

Rodney D. Davis

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June 7, 2019

RECEIVED

JUN 11 2019

S.C. SUPREME COURT

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

RE: Patrick Ferebee v. State of South Carolina, Case No.: 2017-CP-10-5802

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: Benjamin Limbaugh
Assistant Attorney General

Paula Murdoch
Appellate Division, SCCID

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

JUN 11 2019

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Deadra L. Jefferson, Circuit Court Judge

Case No.: 2017-CP-10-5802

Patrick Ferebee,

Appellant,

v.

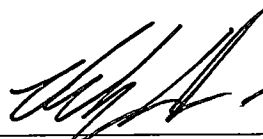
State of South Carolina,

Respondent.

NOTICE OF APPEAL

Patrick Ferebee 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 26, 2018. Applicant's attorney received a copy of the Order of Dismissal on or about May 16, 2019.

6/7, 2019


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:
DeShawn Mitchell, Assistant Attorney General
Office of the Attorney General, State of South Carolina
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-10-5802

Patrick Ferebee,

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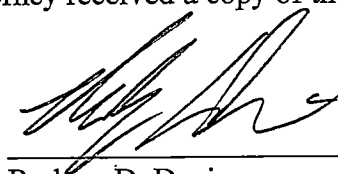
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6/7, 2019



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Other Counsel of Record:
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Attorney for Respondent

FILED
2019 JUN - 7 PM 1:54
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

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JUN 11 2019

S.C. SUPREME COURT

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-10-5802

Patrick Ferebee,

Appellant,

v.

State of South Carolina,

Respondent.

FILED
2019 JUN -7 PM 11:45
JULIE J. ARMSTRONG
CLERK OF COURT

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, Benjamin Limbaugh, P.O. Box 11549, Columbia, South Carolina 29211-1549, on 6/7, 2019.

6/7, 2019



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Attorney for Appellant

Other Counsel of Record:
Benjamin Limbaugh, Assistant Attorney General
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P.O. Box 11549
Columbia, SC 29211-1549
Attorney for Respondent

STATE OF SOUTH CAROLINA)
 COUNTY OF CHARLESTON)
)
 Patrick J. Ferebee, #370050,)
)
 Applicant,)
)
 vs.)
)
 State of South Carolina,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
 IN THE NINTH JUDICIALCIRCUIT

Case No.: 2017-CP-10-5802

ORDER OF DISMISSAL

FILED
 2019 MAY 14 PM 1:03
 JULIE J. ARMSTRONG
 CLERK OF COURT

Presiding Judge:	Honorable Deadra L. Jefferson
Applicant's Attorney:	Rodney Davis, Esq.
Respondent's Attorney:	DeShawn H. Mitchell, Esq.
Plea Counsel:	John J. Kozelski, III, Esq.
Date of Hearing:	July 26, 2018
Court Reporter:	Joyce C. Rueger

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed on October 10, 2017, by Patrick J. Ferebee (Applicant). Respondent made its Return on or about January 23, 2018. An evidentiary hearing into the matter was convened on July 26, 2018, at the Charleston County Courthouse in Charleston, South Carolina. Applicant was present at the hearing and represented by Rodney D. Davis, Esquire. Respondent was represented by DeShawn H. Mitchell, Esquire of the South Carolina Attorney General's Office.

At the hearing, Applicant testified on his own behalf. Applicant's Plea Counsel John Kozelski, Esquire, also testified. This Court had before it a copy of the records of the Charleston County Clerk of Court regarding the Applicant's convictions, the transcript from Applicant's guilty plea, the PCR application, Respondent's Return, and Applicant's records from the Department of Corrections. After reviewing the record and everything presented, this Court finds

Applicant has failed to establish any constitutional deprivations entitling him to post-conviction relief and denies this application.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Charleston County Clerk of Court. Applicant was indicted at the April 2015 term of the Charleston County Grand Jury for Attempted Murder¹ (2015-GS-10-01643) and Third-Degree Arson² (2015-GS-10-01647). On October 12, 2016, before the Honorable Kristi L. Harrington, Applicant pled guilty to Assault and Battery of a High and Aggravated Nature (ABHAN)³ a lesser included offense of Attempted Murder and Third-Degree Arson as indicted. Applicant was represented by John Kozelski, Esquire. Burns Malone Wetmore, Esquire, prosecuted the case. Judge Harrington sentenced Applicant to confinement for a period of twelve (12) years for each offense. The sentences were to run concurrently. Applicant was to be given six hundred and sixty-eight (668) days credit for time served. Applicant was also ordered to receive a mental health evaluation and follow all recommendations. He also received a referral to the Alcohol Treatment Unit (ATU). Further, the Court ordered no contact with the victim. Applicant did not appeal.

FACTUAL HISTORY

This incident occurred on December 15, 2014, in North Charleston, South Carolina. (Transcript of Plea at 10:7-10, State v. Patrick Ferebee, October 12, 2016). At some point,

¹ Attempted Murder is a violent and most serious felony, punishable by up to thirty (30) years in prison. See S.C. Code Ann. § 16-3-29 (2005). A sentence for Attempted Murder may not be suspended nor probation granted. *Id.*

² Third-Degree Arson is a felony punishable by up to fifteen (15) years in prison. See S.C. CODE ANN. § 16-11-110(C) (2005).

³ ABHAN is a violent and serious felony punishable by up to twenty (20) years in prison. See S.C. Code Ann. §16-3-600(B)(1)-(2) (2005).

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Applicant had a relationship with the victim, Mattie Brown. (Id.). Applicant came to her residence but she would not let him into her home. (Id. at 10:11-14). Applicant got very upset with her after being denied entry. (Id. at 10:15). He banged on the door and tried to get in, but she refused to let him enter. (Id. at 10:15-17). At that point, Applicant told her he was going to set the residence on fire. (Id. at 10:17-18). He poured gasoline over the front door, which was the only door to the residence, and set it on fire. (Id. at 10:19-20). The apartment went up in flames and was almost completely destroyed. (Id. at 10:21). The victim was in the apartment with her minor son. (Id. at 10:22). Applicant left and while doing so, also set her car on fire. (Id. at 10:25). At that time, the police arrived and apprehended Applicant in close proximity to the scene, where he reeked of gasoline. (Id. at 11:1-3). Additionally, Applicant gave a two-page confession in which he said he had committed the crimes, indicating he was very upset that she did not reciprocate his feelings. (Id. at 11:4-7).

ALLEGATIONS

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

1. "Ineffective assistance of counsel."
2. "Solicitor violated plea agreement."
3. "Judge improperly sentenced."

SUMMARY OF TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING

Applicant's Testimony

Applicant testified he is from North Charleston, South Carolina. He testified he dropped out of high school in the tenth grade while being enrolled in the Youth Build America Program at a local charter school. He testified he did not receive his diploma but was currently working on his GED while incarcerated. Applicant testified he takes medication and has been prescribed Paxil at

a dose of fifty milligrams. He testified he was not having any issues with his medication at the evidentiary hearing, and he understood the proceedings.⁴ Applicant testified Plea Counsel was appointed to represent him. He testified that during his twenty-two (22) months of pre-detention Plea Counsel represented him, he only met with him two (2) to four (4) times at the most. Applicant testified those meetings occurred at the jail with all of them happening via video conference. He testified he made a previous attempt to plead guilty in front of the Honorable R. Markley Dennis, Jr., prior to his actual guilty plea. Applicant testified Judge Dennis denied his guilty plea to attempted murder and third-degree arson. Applicant testified Plea Counsel reviewed the sentences he would face if he pled guilty. He testified he was supposed to accept fault at the guilty plea; but during the plea, the Assistant Solicitor told the Judge the victim wanted him to get the maximum sentence for his charges. Applicant testified Plea Counsel did not object to the assistant solicitor's comments, and he was afraid to say anything to the Judge because of possibly receiving contempt of court charges. He testified it was his understanding that his plea was a straight-up plea with no recommendation or negotiation by the State. Applicant testified if he had known the State could comment regarding the victim's desires, he would have proceeded to trial. He testified his life was a "wreck" as he was in an emotional state dealing with his medication and mental health and that he wanted to commit suicide as well as hurt others at the time of the crime. Applicant testified Plea Counsel did not tell him the State was going to speak on behalf of the victims, and had he known the State would, he would have withdrawn his plea.

Applicant testified once he was sentenced he was taken to Kirkland Correctional Institution. He testified he could not use the phone to call anyone once he got there. Applicant testified he wrote a letter to his mom about his guilty plea and told her he wanted to appeal his

⁴ He testified there had been a "mix-up" in his medications at the institution earlier in the week but that had been corrected and he was "fine" on the day of the hearing.

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sentence. He testified he did not talk to Plea Counsel after his guilty plea or while at Kirkland. Applicant testified he sent a letter to the Clerk of Court to get the Judge to reconsider his sentence because he felt as though his agreement to plead guilty was violated. He testified he wrote to the Office of Appellate Defense concerning his appeal, but they told him his appeal was invalid because he did not file it with opposing counsel and the lower court. Applicant testified he was unaware of the law. He testified he wanted Plea Counsel to subpoena his girlfriend (the victim) to come to his guilty plea.⁵ Applicant testified he would have gone to trial had he known the solicitor was going to make those comments, and he felt as though he threw his rights away. Applicant testified his girlfriend did not believe he was trying to kill her.

On cross-examination, Applicant testified Plea Counsel met with him four (4) or five (5) times prior to his guilty plea.

He testified Plea Counsel did not review his discovery with him, and he never received a copy of it. Applicant testified Plea Counsel withheld his discovery because Plea Counsel wanted him to plead guilty and that confused him. He testified during his conversations with Plea Counsel, they discussed plea offers and he asked Plea Counsel to talk to his girlfriend. He testified the solicitor broke the plea agreement when he made comments on behalf of the victims asking for a higher sentence. Applicant testified South Carolina has high criminal domestic violence rates, and the Judge he was appearing in front of was a female, which may have contributed to his sentence. He testified after a review of his guilty plea transcript the Assistant Solicitor ultimately told the Judge the State was not making a recommendation in his case. Applicant testified he was not trying to hurt anyone during the crime. He testified he did not talk to Plea Counsel about appealing his

⁵ At the time of the plea the victim and her minor child were homeless as a result of the destruction of their home. At the time of the plea they were out of state and moving around different places. Although interested in the outcome of the proceedings they did not plan to attend the plea. (Id. at 11:8-16).

case because he did not have a chance. Applicant testified Plea Counsel did not come to see him after he pled guilty. He testified he set the car on fire and wanted to set himself on fire. Applicant testified he explained his version of the facts to the Judge and she was aware of them. He testified he gave a confession to police about what happened and that he had mental health issues. Applicant testified he received a mental health evaluation, but Plea Counsel did not bring it to the Court's attention during his guilty plea.

On re-direct, Applicant testified he was afraid of contempt of court charges if he had objected when the solicitor made comments about the victim's stance on his sentencing. He also reiterated that the Apartment had a back door as well as a fire extinguisher.

Plea Counsel's Testimony

Plea Counsel testified he has been practicing law since 2011, and the majority of his career has been devoted to criminal law. He testified he was appointed to represent Applicant for some time as Applicant also had minor drug charges. Plea Counsel testified during December of 2014, when the crime happened, Applicant's girlfriend broke up with him and Applicant was going through mental health issues. He testified during the crime, Applicant was trying to commit suicide. Plea Counsel testified he had Applicant evaluated for competency by Dr. Knight of the Medical University of SC (MUSC) for mitigation purposes. He testified he personally never thought Applicant was not competent, but shortly after Applicant was arrested he visited him and he was not making sense which resulted in having Applicant evaluated. Plea Counsel testified the results of the competency evaluation were that Applicant was found competent. He testified he met with Applicant before he pled guilty at least fifteen (15) times. Plea Counsel testified during those meetings he reviewed discovery with Applicant, but there were issues with showing him pictures from the incident because of technology and late receipt of the pictures. He testified

Applicant's drug charges were dismissed prior to his guilty plea. Plea Counsel testified that it was pretty straight forward as to what the evidence showed. He testified there was never a question of whether Applicant committed the crime only why he did what he did. Plea Counsel testified Applicant's story was he was to trying to commit suicide and not trying to kill anybody in the apartment. He testified Applicant wrote a confession and was found some twenty (20) feet away from the apartment. Plea Counsel testified he did not feel he needed to object to the State's comments concerning the victim's position regarding sentencing. He testified he did not believe the State's comments were the assistant solicitor's personal opinions. Plea Counsel testified Applicant previously attempted a guilty plea in front of Judge Dennis for third-degree arson and attempted murder but Applicant had a problem allocating to the charge. He testified there was also an issue during that plea because Applicant did not have the intent to murder anyone. Plea Counsel testified when Applicant finally did plead guilty, at no time did Applicant indicate that he wanted him to stop the plea proceeding. He testified he did not talk to Applicant after the plea, and Applicant was transported quickly. Plea Counsel testified he received a phone call from Applicant's mother, and he talked to her about the plea, a motion for reconsideration, and an appeal. He testified he told Applicant's mother a motion for reconsideration was unlikely to be granted and it would put Applicant in the same situation he was in prior to the plea. Plea Counsel testified he told Applicant's mother to call him back and let him know what Applicant wanted to do. He testified he did not believe he ever got a call back. Plea Counsel testified had he felt there was an objectionable issue during the guilty plea, he would have objected. He testified he did not believe the State's comment regarding the victim's stance on a sentence for the Applicant was objectionable.

On cross-examination, Plea Counsel testified he did not go over stopping a guilty plea with

Applicant. He testified the Assistant Solicitor wrote him an email indicating the victim wanted Applicant to receive the maximum sentence for the charge. Plea Counsel testified he could not remember if he shared that email with 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 at the post-conviction relief hearing. This Court has had the opportunity to observe the witnesses presented at the hearing, and can weigh their testimony and credibility accordingly. These credibility findings have been applied to the Court's findings and conclusions set forth below. Below are the findings of fact and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (2017).

In a post-conviction relief action, the applicant bears the burden of proving the allegations in his application. 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 v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler, 286 S.C. at 443, 334 S.E.2d at 814. The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 689, 104 S. Ct. at 2065. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of trial counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove that



counsel's performance was deficient. Id. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Id. (quoting Strickland v. Washington, 466 at 688). 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 would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 (1985).

After careful review of the entire record, including the testimony presented at the evidentiary hearing, 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. This Court finds as follows on the following grounds presented by Applicant at the evidentiary hearing:

Ineffective Assistance of Counsel

Failure to Object

Applicant alleges Plea Counsel was ineffective for failing to object to the State's comments concerning the victim's stance regarding sentencing. Applicant testified the assistant solicitor told the plea judge during his guilty plea the victim wanted him to get the maximum sentence for his charges. Applicant testified Plea Counsel did not object to the assistant solicitor's comments, and he was afraid to say anything to the judge because of possibly receiving contempt of court charges. Applicant testified it was his understanding that his plea was a straight up plea with no recommendation by the State, and had he known the State could comment regarding the victim's desires, he would have proceeded to trial. In support of this allegation, Applicant cites to Smith v.

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State 413 S.C. 194 775 S.E.2d 696 (2015), in which the court held the State's recommendation of the maximum sentence was breach of plea agreement with defendant, which included the State's promise to remain silent during sentencing, that warranted invalidation of the plea agreement in the manslaughter prosecution. This Court initially finds the Smith case is not analogous to Applicant's case in that in Smith there was a negotiated plea offer between the parties. In Applicant's case, there was never a negotiated plea offer as evidenced by the State's comments to the plea judge that there was no recommendation. (Tr. at 11:19-24). This is further corroborated by the Applicant's testimony. Further, this Court finds Plea Counsel did not have a valid basis to object to the assistant solicitor's comments. This Court finds the assistant solicitor in his comments was merely complying with the Victim's Bill of Rights in referencing the victim's comments as she requested of him during Applicant's guilty plea. S.C. CONST. art. I, § 24. This Court does not find Applicant's testimony credible regarding his mental state negating his ability to understand his attorney, and likewise finds credible Plea Counsel's testimony that he met with Applicant and explained to him his constitutional rights. This Court further finds there are no questions regarding Applicant's competency as Plea Counsel had Applicant evaluated. (Tr. at 10:1-4). This Court further finds there is no prejudice from Applicant not seeing the crime scene photos. This Court does not find Applicant's testimony credible that he could not have stopped the plea proceeding, given the extensive time as reflected in the record, in which he spoke to the plea judge during his guilty plea. (Id. at 12:12 – 17:2). This Court further finds credible Plea Counsel's testimony that he would have reviewed the email from the Assistant Solicitor (indicating the victim wanted Applicant to receive the maximum sentence for the charge) with Applicant. This Court notes during the plea, Judge Harrington very thoroughly went through the plea colloquy with Applicant regarding his sentence ranges and constitutional rights. (Id. at 3:11-25); (Id. at 4:1-25); (Id. at 5:18-

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25). Moreover, Applicant indicated that he understood the purpose of the plea hearing and expressed satisfaction with his plea counsel's representation. (Id. at 8:20-23); (Id. at 7:5-18). Lastly, this Court notes even though the victim asked for the maximum sentence, Judge Harrington considered the mitigation offered in this case and sentenced Applicant to twelve (12) years imprisonment when he was potentially exposed to twenty (20) years imprisonment. (Id. at 23:15-21). Judge Harrington was likewise made aware of the reduction in charge in mitigation of the Applicant's lack of the requisite specific intent to kill. (Id. at 8-9); (Id. at 11:20-24). Therefore, this Court finds Applicant has failed to meet his burden to prove Plea Counsel was ineffective. This allegation is denied and dismissed with prejudice.

Failure to File Notice of Appeal

Applicant alleges Plea Counsel was ineffective for failing to file a notice of appeal after his guilty plea. While trial counsel is required to make certain the defendant is made fully aware of the right to appeal, the standard for a guilty plea differs. Turner v. State, 380 S.C. 223, 224, 670 S.E.2d 373, 374 (2008). Counsel has a constitutionally-imposed duty to consult with a defendant about an appeal when there is reason to believe that: (1) that a rational defendant would want to appeal or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing. Roe v. Flores-Ortega, 528 U.S. 470, 480, 120 S. Ct. 1029, 1036 (2000). In the event of a guilty plea, "there must be proof that extraordinary circumstances exist, such as where a defendant inquires about an appeal, in order for counsel to be required to advise a defendant of the right to appeal." Rolen v. State, 384 S.C. 409, 415, 683 S.E.2d 471, 474-75 (2009) (citing Weathers v. State, 319 S.C. 59, 61, 459 S.E.2d 838, 839 (1995)). When counsel has consulted with the defendant regarding the right to appeal, "[c]ounsel performs in a professionally

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unreasonable manner *only* by failing to follow the defendant's express instructions with respect to an appeal." Flores-Ortega, 528 at 478, 120 S. Ct. at 1036 (emphasis added).

This Court finds no deficiency on the part of Plea Counsel or prejudice there from. The Court relies upon the credibility findings already set forth above, and finds Applicant never asked for an appeal and no other reason existed for Plea Counsel to believe Applicant wanted or would want an appeal. In fact, Applicant stated that he understood his right to appeal his plea and the sentence within ten (10) days, and made no mention of his desire to appeal at that time. (Tr. at 7:18-22). Moreover, on appeal from a guilty plea the notice must be accompanied by "a written explanation showing that there is an issue which can be reviewed on appeal," and the explanation must also identify the issues and provide a factual basis for the issues. Rule 203(d)(1)(B)(iv), SCACR. This Court finds based on Plea Counsel's testimony, there were no appealable issues. Therefore, this Court finds no basis for a belated direct appeal. Accordingly, Applicant's request for relief by way of this allegation is denied and dismissed with prejudice.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that 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 must be denied and dismissed with prejudice.

This Court notifies Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRPC provides that if the Applicant wishes to seek appellate review, PCR

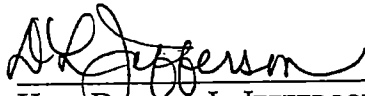
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counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the South Carolina Department of Corrections.


AND IT IS SO ORDERED this 15th day of Feb., 2019.



HON. DEADRA L. JEFFERSON
Presiding Judge
Ninth Judicial Circuit

Char _____, South Carolina

After the conclusion of this case and the Court had ruled on the merits of the matter the Applicant threatened the Court with setting it on fire. A referral was made to memorialize the threat for the protection of the Court. Further it was made to trigger a forensic evaluation of the Applicant by SCDC to ensure the Applicant did not pose a threat to the Court, the public or himself. The Applicant has a projected release date of February 21, 2025.

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STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
PATRICK FEREBEE,)
Applicant.)
)
-versus-)
)
STATE OF SOUTH CAROLINA,)
)
Respondent.)

IN THE SUPREME COURT OF SOUTH CAROLINA

RECEIVED

Case No.: 2017-CP-10-5802

JUN 11 2019

S.C. SUPREME COURT

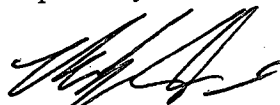
REQUEST FOR REPRESENTATION ON APPEAL

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

6/7, 2019
Charleston, South Carolina.



WALLACE COUNTY PUBLIC DEFENDER
WALLACE COUNTY OFFICE BLDG.
MEETING STREET, 5TH FLOOR
CHARLESTON, SC 29401-2214

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