

# The South Carolina Court of Appeals

Timothy L. Frady, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2018-000466

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## ORDER

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Counsel has submitted a petition pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 210 (1988), and a motion to be relieved as counsel. Based upon the vote of the panel, the Court denies the motion to be relieved as counsel and direct the parties to address the following question and any other questions of arguable merit:

Was trial counsel ineffective for not moving to suppress pictures found on Petitioner's cell phone based on a warrantless search that violated the Fourth Amendment?

Petitioner shall serve and file a petition on this question within thirty days of the date of this order. Thereafter, Respondent shall have thirty days to serve and file its return.

  
FOR THE COURT

Columbia, South Carolina

cc: Johnny Ellis James, Jr., Esquire  
Kathrine Haggard Hudgins, Esquire  
Timothy Frady

**FILED**  
Oct. 3, 2019