a significant sentence. Plea

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counsel stated he felt it was in Applicant's best interest for the State to remain silent during sentencing. Finally, plea counsel testified the State honored its agreement and remained silent during sentencing.

V. DISCUSSION

The issue before the Court is whether Applicant's plea was the result of ineffective assistance of counsel. Specifically, Applicant alleges plea counsel was ineffective for: (a) failure to investigate, (b) failure to provide and review the discovery with Applicant, (c) failure to advise the charges and the consequences of the charges against Applicant, and (d) failure to discuss potential defenses and strategies available to Applicant. Applicant further claims he would not have pleaded guilty and would have insisted on proceeding to trial absent these alleged deficiencies. These allegations are properly before the Court as attacks on the knowing and voluntary nature of Applicant's plea. See *Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (stating a defendant who entered a plea with the advice of counsel may only attack the voluntary and intelligent nature of the plea).

To establish ineffective assistance of counsel, the PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. *Strickland v. Washington*, 466 U.S. 668, 687-88 (1984); *Cherry v. State*, 300 S.C. 115, 117-18, 386 S.E.2d 624, 625 (1989). "The test for effective assistance of counsel is whether the representation was within the range of competence demanded of attorneys in criminal cases." *Watson v. State*, 287 S.C. 356, 357, 338 S.E.2d 636, 637 (1985). To prove prejudice, the applicant must show a reasonable probability he would not have pleaded guilty and would have insisted on going to trial absent plea counsel's alleged deficiency. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985).

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As explained below, the Court finds Applicant has failed to prove plea counsel was either deficient or prejudiced from the alleged deficiencies. Applicant knowingly and voluntarily pleaded guilty; therefore, the Court denies relief and dismisses the action with prejudice.

1. Prejudice

Applicant asserts he would not have pleaded guilty and would have chosen to proceed to trial absent plea counsel's alleged deficiencies. The Court disagrees and finds Applicant has failed to prove prejudice resulted from any of plea counsel's alleged deficiencies.

To prove prejudice, the applicant must show a reasonable probability he would not have pleaded guilty and would have insisted on going to trial absent plea counsel's alleged deficiency. *Hill*, 474 U.S. at 59. "[A] court need not determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies." *Strickland*, 466 U.S. at 697. "If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice . . . that course should be followed." *Id.*

At the PCR hearing, Applicant testified he pleaded guilty because he did not think plea counsel was prepared for trial. The Court finds Applicant's testimony he would have proceeded to trial not credible. However, plea counsel credibly testified Applicant wanted to plead guilty after Applicant realized his surviving son would have to testify at trial, and he did not want to put his family through a trial. The record shows Applicant waived jurisdiction to plead guilty in Fairfield County on October 16, 2017, rather than wait to plead guilty in Lancaster County in December 2017. (Plea Tr. 5). The Court is convinced by plea counsel's credible testimony Applicant did not want to put his surviving son on the witness stand and opted to plead guilty as charged. Plea counsel's PCR testimony coincides with his representations to the plea court. During the plea hearing, plea counsel represented to the plea court Applicant did not want to put

his family through a trial because he was trying to minimize the effect on his children. (Plea Tr. 16, 21). The Court finds Applicant pleaded guilty because he did not want to put his family through a trial and waived jurisdiction to plead sooner than expected because the State agreed to remain silent during sentencing.

Further, any deficiency regarding plea counsel's alleged deficient advice regarding Applicant's sentence was cured by the plea court's colloquy. *See Wolfe v. State*, 326 S.C. 158, 164, 485 S.E.2d 367, 370 (1997) (stating even if counsel gives erroneous advice, an applicant is not entitled to PCR where any misconceptions are cured by the colloquy during the guilty plea proceeding). Here, the plea court advised Applicant of the charges against him, and Applicant affirmed he understood. (Plea Tr. 5-7). The plea court also advised Applicant of his right to a jury trial, the State's burden at trial, his right to remain silent during trial, his right to cross-examine the State's witnesses at trial, and all twelve jurors would have to agree the State met its burden before he could be convicted. (Plea Tr. 7-9). Applicant affirmed he understood his rights and indicated he wished to proceed with his guilty plea. (Plea Tr. 9). Finally, the plea court made sure to advise Applicant felony DUI is classified as a serious and violent offense, and explained the consequences of such classification. (Plea Tr. 26). After being so advised, Applicant affirmed he understood the Court's explanation and affirmed he wished to proceed with the guilty plea. (Plea Tr. 26). The Court finds any alleged deficiency in plea counsel's advice was cured by the plea court's colloquy.

Because Applicant has failed to show any prejudice resulted from plea counsel's alleged deficiencies, Applicant did not receive ineffective assistance of counsel.

2. Deficient Performance

a. Failure to Investigate

Applicant alleges plea counsel was ineffective for failing to investigate the veracity of the evidence in Applicant's case. Specifically, Applicant alleges plea counsel did not have enough time to prepare for a trial and never discussed the facts of the case with Applicant. At the PCR hearing, Applicant testified he would have gone to trial if plea counsel had more time to prepare his case. The Court disagrees.

"[C]riminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case." *Edwards v. State*, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011). The Court finds plea counsel reasonably investigated Applicant's case. This finding is based on plea counsel's credible testimony at the PCR hearing and is supported by the record before the Court.

As for plea counsel not having enough time to investigate and prepare for trial, plea counsel recalled being appointed to Applicant's case on August 20, 2017, and the State was insistent on moving the case by December 2017. Plea counsel stated he had three months to prepare for a trial, and he immediately began trial preparation. Plea counsel stated he would have requested a continuance had the case gone to trial in December to procure expert witnesses, but he felt his continuance would have been denied. Plea counsel testified he felt as though he would have been prepared for trial even if the continuance was denied. Plea counsel stated he was familiar with the scene of the accident, and he reviewed all the evidence provided in discovery. Plea counsel further testified he conferred with Applicant's previously appointed counsel and other attorneys employed by the Public Defender's office seeking advice on how to

handle the case. Plea counsel stated Applicant's .228 blood-alcohol level was the most damaging evidence in the case and there was really no applicable defense to the blood-alcohol level.

The Court finds, based on plea counsel's credible testimony, plea counsel reasonably investigated and evaluated the veracity of the evidence in the case. Therefore, plea counsel was not deficient for failing to investigate, and this allegation must be denied and dismissed with prejudice.

b. Failure to Provide and Review the Discovery

Applicant alleges plea counsel was deficient for failing to provide and review the discovery with Applicant. At the PCR hearing, Applicant testified he received a copy of the discovery, but plea counsel never reviewed the discovery with him; therefore, Applicant's assertion his plea was not knowing and voluntary because he was unaware of the contents and meaning of the discovery he received. The Court disagrees.

The Court finds not credible Applicant's testimony plea counsel never reviewed the discovery with him. "[A] defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." *Pittman*, 337 S.C. at 599, 524 S.E.2d at 624.

Plea counsel agreed with Applicant's testimony in as much as Applicant had already received the discovery before he was appointed; however, plea counsel disagreed with Applicant's assertion plea counsel never reviewed the discovery with Applicant. To the contrary plea counsel testified he reviewed the discovery with Applicant. Plea counsel also testified that by the time he was appointed to represent Applicant, Applicant was very familiar with the discovery in the case. The Court finds credible plea counsel's testimony he reviewed the

discovery with Applicant and concludes Applicant knew what evidence the discovery contained when he pleaded guilty.

The Court further relies on the plea transcript in support of its conclusion plea counsel reviewed the discovery with Applicant. Applicant affirmed to the plea court plea counsel went over the discovery with him. (Plea Tr. 9–10). “A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate’s right to contest the validity of such a plea is usually, but not invariably, foreclosed.” *Garren v. State*, 423 S.C. 1, 12, 813 S.E.2d 704, 710 (2018) (quoting *Dalton v. State*, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007)). Therefore, the Court finds plea counsel was not deficient for failing to review the discovery with Applicant because he in fact reviewed the discovery with Applicant. Accordingly, the Court denies relief and dismisses this allegation with prejudice.

c. Failure to Advise Applicant of the Charges and Consequences of the Charges

Applicant alleges plea counsel was deficient for failing to advise Applicant of the charges against him and the consequences of those charges. In support of this allegation, Applicant testified at the PCR hearing that when he pleaded guilty, he thought he would receive a ten-year non-violent sentence. The Court finds this allegation is without merit.

“[A] defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived.” *Pittman*, 337 S.C. at 599, 524 S.E.2d at 624.

First, as addressed in the prejudice analysis in the previous section, any alleged deficiency by plea counsel for failing to advise Applicant was cured by the plea court’s colloquy. See *Wolfe*, 326 S.C. at 164, 485 S.E.2d at 370 (stating even if counsel gives erroneous advice, an applicant is not entitled to PCR where any misconceptions are cured by the colloquy during the

guilty plea proceeding). Second, plea counsel testified he made Applicant aware the State only offered to remain silent during sentencing and refused to lessen the charge.

Plea counsel testified Applicant asked him to enter plea negotiations and negotiate for a non-violent, ten-year sentence. However, plea counsel stated the State never accepted those terms or offered for Applicant to plead guilty to anything less than as charged. Plea counsel further testified the State only offered to remain silent during sentencing. Plea counsel credibly testified he conveyed this information to Applicant, and Applicant wished to plead guilty as charged. Applicant admitted plea counsel never promised him he would receive anything less than as charged. Further, at the PCR hearing, Applicant admitted he signed the sentencing sheets indicating his felony DUI charges were classified as serious, violent offenses before he entered his plea.

Based on the foregoing, the Court finds plea counsel was not deficient for failing to advise Applicant of the charges and the consequences of those charges against him. Therefore, relief is denied, and this allegation is dismissed with prejudice.

d. Failure to Discuss Potential Defenses and Strategies Available

Applicant alleges plea counsel was deficient for failing to discuss potential defenses and strategies available to Applicant. In support of this allegation, Applicant testified he and plea counsel never discussed his version of the facts or any possible defenses. The Court finds not credible Applicant's testimony plea counsel never discussed the facts or any possible defenses.

At the PCR hearing, plea counsel testified he reviewed and discussed with Applicant the evidence against Applicant and the difficulties of challenging the State's evidence. Further, plea counsel explained Applicant's surviving son would have to testify at trial, and Applicant indicated he did not want to put his family through trial. The Court finds credible plea counsel's

testimony he discussed potential defenses and strategies with Applicant. Further, plea counsel's testimony is supported by the plea transcript. The plea court asked Applicant, "Have you [and counsel] talked about whether you have any defenses or not?" (Plea Tr. 10). Applicant answered affirmatively. (Plea Tr. 10). The Court finds plea counsel was not deficient for failing to discuss potential defenses and strategies to Applicant based on plea counsel's credible testimony he did so and Applicant's representations to the plea court. *See Dalton v. State*, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) ("A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed."). Therefore, Applicant has failed to prove counsel was deficient on this allegation, and it shall be dismissed with prejudice.

VI. CONCLUSION

The Court finds plea counsel's representation was neither deficient nor prejudicial. Applicant pleaded guilty pursuant to the advice of plea counsel. Applicant knew the meaning and consequences of pleading guilty to the charges and voluntarily chose to do so. Applicant failed to show plea counsel was deficient for failure to investigate, failure to provide and review discovery with Applicant, failure to advise Applicant of the charges and consequences of the charges against him, or failure to discuss possible defenses and strategies available to Applicant. Further, the Court finds Applicant knowingly and voluntarily pleaded guilty because the plea court's colloquy cured any of plea counsel's alleged deficiencies. Therefore, based on the foregoing, the Court denies relief on all allegations and dismisses this PCR action with prejudice.

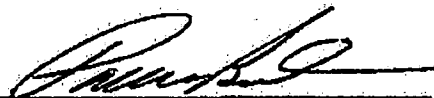
Applicant must file and serve a notice of appeal within thirty days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review pursuant

to Rule 203, SCACR. Applicant has a right to appellate counsel's assistance in seeking review of the denial of PCR. *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). Rule 71.1(g), SCRCR, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to Rule 243, SCACR, for appropriate procedures for appeal.

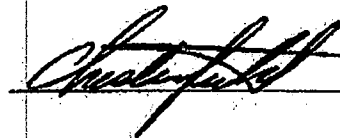
THEREFORE:

1. The Court denies relief and dismisses the action with prejudice; and
2. Applicant shall be remanded to the custody of the State.

AND IT IS SO ORDERED.



PAUL M. BURCH
Presiding Judge
Sixth Judicial Circuit



, South Carolina

May 13th 2019.

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SHIP TO: The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carol
PO Box 11330
Columbia SC 29211-1330

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