

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Newberry County

Honorable G. Thomas Cooper, Circuit Court Judge

HENRY DELOS ANDERSON,

ORIGINAL

RECEIVED

JUN 25 2018

PETITIONER: SUPREME COURT

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-002065

PETITION FOR WRIT OF CERTIORARI

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INDEX

INDEX i

ISSUES PRESENTED.....1

STATEMENT2

STATEMENT OF ISSUE ON APPEAL.....3

ARGUMENTS

I.

The PCR judge erred in finding that Petitioner waived his right to a belated appeal pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974), when Petitioner is entitled to a belated appeal because trial counsel failed to cure deficiencies in the notice of intent to appeal, causing the appeal to be dismissed, and any purported waiver does not appear in the record?4

II.

The PCR judge erred in refusing to find trial counsel ineffective for failing to convey to Petitioner a written plea offer from State.....7

CONCLUSION.....16

ISSUES PRESENTED

1. Did the PCR judge err in finding that Petitioner waived his right to a belated appeal pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974), when Petitioner is entitled to a belated appeal because trial counsel failed to cure deficiencies in the notice of intent to appeal, causing the appeal to be dismissed, and any purported waiver does not appear in the record?

2. Did the PCR judge err in refusing to find trial counsel ineffective for failing to convey to Petitioner a written plea offer from the State?

STATEMENT

In April of 2013, the Newberry County Grand jury indicted Petitioner, Henry D. Anderson, for criminal sexual conduct [CSC] first degree, kidnapping and pointing and presenting a firearm, indictments #2013-GS-36-238, 239, 240. On February 10, 2014, Petitioner proceeded to jury trial before the Honorable Frank R. Addy. Thomas E. Mosely represented Petitioner at trial. Dale Scott and Taylor Daniel prosecuted the case. The jury found Petitioner guilty as charged. Judge Addy sentenced Petitioner to twenty (20) years for CSC first degree, thirty (30) years concurrent for kidnapping provided that upon the service of twenty (20) years the balance was suspended with five (5) years of probation and five years concurrent for pointing and presenting. A notice of intent to appeal was filed. On July 9, 2014, however, the South Carolina Court of Appeals dismissed the appeal because trial counsel failed to correct deficiencies in the notice. (App. p. 824).

STATEMENT OF ISSUE ON APPEAL

Did the trial judge err in admitting the content of text messages between Petitioner and a State's witness, including a video depicting Petitioner holding a gun to his head, when the texts and video were irrelevant, far more prejudicial than probative and contained inadmissible hearsay?

ARGUMENTS

- 1. The PCR judge erred in finding that Petitioner waived his right to a belated appeal pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974), when Petitioner is entitled to a belated appeal because trial counsel failed to cure deficiencies in the notice of intent to appeal, causing the appeal to be dismissed, and any purported waiver does not appear in the record?**

In the application for post-conviction relief [PCR] Petitioner alleges that trial counsel was ineffective in failing to properly file the notice of intent to appeal. (App. p. 666). In the amended application for post-conviction relief Petitioner requests a belated appeal pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974). (App. p. 677). During the PCR hearing Petitioner testified that following his conviction at trial, he knew nothing about an appeal. (App. p. 707, lines 9-15). Petitioner testified that his attorney failed to inform him of the right to direct appeal. (App. p. 707, line 25 – p. 708, lines 1-2). Petitioner testified that his appeal was dismissed because his attorney failed to cure deficiencies in the notice of intent to appeal. (App. p. 708, lines 3-25). The original notice of intent to appeal and the order dismissing the appeal were admitted in evidence without objection as Defendant's (Applicant's) Exhibit #9. (App. p. 724, line 19 – p. 725, lines 1-2; App. pp. 825-828).

When asked during the PCR hearing about the direct appeal, trial counsel stated "I will admit that I did drop the ball in terms of responding immediately about the appeal. And I hope he does get a chance for an appeal. But I will be honest, I just couldn't afford to run up and down the road and do all of that work when promises were made that they were going to pay me some money and they never came, never came. And I apologize for that." (App. p. 745, line 21 – p. 746, lines 1-3).

At the conclusion of the PCR hearing the PCR judge asked, “Let me just ask you. The only thing, is the only thing you are asking for a belated appeal?” (App. p. 748, lines 18-19). PCR counsel answered, “No, Your Honor. We are requesting of an order granting him PCR on the basis of ineffective assistance of counsel. And I have a few points that I can make. But we would like a belated appeal pursuant to *White v. State* as well since it was improperly perfected and the evidence admitted shows, from the Court of Appeals file.” (App. p. 748, line 20 – p. 749, line 1). The State responded, “I guess starting off with the appeal issue, *White versus State*. I think it is clear, as an officer of the court, I cannot say that he followed the procedure correctly. I cannot go against what the Court of Appeals said in that order.” (App. p. 754, lines 17-21).

In the order of dismissal the PCR judge wrote, “Applicant notified this Court that he is waiving the ground that he is entitled to a belated appeal pursuant to *White v. State*. Therefore, this allegation is dismissed.” (App. p. 852). The PCR judge erred. It is unclear how Petitioner notified the Court that he wished to waive the right to a belated direct appeal. Any purported waiver of the right to a belated direct appeal is not valid as it does not appear in the record. Petitioner is entitled to a belated direct appeal.

In *Smith v. State*, 309 S.C. 413, 416, 424 S.E.2d 480, 482 (1992), the South Carolina Supreme Court wrote, “This Court held in *White v. State*, *supra*, that although a reasonable basis may exist for trial counsel to assume a defendant is fully aware of his rights regarding an appeal, counsel may not rest on that assumption. Trial counsel is required to make certain the defendant is made fully aware of his appeal rights. In the absence of an intelligent waiver by the defendant, counsel must either initiate an appeal or comply with the procedure in *Anders v. State of California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967).”

In Simuel v. State, 390 S.C. 267, 270, 701 S.E.2d 738, 739 (2010), the Court wrote,

Following a trial, counsel must make certain the defendant is made fully aware of the right to appeal. Turner v. State, 380 S.C. 223, 224, 670 S.E.2d 373, 374 (2008) (citation omitted) (Turner I); see also Turner v. State, 384 S.C. 451, 456, 682 S.E.2d 792, 794 (2009) (finding counsel must inform criminal defendant found guilty of a crime after a trial about the possibility of an appeal) (Turner II). “In the absence of an intelligent waiver by the defendant, counsel must either initiate an appeal or comply with the procedure in Anders v. California, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967).” Turner, 380 S.C. at 224, 670 S.E.2d at 374 (citation omitted).

In the present case trial counsel failed to make certain that Petitioner was made fully aware of the right to appeal. Petitioner testified that he was not aware of his right to a direct appeal and did not discuss appellate rights with trial counsel. Trial counsel did not testify that he discussed appeal rights with Petitioner. Although trial counsel filed the notice of intent to appeal, he failed to cure the deficiencies in the notice of intent to appeal. As a result, the appeal was dismissed. Petitioner did not waive his right to a belated direct appeal. “To waive a direct appeal, a defendant must make a knowing and intelligent decision not to pursue the appeal.” Sheppard v. State, 357 S.C. 646, 651, 594 S.E.2d 462, 465 (2004) (citation omitted). There is no record that Petitioner made a knowing and intelligent decision not to pursue the appeal. Petitioner is entitled to a belated appeal.

2. The PCR judge erred in refusing to find trial counsel ineffective for failing to convey to Petitioner a written plea offer from State.

In the amended application for post-conviction relief Petitioner alleges that trial counsel was ineffective in failing to convey the State's plea offer. (App. p. 678). Trial counsel initially made a special appearance on behalf of Petitioner at an initial bond hearing before the Honorable Judge Frank R. Addy on March 22, 2013. (App. pp. 829-847). The State was represented by Christopher Dale Scott. At the conclusion of the bond hearing Judge Addy indicated that he would issue an order in regard to bond in the coming days. (App. p. 845). It appears that no order was issued. Petitioner testified at the PCR hearing that on March 29, 2013, following the bond hearing but before an order was issued, trial counsel informed Petitioner he was no longer his attorney. (App. p. 715, lines 14-25). It appears, however, that the trial court and the prosecutors believed that trial counsel represented Petitioner until November of 2013. It appears from an e-mail dated December 12, 2013, that in November of 2013, Judge Keesley relieved trial counsel and appointed Mr. Charles Verner of the Newberry Public Defender's office to represent Petitioner. (App. p. 776). Petitioner testified that he never met with Mr. Verner and never received any letter from him. (App. p. 714, line 13 – p. 715, lines 1-13).

It additionally appears from the same December 12, 2013, e-mail that trial counsel wrote to the prosecutors on December 9, 2013, and indicated that he would resume representation of Petitioner. (App. p. 776). On December 23, 2013, a second bond hearing was held before the Honorable Eugene C. Griffith Jr. and he set a \$200,000.00 surety bond. (App. p. 693, lines 18-23). It is unclear from the record who represented Petitioner at the second bond hearing. Trial counsel filed a formal notice of appearance on January 24, 2014. (App. p. 848, Defendant's

(Applicant's) Exhibit #11 – Notice of Appearance). Petitioner's trial was held on February 10, 2014, before Judge Addy.

After conviction and after filing a complaint with the Office of Disciplinary Counsel, Petitioner received a copy of his client file from trial counsel. (App. p. 699, line 14 - p. 700, lines 1-10). The file contained an e-mail plea offer, sent once on October 24, 2013, and then again on October 31, 2013, from Assistant Solicitor Taylor Daniel to trial counsel. The offers were admitted in evidence at the PCR hearing, without objection, as Defendant's (Applicant's) Exhibits #5, #6 and #7. (App. p. 701, line 23 – p. 702, lines 1-15; App. pp. 770-774). In exchange for a guilty plea the State would allow Petitioner to plead to the reduced charge of CSC 2nd and pointing and presenting, dropping the kidnapping and allowing each sentence to run concurrent. (App. p. 700, line 11 – p. 701, lines 1-3). The plea offer expired on November 8, 2013. Trial counsel was not relieved until November 12, 2013.

Petitioner testified that the plea offer was never conveyed to him. (App. p. 701, lines 4-16). He testified, "I was very surprised because Mr. Mosely told me the State wasn't trying to work no pleas, they wanted to go to trial." (App. p. 701, lines 7-9). Petitioner testified that he would have accepted the offer had he known about it. (App. p. 701, lines 17-19). When asked why, Petitioner answered, "Because that would have knocked ten years off of my sentence. Yeah, I would have took that in a heartbeat." (App. p. 701, lines 21-22). Petitioner had no prior criminal history. (App. p. 646, lines 9-12). Prior to trial Petitioner wrote one letter to the clerk of court and one letter to the prosecutor indicating that he wished to enter a guilty plea to lesser charges. (App. pp. 695 – 699). The letters were admitted in evidence without objection as Defense (Applicant's) Exhibits #3 and #4. (App. p. 696, lines 11-16; p. 698, lines 16-21; App. pp. 767-769).

When asked about the plea offers from the State, trial counsel testified, “I don’t recall the exact email itself. But that is my email, email address and so therefore the only thing that I can say is that it was presented to Mr. Anderson somewhere along the line.” (App. p. 738, lines 3-6). When asked if he conveyed the email dated October 31, 2013, trial counsel responded, “I don’t recall whether or not I did or not to be quite honest.” (App. p.738, lines 20-21). In an e-mail response to the email from the prosecutor dated October 31, 2013, trial counsel wrote, “Unless there is a more reasonable plea offer I will not be representing Mr. Anderson. Mosley” (App. p. 738, line 25 – p. 739, line 1; App. p. 774). The following exchange then took place:

Q: Okay. So, the same day you received the reiterated offer of CSC second, you told the Solicitor’s Office you were getting off the case. Is that right?

A: Right. And on this same day he says something with regard to Mr. Verner taking a plea offer to him.

Q: Well, I guess I am going to ask you to read that paragraph then for clarification purposes on that.

A: At that time you can make a motion to withdraw as Mr. Anderson’s attorney and perhaps Charles Verner may be able to assume representation. Mr. Anderson has been in the detention center for nine months. I would reiterate the terms of the plea offer as you may convey them to your client. Listed below. Thank you for your attention in this matter. Taylor.

Q: Okay. Thank you. So did you ever take the plea offer to Mr. Anderson?

A: According to that I probably didn’t but I don’t recall. It might have been, you know, the question was, I just don’t recall.

(App. p. 739, lines 3-21; App. p. 774).

On cross-examination the State asked trial counsel, “And as far as the plea offer goes, if I can back up. If you receive a plea offer is it your normal practice to convey that plea offer?” (App. p. 743, line 24 – p. 744, line 1). Trial counsel answered, “Sure.” (App. p. 744, line 2).

The following exchange then took place:

Q: And I believe you just testified you can't recall the exact date that you would have done that in this case?

A: Yes. As I recall, a young man without a criminal record, you got short term goals and long term goals. And with Mr. Anderson being on the registry and of any sexual criminal offense, it would be devastating to him, you know.

Q: Okay. And do you recall, I guess, do you remember him rejecting that plea offer?

A: Not specifically rejecting it. I don't recall the exact date and time saying, no, I am not going to take that, you know. The offer was to plead straight-up, you know, meaning that, that is a plea offer lessor than what he is being charged with but without any boundaries what his time in prison he is going to get, it is no guarantee that you are going to get a good deal at a plea straight-up. Hindsight is always twenty/twenty now.

Q: Well essentially, I believe, am I correct in saying that he didn't want to plead to a sexual offense?

A: That's correct.

(App. p. 744, lines 3-22). Petitioner testified that he would have pled guilty to a lesser included sexual offense even if it required sex offender registry. (App. p. 717, line 22 – p. 718, lines 1-11).

In the order of dismissal the PCR judge wrote:

This Court finds that Counsel was not ineffective. This Court finds Counsel provided credible testimony that as a veteran defense attorney it would be his normal practice to convey all plea offers prior to trial. This Court also finds that even if Counsel was deficient, Applicant did not present sufficient evidence to show that he would have taken the plea offer. Although Applicant now testifies that he would have accepted the plea offer, his letter to the solicitor indicates that he wanted to plead to simple assault or first degree assault and battery to a probationary or time served sentence – which is a very different scenario than the offer of second degree criminal sexual assault, which carries twenty years. This Court finds Applicant has failed to meet his burden of proving that counsel did not convey the plea offer and that he was prejudiced as a result.

The PCR judge erred.

The Sixth Amendment to the United States Constitution guarantees a defendant the right to effective assistance of counsel. U.S. Const. amend. VI; Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); Lomax v. State, 379 S.C. 93, 665 S.E.2d 164 (2008). Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Strickland v. Washington, 466 U.S. at 687, 104 S.Ct. at 2052; Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989). First, the applicant must show counsel's representation was deficient, which is measured by an objective standard of reasonableness. Strickland, 466 U.S. at 687, 104 S.Ct. at 2052. Next, the applicant must show he was prejudiced by counsel's performance such that, but for counsel's error, there is a reasonable probability the result of the proceedings would have been different. Id. at 693, 104 S.Ct. at 2052.

Deficient Performance

First, counsel was deficient in failing to convey the State's plea offer prior to the expiration date. In Missouri v. Frye, 566 U.S. 134, 145, 132 S. Ct. 1399, 1408, 182 L. Ed. 2d 379 (2012), the United States Supreme Court wrote:

This Court now holds that, as a general rule, defense counsel has the duty to communicate formal offers from the prosecution to accept a plea on terms and conditions that may be favorable to the accused. Any exceptions to that rule need not be explored here, for the offer was a formal one with a fixed expiration date. When defense counsel allowed the offer to expire without advising the defendant or allowing him to consider it, defense counsel did not render the effective assistance the Constitution requires.

In the present case the offer contained in the October 24, 2013, and October 31, 2013, e-mails was a formal offer from the prosecution with terms favorable to Petitioner and a fixed expiration date. The offer was made prior to counsel being relieved in November of 2013. Counsel, in response to the e-mails from the prosecutor, did not state that he no longer represented Petitioner. Importantly, in response to the e-mails, counsel never stated that he had

conveyed the offer to Petitioner and Petitioner rejected the offer. Instead, counsel responded, “Unless there is a more reasonable plea offer I will not be representing Mr. Anderson. Mosley” (App. p. 738, line 25 – p. 739, line 1; App. p. 774).

There is nothing in the record to show that the offer was conveyed to Petitioner prior to the November 8, 2013, expiration date. Neither trial counsel’s testimony that his normal practice is to convey plea offers prior to trial nor his testimony that the offer was conveyed “somewhere along the line” is sufficient in light of the other testimony from trial counsel that he probably did not convey the plea offer to Petitioner. The fact that counsel failed to obtain a bond order from Judge Addy and the fact that after the bond hearing he advised Petitioner that he no longer represented him also support the fact that counsel never conveyed the plea offer to Petitioner prior to the expiration date.

Prejudice

Second, Petitioner was prejudiced by the deficient performance. In Collins v. State, 422 S.C. 250, 262, 810 S.E.2d 871, 877 (2018), the South Carolina Supreme Court wrote:

To show prejudice under Strickland, a defendant must demonstrate a reasonable probability that: (1) he “would have accepted the earlier plea offer had [he] been afforded effective assistance of counsel;” (2) “the plea would have been entered without the prosecution canceling it or the trial court refusing to accept it;” and (3) “the end result of the criminal process would have been more favorable by reason of a plea to a lesser charge or a sentence of less prison time.” Frye, 566 U.S. at 147, 132 S.Ct. 1399; see Lafler v. Cooper, 566 U.S. 156, 164, 132 S.Ct. 1376, 182 L.Ed.2d 398 (2012) (stating “a defendant must show that but for the ineffective advice of counsel there is a reasonable probability that the plea offer would have been presented to the court (i.e., that the defendant would have accepted the plea and the prosecution would not have withdrawn it in light of intervening circumstances), that the court would have accepted its terms, and that the conviction or sentence, or both, under the offer's terms would have been less severe than under the judgment and sentence that in fact were imposed”).

In light of the record before this Court, if trial counsel had conveyed the State’s offer to drop the kidnapping charge and allow Petitioner to plead guilty to the lesser included offense of criminal

sexual conduct second degree, Petitioner would have accepted the offer and pled guilty. Petitioner testified that he would have accepted the offer had he known about it. (App. p. 701, lines 17-19). In Davie v. State, 381 S.C. 601, 613, 675 S.E.2d 416, 422 (2009), abrogated by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018), the South Carolina Supreme Court wrote, “. . . “depending on the facts of the case, a defendant's self-serving statement may be sufficient to establish actual prejudice. See Jackson v. State, 342 S.C. 95, 97, 535 S.E.2d 926, 927 (2000) (rejecting objective evidence requirement established in Judge and finding Petitioner proved he was prejudiced by counsel's deficient performance in failing to properly advise the Petitioner that he was pleading to a felony rather than a misdemeanor where Petitioner's uncontradicted testimony established that he would not have pled had he known the charge was a felony), overruling Judge v. State, 321 S.C. 554, 562, 471 S.E.2d 146, 150 (1996).

In letters to both the prosecutor and the clerk of court, Petitioner expressed a desire to plead guilty. (App. pp. 767-769). While in the letter to the prosecutor Petitioner asks that the charges be reduced further than what the State included in the plea offer, this does not indicate that Petitioner would not have eventually accepted the State's plea offer, especially in light of Petitioner's testimony at the PCR hearing that he would have accepted the State's plea offer. In his letter to the clerk of court Petitioner simply asks to plead guilty, without reference to reduced charges or sentences. There is no reason to believe that the plea offer in the present case would not have been withdrawn by the State and no reason to believe that the judge would not have accepted the plea to the lesser included offense. The result of the plea would have been more favorable than the result of the trial because the conviction would be for a lesser charge. “To establish prejudice in this instance, it is necessary to show a reasonable probability that the end result of the criminal process would have been more favorable by reason of a plea to a lesser

charge or a sentence of less prison time. Cf. Glover v. United States, 531 U.S. 198, 203, 121 S.Ct. 696, 148 L.Ed.2d 604 (2001) (“[A]ny amount of [additional] jail time has Sixth Amendment significance”).” Missouri v. Frye, 566 U.S. 134, 147, 132 S. Ct. 1399, 1409, 182 L. Ed. 2d 379 (2012). Petitioner received, after trial, an active sentence of twenty (20) years. There is a reasonable probability that if Petitioner had pled guilty to the lesser included offense of criminal sexual conduct second degree, with no prior criminal record, he would have received a sentence of less than the maximum twenty (20) years. Petitioner demonstrated prejudice from trial counsel’s failure to convey the plea offer to the lesser offense.

Remedy

In Lafler v. Cooper, 566 U.S. 156, 170, 132 S. Ct. 1376, 1388–89, 182 L. Ed. 2d 398 (2012), the United States Supreme Court wrote:

Sixth Amendment remedies should be “tailored to the injury suffered from the constitutional violation and should not unnecessarily infringe on competing interests.” United States v. Morrison, 449 U.S. 361, 364, 101 S.Ct. 665, 66 L.Ed.2d 564 (1981). Thus, a remedy must “neutralize the taint” of a constitutional violation, id., at 365, 101 S.Ct. 665, while at the same time not grant a windfall to the defendant or needlessly squander the considerable resources the State properly invested in the criminal prosecution. See Mechanik, 475 U.S., at 72, 106 S.Ct. 938 (“The reversal of a conviction entails substantial social costs: it forces jurors, witnesses, courts, the prosecution, and the defendants to expend further time, energy, and other resources to repeat a trial that has already once taken place; victims may be asked to relive their disturbing experiences”).

In Lafler counsel was found ineffective for advising the client to reject a plea offer and proceed to trial. The Court discussed the remedies available when the plea offer was for a lesser sentence as opposed to a lesser charge. In regard to a plea offer involving a lesser charge, the Court wrote:

In some situations it may be that resentencing alone will not be full redress for the constitutional injury. If, for example, an offer was for a guilty plea to a count or counts less serious than the ones for which a defendant was convicted after trial, or if a mandatory sentence confines a judge's sentencing discretion after

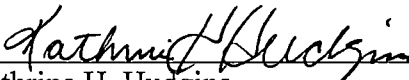
trial, a resentencing based on the conviction at trial may not suffice. See, e.g., Williams, 571 F.3d, at 1088; Riggs v. Fairman, 399 F.3d 1179, 1181 (C.A.9 2005). In these circumstances, the proper exercise of discretion to remedy the constitutional injury may be to require the prosecution to reoffer the plea proposal. Once this has occurred, the judge can then exercise discretion in deciding whether to vacate the conviction from trial and accept the plea or leave the conviction undisturbed.

Lafler 566 U.S. at 171, 132 S. Ct. at 1389. The Court then discussed two factors, of many, judges may use in their discretion in fashioning a remedy: 1.) a defendant's earlier expressed willingness to accept responsibility for his actions; and 2.) information discovered after the plea offer was made.

In the present case trial counsel failed to convey the offer, as in Frye. Frye subsequently pled guilty without the benefit of the plea offer. Petitioner proceeded to jury trial without knowing of the plea offer. Applying the remedy analysis from Lafler, as Lafler went to trial, Petitioner expressed a willingness to plead guilty, as evidenced by the letters to the prosecution and the clerk of court. The proper remedy in the present case is to remand for re-sentencing on the lesser included offense of criminal sexual conduct second degree. Pursuant to Lafler, the judge may consider information learned after the plea offer was made in fashioning a proper sentence.

CONCLUSION

Based on the above arguments this Court should grant the petition for writ of certiorari, find that Petitioner did not waive his right to direct appeal and order briefing pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974). Additionally, this Court should grant the petition for writ of certiorari to allow further briefing on the PCR issue.


Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR PETITIONER

This 25th day of June, 2018.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Newberry County

Honorable G. Thomas Cooper, Circuit Court Judge

HENRY DELOS ANDERSON,

PETITIONER

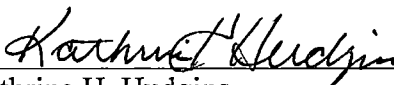
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STATE OF SOUTH CAROLINA,

RESPONDENT

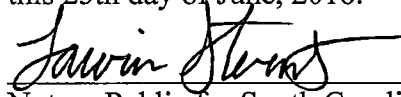
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Petition for Writ of Certiorari and a copy of the Appendix in the above referenced case has been served upon Megan Harrigan Jameson, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Petition for Writ of Certiorari and a copy of the Appendix have been served on Henry Delos Anderson, #358826, at Perry Correctional Institution, 430 Oaklawn Road, Pelzer, SC 29669, this 25th day of June, 2018.



Kathrine H. Hudgins
Appellate Defender

SUBSCRIBED AND SWORN TO before me ATTORNEY FOR PETITIONER
this 25th day of June, 2018.



(L.S)
Notary Public for South Carolina
My Commission Expires: July 5, 2027.