

# Law Office of Leah B. Moody, LLC

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Leah B. Moody  
Lbmatty@comporium.net

Post Office Box 1015  
Rock Hill, South Carolina 29731

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December 3, 2019

The Honorable Daniel E. Shearouse  
The Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, South Carolina 29221

RECEIVED

DEC 06 2019

S.C. SUPREME COURT

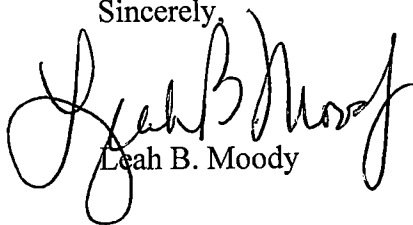
**RE: Tirrell Ramar Boyd, #367470, v. State of South Carolina**  
**C.A. No.: 2016-CP-40-4421**

Dear Mr. Shearouse:

The Richland County Court of Common Pleas appointed my office to represent **Tirrell Boyd** in his Post-Conviction Relief action. Please find enclosed for filing the original and two (2) copies of the Notice of Appeal and Proof of Service in the above-referenced case. Please return the clocked copies to me in the enclosed self-addressed, stamped envelope. Also, enclosed is a copy of the Order Dismissing the Post-Conviction Relief Application.

Thank you for your assistance with this matter.

Sincerely,



Leah B. Moody

Enclosures

cc Tirrell Boyd  
Lindsey McCallister, Esquire, SC Attorney General's Office  
The Honorable Jeanette McBride, Clerk of Court, Richland County  
Sharon Graham, SCCID

**RECEIVED**

DEC 06 2019

S.C. SUPREME COURT

**IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals**

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**APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas**

**The Honorable J. Derham Cole, Presiding in Richland County**

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**Case No. 2016-CP-40-4421**

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**Tirrell Ramar Boyd, #367470, ..... Appellant,**

**v.**

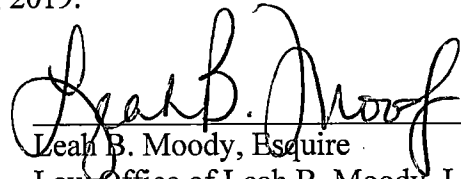
**State of South Carolina, ..... Respondent.**

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**NOTICE OF APPEAL**

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Tirrell Boyd appeals the order of the Honorable J. Derham Cole, dated September 20, 2019, and electronically mailed on November 25, 2019. Appellant received written notice of entry of the final order on November 25, 2019.

  
\_\_\_\_\_  
Leah B. Moody, Esquire  
Law Office of Leah B. Moody, LLC  
235 E. Main Street, Suite 115  
Post Office Box 1015  
Rock Hill, South Carolina 29731

Other Counsel of record:  
Lindsey A. McCallister, SC Attorney General's Office  
Attorney for Respondent  
Rembert C. Dennis Building  
Post Office Box 11549  
Columbia, South Carolina 29211-1549  
(803) 734-3970

IN THE STATE OF SOUTH CAROLINA  
In the Supreme Court

RECEIVED

DEC 06 2019

S.C. SUPREME COURT

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

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Tirrell Ramar Boyd, #367470, ..... Appellant,

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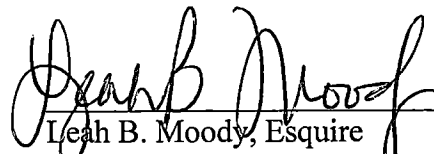
State of South Carolina, ..... Respondent.

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PROOF OF SERVICE

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I certify that I have served the Notice of Appeal on Lindsey A. McCallister, Esquire, SC Attorney General's Office, by depositing a copy of it in the United States Mail, postage prepaid, on December 4, 2019, addressed to its attorney of record, Lindsey A. McCallister, Esquire, SC Attorney General's Office, Post Office Box 11549, Columbia, South Carolina, 29211-1549.

  
Leah B. Moody, Esquire  
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December 3, 2019

Cc Tirrell Boyd  
Lindsey McCallister, Esquire, SC Attorney General's Office  
The Honorable Jeanette McBride, Clerk of Court, Richland County  
Sharon A. Graham, SCCID

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT

Tirrell Boyd, #367470, )

C.A. No. 2016-CP-40-4421

Applicant, )

**ORDER OF DISMISSAL**

v. )

State of South Carolina, )

Respondent. )

2019 OCT -8 AM 9:42  
JEANETTE W. MOORHEAD  
C.C.P., G.S., & F.C.  
RICHLAND COUNTY  
FILED

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed by Tirrell Boyd (Applicant) on July 25, 2016. Respondent made its return on June 23, 2017. An evidentiary hearing into the matter was convened on April 5, 2019, at the Richland County Courthouse before the undersigned. Leah B. Moody, Esquire, represented Applicant. Assistant Attorney General Lindsey A. McCallister represented Respondent.

At the call of the case, Ms. Moody informed the Court Applicant wanted a continuance and to relieve her as counsel. Ms. Moody explained Applicant was upset because the witnesses he provided were not present to testify. Ms. Moody stated she contacted the witnesses as Applicant requested, but none were willing to come to court to testify on Applicant's behalf. Respondent objected to a continuance as this matter had been continued several times previously, and both parties agreed Applicant was told there would be no further continuances. This Court therefore denied Applicant's request for a continuance and proceeded with the evidentiary hearing.

Thereafter, Applicant testified on his own behalf. W. Barney Giese, Esquire, and Justin M. Kata, Applicant's plea counsel, testified on behalf of Respondent. This Court had before it a

copy of the records of the Richland County Clerk of Court, records from the South Carolina Department of Corrections, the PCR application, Respondent's Return, and the plea transcript. After a review of the record and all evidence presented, this Court finds Applicant has failed to meet his requisite burden of proof and denies this application for relief.

### **PROCEDURAL HISTORY**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Richland County. Applicant was indicted at the December 2014 term of the Grand Jury for Richland County for possession with intent to distribute marijuana (2014-GS-40-7486); murder (2014-GS-40-7487); possession of a stolen motor vehicle (2014-GS-40-7489); and trafficking in cocaine, 28 to 100 grams – first offense (2014-GS-40-7490). Applicant was subsequently indicted at the November 2015 term for two counts of attempted murder (2015-GS-40-6589, -6590). Applicant was represented by W. Barney Giese (Giese), Esquire, and Justin Kata (Kata), Esquire. Assistant Solicitor Meghan Walker, Esquire, prosecuted the case.

On March 18, 2016, Applicant pleaded guilty before the Honorable L. Casey Manning to trafficking cocaine, possession with intent to distribute marijuana, and possession of a stolen vehicle, as well as guilty pursuant to North Carolina vs. Alford to murder and two counts of attempted murder. The State dismissed the charges of possession with intent to distribute cocaine (2013-CP-40-2800), possession of a stolen pistol (2013-CP-40-2801), unlawful carrying of a pistol (2013-CP-40-2802), hit and run (2013-CP-40-2803), and failure to stop for a blue light (2014-CP-40-7488) in exchange for the plea. Pursuant to a negotiated sentence, Judge Manning sentenced

Applicant to five years' imprisonment for possession with intent to distribute marijuana; five years for trafficking cocaine; five years for possession of a stolen motor vehicle; thirty years for murder; and thirty years for each count of attempted murder, all to be served concurrently. Applicant did not appeal his convictions or sentences.

### **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:
  - a. No independent investigation
  - b. Inconsistent statements
  - c. No search warrant
  - d. Mistaken identity
  - e. Hear[say] evidence
  - f. Intimidation with a life sentence
  - g. No guns recovered

At the evidentiary hearing, Applicant proceeded on the claim of ineffective assistance of counsel and discussed the allegations in (a)-(g) as support for the deficiency prong of the Strickland analysis.

### **SUMMARY OF TESTIMONY**

Applicant testified he was referred to Giese and Kata through a friend and hired them to represent him on these charges. Applicant explained the charges arose from separate incidents, and he kept Giese and Kata on once he received the second set of charges. Applicant testified he met with his attorneys numerous times and discussed his version of the facts of the case. Applicant stated he gave them the names of several witnesses, but no one would cooperate. Applicant agreed his attorneys tried to contact several witnesses on his behalf. Applicant testified he thought he was

dealing with Giese on these charges, but Kata handled most of the work, and he did not understand the difference between the two of them.

Applicant testified he accepted the plea agreement because he felt his attorneys did not have a defense for him. Applicant stated they used a private investigator who went to the scene, but the investigator told Applicant everyone out there ran away so he was unable to question them. Applicant also testified several witnesses gave inconsistent statements because no one said they saw Applicant at the scene, but multiple people came forward claiming they heard Applicant was the perpetrator. Applicant further testified he felt witnesses were coerced to pick him out of the photo lineup, and the lineup was misleading because anyone could have long sideburns. Applicant stated he wanted his attorneys to question investigators about the lineup and identification, but they simply told Applicant someone had picked him out of the lineup and did not discuss it further. Finally, Applicant testified Kata told him first the murder weapon was a .45 caliber, then a .40 caliber. Applicant testified he and his attorneys never discussed the fact that the State had not recovered the gun.

Applicant stated he accepted the plea agreement because he felt "backed into a corner" without a viable defense. Applicant explained he was charged with the two counts of attempted murder approximately two months before the trial was scheduled to begin. Applicant testified he felt his attorneys were not prepared for trial at that point, and they told him if he lost at trial, he would receive a life sentence. Applicant stated he agreed to the plea deal because he wanted "to go home one day instead of no day." Applicant testified the State originally offered him ten years, but then the two counts of attempted murder were added, and eventually they agreed to a negotiated

term of thirty years. Applicant stated he discussed the agreement with his attorneys, but they did not have much time to do so because he signed the agreement on Thursday, pleaded guilty on Friday, and his trial was scheduled to start the following Monday. Applicant testified he felt he had no defense prepared because, although he gave names of witnesses to these attorneys, they kept telling him none of those people would come to testify.

Finally, Applicant testified he did not understand all of this was a problem until after his guilty plea. Applicant explained he is "not smart at certain things," and he felt his attorneys should have taken more time to investigate instead of simply looking for a plea deal. Applicant testified he would rather be sentenced to thirty years for the drug charges, which he admitted to, rather than the murder, which he did not commit. Applicant stated Giese and Kata were not bad attorneys, but he did not want to "lay down" for something he did not do. On cross-examination, Applicant agreed the plea judge explained Applicant was giving up certain rights, specifically the right to present a defense and call witnesses, and Applicant told he the judge he understood. Applicant also agreed he informed the plea court he was satisfied with the attorneys.

Kata testified Applicant first retained him to deal with the drug charges, but Applicant picked up the murder charge while he was out on bond and extended the representation to deal with both sets of charges. Kata testified the drug charges were pending and still in the discovery phase when Applicant was charged with murder, which changed the focus of the representation because it was a much more serious charge.

Kata explained Applicant always maintained he did not shoot the victim, and Kata attempted to find witnesses who could affirmatively say Applicant was not the shooter. Kata stated

he employed a private investigator to track people down, and Kata listened to over 500 hours of jail phone calls from Applicant in which Applicant was attempting to obtain information and names of witnesses. Kata testified he personally followed up with several witnesses, but ultimately, they were all uncooperative, unfavorable, or simply nonexistent. According to Kata, none of the witnesses ever said Applicant did not have a gun, although Applicant claimed not to have one. Kata further testified he relayed and explained this information to Applicant.

Kata stated Applicant was identified as the shooter from a photo lineup, and Kata felt this was an area the defense could challenge if the case went to trial. Kata explained the eyewitnesses had never met Applicant before the incident, and they described the shooter as having "Wolverine-like" sideburns. Kata testified the defense would have argued the lineup was unduly suggestive because only three men in the lineup had sideburns. However, Kata also testified he felt the identification witnesses, the club's owner and two bouncers, were reliable witnesses, and the owner and a bouncer identified Applicant as the shooter; the other bouncer saw Applicant with a gun earlier in the night. Kata further explained one of the victims also identified Applicant as the shooter, but he felt the defense could attack the credibility of that identification. Kata testified he "really worked the case" and had many conversations about it with Applicant. Kata explained he did not file any motions to challenge the identification because the case was resolved by the guilty plea before trial.

Kata explained Applicant ultimately chose to plead guilty because having a release date was a primary focus for him, and Applicant did not want to risk being sentenced to life without parole after a trial. Kata further testified Applicant was recorded in jail phone calls telling his

fiancée he would accept a thirty-year sentence, which factored heavily into plea negotiations. Kata stated he had warned Applicant his calls would be recorded and not to discuss sensitive information. Kata explained once the solicitors heard the phone call, they would not agree to anything less than thirty years, and he explained this to Applicant. Kata stated Applicant was well aware the agreement was for a thirty-year sentence, but he was prepared to go to trial if Applicant had wanted one. Kata further testified he explained to Applicant what a negotiated sentence meant, and he and Applicant had a detailed discussion about the potential sentences for each charge, possible outcomes at trial, and the possibility of Applicant receiving a life sentence.

Giese testified Applicant originally retained his firm, and Kata specifically, on the drug charges, and Giese was not involved in the case at that time. Giese explained he became involved once Applicant was charged with murder and Kata asked him to assist. Giese testified he met with Applicant and explained he would be working with Kata. Giese testified he handled the guilty plea hearing and reviewed the terms of the negotiated agreement.

Giese testified after the State offered thirty years, he met with then-Solicitor Johnson to see if they could negotiate something lower, but the Solicitor was firm on the thirty-year offer. Giese stated he began preparing for trial at that point, and received about 400 pages of documentation, mostly related to DNA analyses, along with the jail phone call tapes, about four weeks prior to trial. Giese testified the defense used the tapes to try to track down witnesses and obtained a continuance to a date certain from Judge Jocelyn Newman on the Tuesday before trial was scheduled to start. Giese explained, however, Applicant then changed his mind and decided to plead guilty. Giese testified he told Applicant at least twice that he was prepared for trial, and they

could start the following Monday, but Applicant wanted to plead guilty. Giese stated Applicant entered the guilty plea on Friday morning, but he had informed defense counsel earlier in the week of his decision to plead guilty. Giese testified he believed Applicant made the decision to do so freely and voluntarily, and he was certain Applicant understood the agreement included a thirty-year sentence.

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

This Court has reviewed the record and heard the testimony at the PCR hearing. This Court has observed the evidence and witnesses presented at the evidentiary hearing, judged their credibility, and weighed their testimony accordingly in its discussion below. Set forth below are findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code.

Applicant alleges he received ineffective assistance of counsel. 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, Applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. 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 counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 689. 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 plea counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove 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, 466 U.S. at 688 (1984)). 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. When there has been a guilty plea, the applicant must prove counsel's representation was below the standard of reasonableness and that, but for counsel's unprofessional errors, there is a reasonable probability he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies. If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. Strickland, 466 U.S. 668.

This Court finds Applicant failed to prove either Giese or Kata's performance was deficient in any way, nor was Applicant prejudiced by either's performance. Both Giese and Kata met with Applicant on several occasions and reviewed with him the evidence and discovery in the case,

Applicant's version of the facts and potential defenses and witnesses, the challenges of tracking down favorable witnesses, potential sentences and outcomes, and the State's plea offer. This Court finds Applicant ultimately chose to plead guilty in order to avail himself of a guaranteed thirty-year sentence rather than face the possibility of life without parole, and this decision was made freely and voluntarily. Therefore, for the reasons stated below, the Court denies relief and dismisses the allegations with prejudice.

Ineffective Assistance of Counsel/Involuntary Guilty Plea

Applicant alleges Counsel's ineffective assistance in failing to properly investigate the case and prepare a defense, as well as "threatening [him] with a life sentence," led to Applicant entering an involuntary and unknowing guilty plea. This Court disagrees and finds the combined record from the plea hearing and the evidentiary hearing clearly establishes Applicant pleaded guilty freely and voluntarily.

"[I]t is the prerogative of any person to waive his rights, confess, and plead guilty, under judicially defined safeguards, which are adequately enforced." Reed v. Becka, 333 S.C. 676, 685, 511 S.E.2d 396, 401 (Ct. App. 1999). An applicant who pleads guilty with the advice of counsel may collaterally attack the plea only by showing (1) counsel was deficient and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pleaded guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citing Jackson v. State, 342 S.C. 95, 535 S.E.2d 926 (2000); Thompson v. State, 340 S.C. 112, 531 S.E.2d 294 (2000); Rayford v. State, 314 S.C. 46, 443 S.E.2d 805 (1994); Lockhart, 474 U.S. at 52). An applicant alleging his guilty plea was induced by ineffective assistance of counsel

must prove counsel's advice was not "within the competence demanded of attorneys in criminal cases." Lockhart, 474 U.S. at 56.

To find a guilty plea is voluntarily and knowingly entered into, the record must establish the applicant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238 (1969); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between the court and defendant, between the court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). "[T]he voluntariness of a guilty plea is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing." Harres v. Leeke, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence presented at the PCR hearing. Harres, 282 S.C. at 133, 318 S.E.2d at 361. However, statements made during a guilty plea should be considered conclusive, unless an applicant presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. United States, 519 F.2d 347 (4th Cir. 1975), overruled on other grounds by United States v. Whitley, 759 F.2d 327 (4th Cir. 1985).

The plea transcript reflects Applicant informed the court he understood the charges and the terms of the plea agreement. Tr. pp. 7-8. Applicant stated his attorneys had explained to him the charges, possible punishments, and his constitutional rights. Tr. p. 8. The plea court explained each charge and indictment individually, and Applicant indicated he understood each one and wished

to plead guilty. Tr. pp. 8-15. The plea court also explained the State's burden of proof beyond a reasonable doubt and Applicant's presumption of innocence, Applicant's right to have a jury trial, and, specifically, Applicant's right to call witnesses and present a defense, and Applicant indicated he understood those rights and wished to give them up in order to plead guilty. Tr. pp. 15-17. The plea court then explained the negotiated agreement and clearly informed Applicant if it accepted his plea, the sentence would be the agreed upon thirty years, and Applicant again indicated he understood. Tr. pp. 19-20.

Importantly, Applicant informed the plea court he had enough time to talk with his attorneys, and he understood the discussions he had with them. Tr. pp. 20-21. Applicant stated he wanted less time, but he felt his attorneys had done the best they could for him. Tr. p. 21. Giese then informed the plea court Applicant's motivation for accepting the plea agreement was to avoid a possible life sentence, and when Applicant was given the opportunity to speak to the plea court he declined. Tr. pp. 29-30. Applicant never indicated he did not understand the proceedings, the terms of the agreement, or that he was not entering the plea freely and voluntarily.

Additionally, this unchallenged statement by Giese at the plea hearing supports his and Kata's testimony at the evidentiary hearing that the focus of the representation changed once the murder charges were added, and Applicant's goal became avoiding the possibility of life in prison. The Court finds credible Giese and Kata's testimony on this issue. Further, both Giese and Kata testified they informed Applicant of the difficulty in negotiating with the State after Applicant was recorded telling his fiancée he would accept a thirty-year sentence. The Court finds both attorneys also explained Applicant did not have to plead guilty, and they were prepared for trial had Applicant chosen that option. Kata further testified he used an investigator and followed up with

potential witnesses from the scene but the witnesses were unfavorable or refused to cooperate. For all of these reasons, this Court finds neither attorney was deficient in the representation of Applicant.

In any event, Applicant did not present any witnesses or evidence to support his claims his attorneys failed to investigate and failed to prepare a defense, and therefore, this claim must fail on the prejudice prong as well. See, e.g., Palacio v. State, 333 S.C. 506, 513, 511 S.E.2d 62, 66 (1999) (finding trial counsel not ineffective for failing to timely request discovery because the contents of the documents were not presented at the PCR hearing); Bannister v. State, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998) (holding a PCR applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice); Davis v. State, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997) (denying relief where applicant failed to present witnesses or specific testimony establishing applicant would have had a defense with additional time to prepare for trial); Skeen v. State, 325 S.C. 210, 217, 481 S.E.2d 129, 133 (1997) (finding applicant was not entitled to relief where no evidence was presented at the PCR hearing to show how additional preparation would have had any possible effect on the result at trial).

Accordingly, based on the combined record of the plea transcript and the testimony presented at the evidentiary hearing, this Court finds neither attorney's representation of Applicant was not deficient, nor was Applicant prejudiced by their representation. Both Giese and Kata met with Applicant on multiple occasions to review discovery, discuss the facts of the case, and explain Applicant's constitutional rights and options for resolving the case. Further, the plea transcript reflects Applicant understood the proceedings, interacted intelligently with the plea court, and

entered his guilty plea knowingly and voluntarily. Therefore, this Court denies relief and dismisses this allegation with prejudice.

**CONCLUSION**

Based on all the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant relief. His attorneys were not deficient in any manner, nor was Applicant prejudiced by their representation. Therefore, this application for post-conviction relief is denied and dismissed 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. See Rule 203, SCACR (providing the appropriate procedure to perfect an appeal). Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Further, Rule 71.1(g), SCRCP, 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 the appropriate procedures for appealing a judgment in a PCR action.

**IT IS THEREFORE ORDERED:**

1. the Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant shall be remanded to the custody of the Respondent.

**AND IT IS SO ORDERED.**

          d/kc          , 2019

  
\_\_\_\_\_  
J. DERHAM COLE, JR.  
Presiding Circuit Court Judge  
Fifth Judicial Circuit

# Law Office of Leah B. Moody, LLC

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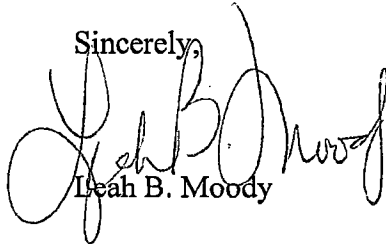
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If you have any questions or concerns, please feel free to contact my office. Thank you for your assistance in this matter.

Sincerely,



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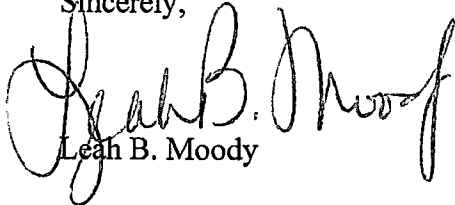
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SC Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11433  
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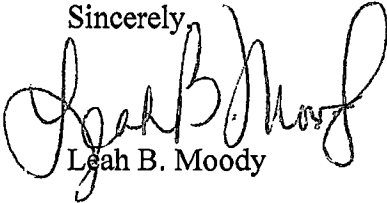
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The Richland County Court of Common Pleas appointed my office to represent **Tirrell Boyd** in his Post-Conviction Relief action. Please find enclosed a copy of the Notice of Appeal and Proof of Service in this matter.

If you have any questions or concerns, please feel free to contact my office. Thank you for your attention in this matter.

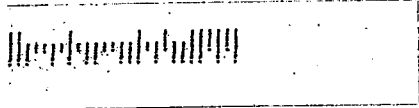
Sincerely,



Leah B. Moody

Enclosures

cc Tirrell Boyd  
Lindsey McCallister, Esquire, SC Attorney General's Office  
The Honorable Daniel E. Shearouse, Clerk of Court, South Carolina Supreme Court  
The Honorable Jeanette McBride, Clerk of Court, Richland County



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**TO:**

Honorable Daniel E. Shearouse  
The Supreme Court of South Carolina  
PO Box 11330  
Columbia SC 29211-1330