RECEIVED
Oct 27 2021
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Certiorari to Cherokee County

Honorable Grace Gilchrist Knie, Circuit Court Judge

JOEY CLARK,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-001627

BRIEF OF PETITIONER

KATHRINE H. HUDGINS
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

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Other Authorities

Rules

Constitutional Provisions

ISSUE PRESENTED

Did the PCR judge err in refusing to find trial counsel ineffective for asking the investigator about statements made by five jail house snitches, who did not testify at trial, claiming that Petitioner confessed to killing the deceased and then not objecting when the State asked the investigator to read the statements to the jury and then introduced the written copies of the statements because these decisions by trial counsel cannot be part of a valid, reasonable trial strategy and resulted in prejudice?

STATEMENT

In November of 2013, the Cherokee County Grand Jury indicted Petitioner, Joey Clark, for murder, indictment #2013-GS-11-1167. On March 17, 2014, Petitioner proceeded to jury trial before the Honorable Howard P. King. H. Chase Harbin represented Petitioner at trial. Kimberly L. Leskanic and Jennifer Jordan prosecuted the case. The jury found Petitioner guilty and Judge King sentenced him to forty-five (45) years in prison. A timely notice of intent to appeal was filed and the direct appeal was perfected pursuant to the procedure of Anders v. California, 386 U.S. 738 (1967). On August 19, 2015, the South Carolina Court of Appeals dismissed the appeal.

On July 20, 2016, Petitioner, filed an application for post-conviction relief [PCR]. The State filed a return on May 16, 2017. The evidentiary hearing was held June 19-21, 2018, before the Honorable Grace Gilchrist Knie. Joel F. Stroud represented Petitioner. Megan Harrigan Jameson represented the State. In a written order signed August 24, 2018, Judge Knie denied relief and dismissed the application. A timely notice of intent to appeal was served on September 4, 2018. A petition for writ of certiorari was filed on April 24, 2019. The return was filed on September 9, 2019. On September 20, 2019, pursuant to Rule 243(1), SCACR, the South Carolina Supreme Court transferred the case to the South Carolina Court of Appeals. On September 29, 2021, this Court granted the petition for writ of certiorari. This brief of petitioner follows.

STANDARD OF REVIEW

"Our standard of review in PCR cases depends on the specific issue before us. We defer to a PCR court's findings of fact and will uphold them if there is evidence in the record to support them." Smalls v. State, 422 S.C. 174, 180, 810 S.E.2d 836, 839 (2018), (citing Sellner v. State, 416 S.C. 606, 610, 787 S.E.2d 525, 527 (2016), and Jordan v. State, 406 S.C. 443, 448, 752 S.E.2d 538, 540 (2013)). "We review questions of law de novo, with no deference to trial courts." Id. at 180-81, 810 S.E.2d at 839-40 (citing Sellner, 416 S.C. at 610, 787 S.E.2d at 527, and Jamison v. State, 410 S.C. 456, 465, 765 S.E.2d 123, 127 (2014)). "[W]e will reverse the PCR court's decision when it is controlled by an error of law." Sellner, 416 S.C. at 610, 787 S.E.2d at 527.

ARGUMENT

The PCR judge erred in refusing to find trial counsel ineffective for asking the investigator about statements made by five jail house snitches, who did not testify at trial, claiming that Petitioner confessed to killing the deceased and then not objecting when the State asked the investigator to read the statements to the jury and then introduced the written copies of the statements in evidence because these decisions by trial counsel cannot be part of a valid, reasonable trial strategy and resulted in prejudice.

Facts.

On the afternoon of December 2, 2010, a motorist driving on Mikes Creek Road discovered the dead body of Winter Wingard. (App. pp. 222-224). Petitioner and Wingard had been romantically involved but the relationship ended in October. (App. p. 127, line 9 – p. 128, lines 1-4). Despite the break up, Petitioner continued to stay at the home Wingard shared with her mother, Beverly Patrick. The night before Wingard's body was found she was at home, not feeling well. (App. p. 138, lines 7-19). Petitioner and Patrick were also home, drinking moonshine and eating pizza. (App. pp. 137-139). When Patrick went to bed at 10:00 PM Wingard was napping on the couch and Petitioner was at the kitchen table. (App. p. 139, line 16 – p. 140, lines 1-21). According to Patrick, when she woke up at 4:00 AM Petitioner was standing at the foot of her bed and told her that Wingard had not come home after telling him she was going out to buy cigarettes. (App. p. 141, lines 4-14). Patrick testified that Petitioner told her that he believed Wingard had actually gone to see a friend, Anna Mooney, with whom Wingard had recently become romantically involved. (App. p. 129, line 16 – p. 130, lines 1-19; p. 141, lines 14-15). Patrick testified that her car was gone and she had to ride to work that morning with Petitioner. (App. p. 142, line 22 – p. 143, lines 1-5). The car was later recovered not far from the trailer and Wingard's purse was found inside. (App. p. 145, line 9 – p. 146, lines 1-4). Wingard's cell phone, removed

battery and the keys to Patrick's car were found in an open field behind the trailer. (App. pp. 293-294, p.304).

The State introduced evidence of text messages between Petitioner, Wingard and Mooney on December 1st and into the early morning on December 2nd. In one of the text messages between Petitioner and Mooney each seems to brag about having sex with Wingard. (App. p. 192, lines 12-19). The text messages between Mooney and Wingard indicate that Petitioner told Mooney that she contracted HIV from Wingard. (App. p. 195, lines 9-10). Wingard insisted that Petitioner was lying about her HIV status. (App. p. 195, lines 11-25). In another message to Mooney, Wingard indicated that she was on her way to the hospital to get tested. (App. p. 196, lines 1-25). The last text message from Wingard's phone was sent at 2:14 AM on December 2nd, to Mooney's phone. (App. p. 380, lines 1-10).

Some fibers from a barbed wire fence on Mikes Creek Road, where Wingard's body was found, were consistent with the fibers on Wolverine boots owned by Petitioner or any other source with the same physical, chemical and optical characteristics. (App. p. 514, lines 9-12). Neither Petitioner nor Wingard could be excluded from contributing to DNA found on a briar and a tree limb on Mikes Creek Road. (App. p. 564, lines 15-18). Additionally, there was a third unknown contributor to the DNA samples found on the briar and tree limb. (App. p. 564, lines 23-25). Petitioner was a major contributor to the DNA sample found in an oral swab from Wingard. (App. p. 569, lines 3-14). There was also an unknown minor contributor to this sample. (App. p. 569, lines 19-23).

Petitioner was arrested and jailed on December 3, 2010, for an unrelated traffic offense. (App. p. 398, lines 2-8). Five inmates at the jail claimed that, while Petitioner was at the jail, he

made incriminating statements implicating himself in Wingard's death. On December 6, 2010, at 3:08, Petitioner was charged with murder. (App. p. 400, lines 14-20).

Argument.

During the cross-examination of Detective Richard Burgess, the lead investigator, trial counsel asked about statements from inmates at the jail alleging that Petitioner admitted killing Wingard. (App. p. 401, lines 1-9; p. 404, lines 11-17). The prosecution had not asked the investigator about these statements during direct examination. Trial counsel asked about a statement from Bryant "Skeet" Phillips on December 5, 2010[1]. (App. p. 406, line 23 – p. 407, lines 1-9). The prosecutor objected on hearsay grounds when trial counsel asked the detective about the content of the statement but then withdrew the objection. (App. p. 408, line 21 – p. 409, lines 1-9). The investigator, discussing Phillips' statement, testified, "They said that – when I asked him, he said that he and some other guys had asked him what he was in for and said they got him for killing his girlfriend. He said they found her butchered to death. And with that being said, at that point he was not even charged with murder." (App. p. 409, lines 20-24).

Trial counsel questioned the investigator about a statement from another inmate, John Raymond Austin. (App. p. 413, lines 10-12). When asked if Austin's statement differed from Phillips' statement the investigator testified, "It's similar. He – they said they asked him what he was in for and he said murdering his wife." (App. p. 413, lines 15-16). When trial counsel asked the investigator to elaborate on Austin's statement, the investigator testified, "He says when he walked away, a little while later "Skeet" went over and got to talking with him and "Skeet" came back and told us that he said she was stabbed up, and he also said none of us in there even knew

---

[1] Statements from four other inmates were taken the next day on December 6, 2010.

how she had died." (App. p. 414, lines 8-11). During the PCR hearing trial counsel acknowledged that some of statements contained hearsay. (App. p. 975, line 4 – p. 976, lines 1-18).

Trial counsel questioned the investigator about a statement from a third inmate, Ridge F. Crosby. (App. p. 414, lines 12-13). The investigator testified that Crosby stated that when asked why he was in jail, Petitioner told him for murder for killing his girlfriend. (App. p. 415, line 22 – p. 416, lines 1-8). Trial counsel questioned the investigator about a statement from a fourth inmate, Michael Covington, but then skipped over that statement. (App. p. 416, line 24 – p. 417, 418, lines 1-20).

Finally, trial counsel questioned the investigator about a statement from a fifth inmate, Michael Stillwell. (App. p. 418, lines 21-23). The investigator confirmed that a third search warrant was executed on the residence based on Stillwell's statement. (App. p. 418, line 24 – p. 419, lines 1-6). The investigator testified, " . . . Stillwell said that – referred to Joey [Petitioner] said he had been – the guy said he had been working on his wife or girlfriend for several days and finally had enough. So they were in the kitchen and he picked up a knife and started stabbing her. And then the guy said he put her body in the car and dumped it." (App. p. 419, lines 7-12). The investigator admitted no blood was found in the kitchen. (App. p. 419, lines 18-20).

On re-direct examination the investigator read into the record, without objection, the written statements of all five inmates. (App. pp. 436-443). The prosecutor was able to point out that all of the inmates with the possible exception of Crosby gave statements before Petitioner was arrested on the murder charge on December 6, 2010, at 3:08 PM. (App. p. 435, line 21 – p. 436, lines 1-4; p. 438, line 21 – p. 439, lines 1-13; p. 440, lines 11-18; p. 442, lines 5-10). The prosecutor was able to emphasize that details about the deceased, the manner of death, and other details contained in the statements had not been released to the public. Finally, the written

statements from the jailhouse snitches were admitted in evidence, without objection. (App. p. 446, line 16 - p. 447, lines 1-21).

In the PCR application Petitioner wrote:

> Mr. Harbin had prior knowledge that the jail inmates made statements incriminating Clark. Mr. Harbin offered ineffective assistance of counsel when he did nothing to suppress these statements made by the inmates. Mr. Harbin unreasonably viewed these inmates as confidential informants even though he was told on Page 73 of the Trial Transcript that none of the inmates were confidential informants. Mr. Harbin's trial performance opened the door for these inadmissible statements to be admitted as evidence in violation of the *Crawford* holding and the *Sixth Amendment Confrontation Clause* Rules, as well as, the *South Carolina Rules of Evidence Hearsay Rules*. The significance of these statements being read into evidence **without** the inmates taking the stand and being subject to cross-examination was so alarming to Trial Judge King that on Page 593 of the trial transcript during his discussion of jury charges he made the following comment:
>
> Judge King: I was a bit surprised, Mr. Harbin, that the statements came in as to what they said without the individuals coming forward.
>
> The admission of the inmate's statements was treated as a confession made by Joey Clark by both the State and by Defense Counsel Mr. Harbin. The effect of the statements prejudiced Mr. Clark in the eyes of the jury and denied him a fair trial.

(App. p. 716). The written statements by the jailhouse snitches were included as part of the application for post-conviction relief. (App. pp. 744-751).

During the PCR hearing trial counsel was asked about the admission of the statements from the jailhouse snitches. (App. pp. 948-984). Trial counsel testified, "So, this is probably the single most difficult question of, of the case for me –" (App. p. 949, lines 19-20). Trial counsel additionally testified:

> The, other informants, my assessment, at that time, was that, if I could pick apart their words on a statement, and avoid the ability for them to rehabilitate themselves, that that might be the biggest win that we could get.
>
> . . . So, it puts me in the position of doing something that the State would completely not, not expect at all. And I, and I remember. I went to law school with Jennifer. I, I didn't know Kim, but I got to know her over the course of us – and I think they were as shocked as anybody in the courtroom when I opened the door.

> And, and I'll admit, if it's something wrong, then, you know, the Court can tell me I did it wrong, but I did it on purpose. I baited them –

(App. p. 952, lines 11-24). Contrary to trial counsel's assessment, the biggest win the defense could have received was for the jury not to have heard the investigator testify about alleged hearsay statements from five jailhouse snitches. The error in trial counsel questioning the investigator about the statements became more egregious when, on re-direct, the investigator, without objection, read all five the statements to the jury and the statements were admitted in evidence. Trial counsel should have required the State to call the jailhouse snitches as witnesses at trial so that they could be effectively cross-examined and possibly impeached by the statements they already made. The oral and written statements of the snitches should not have been admitted in evidence through the investigator.

Later, trial counsel was asked, "Please explain how it was a reasonable strategy to ask Detective Burgess cross-examination questions that confirmed that there were other inmates who supposedly witnessed Mr. Clark's alleged confession given the fact that, prior to your cross examination of Detective Burgess the State had not brought up any discussion of these inmates' statements?" (App. p. 961, lines 13-19). Trial counsel answered, "Well, there's a two part answer because the reason that I wanted the statements in was because I didn't want them to testify." (App. p. 961, lines 20-22). Questioning the investigator about the statements and admitting the written statements did not preclude the State from calling the jailhouse house snitches to testify. The State could have called the witnesses to testify at trial, even after the statements were admitted. The State, however did not need to call these witnesses, who would have brought with them to the stand all of the baggage of a jailhouse snitch, because their written statements had already been introduced in evidence, without objection by the defense. Trial counsel's so called strategy only

served to benefit the State by not requiring them to subject their jailhouse snitches to scrutiny before the jury.

In the order of dismissal the PCR judge wrote:

> This Court finds counsel's testimony as to this allegation is credible, particularly in reference to his strategic reason for opening the door to the admission of the various statements through Detective Burgess. Moreover, this Court finds counsel made an objectively reasonable strategic decision to question Detective Burgess as to these statements and open the door to their admission after thoughtful consideration of the facts of the case, his full investigation (including of these particular witnesses), and observing Detective Burgess during direct examination. Therefore, this Court finds counsel's performance was not deficient.

(App. p. 1278). The PCR judge additionally wrote:

> Additionally, this Court notes that by introducing the statements through Detective Burgess rather than calling each witness individually, the State elected not to call these witnesses and therefore, was unable to rehabilitate the witnesses or afford them an opportunity to clarify or correct discrepancies between the statements and the evidence presented, which was the intended goal of counsel's strategic decision. Counsel's performance was not deficient.

(App. pp. 1278-1279). If the jailhouse snitches needed to be rehabilitated or needed an opportunity to clarify or correct discrepancies, the State would have called them as witnesses. The State elected not to call the snitches as witnesses to avoid any possible adverse credibility finding by the jury after cross examination. The prosecutor testified at the PCR hearing:

> And, frankly, Mr. Harbin had been able to point out their inconsistencies. Although we would have possibly, and if they testified they, they told me, gained additional information, he would have had yet another opportunity, right after our lead investigator had not done great on cross-examination, have an opportunity to point out the inconsistencies again in these inmates' statements. We felt that the strongest part of our case had to do with the DNA, the crime scene, and the forensics. And we decided just to head down that road in our case[2].

---

[2] Petitioner disagrees with this witness' assessment of the DNA, crime scene and forensics as the strongest part of the case. There were reasonable, non-inculpatory explanations for this evidence.

(App. p. 1142, lines 11-20). Counsel was deficient in regard to allowing the admission of statements made by jailhouse snitches through an investigator rather than requiring the snitches to take the stand and be cross-examined as to bias, reliability and credibility.

In regard to prejudice the PCR judge wrote:

> Moreover, this Court notes that Applicant cannot establish any requisite prejudice, as the substance of these statements would have clearly been introduced at trial through the individual witnesses had the statements not come in through Detective Burgess. The prosecutors testified these witnesses would have been called as witnesses during Applicant's trial and they would have attempted to clear up any discrepancies or inconsistencies when each witness was testifying. Therefore, Applicant is unable to establish any resulting prejudice from counsel's strategic decision to open the door to the statements through Detective Burgess. This Court finds Applicant cannot establish any constitutional ineffective as to this allegation, which must be denied and dismissed with prejudice.

(App. p. 1279). The PCR judge erred. As noted by the prosecutor at the PCR hearing, if the jailhouse snitches had taken the stand and testified, as should have been required, trial counsel would have had the opportunity to confront the witnesses and cross-examine about the inconsistencies. Additionally, trial counsel could have questioned the witnesses about the charges they were facing while in jail and any hopes or promises of leniency from the State based on their cooperation. As a result of a proper confrontation and cross-examination, the jury could then make critical credibility determinations about the alleged statements. The other evidence relied upon by the State, including DNA, crime scene and forensics, did not point conclusively to guilt because of the relationship Petitioner shared with Wingard. The credibility of the jailhouse snitches was a critical factor to be determined by the jury. The jury, however, was not provided with the traditional benefit of cross-examination in order to make that determination.

Trial counsel was ineffective in questioning the detective about the statements by the jailhouse snitches, opening the door to allow the State to read the entire statements to the jury and

then introduce the written statements in evidence. Petitioner was prejudiced by the deficient performance. Trial counsel's decision allowed the State to introduce otherwise inadmissible incriminating statements of jailhouse snitches without subjecting the snitches to cross-examination to raise bias and challenge their reliability and credibility. This was not a valid or reasonable trial strategy

A criminal defendant is guaranteed the right to effective assistance of counsel under the Sixth Amendment to the United States Constitution. U.S. Const. amend. VI; Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). Courts evaluate allegations of ineffective assistance of counsel using a two-pronged test. Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989) (citing Strickland, 466 U.S. at 668, 104 S.Ct. 2052). First, the applicant must demonstrate counsel's representation was deficient, which is measured by an objective standard of reasonableness. Strickland, 466 U.S. at 687–88, 104 S.Ct. 2052. "Under this prong, '[t]he proper measure of attorney performance remains simply reasonableness under prevailing professional norms.'" Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S.Ct. 2052). Second, the applicant must demonstrate he was prejudiced by counsel's performance in such a manner that, but for counsel's error, there is a reasonable probability the result of the proceedings would have been different. Strickland, 466 U.S. at 694, 104 S.Ct. 2052. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." Id.

In Smalls v. State, 422 S.C. 174, 182–83, 810 S.E.2d 836, 840 (2018), the South Carolina Supreme Court, discussing cross-examination, wrote:

> Evidence of a witness's bias can be compelling impeachment evidence, and for that reason "considerable latitude is allowed" to defense counsel in criminal cases "in the cross-examination of an adverse witness for the purpose of testing bias." State v. Brown, 303 S.C. 169, 171, 399 S.E.2d 593, 594 (1991). Our courts have followed the "general rule" that " 'anything having a legitimate tendency to throw light on the accuracy, truthfulness, and sincerity of a witness may be shown and considered

> in determining the credit to be accorded his testimony,' " so that " 'on cross-examination, any fact may be elicited which tends to show interest, bias, or partiality' of the witness." State v. Brewington, 267 S.C. 97, 101, 226 S.E.2d 249, 250 (1976) (quoting 98 C.J.S. *Witnesses* §§ 460, 560a). "Rule 608(c) [of the South Carolina Rules of Evidence] 'preserves [this longstanding] South Carolina precedent.' " State v. Sims, 348 S.C. 16, 25, 558 S.E.2d 518, 523 (2002) (quoting State v. Jones, 343 S.C. 562, 570, 541 S.E.2d 813, 817 (2001) and citing Brewington, 267 S.C. at 101, 226 S.E.2d at 250). *See* Rule 608(c), SCRE ("Bias, prejudice or any motive to misrepresent may be shown to impeach the witness either by examination of the witness or by evidence otherwise adduced.").

Cross-examination is a critical and standard tool to show bias and challenge the reliability and credibility of the testimony of an adverse witness. In the present case trial counsel's "strategy" resulted in the admission of otherwise inadmissible oral and written incriminating statements by five jailhouse snitches who never took the stand to be cross examined. Trial counsel was ineffective. There is a reasonable probability that, but for counsel's deficient performance, the result of the proceeding would have been different.

In United States v. McCoy, 410 F.3d 124, 135 (3d Cir. 2005), the Third Circuit Court of Appeals wrote:

> We agree with the Government that courts have been highly deferential to counsel's strategic decisions, see, *e.g.*, Strickland, 466 U.S. at 690, 104 S.Ct. 2052 (stating that "strategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable"); United States v. Otero, 848 F.2d 835, 838 (7th Cir.1988), but merely labeling a decision as "strategic" will not remove it from an inquiry of reasonableness. See generally Davidson v. United States, 951 F.Supp. 555, 558 (W.D.Pa.1996); see also Gov't of the V.I. v. Weatherwax, 77 F.3d 1425, 1431–32 (3d Cir.1996).

In Kellogg v. Scurr, 741 F.2d 1099, 1102 (8th Cir. 1984), the Eighth Circuit Court of Appeals wrote, "We agree that the label 'trial strategy' does not automatically immunize an attorney's performance from sixth amendment challenges." See also Quartararo v. Fogg, 679 F Supp 212, 247 (ED NY, 1988) (noting that "not all strategic choices are sacrosanct" and that "[m]erely labeling [counsel's] errors 'strategy' does not shield his trial performance from Sixth Amendment scrutiny"). "Tactical decisions do not render assistance ineffective merely because

in retrospect it is apparent that counsel chose the wrong course. Baldwin v. Blackburn, 653 F.2d 942 (5th Cir.1981). However, certain defense strategies or decisions may be "so ill chosen" as to render counsel's overall representation constitutionally defective. Adams v. Balkcom, 688 F.2d at 738; Washington v. Watkins, 655 F.2d 1346, 1366 (5th Cir.1981), *cert. denied,* 456 U.S. 949, 102 S.Ct. 2021, 72 L.Ed.2d 474 (1982)." Willis v. Newsome, 771 F.2d 1445, 1447 (11th Cir. 1985). The fact that trial counsel chose a purported strategy "on purpose" does not make the strategy a reasonably objective one. In the present case counsel's decision to question the detective about the statements by the jailhouse snitches, opening the door to allow the State to read the entire statements to the jury and then introduce the written statements in evidence without requiring the jail house snitches to take the stand and be cross- examined as to bias, reliability, and credibility was "so ill chosen" as to render counsel's overall representation constitutionally defective.

In Beasley v. United States, 491 F.2d 687, 696 (6th Cir. 1974), the Sixth Circuit Court of Appeals wrote:

> Defense strategy and tactics which lawyers of ordinary training and skill in the criminal law would not consider competent deny a criminal defendant the effective assistance of counsel, if some other action would have better protected a defendant and was reasonably foreseeable as such before trial. United States v. Katz, 425 F.2d 928, 930 (2d Cir. 1970). If, however, action that appears erroneous from hindsight was taken for reasons that would appear sound to a competent criminal attorney, the assistance of counsel has not been constitutionally defective. McMann v. Richardson, 397 U.S. 759, 90 S.Ct. 1441, 25 L.Ed.2d 763 (1970).

Trial counsel's purported defense strategy failed to provide an adversarial challenge to the alleged damaging statements made by the five jailhouse snitches and helped to bolster the State's case. Trial counsel's ability to cross examine the investigator about inconsistencies in the jailhouse snitch statements is not a substitute for requiring the State to call these witnesses to testify at trial where they would be subject to cross examination. No lawyer of ordinary training and skill in criminal law would consider the purported strategy in the present case a competent strategy. This

was not a strategic decision to confront potentially damaging evidence in an effort to reduce prejudice. Instead, the actions of trial counsel diluted the State's burden of proof and deprived Petitioner the right to confront and cross-examine witnesses. Petitioner was prejudiced by the deficient performance of trial counsel.

CONCLUSION

Based on the above argument, this Court should reverse the conviction and remand for a new trial.

Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR PETITIONER

This 27th day of October, 2021.