STATE OF SOUTH CAROLINA
In the Supreme Court

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S.C. SUPREME COURT

CERTIORARI TO CHARLESTON COUNTY
Court of Common Pleas
Deadra L. Jefferson, Circuit Court Judge

Appellate Case No. 2019-000184

CHAD P. STALNAKER, Petitioner,

vs.

STATE OF SOUTH CAROLINA, Respondent.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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RESPONDENT'S ISSUES PRESENTED

Did the post-conviction relief court correctly found counsel were not constitutionally ineffective where counsel did not advise him as to the collateral consequences of the guilty plea and where Petitioner has failed to show he would have proceeded with the trial had he known the collateral consequences?

STANDARD OF REVIEW

The standard of review for post-conviction relief matters depends on the specific issues before the appellate court. Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018). On appellate review, courts give great deference to a post-conviction relief court's findings of fact and will uphold them if there is **any** evidence in the record to support them. Smalls, 422 S.C. at 179, 810 S.E.2d at 839-40 (citing Sellner v. State, 416 S.C. 606, 610, 787 S.E.2d 525, 527 (2016); Jordan v. State, 406 S.C. 443, 448, 752 S.E.2d 538, 540 (2013); Caprood v. State, 338 S.C. 103, 109, 525 S.E.2d 514, 517 (2000)). However, pure questions of law will be reviewed *de novo* without deference to the lower court. Id. Appellate courts will reverse the decision of the post-conviction relief court when it is controlled by an error of law. Goins v. State, 397 S.C. 568, 573, 726 S.E.2d 1, 3 (2012).

STATEMENT OF THE CASE

Chad Stalnaker (Petitioner) was indicted by a Charleston County grand jury on September 2, 2014, for attempted murder and possession of a weapon during the commission of a violent crime. App. 544 - 47. He proceeded to trial before the Honorable W. Jeffrey Young and a jury on September 12, 2016. App. 1. Daniel W. Cooper and David Osborne appeared on behalf of Respondent, and William Runyon and Stan Jaskiewicz represented Petitioner.

Respondent presented the testimony of seven witnesses. App. 265 11. 1 -2. The facts as alleged by the prosecution revolved around Petitioner's alleged assault on Desmond Casey on May 18, 2014. App. 193 1. 12 - App. 201 1. 21. After Petitioner's motion for a directed verdict was denied, he pleaded guilty to assault and battery of a high and aggravated nature (ABHAN) as well as the weapon charge. App. 280 11. 1 -23; App. 285 1. 24 - App. 286 1. 8. The plea was made without recommendation from the state. App. 283 11. 16 - 19. Judge Young found a substantial factual basis for the plea and concluded it was entered into freely, voluntarily, knowingly, and intelligently. App. 286 11. 9 - 13. Notably, however, there was no discussion about violent offenses or the percentage of time Petitioner would be required to serve. Judge Young sentenced Petitioner to ten years for assault and battery of a high and aggravated nature and five years for possession of a weapon to be served consecutively. App. 296 11. 6-12.

Petitioner filed a timely application for post-conviction relief on January 18, 2017. App. 301 -339. It contained multiple allegations of ineffective assistance of counsel. Id. The Respondent filed a Return and Partial Motion to Dismiss on or about July 6, 2017. App. 340 - 347. An evidentiary hearing was held on July 23, 2018, before the Honorable Deadra L. Jefferson. App. 348. James Falk represented Petitioner, and Kelly Oppenheimer represented Respondent. Petitioner, his father, and both members of his trial counsel team testified at the hearing. Judge

Jefferson denied relief at the hearing and signed an Order of Dismissal on or about November 7, 2018. App. 475 11. 5 - 10; App. 478 - 512.

PCR counsel filed a Motion to Reconsider, Alter, or Amend under Rule 59(e), SCRCP on November 20, 2018. App. 513 - 519. The Respondent filed a return to the motion on or about November 27, 2018. App. 520 - 527. The PCR court denied the motion by way of a written order on January 8, 2019. App. 528 - 533. An Amended Order denying the motion was filed on January 15, 2019. App. 534 - 540.

RELEVANT FACTS

In the early morning hours of May 18, 2014, Petitioner and his girlfriend, Daniella Jimenez, were heading to their home on Coming Street from a bar where Petitioner worked. App. 159, 160. Desmond Casey (hereinafter "Victim") was also walking down Coming Street, on the way home from a bar[1]. App. 194-95, 196. As Victim was walking home, he heard an argument between Petitioner and Jimenez, and it appeared to Victim that someone needed to break up the fight. App. 197. - Victim walked over to Petitioner t and Ms. Jimenez, and he and Petitioner began fighting and wrestling on the grass between the road and the sidewalk. App. 132, 199. A neighbor, Reid Riddle, broke up the fight by pushing Petitioner and Victim apart. App. 133, 145, 199.

After Mr. Riddle broke up the fight, Petitioner t and Victim walked in different directions, Victim Walked towards Line Street and Petitioner went back towards his home. App. 134-35, 145, 147, 216. It appeared as though both Petitioner and Victim withdrew from the first altercation. App. 135, 150.

After Victim had withdrawn from the first fight and Petitioner had retreated into his home, Petitioner was next seen jumping down from his balcony to the sidewalk. App. 136, 147, 149,

[1] Victim had consumed approximately four to five shots of liquor earlier that evening. App. 195.

174. As he jumped down, Petitioner yelled at Victim and reinitiated the fight. App. 137, 138-40, 150, 200. The second fight occurred in front of Petitioner's home. App. 149. During this fight, Petitioner stabbed Victim sixteen times: six times in the face, six times in the back, and four times in the arm. App. 203, 241-42, 244. Victim did not have a weapon and was not acting aggressively towards Ms. Jimenez. App. 214, 208, 220.

After the second fight, Victim ran away. App. 176, 200, 215. Mr. Riddle and another neighbor, Brad Hutchinson, then walked across the street to Petitioner's home. App. 176. Ms. Jimenez was slumped against the house, holding her hand, and had blood on her. App. 141, 177. Ms. Jimenez had a cut on her right thumb and left wrist, for which she received a couple of stitches. App. 107, 120. Ms. Jimenez had no other injuries. App. 119, 121. Petitioner had blood covering his face, arms, and shirt and was stating: "I stabbed him." App. 143-44, 177-78. There was also a large knife on the ground, covered in blood. App. 141, 177.

When law enforcement arrived on scene, Petitioner approached them, visibly intoxicated and upset. App. 69, 77. Petitioner was neither injured nor complained of being injured. App. 70. However, Petitioner did have some injuries to his elbow, hand, and finger, but did not have any injuries to his abdomen or chest. App. 114. Petitioner then proceeded to tell Officer Shelby Storen he stabbed a black male three times in the face and chest. App. 70. He further indicated he and Ms. Jimenez were arguing on their way home when Victim approached them and an altercation ensued between Petitioner and Victim. App. 70. Petitioner also told Officer Storen after the first fight, he went into his home, grabbed a kitchen knife, jumped from the balcony, and stabbed Victim. App. 71, 78-79, 82. Petitioner alleged Victim was in Ms. Jimenez's face but did not indicate whether he believed Victim was assaulting, touching, or yelling at Ms. Jimenez nor that he believed Victim was going to harm Ms. Jimenez. App. 71-72, 81. Petitioner never stated he

believed Victim was armed. App. 72.

Later, law enforcement observed Victim lying on the ground on Fishburne Street, some distance from the crime scene. App. 86. Victim was bleeding from his face and arms, fading in and out of consciousness, breathing laboriously. App. 87. Victim was able to indicate he was stabbed by a white male. App. 87, 91. Victim was in the hospital for five to six days, received 150 stitches, fifty staples, his arm was partially paralyzed, and two teeth had to be removed. App. 206, 249. Furthermore, Victim suffered from severe blood loss due to multiple lacerations and a collapsed lung. App. 238-42.

Crime scene technicians were also called out to the crime scene in front of Petitioner's home. App. 99. There was a large pool of blood and a knife with blood on it on the sidewalk. App. 100, 118. The knife was approximately 5.3 inches. App. 104. There was also a blood trail up the back stairs of Petitioner's home leading to the balcony and another blood trail leading to Victim's location. App. 104-05, 117.

During the evidentiary hearing, Petitioner testified initially, Assistant Public Defender Benjamin C. Lewis was appointed to represent him. He testified, during this time, the State offered him a plea for ten years, but he did not want to accept the offer because he did not understand percentages and the violent or non-violent classification. He further testified he did not want to accept the offer because he wanted to testify on his own behalf at trial in order to tell his side of the story. He explained he believed he was in the right. He testified he then retained Mr. Jaskiewicz to represent him, and Mr. Runyon assisted. He also testified he was released on bond prior to his trial, and counsel told him his bond would not be revoked.

Petitioner also testified, after the State rested, the trial court instructed counsel for both the defense and the State to meet in chambers. He elaborated he decided to plead guilty after the State

had rested, after counsel had made directed verdict motions, and after he was advised of his rights. He further testified the State offered him a plea deal, after the meeting in chambers, which would allow him to plead to ABHAN. Petitioner explained it was his decision to plead guilty, and he informed the trial court no one had threatened him or promised him anything to plead guilty. He further explained he informed the trial court twice not one had threatened him, and he was pleading guilty freely and voluntarily.

Petitioner testified he believed this plea would require him to serve fifty-five percent of his sentence, would be a non-violent classification, would allow him to be parole eligible, and would also allow him to be eligible for work release. He further testified he, his mother, his father, his girlfriend, Mr. Runyon, and Mr. Jaskiewicz were present when they discussed the plea offer. Petitioner testified Mr. Runyon and Mr. Jaskiewicz informed him he would not be sentenced to the maximum sentence, and he most likely would be sentenced to ten years' imprisonment. He testified they informed him he would serve approximately five years and would be eligible for parole every year, and he would be an outstanding candidate for parole. He further testified they informed him he would plead to a non-violent crime, and, therefore, he would serve fifty-five percent or less of his sentence. Petitioner also testified he recalled the trial court telling him ABHAN carried up to twenty years' imprisonment and the weapons charge carried up to five years. He explained he informed the trial court he understood those potential sentences, but he maintained he did not understand consecutive or concurrent sentences. Petitioner further testified the trial court never discussed with him the fact he was pleading to a serious offense, and he believed he was pleading to a non-violent, parole eligible offense, though he was originally charged with attempted murder.

Following Petitioner's testimony, his father, Eric Stalnaker, testified. He testified Mr. Runyon explained the plea deal, and he thought it was a good deal because everyone seemed happy about it. He further elaborated he believed Petitioner would serve six to seven years imprisonment, at most. Mr. Stalnaker also testified it was not until after the plea that he realized the information provided by counsel was incorrect. He explained he looked on the South Carolina Department of Corrections (SCDC) website and thought Petitioner's sentence was lengthier than what it should have been. He testified, because of this, he called Mr. Jaskiewicz and Mr. Runyon, who told him it was a mistake.

Mr. Runyon testified Mr. Jaskiewicz researched possible defenses and possible jury instructions. He testified they discussed a defense of defense of a third party, which they believed was a stronger defense than "Stand Your Ground". He further elaborated Victim encountered the Police Chief on King Street, and they had an unpleasant interaction, about which the Police Chief was candid. He explained Victim was not a nice guy, Victim followed Petitioner and Ms. Jimenez, and Victim confronted Ms. Jimenez. He also testified Petitioner jumped off his porch with a knife, and Petitioner brought a knife to a fist fight. He elaborated Ms. Jimenez was drunk, and Victim was attempting to get away from Petitioner. Mr. Runyon further testified, based on this information, their theory of the case was Petitioner was defending Ms. Jimenez when he attacked Victim, and this theory remained the defense until Petitioner decided to plead guilty.

Mr. Runyon further testified the first fight between Petitioner and Victim was a fist fight, and a neighbor broke up that fight. He testified, afterwards Petitioner retreated upstairs, while Ms. Jimenez remained outside. He also testified Victim withdrew from the fight as well. He testified according to Petitioner, Victim approached Ms. Jimenez again and got in her face. He elaborated

then Petitioner brought a knife to the fight. Mr. Runyon also testified there was no evidence of defense of third-party guilt presented at trial.

Mr. Runyon testified Ms. Jimenez did not recall anything from that night, which hurt their defense-of-others theory. He elaborated, because of this, Petitioner had to testify, which he explained to Petitioner. He further elaborated Petitioner decided not to testify; therefore, his story was not presented. He explained Petitioner's story was also not presented because Petitioner decided to plead guilty. He further explained the trial court informed Petitioner of his right to testify on the record, and Petitioner was aware he could tell his side of the story.

Mr. Runyon further testified Petitioner pled to ABHAN and possession of a weapon during the commission of a violent crime. He testified he did not make any guarantees to Petitioner regarding his sentence and informed him the sentence was up to the trial court. He elaborated he did not make Petitioner any promises whatsoever. He also testified Petitioner accepted the plea offer because he was "a wreck" emotionally. He explained Petitioner was going to have to testify because Ms. Jimenez did not provide helpful information; and, in his opinion, Jimenez lied. He further explained Ms. Jimenez did not want to be involved and was hanging Petitioner out to dry.

Mr. Runyon testified he and Mr. Jaskiewicz did not have a conversation with Petitioner as about a specific sentence, but Petitioner was facing the maximum sentence for ABHAN plus an additional five years. He explained he made Petitioner aware of these potential sentences and also informed Petitioner of the consequences of the plea. He testified Petitioner could have received a consecutive sentence for the weapons charge. He explained the trial court informed them it would accept a plea, if the State offered and Petitioner wanted to accept. He further explained he did not recall whether or not he and Petitioner had a conversation about the eighty-five percent rule or serious offenses, but they probably discussed it. He further testified he did not recall telling

Petitioner he would receive a six-to-seven year sentence at sixty-five percent, as there was no way to tell what Petitioner's sentence would be and no way to tell what amount of time he would actually be required to serve. He elaborated SCDC determines the amount of time served. He further testified he has never told any client he or she would serve fifty-five percent of these sentence, and he does not inform any client he or she will serve fifty-five or sixty-five percent of their sentence. Mr. Runyon testified he had no recollection of tying down the sentence to fifty-five or sixty-five percent, as he had no way to tell Petitioner what the sentence would be. He explained only the trial court knows what the sentence will be. He further explained he informed Petitioner, at the very worst, Petitioner would be sentenced to consecutive sentences. He further testified he would not have told Petitioner he was pleading to a non-violent offense, as these were serious offenses. He elaborated ABHAN is far less serious than attempted murder. Mr. Runyon testified he did not make any promises to Petitioner, as he did not have the ability to make any promises. He further testified it was Petitioner's decision to plead guilty.

Mr. Runyon testified he did not have a conversation with Petitioner regarding parole eligibility. He elaborated they did not have a conversation regarding Petitioner's parole eligibility due to the fact he was facing consecutive sentences.

Mr. Runyon testified Mr. Stalnaker called his office for the file, and he gave his file to Mr. Stalnaker. He also testified he would not have told Mr. Stalnaker the SCDC classification was a mistake. He explained he told Mr. Stalnaker he would check on the classification with SCDC if Mr. Stalnaker called him back, but he never received another call. He further elaborated he did not recall telling Mr. Stalnaker this was a mistake, as Petitioner would serve eighty-five percent of the sentence based on multiple offenses and the factual scenario. He testified the weapons charge was run consecutively to the ABHAN Sentence.

Following Mr. Runyon's testimony, Mr. Jaskiewicz testified. He testified the State offered to let Petitioner plead to the lesser-included offense of ABHAN. He elaborated Mr. Runyon explained this to Petitioner. He also testified they did not discuss with Petitioner parole eligibility, and he never tells a client he or she is going to serve a specific percentage of their sentence. He further elaborated he assumed Petitioner would not be parole eligible, particularly if the trial court sentenced Petitioner to a consecutive sentence for the weapons charge. He testified he told Petitioner he would find out about his parole eligibility. He further testified Mr. Runyon informed Petitioner of the consequences of the plea. He testified he did not make any promises to Petitioner.

Mr. Jaskiewicz also testified he had a conversation with Mr. Stalnaker at some point, and they had several conversations via telephone before and after the trial. He testified he did not tell Mr. Stalnaker SCDC's classification of Petitioner was a mistake. He elaborated he informed Mr. Stalnaker if there was a mistake, he would do something about it, but there was no mistake.

ARGUMENT

The post-conviction relief court properly dismissed Petitioner's application where counsel did not advise him as to the collateral consequences of the guilty plea and where Petitioner has failed to show he would have proceeded with the trial had he known the collateral consequences

Petitioner contends that counsel was deficient for misadvising him as to the consequences of the plea. However, the post-conviction relief court properly dismissed Petitioner's application where counsel did not advise him as to the collateral consequences of the guilty plea and where Petitioner has failed to show he would have proceeded with the trial had he known the collateral consequences.

"The benchmark for judging any claim of ineffectiveness must be whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Strickland v. Washington. 466 U.S. 668, 686. To prove

ineffective assistance of counsel, "the Applicant must show that counsel's performance was deficient" and "that the deficient performance prejudiced the Applicant." "When a convicted defendant complains of the ineffectiveness of counsel's defense, the defendant must show that counsel's representation fell below an objective standard of reasonableness." Id. at 687-688,. Concerning prejudice, "a defendant need not show that counsel's deficient conduct more likely than not altered the outcome in the case". Rather, "[t]he defendant must show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." Id. at 694, 104 S.Ct. at 2068.

The difference "between a valid guilty plea and an invalid guilty plea lies in the knowing and voluntary nature of the plea." Berry v. State. 381 S.C. 630, 635, 675 S.E.2d 425, 427 (2009). The longstanding test for determining the validity of a plea is whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant." Hill v. Lockhart, 474 U.S. 52, 56 (1985) (internal quotations omitted) (applying the two-part test for claims of ineffective assistance of counsel in Strickland v. Washington. 466 U.S. 668 (1984) to claims of the same against plea counsel).

First, "the voluntariness of the plea depends on whether counsel's advice was within the range of competence demanded of attorneys in criminal cases." Id. On the other hand, the prejudice requirement focuses on whether "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." Id. at 59, 106 S.Ct. at 370. "[T]he voluntariness of a guilty plea is not determined by an examination of a 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 also from the record of the PCR hearing." Holden v. State. 393 S.C. 565, 572-74, 713 S.E.2d 611, 615-12 (2011).

Here, Petitioner has not proved his Counsel's performance fell below an objective standard of "reasonableness under professional norms." Cherry, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). The South Carolina Supreme Court has held that, generally, parole eligibility is a collateral consequence of sentencing, and thus a defendant does not need to "be specifically advised by counsel before entering a guilty plea." Smith v. State, 329 S.C. 280, 283, 494 S.E.2d 626, 68 (1997) (citing Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). A guilty plea "is not rendered involuntary in a constitutional sense if the defendant is not informed of the collateral consequences." Brown v. State, 306 S.C. 381, 382-83, 412 S.E.2d 399, 400 (1991). See also Knox v. State 340 S.C. 81, 530, S.E.2d 887 (2000) (holding counsel was not ineffective for failing to advise a defendant regarding parole eligibility in connection with his guilty plea because it is a collateral consequence of sentencing.)

In this case, the PCR court correctly found counsel was not deficient, nor was Petitioner prejudiced, by counsels failure to advise Petitioner as to the collateral consequences of his plea. Petitioner alleges counsel were deficient for misadvising him as to his parole eligibility and the percentage of his sentence he would have to serve. The PCR court found Petitioner's and his father's testimony on these issues not credible, while finding the testimony of Mr. Runyon and Mr. Jaskiewicz credible. App. p. 504. Appellate courts give great deference to a PCR court's credibility findings because appellate courts "lack the opportunity to directly observe the witnesses." Dravton v. Evatt. 312 S.C. 4, 11, 430 S.E.2d 517, 521 (1993). Accordingly, because counsel were not deficient, the PCR court correctly found Petitioner failed to meet his burden proof and denied relief. This Court should therefore deny certiorari as to this issue.

Petitioner, and his father, both testified that counsel advised that he would serve fifty-five percent of his sentence and be parole eligible. App. p. 357, l. 8-19; App. p. 452, l. 24- App. p. 453, l. 24. However, the PCR court found the testimony of Petitioner and his father to not be credible. Mr. Runyon testified that that he did not recall explaining to Petitioner whether the plea would qualify as a serious offense and result in him serving eighty-five percent of his sentence. App. p. 401, l. 1-9. Mr. Runyon further testified that he did not discuss with Petitioner the percentage of his sentence he would have to serve. App. p. 401, l. 15-App. p. 402, l. 7. Mr. Runyon testified he did not discuss with Petitioner what his parole eligibility would be, but that Petitioner might have asked and he did not recall. Further, Mr. Jaskiewicz indicated that he did not play a role in advising. Petitioner about any consequences of the plea. App. 420 11. 2 - 25. According to Mr. Jaskiewicz, Mr. Runyon was the member of Petitioner's legal team who spoke with Petitioner about such things.

Accordingly, the PCR court properly dismissed Petitioner's application where he failed to show deficiency on the part of counsel for allegedly misadvising him as to the collateral consequences of the plea. After making its credibility findings, the PCR court found that counsel had in fact not advised Petitioner as to any specifics concerning the collateral consequences of his plea. Counsel for Petitioner did not actively misadvise as to the consequences of the plea, having not advised about them at all, and therefore Counsel could not be found to have been deficient.

Petitioner's argument relies solely this Court reversing the credibility findings of the lower court and finding Petitioner's testimony credible over that of counsel's. This Court should afford the lower court great deference in its credibility findings per Dravton v. Evatt. 312 S.C. 4, 11, 430 S.E.2d 517, 521 (1993). Therefore, Respondent submits Petitioner has failed to meet his burden

as to showing any deficiency on the part of counsel and the PCR court properly dismissed this allegation.

Additionally, Petitioner has failed to make any argument in his petition as to prejudice other than the fact that he will be serving the sentence he received when he plead. As noted by Petitioner, the standard for determining prejudice in this instance is whether, but for counsels' alleged errors, Petitioner would not have pleaded guilty and would have insisted on going to trial. Holden 393 S.C. at 572-74, 713 S.E. 2d at 615. First, Petitioner made the decision to plead guilty following the testimony of Ms. Jimenez at trial, which all but eviscerated his potential defense. Petitioner has failed to show that he would have insisted on proceeding with trial following this testimony. The PCR court stated the issue with Petitioner's trial defense as follows:

> With respect to defense of others, "one is not guilty of taking the life of an assailant who assaults a friend, relative, or bystander if that friend, relative or bystander would likewise have the right to take the life of the assailant in self-defense." *State v. Starnes*, 340 S.C. 312, 322-23, 531 S.E.2d 907, 913 (2000). Although Petitioner contends he was defending Ms. Jimenez from Victim, no evidence was presented at trial to indicate Victim was attacking Ms. Jimenez. In fact, Ms. Jimenez testified at trial she neither recalled Victim acting aggressively towards her nor getting in her face. Similarly, Victim testified although he had no specific recollection, he would not have acted aggressively towards Ms. Jimenez.

Therefore, Petitioner has failed to show that he would have insisted on proceeding with trial considering his best defense had been all but eliminated.

Petitioner has failed to meet his burden in showing any resulting prejudice from the alleged deficiencies of counsel. The PCR court properly denied relief because Petitioner failed to prove any prejudice. This Court should therefore deny Certiorari.

CONCLUSION

For the foregoing reasons, this Court should deny this Petition for a Writ of Certiorari. Should this Court grant the petition, Respondent seeks permission to more fully brief the issues herein.

Respectfully submitted,

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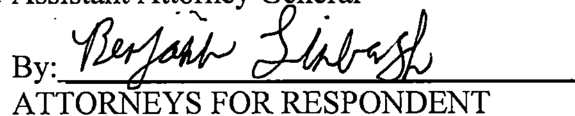
By: 
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February 19, 2020

STATE OF SOUTH CAROLINA
In the Supreme Court

CERTIORARI TO CHARLESTON COUNTY
Court of Common Pleas
Deadra L. Jefferson, Circuit Court Judge

Appellate Case No. 2019-000184

CHAD P. STALNAKER,

PETITIONER

v.

STATE OF SOUTH CAROLINA,

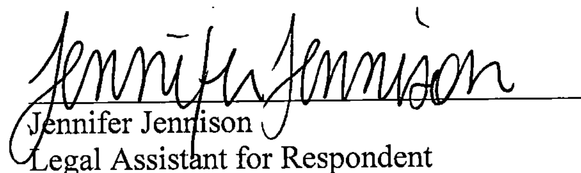
RESPONDENT

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 two copies in Interagency Mail addressed to:

Taylor D. Gilliam, Esquire
S.C. Commission on Indigent Defense
1330 Lady Street, Suite 401
Columbia, SC 29201

This the 19th day of February, 2020.



Jennifer Jennison
Legal Assistant for Respondent

ALAN WILSON
ATTORNEY GENERAL

RECEIVED
FEB 19 2020
S.C. SUPREME COURT

February 19, 2020

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

RE: Chad P. Stalnaker v. State of South Carolina
Appellate Case No.: 2019-000184

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,

Benjamin H. Limbaugh
Assistant Attorney General
S.C. Bar # 103334

BHL/jaj
Enclosures

cc: Taylor D. Gilliam, Esquire
Victim Advocacy Division