STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

———————

RECEIVED

Apr 15 2020

S.C. SUPREME COURT

Certiorari to Richland County

Honorable R. Scott Sprouse, Circuit Court Judge

———————

CHRISTOPHER HELLER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-001408

———————

PETITION FOR WRIT OF CERTIORARI

———————

JOANNA K. DELANY
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR PETITIONER

INDEX

ISSUE PRESENTED

Whether the PCR court erred where it found Petitioner was not prejudiced in his trial for murder and ABIK where witness Kevin Nails testified that Petitioner was on parole when the crimes occurred, and where counsel moved for a mistrial based on this highly prejudicial evidence but the Court of Appeals found counsel's mistrial motion was not contemporaneous and thus the issue was not preserved, since counsel's performance was deficient and the improper testimony was prejudicial since it left the jury with the impression Petitioner was an irredeemable criminal?

STATEMENT

On November 15, 2006, a Richland County Grand Jury indicted the petitioner, Christopher Heller, for murder and assault and battery with intent to kill (ABIK). App. 1429 – 1432. Petitioner was tried before the Honorable J. C. Nicholson and a jury, from January 26 – 30, 2009. App. 1. Petitioner was represented by Gregory Collins. App. 1. The State was represented by Margaret Fent and Dolly Garfield. App. 1.

It was undisputed that on August 25, 2006, Petitioner smoked crack cocaine with others at Mary Chavis' (Chavis) trailer and Chavis asked him to leave. App. 905, l. 2 – 910, l. 2. However, the State alleged that after Petitioner left, he returned, knocked on the door, and stabbed Chavis when she answered. App. 567, ll. 8-13. Chavis was severely injured and disfigured but lived. App. 465, l. 5 – 472, l. 16. The State further alleged Petitioner stabbed Gustavo Guzman Hernandez (Guzman) to death when Guzman tried to intervene. App. 569, l. 22 – 570, l. 8; App. 712, l. 23 – 713, l. 14.

While there was physical evidence that established Petitioner was in Chavis' trailer at some point, there was no physical evidence that tied Petitioner to the crimes. App. 693, l. 12 – 694, l. 11. The knife was never recovered, and although a number of Petitioner's clothes and shoes were tested for DNA, they were not found to contain blood from Guzman or Chavis. App. 804, ll. 13-14; App. 693, l. 22 – 694, l. 11.

However, Bille Joe "Tracy" Risinger (Risinger), a crack-addicted homeless woman who was behind a closed door and did not visually witness the stabbings, claimed for the first time at trial that she recognized Petitioner's voice when Chavis answered the door. App. 481, ll. 14-16; App. 486, l. 15 – 489, l. 17; App. 276, l. 4 – 277, l. 4; App. 557, ll. 15-23. After the stabbing was

over, Risinger fled the scene and left her friend Chavis moaning on the floor with her intestines coming out but did not call 911. App. 492, ll. 7-25; App. 505, ll. 10-13.

Chavis, who admitted she was addicted to crack cocaine for "many years" and that she had been smoking crack cocaine shortly before she was stabbed, claimed she could see well enough to identify Petitioner as the person who stabbed her and who fought with Guzman, even though all the lights in the living room and the porch were off and it was around four o'clock in the morning. App. 556, ll. 21-25; App. 584, l. 24 – 585, l. 13; App. 269, ll. 21-25; App. 570, ll. 5-8; App. 588, ll. 2-4; App. 347, l. 23 – 348, l. 1.

Officer Joe Clark recalled that it was still "pretty dark" when he arrived on the scene and that the only light on in the trailer was a single lamp in the bedroom. App. 335, ll. 2-9. "It was not very well lit." App. 335, ll. 9-10. Officer Clark did not remember a streetlight nearby. App. 338, ll. 10-16. Paramedic Neil Schmitz agreed that "[t]here were no lights inside" the trailer. App. 330, l. 8.

Petitioner was from Baxley, Georgia, and police officers traveled there to search his home and arrest him, and the officers requested assistance from the Appling County Sheriff's Office. App. 154, l. 18 – 155, l. 10. Although law enforcement did not find Petitioner at his home, the Appling County Sheriff, Benny Deloach, arrested Petitioner's mother and girlfriend for "aiding and abetting a fugitive." App. 195, l. 13 – 196, l. 18; App. 185, l. 17 – 187, l. 3.

Petitioner's mother was in poor health, with hypertension and having had a heart attack two years before. App. 198, ll. 7-21. After learning of his mother's arrest, Petitioner turned himself in at the Appling County Sheriff's Office. App. 894, l. 22 – 896, l. 16. After being interrogated, petitioner signed a confession which stated that he had been at Chavis' trailer and

had "just started stabbing the people." App. 169, ll. 7-14. Petitioner's mother and girlfriend were then released from jail. App. 189, ll. 1-13.

At trial, Petitioner denied committing the crimes and testified he only signed a false confession because he wanted his mother released from jail.[1] App. 904, ll. 10-13; App. 896, l. 1 – 899, l. 16; App. 940, ll. 15-23. Petitioner explained that after Chavis asked him to leave, he spent the night in an abandoned trailer but was eventually able to reach Kevin Nails on the telephone and ask for a ride. App. 890, l. 14 – 892, l. 4.

During Petitioner's testimony in the defense's case-in-chief, the solicitor was permitted to question Petitioner about his prior criminal record, ostensibly for impeachment. App. 870, l. 18 – 874, l. 9. The jury heard that Petitioner had prior convictions for drug possession and distribution.[2] App. 936, l. 24 – 937, l. 18. Surprisingly, no limiting instruction was given that the jury should not consider Petitioner's prior record as evidence of his guilt.

Petitioner's cousin, Kevin Nails (Nails), was called as a witness by the prosecution. App. 523, ll. 8-9. Nails testified that he was at Chavis' trailer with Chavis, Risinger, Petitioner, Guzman, and another man named Devon. App. 525, l. 22 – 527, l. 9. According to Nails, he left with Devon, and Petitioner remained at the trailer. App. 528, l. 8 – 529, l. 19. When Nails returned to pick up Petitioner, he instead saw Risinger running around with a hatchet she had grabbed for protection, and Nails gave her a ride to another trailer park. App. 531, l. 2 – 533, l. 2;

---

[1] Petitioner denied making additional inculpatory statements to officers about the knife used in the crimes once he was taken back to Columbia. App. 902, l. 9 – 904, l. 9. However, Lieutenant Siniard claimed that on two occasions Petitioner was taken out near the crime scene and tried to show police where he threw the knife away. App. 290, l. 16 – 297, l. 5.

[2] Petitioner had prior convictions for five drug offenses including possession with intent to distribute marijuana and drug trafficking. It was unclear how many of the charges involved marijuana versus cocaine. App. 870, l. 23 – 872, l. 4; App. 936, l. 24 – 937, l. 18; App. 888, ll. 17-18.

App. 490, ll. 18-21. Nails claimed that when Risinger got in the car, she said, "Your boy, your boy snapped." App. 532, ll. 3-4.

Nails said Petitioner called him the next day for a ride, and Nails picked Petitioner up "right off of Old Percival Road." App. 535, l. 2 – 536, l. 7. Nails said he took Petitioner to meet Nails' mother so that she could drive him back home to Baxley, Georgia. The following exchange took place between Nails and the solicitor:

Q Okay. They leave to go where?

A To Baxley.

Q Back to Baxley—

A Yes.

Q —Georgia?

A **Because he was here on like a parole leave**. He had a certain amount of time until he had to be back.

App. 537, ll. 1-7 (emphasis added).

Trial counsel objected and moved to strike. App. 537, l. 8. The court sustained the objection and told the jury, "Disregard his comment about the parole." App. 537, ll. 9-10. The solicitor continued questioning Nails for another two and a half pages of the transcript, after which the court took a break. App. 537, l. 12 – 540, l. 13. It was only at that point that trial counsel moved for a mistrial. Trial counsel argued, "The witness made a mention of parole. I'd move for a mistrial. That curative instruction or the—striking it from the record is not a remedy that can solve the problem. The cat is out of the bag that he was on parole at the time this happened." App. 541, ll. 5-9. The court denied the motion. App. 542, ll. 2-3.

Although the jury deliberated for over two and a half hours, Petitioner was convicted as indicted, and he was sentenced to imprisonment for life for murder and twenty years for ABIK. App. 1000, ll. 9-19; App. 1001, ll. 11-18; App. 1019, ll. 19-25; App. 1433 – 1434.

Petitioner timely appealed his convictions and was represented on appeal by Robert M. Dudek. App. 1022. The State was represented by J. Anthony Mabry. App. 1042. During his direct appeal, Petitioner argued, inter alia, that,

> The court erred by refusing to declare a mistrial where witness Kevin Nails testified appellant had to return to Georgia because he was on parole. Nails gave this answer when the solicitor asked Nails where appellant was going when he left South Carolina. Defense counsel correctly argued he made a pre-trial motion to exclude this highly prejudicial evidence, and a mistrial should have been granted under these circumstances.

App. 1033.

The Court of Appeals affirmed Petitioner's conviction in a published opinion. *State v. Heller*, 399 S.C. 157, 731 S.E.2d 312 (Ct. App. 2012). App. 1107 – 1124. The opinion addressed the motion for a mistrial based on the comment that Petitioner was on parole, but the Court ruled the issue was not preserved for appellate review. App. 1119 – 1120. The Court of Appeals explained that, "No issue is preserved for appellate review if the objecting party accepts the judge's ruling and does not **contemporaneously** make an additional objection to the sufficiency of the curative charge or move for a mistrial." App. 1120 (quoting *State v. George*, 323 S.C. 496, 510, 476 S.E.2d 903, 912 (1996)) (internal quotations omitted) (emphasis in original).

The Court of Appeals explained, "Although Heller subsequently moved for a mistrial, he initially accepted the trial court's ruling wherein the trial court sustained his objection and granted his requested relief of striking the offending testimony. Because he accepted the ruling and did not contemporaneously move for a mistrial or object to the sufficiency of the court's

curative instruction, this issue is not preserved for our review." App. 1120. "Further, though Heller did move for a mistrial and argue the curative instruction was insufficient immediately following conclusion of the State's direct examination of [Nails], this is insufficient to qualify for a contemporaneous objection." App. 1120.

Petitioner's petition for rehearing and petition for certiorari to the court of appeals were denied as to this issue, and the remittitur was issued on October 29, 2014. App. App. 1125 – 1128; App. 1129; App. 1130 – 1150; App. 1180 – 1181; App. 1243. This Court did grant certiorari as to **another** issue in Petitioner's direct appeal. App. 1180 – 1181. This Court did not grant certiorari as to the mistrial issue but instead granted certiorari as to a question that involved the propriety of allowing Petitioner to be impeached with his prior drug convictions. App. 1131; App. 1180. However, this Court ultimately dismissed the writ as improvidently granted. App. 1241 – 1242.

Petitioner timely filed an application for post-conviction relief (PCR), and the State made its return.[3] App. 1244 – 1248; App. 1249 – 1254. A hearing was held on the matter December 18, 2018, before the Honorable R. Scott Sprouse. App. 1276. Petitioner was represented by Aimee Zmroczek. App. 1276. The State was represented by Lindsey McAllister and Kelly Oppenheimer. App. 1276. The court heard testimony from six witnesses, including, inter alia, Petitioner's trial counsel and his appellate counsel. App. 1277.

[3] Petitioner filed his PCR application on January 30, 2015. App. 1244 – 1248. The State filed its return and motion for more definite statement on June 28, 2016. App. 1249 – 1254. On December 12, 2017, Petitioner filed his response to the request for a more definite statement. App. 1255 – 1257. On September 4, 2018, the State filed a second amended return and second motion for a more definite statement. App. 1258 – 1275.

During the testimony of Petitioner Heller's trial counsel, PCR counsel asked about the "point in the trial where Mr. Nails had mentioned some—Mr. Heller being out on parole." App. 1318, ll. 5-6. Trial counsel explained,

> I objected, I moved to strike it for the record, **I should have moved for a mistrial right then and there**. After reflecting on it the next break I tried to clear it and ask for a mistrial at that point, but obviously the Court of Appeals didn't agree with me and stated that I didn't preserve it. So that again would be my fault. **I should have asked for a mistrial as soon as it came out of his mouth**.

App. 1318, ll. 15-22 (emphasis added).

The PCR court also heard testimony from Petitioner Heller's appellate counsel, Chief Appellate Defender Robert Dudek. Appellate counsel offered that the Court of Appeals "found that the issue of the witness saying Mr. Heller was on parole was . . . procedurally barred." App. 1376, l. 21-24. Appellate counsel noted this was because the Court of Appeals found trial counsel "belatedly moved for a mistrial." App. 1376, l. 24 – 1377, l. 2.

PCR counsel asked appellate counsel, "[W]hat would have been required of trial counsel" "[i]n order for you to have perfected that argument?" App. 1378, l. 24 – 1379, l. 1. Appellate counsel replied, "So the thing you have to do is accept the curative, but then object to the curative as insufficient to cure the prejudice and move for a mistrial." App. 1379, ll. 15-18. However, appellate counsel explained that here, "the Court of Appeals said that although [trial counsel] did all of that he did not do it contemporaneously. There was a delay between him moving for the mistrial and the curative being given." App. 1379, ll. 18-21.

Appellate counsel conceded that he did brief the mistrial issue because he thought the issue was arguably preserved. Appellate counsel offered that while he thought trial counsel "essentially" "did what he should have done," the Court of Appeals disagreed when it ruled that trial counsel "should have immediately moved for the mistrial." App. 1383, ll. 8-22. Appellate

counsel explained that, "I try not to tie myself into a knot on error preservation, because if the Court procedurally bars an issue on direct appeal then this is the place later to talk about it." App. 1383, ll. 22-25.

Appellate counsel also explained the importance of the issue: "This in my opinion was a very close case on guilt and, you know, the jury learning that he was on parole . . . signaled to them they knew without a doubt he had a prior criminal record, and that that was damaging." App. 1383, ll. 15-19.

On May 6, 2019, the PCR court filed an order of dismissal, in which it addressed Petitioner's claim of ineffective assistance of trial counsel for "[f]ailure to properly preserve [Petitioner's] motion for a mistrial based on prior bad act testimony. App. 1387 – 1424; App. 1416. The order of dismissal stated that, "This issue was raised on appeal, but the Court of Appeals found it was not preserved because the motion was not made contemporaneously with the instruction to disregard the testimony, which constituted an acceptance of the curative instruction."[4] App. 1416.

The order of dismissal also cited, inter alia, *McHam v. State*, 404 S.C. 465, 475, 746 S.E.2d 41, 47 (2013); *McLaughlin v. State*, 352 S.C. 476, 575 S.E.2d 841 (2002); and *Foye v. State*, 335 S.C. 586, 518 S,E,2d 265 (1999), which all recognized that, "An issue that was raised on direct appeal but found to be unpreserved may be raised in the context of a post-conviction relief claim alleging ineffective assistance of counsel." App. 1417. The PCR court continued in its order that, "before a post-conviction relief court can grant relief on a claim of ineffective

[4] The order of dismissal went on to erroneously state, "Nonetheless, the Supreme Court granted [Petitioner's] petition for writ of certiorari as to this issue, and both sides briefed the issue." App. 1416. This finding was erroneous, since, as seen, this Court only granted certiorari on a different issue, not this issue.

assistance of trial counsel for failing to preserve a claim for appellate review, the court must determine the underlying claim was meritorious and a reasonable probability that it would have resulted in reversal and a new trial." App. 1417. "In this case, [Petitioner] would have had to show on direct appeal the denial of the motion for a mistrial was an abuse of the trial court's discretion." App. 1417.

However, the order of dismissal stated, "This [c]ourt finds [c]ounsel's failure to preserve the issue, despite his best efforts at doing so, did not result in any prejudice to [Petitioner]." App. 1417. "Because the trial court sustained [c]ounsel's objection and gave a curative instruction, it is not reasonably likely [Petitioner] would have prevailed on appeal." App. 1417. "Additionally, evidence of [Petitioner's] previous criminal history was admitted anyway when [Petitioner] took the stand in his own defense." App. 1418.

On July 26, 2019, Petitioner filed a motion to reconsider pursuant to Rule 59(e), SCRCP. App. 1425 – 1427. On August 13, 2019, the PCR court issued an order denying the motion. App. 1428.

This petition for writ of certiorari follows.

ARGUMENT

The PCR court erred where it found Petitioner was not prejudiced in his trial for murder and ABIK where witness Kevin Nails testified that Petitioner was on parole when the crimes occurred, and where counsel moved for a mistrial based on this highly prejudicial evidence but the Court of Appeals found counsel's mistrial motion was not contemporaneous and thus the issue was not preserved, since counsel's performance was deficient and the improper testimony was prejudicial since it left the jury with the impression Petitioner was an irredeemable criminal.

Counsel provided deficient representation here. Although counsel realized he should move for a mistrial based on Nails' improper testimony, counsel's mistrial motion was not timely. Petitioner was prejudiced by this improper propensity evidence that indicated he was incorrigible, particularly since the jury was left to speculate about why he was on parole.

Where trial counsel fails to preserve an issue for direct appeal, that issue may properly be raised as a post-conviction relief allegation of ineffective assistance of counsel. *See McLaughlin v. State*, 352 S.C. 476, 483, 575 S.E.2d 841, 844 (2003) ("Because this issue was found to be unpreserved on direct appeal, respondent may raise this issue in his PCR proceeding."); *Foye v. State*, 335 S.C. 586, 590, 518 S.E.2d 265, 267 (1999) ("counsel was deficient because he failed to adequately preserve this issue for review."); *McHam v. State*, 404 S.C. 465, 475, 746 S.E.2d 41, 47 (2013), *abrogated on other grounds by Smalls v. State*, 422 S.C. 174, 810 S.E.2d 836 (2018) ("This Court has previously held that an issue that was raised on direct appeal but found to be unpreserved may be raised in the context of a PCR claim alleging ineffective assistance of counsel.")

"If the trial judge sustains a timely objection to testimony and gives the jury a curative instruction to disregard the testimony, the error is deemed to be cured." *State v. George*, 323 S.C.

496, 510, 476 S.E.2d 903, 911–12 (1996). "No issue is preserved for appellate review if the objecting party accepts the judge's ruling and does not contemporaneously make an additional objection to the sufficiency of the curative charge or move for a mistrial." *Id*. Here, the Court of Appeals ruled trial counsel's mistrial motion was not contemporaneous, and thus the issue was not preserved for review, since the court issued a curative instruction, and counsel waited until the court later took a break to make his mistrial motion.

The Court of Appeals found that counsel's mistrial motion was "insufficient to qualify for a contemporaneous objection." App. 1120. The opinion stated that because counsel "accepted the ruling and did not contemporaneously move for a mistrial or object to the sufficiency of the court's curative instruction, this issue is not preserved for our review." App. 1120. During his testimony before the PCR court, trial counsel admitted his performance was deficient. "I objected, I moved to strike it for the record, I should have moved for a mistrial right then and there." App. 1318, ll. 15-17.

Curiously, the PCR court's order of dismissal contained no finding of whether trial counsel's performance was deficient as to this claim—the order of dismissal only stated that trial counsel made his "best efforts" to preserve the issue. App. 1417. However, the Court of Appeals found the mistrial issue was not preserved for appellate review. Therefore, counsel's performance was deficient as a matter of law.

The Sixth Amendment to the United States Constitution guarantees an accused the right to effective assistance of counsel. U.S. CONST. amend. VI; *Strickland v. Washington*, 466 U.S. 668 (1984). The United States Supreme Court has established a two-pronged test to evaluate allegations of ineffective assistance of counsel. A petitioner must prove "that counsel's

performance was deficient" and fell below reasonable professional norms, and the deficient performance prejudiced the petitioner. *Id.* at 687.

"To show prejudice, the applicant must show that, but for counsel's errors, there is a reasonable probability the result of the trial would have been different." *Patrick v. State*, 349 S.C. 203, 207, 562 S.E.2d 609, 611 (2002). "A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial." *Johnson v. State*, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997).

No argument was made that this evidence—testimony that Petitioner was on parole—was admissible. Given these highly unusual facts, a mistrial should have been granted. Nails' comment left jurors with the impression that Petitioner was a criminal who had only recently been released from prison, and who was so untrustworthy and dangerous that he required state supervision. In *State v. Tate*, 288 S.C. 104, 105, 341 S.E.2d 380, 381 (1986), this Court explained that mug shot "photographs should not have been admitted into evidence because they implied [the accused] had a prior criminal record, and thereby improperly placed his character into evidence." Here, Nails' comment clearly showed Petitioner had a prior criminal record and that he was still on parole.

Moreover, the fact that the State was permitted to impeach Petitioner with his prior record for drug offenses did not counteract the damage done by the comment that Petitioner was on parole. At no point was the jury told that Petitioner was only on parole for the drug offenses about which they later heard. Instead, they were left to speculate that he was on parole for a much more serious crime than a drug offense. For the jury to know that Petitioner was alleged to have committed these offenses **while he was on parole** was more prejudicial than merely to learn he had a prior record for drugs. While prior drug convictions might convey that a person is

an addict or has made poor decisions, the fact that Petitioner was on parole while allegedly committing these crimes improperly put his character at issue and conveyed that he was an irredeemable and dangerous criminal.

In *State v. Thompson*, 352 S.C. 552, 561, 575 S.E.2d 77, 82 (Ct. App. 2003), the Court of Appeals addressed the propriety of a mistrial based on an officer's testimony that the accused "had warrants" prior to his arrest. The Court of Appeals observed that the comment could have referred to the warrants for the case in which the accused stood trial. "[I]t would be reasonable to assume the jury inferred that the warrants related to the charged offenses." *Id*. The Court explained that, "a vague reference to a defendant's prior criminal record is not sufficient to justify a mistrial where there is no attempt by the State to introduce evidence that the accused has been convicted of other crimes." *Id*.

Here, however, unlike in *Thompson*, the reference was not vague—it was not capable of any interpretation other than that Petitioner was, in fact, on parole for another crime. Also, unlike in *Thompson*, the solicitor did introduce other evidence that Petitioner had been convicted of other crimes. *Thompson* dictates that the improper testimony here cannot be taken in isolation—the evidence admitted of other crimes must be considered.

The jury here heard not only that Petitioner was on parole but that he had prior drug convictions. Strangely, no limiting instruction was given to the jury that they could only consider his prior convictions for credibility and not criminal propensity. Although trial counsel's failure to seek a limiting instruction on Petitioner's prior drug convictions was not raised as a claim of ineffective assistance of counsel, the fact that no limiting instruction was given as to Petitioner's prior convictions only enhanced the unfair prejudice that flowed from the improper propensity evidence at issue here.

Moreover, the court's instruction that the jury disregard the comment was insufficient to cure the prejudice. Here, the trial court simply sustained the objection and stated, "Disregard his comment about the parole." App. 537, ll. 9-10. In *State v. Smith*, 290 S.C. 393, 395, 350 S.E.2d 923, 924 (1986), this Court explained that although "[a]n instruction to disregard incompetent evidence is usually deemed to have cured the error unless on the facts of the particular case it is probable that, notwithstanding the instruction, the accused was prejudiced," a "trial judge's casual remark to 'forget' the question did not serve as a curative instruction."

This Court observed that, "Great care should be exercised in the delicate, difficult, and important matter of instructing the jury to disregard incompetent evidence." *Id*. (internal quotations and citations omitted). "The jury should be specifically instructed to disregard the evidence, and not to consider it for any purpose during deliberations. A mere general remark excluding the evidence does not cure the error. The error, and the trial judge's failure to take adequate steps to cure the error, require reversal and a new trial." *Id*. (internal citations omitted).

Here, the trial court's failure to carefully instruct the jury that the parole comment could not be considered for any purpose rendered the instruction insufficient to cure the prejudice, particularly when one considers that the jury was given no limiting instruction on Petitioner's prior convictions. The PCR court was in error here, where it found no prejudice despite counsel's deficient performance and the criminal light in which the testimony painted Petitioner.

CONCLUSION

Based on the foregoing argument, Petitioner respectfully requests that a writ of certiorari be granted to allow full briefing on this issue.

s/ Joanna K. Delany
Joanna K. Delany
Appellate Defender

ATTORNEY FOR PETITIONER

This 15th day of April, 2020.

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of her ability this Petition for Writ of Certiorari complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

s/ Joanna K. Delany
Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR PETITIONER

This 15th day of April, 2020.

RECEIVED
Apr 15 2020
S.C. SUPREME COURT