STATE OF SOUTH CAROLINA
In the Supreme Court

CERTIORARI TO DORCHESTER COUNTY
Court of Common Pleas
The Honorable Robert E. Hood, Circuit Court Judge

Appellate Case No. 2017-002311

MIGUEL ALEJANDRO URENA,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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INDEX

STATEMENT OF ISSUE PRESENTED

I. The PCR court correctly held that Petitioner was not entitled to belated appellate review pursuant to *White v. State*, 263 S.C. 110, 2018 S.E.2d 35 (1974), as Petitioner's willful decision to remain a fugitive for nearly seven years following his conviction *in absentia* for drug trafficking created such an obstacle to appellate review because the trial transcript, trial counsel's files, and the majority of other documents relating to his trial were destroyed.

STATEMENT OF THE CASE

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Dorchester County Clerk of Court. On November 8, 2004, petitioner and co-defendant were arrested following a traffic stop on I-95 in Dorchester County, as they were driving down from New York. The following day, the Dorchester County Sheriff's Department sought and obtained an arrest warrant against Applicant for the crime of Trafficking Heroin, based on his possession of "255 Gross Grams of a brownish powder-like substance in a clear plastic bag, wrapped in a white paper towel which field tested presumptive for Heroin." (H-657485). (App'x p. 2). Petitioner retained James A. Bell, Esquire. On December 13, 2004, upon Petitioner's motion to reduce bond, the Honorable James C. Williams issued an Order for Bond reducing bond from $150,000.00 to $75,000.00 surety and $75,000.00 personal recognizance. Petitioner achieved release through a bondsman on or about December 15, 2004, under the condition "THAT HE OR SHE DOES NOT LEAVE THE STATE OF SOUTH CAROLINA," among other terms. (App'x p. 117, subsection d.) At an indeterminate time thereafter, Applicant left South Carolina, and presumably returned to New York State.

During the March 2005 term of the Dorchester County Grand Jury, Applicant was indicted for Trafficking in Heroin, more than 28 grams (2005-GS-18-198). On March 15, 2006, Judge Alford issued a bench warrant for Petitioner's arrest. On or about March 15, 2006, Petitioner was tried *in absentia* before the Honorable Lee S. Alford and jury. On March 16, 2006, Petitioner was found guilty as indicted and Judge Alford sealed Petitioner's sentence.[1]

[1] Petitioner and co-defendant were tried jointly. Co-defendant was present at the trial and was subsequently acquitted of all charges by the jury.

In November 2010, Petitioner was arrested and detained in New York on a separate, unrelated charge. In December 2012, Petitioner was convicted and received a four year sentence, which he completed in mid-January 2013. Subsequently, Petitioner was held on the March 16, 2006, bench warrant and was extradited to South Carolina on January 26, 2013. On February 21, 2013, Petitioner appeared before the Honorable Edgar W. Dickson, and was again represented by James A. Bell, Esq. Judge Dickson unsealed Petitioner's sentence and Petitioner received a term of imprisonment of twenty-five years. From review of the record, it appears Petitioner had no further contact with Mr. Bell, and Petitioner never attempted to speak with him about his post-trial options or appellate rights. On February 21 or 22, 2013, Petitioner contacted Bentley Price, Esquire[2], and Adam Young, Esquire, to see if he would be able to get credit for time served in New York. On February 23, 2013, Adam Young met with Petitioner in the Dorchester County Detention Center, and agreed to represent Petitioner, along with Bentley Price, on his post-trial motion to modify his sentence. On May 13, 2013, Judge Dickson issued a Consent Order to Modify Sentence, giving Petitioner credit for the "786 days of incarceration that he served in New York and South Carolina prior to his sentencing..." (App'x p. 303-04).

Petitioner subsequently spoke with Price and Young in June 2013, where they discussed the possibility of pursuing post-conviction relief, and was sent a letter from Price on December 4, 2013, which contained a copy of the Consent Order to Modify Sentence. (App'x p. 343). The letter explained to Petitioner that a balance of $5,000.00 was still owed on the original representation to modify sentence, and that Petitioner could retain Price to represent him on a PCR

[2] The Honorable Bentley Price was elected to the circuit court bench in February 2019.

action for a quoted fee of $20,000.00. However, Price indicated that he is not considering filing at PCR action, and will only do so if Petitioner retained him. (App'x p. 343-44).

Thereafter, Petitioner made no further contact with either Price or Young, and per his own admission, attempted to file a PCR Application by mailing it to the Dorchester County Clerk of Court on December 17, 2013.[3] On May 5, 2014, The South Carolina Court of Appeals received Petitioner's *pro se* "Notice of Belated Appeal," "Memorandum of Law in Support of Appellants' Motion for the Appointment of Counsel and Belated Notice of Appeal for Good Cause Shown," and an accompanying letter written by a "law clerk." (App'x p. 314-322). On May 21, 2014, the South Carolina Court of Appeals issued an Order dismissing the appeal for untimeliness (Appellate Case No. 2014-001000), which copied Adam Young and Robert M. Dudek, Esquire. The Remittitur was issued on June 6, 2014.

On May 22, 2015, Petitioner filed the instant action for post-conviction relief, in which he alleged the following grounds for relief:

1. "Ineffective assistance of trial counsel."
    a. "Failure to properly prepare Applicant prior to trial."
    b. "Failure to call witnesses and utilize evidence."
2. "Ineffective assistance of appellate counsel."
    a. "Failure to raise all meritorious issues on appeal."

On September 4, 2015, Petitioner, through counsel, filed a motion for discovery seeking permission to subpoena records from Petitioner's previous attorneys and the Dorchester County Solicitor's Office. (App'x p. 26). By amendment filed February 10, 2016, through retained counsel, Tricia Blanchette, Esquire, Applicant added the following allegation:

1. "Ineffective assistance of James A. Bell, Esquire, Bentley Prices, Esquire and Adam Young, Esquire, for failure to timely file a Notice of Intent to Appeal and properly perfect

[3] The Dorchester County Clerk of Court has no record of this PCR Application ever being received, let alone filed.

a direct appeal, which resulted in the dismissal of Applicant's pro-se Notice as untimely. As a result, Applicant is requesting a belated direct appeal pursuant to *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974)."

On February 23, 2016, a motion hearing was conducted in front of the Honorable Maite Murphy at the Dorchester County Courthouse. Petitioner was present and represented by Tricia A. Blanchette, Esquire. Respondent was represented by Assistant Attorney General Clay Mitchell, of the South Carolina Attorney General's Office. Petitioner's motion was granted by order dated March 21, 2016. Because ten years had passed since Petitioner's trial, Petitioner was unable to acquire complete files from James Bell, nor the Dorchester County Solicitor's Office.[4] On May 19, 2016, a motion hearing was conducted in front of the Honorable Benjamin H. Culbertson at the Dorchester County Courthouse, in which Petitioner made a motion to authorize further discovery. In an order dated May 25, 2016, Judge Culbertson granted Petitioner's request and extended the discovery order to include the files of the Dorchester County Sheriff's Office and SLED. These subpoenas produced few, if any documents regarding Petitioner's underlying case, as the requests were sent *over a decade* after the trial, and the majority of records from this time had been either lost or destroyed.

Respondent made its Return and Motion to Dismiss on July 5, 2016, requesting the application be dismissed as untimely, barred by the equitable doctrine of laches, and barred by the doctrine of fugitive disentitlement. On September 6, 2016, Petitioner, through counsel, filed a second amendment to allege the following claims:

1. Ineffective assistance of James A. Bell, Esquire (trial counsel) to preserve issues on the record and preserve the record / transcript of the trial for a direct appeal.
2. Ineffective Assistance of post-trial counsel, Bentley Price, Esquire and Adam Young, Esquire for failure to obtain transcripts of the court proceedings as requested by Applicant,

[4] James Bell testified at the PCR evidentiary hearing that he retired from the practice of law and closed his practice effective December 31st, 2015. Any files that were more than four (4) years old, including Petitioner's, were shredded. (App'x p. 262, ll. 15-20).

have all motions ruled upon, timely file an appeal (as previously addressed) and/or a PCR application.

On September 7, 2016, Respondent filed an Amended Return and Motion to Dismiss and submitted a Conditional Order of Dismissal. During a phone conference with both parties, the Honorable Diane S. Goodstein instructed Respondent to schedule the case for a motion hearing. On October 13, 2016, Petitioner, through counsel, submitted a third amendment to include the following allegation:

1. Ineffective Assistance of James A. Bell, Esquire (trial counsel) for representing Applicant at trial while having an actual conflict of interest by simultaneously representing Applicant's co-defendant. *See Jordan v. State,* 406 S.C. 443, 752 S.E.2d 538 (2013).

On October 25, 2016, a hearing on Respondent's Motion to Dismiss was held before Judge Goodstein at the Dorchester County Courthouse. Johnny Ellis James, Jr., Esquire, of the South Carolina Attorney General's Office, represented Respondent at the hearing. In an Order dated December 12, 2016, Judge Goodstein denied Respondent's Motion to Dismiss and ordered the matter be scheduled for an evidentiary hearing. On February 16, 2017, Petitioner, through counsel, submitted a fourth amendment alleging the following claim:

1. Ineffective assistance of James A. Bell, Esquire (trial counsel) for failing to properly notify Applicant of his trial date, request a continuance to ensure that Applicant had notice and the ability to be present, and/or ensure that objections were made at trial in Applicant's absence and raised to the appellate court.

On February 27, 2017, an evidentiary hearing was convened before the Honorable Robert E. Hood at the Dorchester County Courthouse. Petitioner was present and was represented by Ms. Blanchette. Respondent was represented by Assistant Attorney General Ruston Neely. Petitioner testified on his own behalf, along with his sister, Yesenia Reyes, and trial counsel, James Bell. In an Order dated August 22, 2017, and filed August 30, 2017, Judge Hood denied Petitioner's Application for PCR. On September 27, 2017, Petitioner, through counsel, filed a timely motion

pursuant to Rule 59(a) and (e), SCRCP. Judge Hood denied Petitioner's Rule 59 Motion in an Order filed October 4, 2017.

Petitioner, through counsel, filed a timely Notice of Appeal. Subsequently, due to severe inaccuracies with the original transcribed evidentiary hearing transcript, a Motion to Hold Appeal in Abeyance and Motion to Remand for Reconstruction of the Record was filed March 15, 2018. Judge Hood granted the Motion in an Order signed April 17, 2018. On May 13, 2019, this Court ordered the abeyance lifted. This appeal follows.

STANDARD OF REVIEW

The post-conviction relief court's findings of fact receive great deference during appellate review and will be upheld if "any evidence of probative value" exists in the record to support the lower court's findings. *Sellner v. State*, 416 S.C. 606, 610, 787 S.E.2d 525, 527 (2016). Questions of law are reviewed *de novo*, and appellate courts will reverse the decision of the post-conviction relief court when it is controlled by an error of law. *Id.; Smalls v. State*, 422 S.C. 174, 180-81, 810 S.E.2d 836, 839 (2018).

ARGUMENT

I. The PCR court correctly held that Petitioner was not entitled to belated appellate review pursuant to *White v. State*, as Petitioner's willful decision to remain a fugitive for nearly seven (7) years following his conviction *in absentia* for drug trafficking created such an obstacle to appellate review because the trial transcript, trial counsel's files, and the majority of other documents relating to his trial were destroyed.

Petitioner argues on appeal that the PCR court erred in denying him belated appellate review pursuant to *White v. State*, 263 S.C. 110, 2018 S.E.2d 35 (1974). While it is not disputed by the limited record before this Court that Petitioner was not advised of his appellate rights by counsel, Petitioner's willful decision to remain a fugitive led to the destruction of his trial transcript and the majority of files associated with his case.

Following a trial, counsel is required to make certain the defendant is made fully aware of the right to appeal. *White v. State*; *see also Turner v. State,* 384 S.C. 451, 456, 682 S.E.2d 792, 794 (2009) (finding counsel must inform criminal defendant found guilty of a crime after a trial about the possibility of an appeal). In the absence of an intelligent waiver by the defendant, counsel must either initiate an appeal or comply with the procedure in *Anders v. California*, 386 U.S. 738 (1967). *Id.*

Petitioner failed to appear at his March 2006 trial. Trial counsel, Mr. James Bell, Esquire, testified that he mailed a letter, dated February 28, 2006, to Petitioner at his given address in New York State, telling Petitioner that he had attempted to call him, and asked Petitioner to contact him immediately regarding Petitioner's case. (App'x p. 345). It is unclear whether Petitioner was ever able to contact Bell prior to trial. Bell mailed a second letter to Petitioner, dated March 21, 2006, which stated:

> I have tried to reach you by telephone and could not. I am writing this letter to explain what took place at your trial. You were tried in your absence and the jury found you guilty of trafficking in heroin. The judge sealed your sentence which

> means I do not know what your sentence is. As I explained to you, you would get a minimum of 25 years. If and when you are arrested on a bench warrant that was issued because you did not appear, your sentence will be read to you. **At that time you will have a right to appeal.**

(App'x p. 328) (emphasis added).

Due to Petitioner's decision not to attend his own trial, Bell was unable to advise Petitioner of his appellate rights outside of this brief mention in the March 21st letter. When asked at the evidentiary hearing if he received this letter or had knowledge of his conviction, Petitioner provided extremely contradictory testimony, first claiming that he had never seen the letter and did not receive it. (App'x p. 234, ll. 1-10). Shortly thereafter, Petitioner claimed that after he saw the letter he tried to get in contact with Bell, but was unable to reach him. Petitioner explained:

> Q. So, after you saw that letter, you tried to get in contact with Mr. Bell?
> A. Yes, I did.
> **Q. But you, but you knew, at that point, that you'd been found guilty in South Carolina?**
> **A. Yes, I did ... Because he sent me a letter ... March 21, 2006.**

(App'x p. 235, ll. 1-13) (emphasis added).

Petitioner then testified that because of Bell's March 21st letter, **he knew he had the right to appeal.** (App'x p. 235, ll. 18-23). Petitioner claims he then tried to call Bell's office, "[a]t least for a week or a week and a half I was calling him. Like at 7:00, 8:00 in the morning."[5] (App'x p. 204, ll. 13-16).

Curiously, Petitioner's testimony lacks any explanation or reasoning as to his whereabouts for the next *four and a half years*, until November 2010, when Petitioner was arrested in New York on charges unrelated to his conviction. The timeline, as set by Petitioner's testimony, clearly shows that Petitioner knew of his upcoming trial, failed to contact Bell in any way. The record is clear

[5] There is no explanation provided by Petitioner as to why he would only attempt to call Bell at 07:00, opposed to calling him during regular business hours.

that Petitioner returned to South Carolina at least twice for roll call prior to trial, and surprisingly, at that point in time had no discernable difficulty in receiving Bell's letters and calls.[6] (App'x p. 326-27).

Per Petitioner's own admission, he knew in March 2006 that he had been convicted. The argument peddled by Petitioner that Bell carried the onerous duty to preserve Petitioner's trial records just in case he failed to remain a fugitive and was returned to South Carolina for sentencing, is unapologetically risible. Bell clearly stated this uncertainty in his March 21st letter to Petitioner, "[i]f and when you are arrested on a bench warrant..." *Supra.* Petitioner can produce nothing in writing, nor in testimony, that he continued to reach out to Bell, and the complete absence of this record quite strongly suggests that Petitioner had no intention of ever returning to South Carolina to face sentencing.

After Petitioner's November 2010 arrest in New York State, it becomes murky as to when Bell was notified of Petitioner's location.[7] After Petitioner's extradition to South Carolina, there is no testimony to indicate whether Bell or Petitioner attempted to contact the other prior to Petitioner's sentencing hearing. Petitioner testified he did not speak with trial counsel after he was sentenced. Furthermore, the record is clear Petitioner did not want any further contact with Bell and immediately after his sentencing proceeded to contact Bentley Price and Adam Young[8] to discuss the filing of a post-trial motion. Young met with Petitioner at the detention center two days after his sentencing (Saturday). Petitioner retained their services in order to get credit for time served while he was incarcerated in New York and South Carolina while he awaited sentencing.

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[6] Letter from Bell July 28, 2005.
[7] It appears that the Dorchester County Solicitor's Office had some identification issues regarding Petitioner they were notified of his arrest in New York State.
[8] Price and Young are both considered "sentencing counsel."

Judge Dickson signed the Consent Order to Modify Sentence on May 13, 2013, and the order was filed that day. The order was not appealed.

Although it is apparent that Petitioner was aware of his right to a direct appeal, there is no probative evidence that Bell, Price, or Young, meaningfully informed Petitioner of his right to a direct appeal, nor is there any evidence that Petitioner waived his right to a direct appeal. "To waive a direct appeal, a defendant must make a knowing and intelligent decision not to pursue the appeal." *Sheppard v. State,* 357 S.C. 646, 651, 594 S.E.2d 462, 465 (2004) (overruled on other grounds by *State v. Burdette*, 427 S.C. 490, 832 S.E.2d 575 (2019)). Under normal circumstances, this failure by Bell, Price, and Young, to advise Petitioner of his right to a direct appeal would most certainly result in the grant of belated appellate review pursuant to *White*. However, Petitioner eagerly, and *incorrectly* shifts the burden to preserve his record onto Bell, Price, Young, and even Respondent under these fraught circumstances caused by none other than Petitioner. Furthermore, Petitioner cannot even satisfy his burden pursuant to Rule 243(i)(2), SCACR:

> When the post-conviction relief judge has found that the applicant is *not* entitled to a *White v. State* review, the petition shall raise the question of waiver of the right to a direct appeal along with all other post-conviction relief issues petitioner seeks to have reviewed. **The petition shall also contain a "Statement of Issues on Appeal" listing the issues to be raised if a *White v. State* review is granted;**
>
> (emphasis added).

It is clear that Petitioner's willful decision to remain a fugitive from justice has "present[ed] an obstacle to orderly appellate review" as discussed in *Ortega-Rodriguez v. United States*, 507 U.S. 234, 251 (1993); *see State v. Serrette*, 375 S.C. 650, 654 S.E.2d 55 (2007).

In *Ortega-Rodriguez,* the United States Supreme Court found that a rule which automatically dismissed the appeal of a one-time fugitive was not proper. The Court found that the fact the appellant was a fugitive had to "have an impact on the appellate process sufficient to

warrant an appellate sanction." *Id.* at 249. In addition, the Court noted: "a long escape, even if ended before sentencing and appeal, may so delay the onset of appellate proceedings that the Government would be prejudiced.... We recognize that this problem might, in some instances, make dismissal an appropriate response." *Id.*

Petitioner argues that "it is a matter of fundamental fairness that the record must be reconstructed and/or a new trial granted." (PWC p. 15). However, it is without question that Petitioner's actions have caused extreme prejudice to Respondent. Petitioner's request for the trial transcript to be reconstructed would undoubtedly be futile considering the passage of over *thirteen years* between his conviction and current appeal. *See State v. Ladson*, 373 S.C. 320, 326, 644 S.E.2d 271, 274 (Ct.App.2007) ("It is simply unrealistic and unreasonable to think that a trial judge and counsel can-under these circumstances [the passage of fourteen months]-reconstruct a proper record that will permit meaningful appellate review, especially in light of our issue preservation rules.").

Here, Petitioner's actions have "the kind of connection to the appellate process that [justifies] an appellate sanction of dismissal." *Ortega-Rodriguez*, 507 U.S. at 251; *see also State v. Verikokides*, 925 P.2d 1255, 1256 (Utah 1996) (holding that a criminal appeal may be dismissed if "the State can show that it has been prejudiced by the defendant's absence and the consequent lapse of time"); *State v. Lundahl*, 130 Or.App. 385, 882 P.2d 644 (1994) (upholding the dismissal of defendant's appeal where defendant's seven-year fugitive status significantly interfered with appellate process).

Petitioner cannot articulate one salient reason why he is entitled to a reconstruction of the record, when the destruction of the trial transcript resulted from his failure to attend his own trial; his decision to not surrender himself to the jurisdiction of this State's courts; and his willful *and*

intentional choice to remain a fugitive for so long that nearly every document associated with his case has been destroyed.

In *New Mexico v. Brown*, 866 P.2d 1172 (N.M. Ct. App. 1993), Brown failed to appear at his trial and was later found and sentenced. By the time he appealed, the court reporter had purged the trial record. Noting that but for his escape, a trial record would have been available, the New Mexico court dismissed the appeal because he was unable to provide a sufficient record for the court to review. *Id.* The court noted that the "defendant who flees before sentencing shows a disrespect for the judicial process, unilaterally deciding not to respond to an unfavorable verdict." *Id.* "Further, we believe that the State has an equal right to have expeditious claims of appeal made by defendants . . . . A long escape may so delay an appeal that the State would be prejudiced in locating witnesses and presenting evidence at retrial." The court dismissed the appeal, "because Defendant's fugitive status caused the administrative purging of the record of his trial, thus preventing the orderly disposition of his case." *Id.; See also Dolive v. J.E.E. Developers*, 308 S.C. 380, 418 S.E.2d 319 (Ct. App. 1992) (reconstruction is allowed where the loss of records is not the fault of the party seeking reconstruction, finding that: "Based on the fact that this matter has already been twice appealed to the circuit court and the loss of the vital portions of the record appear to have been through no fault of the respondent, we find no error in the circuit court's ruling allowing for reconstruction of the record.").

As discussed, there is no transcript of Petitioner's trial because the court reporter's records were destroyed pursuant to SCACR, Rule 607(i), and Court Administration advises that it no longer has the tapes to transcribe a transcript. This Court has held that the defense of laches may apply when a record was destroyed pursuant to Rule 607(i). *Whitehead v. State,* 352 S C 215, 574 S E.2d 200 (2002). Latches is an equitable doctrine, which "arises upon the failure to assert a

known right." *Ex parte Stokes,* 256 S.C 260, 182 S E 2d 306 (1971). Laches is defined as "[a] neglect for an unreasonable and unexplained length of time, under circumstances affording opportunity for diligence, to do what in law should have been done. Whether a claim is barred by laches is to be determined in light of the facts of each case, taking into consideration whether they delay has worked injury, **prejudice**, or disadvantage to the other party, delay alone in assertion of a right does not constitute laches." *Hallums v. Hallums,* 296 S.C. 195, 198-199, 371 S E 2d 525, 527 (1988).

Here, the destruction of records is not the fault of Respondent; it is the fault of Petitioner's contemptuous behavior and his failure to notify the Court Reporter, during his period of fugitive status, of the need for the records prior to their destruction, lest he finally be captured. However, Respondent would be at the mercy of the ability to accurately reconstruct the record thirteen years after the fact, where a more reliable account of the record would have been constructed by the court reporter, but for Petitioner's failure to appear at trial or surrender himself to the court. To further compound this issue, Bell testified he has scant independent re-collection of his representation of Petitioner from his arrest in 2004 through his trial in 2006. Respondent's ability to defend the present action has unquestionably been obstructed by Petitioner's choice to remain a fugitive and allow the destruction of nearly all records associated with his trial. *See Oliver v. United States,* 961 F 2d 1339, 1342 (7th Cir 1992) (petitioner's seventeen-year delay in bringing his § 2255 action prejudiced the government in its ability to respond to the merits of Oliver's allegations because of is destruction of records after ten years and the unavailability of any other means of producing transcripts of the guilty plea and sentencing).

Regardless of the unavailability of the trial transcript, Petitioner is woefully unable to allege *any* issue on direct appeal, because he failed to attend his own trial and remained a fugitive

until after the tapes of his trial transcript were destroyed in accordance with Rule 607(i), SCACR. Although South Carolina affords criminal defendants the opportunity to appeal, this right may be lost through a variety of actions by an appellant, such as: (1) failure to timely serve a notice of appeal under Rule 203, SCACR; (2) failure to serve and file an initial brief and designation of matter under Rule 208(a)(4), SCACR; or (3) failure to serve and file a record on appeal and final brief under Rules 210 and 211, SCACR. *See* Rule 231, SCACR. *Serrette, supra.*

The burden is on the appellant to provide the appellate court with an adequate record for review. *State v. Williams*, 321 S.C. 455, 464 n. 4, 469 S.E.2d 49, 54 n. 4 (1996). Petitioner has not met that burden. As such, this Court should deny certiorari on this issue.

[*Conclusion and signature page to follow*]

CONCLUSION

Because the post-conviction relief court properly determined Petitioner was not entitled to belated appellate review pursuant to *White*, this Court should deny certiorari. Should this Court grant certiorari, Respondent requests the opportunity to fully brief the issues raised.

Respectfully submitted,

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December 12 2019

STATE OF SOUTH CAROLINA
In the Supreme Court

CERTIORARI TO DORCHESTER COUNTY
Court of Common Pleas
The Honorable Robert E. Hood, Circuit Court Judge

Appellate Case No. 2017-002311

MIGUEL ALEJANDRO URENA, PETITIONER,

v.

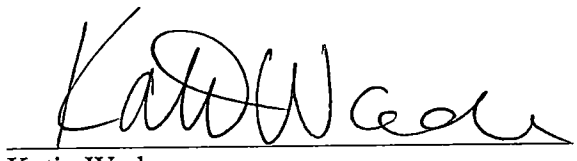
STATE OF SOUTH CAROLINA, RESPONDENT.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Return to Petition for Writ of Certiorari** has been served upon the applicant by placing one copy in the United States Mail, addressed to:

Tricia A. Blanchette
Law Office of Tricia A. Blanchette, LLC
PO Box 2147
Leesville, SC 29070

This 12th day of December, 2019.



Katie Wade
Legal Assistant for Respondent

ALAN WILSON
ATTORNEY GENERAL

RECEIVED
DEC 16 2019
S.C. SUPREME COURT

December 12, 2019

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

RE: Miguel Alejandro Urena v. State of South Carolina
Appellate Case No.: 2017-002311

Dear Mr. Shearouse:

Enclosed please find the original and six copies of the **Return to Petition for Writ of Certiorari** in the above matter for filing. Please let me know if anything additional is needed.

Sincerely,

Sara E. Gunton
Assistant Attorney General
S.C. Bar # 103525

SEG/kmw
Enclosures

cc: Tricia A. Blanchette, Esquire
Victim Advocacy Division