

ROSS AND ENDERLIN, PA  
ATTORNEYS AT LAW

January 28, 2020

RECEIVED

JAN 30 2020

Mr. Daniel E. Shearouse  
Clerk, The S.C. Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

S.C. SUPREME COURT

Re: Brittany C. Foster v. State  
2018-CP-42-0711

Dear Mr. Shearouse:

Enclosed you will find the original Notice of Appeal in the above matter along with Proof of Service upon the Respondent and the Order of Dismissal. These matters are being referred to the Office of Appellate Defense.

Sincerely,



Susannah Ross  
Attorney at Law

enclosure

cc: Office of the Attorney General  
Office of Appellate Defense  
Spartanburg County Clerk of Court

330 E. COFFEE ST. • GREENVILLE/SC • 29601

PHONE: (864) 242-0029

E-MAIL: SUSANNAH@ROSSENDERLIN.COM

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

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2018-CP-42-0711

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Brittany C. Foster, ..... Appellant,

v.

The State, ..... Respondent.

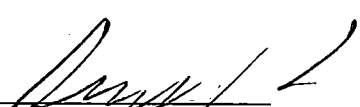
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NOTICE OF APPEAL

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Brittany C. Foster appeals the Honorable J. Mark Hayes, II's Order of Dismissal filed January 24, 2020.

This 28 day of January, 2020.

  
Susannah Ross, Attorney at Law  
330 E. Coffee St.  
Greenville, SC 29601  
(864) 242-0029  
Attorney for Appellant

Other Counsel of Record:  
Jacob A. Isenberg, Assistant Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
(803) 734-3970  
Attorney for Respondent

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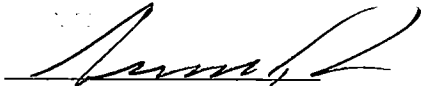
STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )  
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BRITTANY C. FOSTER, )  
 )  
APPELLANT, )  
 )  
 )  
VS. )  
 )  
 )  
THE STATE OF SOUTH CAROLINA, )  
 )  
RESPONDANT. )  
\_\_\_\_\_ )

IN THE SUPREME COURT

CERTIFICATE OF SERVICE  
BY MAIL

1. I am the attorney for the Applicant in the above-captioned matter.
2. Regular communication by mail exists throughout the state of South Carolina and this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Notice of Appeal** on the above-captioned matter on the following person by depositing the same in the United States mail with proper postage affixed thereto:

Office of the Attorney General  
Assistant AG Jacob A. Isenberg  
P.O. Box 11549  
Columbia, SC 29211

  
Attorney for Defendant

This 28 day of January, 2020

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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

Brittany C. Foster, #372413  
Applicant,

v.

State of South Carolina,  
Respondent.

IN THE COURT OF COMMON PLEAS  
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No. 2018-CP-42-0711

**ORDER OF DISMISSAL**

This matter comes before the Court by way of an application for post-conviction relief filed on February 27, 2018, by Ms. Brittany C. Foster (Applicant). Respondent made its Return on or about May 31, 2018, requesting an evidentiary hearing. An evidentiary hearing into the matter was convened on November 8, 2018, at the Spartanburg County Courthouse in Spartanburg, South Carolina.

Applicant was present and represented by Susannah Ross, Esquire. Respondent was represented by Jordan A. Cox, Esquire, of the South Carolina Attorney General's office. At the evidentiary hearing, Applicant testified on her own behalf. Applicant's aunt, Stephanie Gosnell, testified for Applicant. Respondent called Robert B. Hall, Esquire, ("Counsel") as a witness at the hearing. After a review of the record and all evidence presented, this Court finds Applicant has failed to meet her requisite burden of proof and denies the application.

**PROCEDURAL HISTORY**

The records before this Court establish Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of confinement of the Spartanburg County Clerk of Court. During its August 2016 term, the Spartanburg County Grand Jury indicted Applicant for possession of methamphetamine (2016-GS-42-4423), unlawful carry of a pistol (2016-GS-42-4427), murder (2016-GS-42-4429, and possession of a weapon during the

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commission of a violent crime (2016-GS-42-4429). Robert B. Hall of the Seventh Circuit Public Defender's Office represented Applicant. Solicitor Barry Barnette of the Seventh Circuit Solicitor's Office represented the State of South Carolina.

On April 27, 2017, Applicant pleaded guilty as indicted before the Honorable Letitia H. Verdin in Spartanburg County, South Carolina. Judge Verdin sentenced Applicant to imprisonment for three years the drug offense, one year for the unlawful carry of a pistol, forty years for murder, and five years for unlawful possession of a weapon during the commission of a violent crime. Judge Verdin ordered the sentences to run concurrently.

Applicant filed a timely notice of appeal. By order dated July 17, 2017, the South Carolina Court of Appeals dismissed Applicant's appeal due to the failure to provide sufficient explanation, as required by Rule 203(d)(a)(B)(iv) of the South Carolina Appellate Court Rules. State v. Foster, S.C. Ct. App. Order filed July 17, 2017. The Remittitur was issued on August 3, 2017.

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**FACTUAL HISTORY**

On or about May 30, 2016, deputies with the Spartanburg County Sheriff's Department located an abandoned vehicle floating in Lake Bowen, near Inman, South Carolina. Blood and ~~evidence of injury~~ <sup>was</sup> were found inside the vehicle. Deputies determined the vehicle belonged to Anthony Biggerstaff ("Victim"), who at the time was living with Applicant and her boyfriend Keenan Hines. Deputies began investigating the case as a possible homicide of Victim. ~~believed to be~~

On June 2, 2016, Applicant was a backseat passenger of a black colored vehicle traveling in Spartanburg County, South Carolina. After being unable to identify the expiration date of the vehicle's temporary tag, a deputy with the Spartanburg County Sheriff's Department attempted a traffic stop. The vehicle did not immediately pull over, continuing down New Cut Rd., before

making a subsequent turn on to Broadcast Dr. and stopping for law enforcement. The driver of the vehicle informed the Deputy her license was in the trunk of the car in her purse. After the driver opened the trunk and began searching for her identification, the Deputy observed multiple plastic bags. One of the plastic bags tested positive for methamphetamine. The driver of the vehicle indicated the front-seat passenger possessed a pistol. After a search of the vehicle's interior, Officer's found a stolen handgun and marijuana. Applicant and the front-seat passenger, Mr. Hines, were arrested and charged with possession of a stolen handgun and possession of marijuana. The driver was charged with other violations, but unrelated to this PCR action.

After being arrested, Applicant was transported to the Spartanburg County Sheriff's Department. Deputy Clark T. asked to speak with Applicant concerning the disappearance of her roommate, Victim. During the interview, Applicant admitted to shooting and killing Victim while riding in Victim's car. Applicant identified Hines as being present at the time of the shooting. Applicant admitted to disposing of Victim's body and vehicle. Hines was subsequently interviewed by Deputies, admitting to his involvement in Victim's death and assisting Deputies in locating Victim's body. Hines admitted to providing Applicant with the hands used to kill Victim.


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**ALLEGATIONS**

In her application for post-conviction relief, Applicant alleged she is being unlawfully held in custody for the following reasons:

1. "Ineffective assistance of counsel, counsel not prepared for trial"
2. "Individual issues to be amended"
3. "Misrepresented, felt coerced to plead guilty"

On September 4, 2018, Applicant amended her application to reflect the following additional allegations:

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1. Ineffective Assistance of Counsel
  - a. Failure to object to misstatement of facts during the guilty plea when the Solicitor states the car Applicant was a passenger in was pulled due to an expired tag when the car had an unexpired paper tag;
  - b. Advising the Applicant to plea without explaining that she may have been able to get her confession suppressed as fruit of the poisonous tree or because it was not knowingly and voluntarily made due to the fact her statement was given when she was incompetent because her mental health issues and the fact she was actively under the influence of drugs;
  - c. Failure to review discovery with applicant;
  - d. Advising applicant to plead guilty or the Court would hang her after a trial;
  - e. Advising the Applicant to plead guilty to murder when her history of mental health issues and sexual assault would mitigate her actions which she states were coerced by co-defendant, Keenen Hines;
  - f. Failure to interview witnesses; and
  - g. Failure to effectuate an appeal
2. Due Process violations because the plea was not knowingly and voluntarily made and fundamental unfairness that co-defendant Keenen Hines received a sentence of twelve years.

**SUMMARY OF TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING**

*Applicant*

Applicant testified about her personal history of sexual abuse and drug use. Applicant testified that when she admitted to shooting Victim, she was under the influence of drugs. Applicant testified that Counsel provided her with discovery, but did not review it with her. Applicant testified that Counsel told her if she did not plead guilty, the plea judge "would have her hung." Applicant testified that if she knew she was waiving all of her rights, she would not have pleaded guilty.

Applicant testified that she admitted to the shooting of Victim to prevent police from questioning her boyfriend. Applicant testified she did so out of love. Applicant testified she did not believe she had any available defenses. Applicant testified that she would have demanded a jury trial if she was aware her statement to police could have been suppressed. Applicant testified that even if she lost the suppression issue, she would have wanted to go to trial.

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Applicant testified that it was her decision to plead guilty on April 27, 2017. Applicant understood the questions asked of her by Judge Verdin during her guilty plea proceeding. Applicant testified that after the Solicitor reviewed the facts during the plea proceeding, she admitted her guilty to Judge Verdin. Applicant testified that she was not coerced into pleading guilty.

*Stephanie Gosnell*

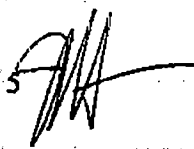
Ms. Gosnell, Applicant's aunt, testified on her behalf. Ms. Gosnell testified that she cared for Applicant from the time Applicant was eleven years old. Ms. Gosnell testified that Applicant was sexually abused as a child and subsequently as a young adult. Ms. Gosnell testified that Applicant has used drugs and alcohol since she was a young adult. Ms. Gosnell testified Applicant has suffered seizures and an alleged intellectual disability. Ms. Gosnell offered to testify for Applicant at her plea hearing.

*Robert B. Hall, Esquire*

Counsel testified that he has practiced law since 1986. Counsel testified that he has practiced criminal law has made up a majority of his practice. Counsel testified that he has handled at least a half dozen murder cases over the years. Counsel testified that he met with Applicant several times to discuss her case and they thoroughly reviewed her discovery. Counsel testified that it was clear to him Applicant believed she could get a probationary sentence.

Counsel detailed the facts of the case, per the evidence provided in discovery and from his own investigation. Counsel testified that Solicitor Barnette accurately reviewed the facts for Judge Verdin during the plea hearing. Counsel testified that although Solicitor Barnette mistakenly referred to the car tag as expired, the expected testimony of law enforcement at trial would have been consistent with the incident reports. Counsel was confident the officers would

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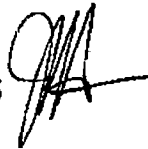


have provided valid testimony to uphold the initial traffic stop and subsequent search of the vehicle. Counsel testified the vehicle was stopped because the officer could not see the expiration date and the vehicle did not immediately pull over. Counsel did not believe a "fruit of the poisonous tree" argument would have been successful to suppress the statement. Counsel did not believe, based on his experience handling criminal defense cases, he had a valid suppression issue for Applicant's confession to Victim's murder. Counsel testified that if Applicant had requested a trial, he would have attempted to suppress the confession statement.

Counsel testified Applicant provided multiple versions of events regarding Victim's shooting. Counsel testified Applicant first informed him she shot Victim after he attempted to sexually assault him. Counsel testified Applicant changed her story to self-defense. Counsel obtained a mental health evaluation for Applicant and she was found competent to stand trial. Counsel testified Applicant was aware of her possible life sentence and made the decision to accept the State's offer. Counsel testified that he does not give false hope his clients and advised Applicant that if she went to trial, the evidence would likely result in her conviction for murder. Counsel testified he advised Applicant that if she was convicted, the State would likely seek a life sentence.

#### 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).

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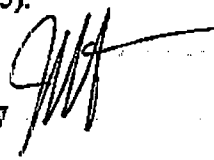
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*Ineffective Assistance of Counsel*

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, 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 (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. 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, 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, an 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 (1985).

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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 of proof and has not established any ineffectiveness of counsel. Below are the findings in regards to each specific allegation of ineffective assistance of counsel raised by Applicant:

*"Failure to object to misstatement of facts during the guilty plea when the Solicitor states the car Applicant was a passenger in was pulled due to an expired tag when the car had an unexpired paper tag"*

Applicant alleges Counsel was ineffective for failing to object to Solicitor Barnette's statement of the facts during her guilty plea proceeding. Applicant alleges Counsel should have objected and corrected the State's description of why the vehicle was pulled over. Applicant has failed to meet her burden of proof.

During the guilty plea proceeding, Solicitor Barnette stated Applicant's vehicle was stopped by law enforcement due to an expired paper tag. The incident reports and Counsel's testimony during the evidentiary hearing make it clear the vehicle was pulled over for officer's inability to view the expiration date, as well as the vehicle's hesitation to pull over for law enforcement. Counsel testified that if Applicant had gone to trial, he is confident the officer's testimony would have been consistent with the incident reports. Applicant had the opportunity to inform her counsel of the misstatement of facts during her guilty plea, but when asked by Judge Verdin if she agreed with the facts as they were presented, Applicant responded that she was guilty. Applicant has not asserted that had Counsel objected to the Solicitor's minor misstatement, she would have forgone her guilty plea and pursued a jury trial.

Applicant has failed to meet her burden of proof. This allegation is denied and dismissed with prejudice.

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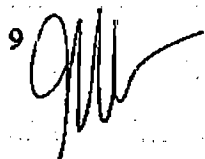
*"Advising the Applicant to plea without explaining that she may have been able to get her confession suppressed as fruit of the poisonous tree or because it was not knowingly and voluntarily made due to the fact her statement was given when she was incompetent because of her mental health issues and the fact that she was actively under the influence of drugs"*

Applicant alleges Counsel was ineffective for advising her to plead guilty without explaining that she may have been able to get her confession suppressed as fruit of the poisonous tree. Applicant alleges her statement would have been suppressed, as a result of an illegal seizure of the vehicle she was riding in at the time of her arrest. Applicant alleges if she knew she would have a challenge to her stop by police, she would have proceeded to trial. Applicant has failed to meet her burden of proof.

The stop and eventual search of the vehicle in which the applicant was a passenger that resulted in applicant being taken into custody, would not have been successful if challenged at trial. The stop was made not only for a tag issue but also because the applicant failed to immediately stop after being signaled by law enforcement to stop. Cf. State v. Butler, 388 S.C. 198 (2000). Also, her confession to the murder is unrelated to the stop. It is far more probably that she was going to be questioned by police about the murder, not because she was a passenger in the vehicle where a gun and drugs were found, but rather because she and her boyfriend had been roommates with the deceased. To say another way, even if the search of the vehicle was improper as being beyond the probable cause he had to stop the vehicle, her confession to the murder was not a fruit of the search warranting suppression. See Nix v. Williams, 467 U.S. 431, 448 (1984).

Applicant further alleges that Counsel was ineffective, for failing to suppress her confession, because she was incompetent at the time she gave the statement from her mental health issues and drug use. Applicant has failed to meet her burden of proof. "When establishing Strickland prejudice in the context of plea counsel's failure to request a mental competency

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evaluation, the applicant need only show a reasonable probability that he was incompetent at the time of the plea." Garren v. State, 423 S.C. 1, 12, 813 S.E.2d 704, 710 (2018) (quoting Ramirez v. State, 419 S.C. 14, 795 S.E.2d 841 (2017)). Counsel testified that Applicant was evaluated prior to her guilty plea and was found to be competent. Counsel testified that based on his own interactions with Applicant, she fully understood her case and the consequences of her guilty plea. Counsel testified that although Applicant displayed difficulty remembering parts of their conversations, Applicant began to take notes and it helped her understand her situation. Counsel had no reason to believe Applicant should have been reevaluated.

Applicant presented no evidence, other than her own statement that she was "extremely high" at the time of her arrest, to support a finding of incompetency. When presented with the facts of her case at the guilty plea proceeding, including her own confession to the shooting, Applicant informed the Court she was guilty of all charges. Applicant has failed to meet her burden of proof. This allegations is denied and dismissed with prejudice.

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*"Failure to review discovery with client"*

Applicant alleges Counsel was ineffective for failing to review the discovery with her. Applicant has failed to meet her burden of proof. Counsel testified credibly at the evidentiary hearing. Counsel testified that he received discovery from the State and provided the full discovery to Applicant. Counsel testified that he met with Applicant on several occasions to discuss her case, including reviewing the discovery file in full multiple times. Counsel testified that in his thirty years of criminal practice, it is his common practice to review the discovery with his clients in full. Counsel testified that he believed Applicant understood the evidence against her and based upon that evidence, she made the decision to enter a guilty plea.

Applicant has failed to show Counsel rendered deficient performance. This allegation is denied and dismissed with prejudice.

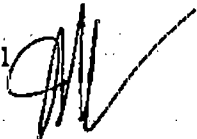
*"Advising Applicant to plead guilty or the Court would hang her after trial"*

Applicant alleges Counsel was ineffective for advising her to plead guilty or the Court would hang her after a trial. Applicant has failed to meet her burden of proof. Applicant alleges that she was afraid to pursue a trial, based upon this statement from Counsel. Applicant was not credible at the evidentiary hearing. Applicant admitted to understanding the questions from Judge Verdin during her guilty plea proceeding and understood she was facing up to a life sentence if she proceeded to trial. Applicant testified that it was her decision to enter her guilty plea, and that she was not coerced into doing so.

Counsel testified credibly at the evidentiary hearing. Counsel testified that he did not recall telling Applicant that she would have been hung after trial by the Court, but does not give his clients false hope. Counsel advised Applicant that a conviction was likely based upon the evidence and she would be better off taking the plea deal. Counsel testified that when Applicant asserted a desire to go to trial, he would have done so on her behalf. Applicant has failed to meet her burden of proof. This allegation is denied and dismissed with prejudice.

*"Advising the Applicant to plead guilty to murder when her history of mental health issues and sexual assault would mitigate her actions, which she states were coerced by co-defendant Keenen Hines"*

Applicant alleges Counsel was ineffective for advising her to plead guilty to murder when her history of mental health issues and sexual assault would mitigate her actions which she states were coerced by co-defendant Keenen Hines. Applicant has failed to meet her burden of proof. Insofar as this allegation refers to Applicant's competency, based on previous mental



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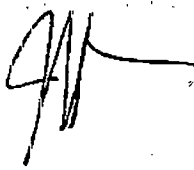
health issues and sexual assault trauma, the findings of fact were addressed in Allegation 1(b) and this Court incorporates the same findings.

Applicant's allegation that Counsel was ineffective for advising her to plead guilty to murder when her actions were coerced by her co-defendant, Keenen Hines, is without merit. Counsel testified that as a part of her discovery file, the State intended to introduce Applicant's confession to law enforcement for the shooting of Victim. Counsel testified Applicant at one point told Counsel that she shot Victim to prevent his sexual assault attempt. Counsel testified that he believed Applicant may have been covering up any guilt on a part of Mr. Hines, but the evidence pointed to Applicant as the shooter. Applicant, at the time of her guilty plea, admitted to shooting Victim and disposing of his body. Applicant admitted her guilt as a part of her guilty plea proceeding. Applicant has failed to meet her burden of proof. This allegation is denied and dismissed with prejudice.

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*"Failing to interview witnesses"*

Applicant alleges Counsel was ineffective for failing to interview potential witnesses. Applicant has failed to meet her burden of proof. The 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 from the witness' failure to testify at trial. Pauling v. State, 331 S.C. 606, 503 S.E.2d 468 (1998). Applicant has not produced the testimony of any potential witnesses that Counsel failed to interview. Applicant has presented no evidence as to how the potential witness testimony would have benefited her case. Applicant has not established a reasonable probability that absent her Counsel's failure to interview a particular witness, she would have pursued a jury trial rather than plead guilty. This allegation is denied and dismissed with prejudice.



***"Failure to effectuate an appeal"***

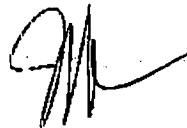
Applicant alleges Counsel was ineffective for failing to effectuate an appeal on her behalf. This allegation is without merit. Applicant was advised of her right to appeal her guilty plea at the time of her plea proceeding. Counsel filed a Notice of Appeal on Applicant's behalf on May 4, 2017. On July 17, 2017, the South Carolina Court of Appeals dismissed Applicant's appeal and the Remittitur was issued on August 3, 2017. Applicant has failed to present evidence of Counsel's failure to effectuate an appeal on her behalf. Applicant has failed to meet her burden of proof. This allegation is denied and dismissed with prejudice.

***"Due Process violations because the plea was not knowingly and voluntarily made and fundamental unfairness that co-defendant Keened Hines received a sentence of twelve years."***

Applicant alleges she is entitled to post-conviction relief for entering an involuntary guilty plea, because her sentence was fundamentally unfair in light of her co-defendant's sentence. Applicant's entered a guilty plea with knowledge of the possible sentencing range of her charges. For the charge of murder, the sentencing range allows for a minimum of thirty years up to life. Applicant testified that she was aware when she plead guilty, the lowest possible sentence she could receive would be thirty years. Applicant has presented no evidence of how a co-defendant's sentence resulted in a constitutional violation of her own Due Process rights. This allegation is denied and dismissed with prejudice.

**CONCLUSION**

Based on all the foregoing, this Court finds Applicant has not established any constitutional violations or deprivations that would require this Court to grant her application for post-conviction relief. Therefore, the allegations are denied and dismissed with prejudice.



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This Court notes Applicant must file and serve a notice of appeal within thirty days from the receipt of this Order by counsel of record 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 post-conviction relief. Rule 71.1(g), SCRCP, provides if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED:**

1. This application for post-conviction relief is denied and dismissed with prejudice; and
2. Applicant shall remain in the custody of the State.

AND IT IS SO ORDERED this 21<sup>st</sup> day of January, ~~2019~~ <sup>2020</sup>.

J. MARK HAYES, II  
Presiding Judge  
Seventh Judicial Circuit

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Speedy, South Carolina

■ SUSANNAH ROSS ESQ.  
330 EAST COFFEE ST.  
GREENVILLE SC 29601



Mr. Daniel E. Shearouse  
Clerk, The S.C. Supreme Court  
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Columbia, South Carolina 29211

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