



ALAN WILSON
ATTORNEY GENERAL

February 12, 2020

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
FEB 12 2020
SC Court of Appeals

Re: William H. McCladdie v. State of South Carolina
Appellate Case No. 2016-001979

Dear Ms. Kitchings:

Please accept this letter in response to the Court's February 5, 2020, letter asking the State for an update on the status of Mr. McCladdie's case. If the Court would prefer a more formal response, please let me know and I will be happy to provide one.

Mr. McCladdie's PCR evidentiary hearing occurred on Tuesday, January 21, 2020, before the Honorable Courtney Clyburn Pope, at the Aiken County Courthouse. Mr. McCladdie was represented by Arthur Aiken, Esquire. Mr. McCladdie proceeded on the following allegations of ineffective assistance of counsel:

1. "In his preliminary jury instructions (Tr. P. 50) and in his final jury instructions (TR. P. 250) the trial judge emphasized the truth-seeking function of the jury. Trial counsel failed to object to these instructions, and the error in giving these instructions was not preserved for appellate review...."
2. "Trial Counsel failed to object to hearsay testimony from a police officer regarding what a witness told the officer that alerted the officer's suspicions."
3. "Trial Counsel failed to object to hearsay testimony from a police officer regarding what a witness told the officer concerning the ownership of property."
4. "Trial Counsel actually elicited testimony concerning missing property."
5. "Trial Counsel failed to object to hearsay from a witness regarding what another witness told her."
6. "Trial counsel did not object to a police officer testifying that the pry marks found on a door were 'lining up' with a pry bar recovered from the scene where the officer was not qualified as an expert to give such testimony."
7. "Trial Counsel did not request an instruction on direct and circumstantial evidence and did not join in the state's request."

8. Failing to object to “sham indictments.”

Immediately following the evidentiary hearing, Judge Pope took the matter under advisement. By email on January 28, 2020, Judge Pope denied Mr. McCladdie’s PCR and requested the Attorney General’s Office prepare an order of dismissal. The Attorney General’s Office anticipates submitting the proposed order to Judge Pope for her signature within the next week.

Please let me know if I can provide any more information for the Court on this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brianna L. Schill".

Brianna L. Schill
Assistant Attorney General
SC Bar No. 103380

BLS

cc: Susan B. Hackett, Esquire
Arthur K. Aiken, Esquire