

# The South Carolina Court of Appeals

Richard B. Niles, Jr., Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2018-000396

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## ORDER

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Counsel has submitted a petition pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988), and a motion to be relieved as counsel. Petitioner submitted a pro se petition raising additional issues. We deny the motion to be relieved as counsel and direct the parties to address the following questions and any other questions of arguable merit:

1. Was trial counsel ineffective in failing to object to the State's elicitation of testimony during its direct examination of Ervin Moore regarding Moore's agreement with the State that he would plead guilty to a lesser offense only if he provided truthful testimony against Petitioner?
2. Was trial counsel ineffective in failing to object to the trial court's response to an inquiry from the jury about whether Petitioner could be convicted of armed robbery if doubt existed regarding his actual knowledge of the robbery prior to its occurrence?

Petitioner shall serve and file a petition on these questions within thirty days of the date of this order. Thereafter, Respondent shall have thirty days to serve and file its return.



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FOR THE COURT

**FILED**  
**Oct 26 2021**

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Columbia, South Carolina

cc:

Johnny Ellis James, Jr., Esquire

James Kristian Falk, Esquire

Alan McCrory Wilson, Esquire

The Honorable William H. Seals, Jr.

Richard B. Niles, Jr., 333708