

① DEAR Ms Kitchings:

Enclosed PLEASE Find the Original Motion to Amend,
Response to state's Motion to Dismiss, and Motion
to set aside Judgment.

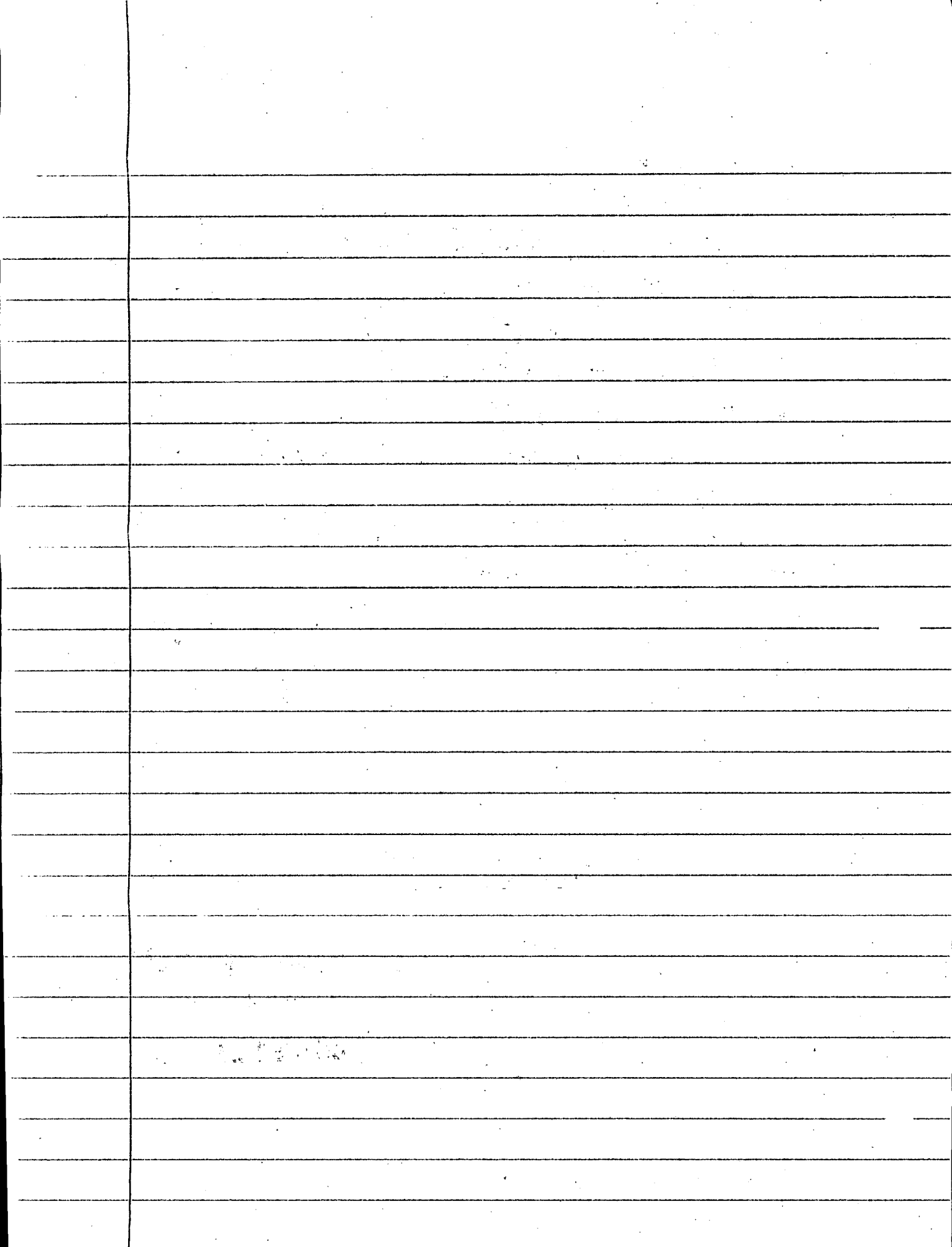
For the Record, I Am indigent and these
are rules governing the Borrowing from inmates.
Their fee through my poverty I am NOT able to
send copies to Defendants so please send A
copy to Attorney Generals Office for service
Thank You sincerely.

Thomas Dowling

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APR 24 2013

SC Court of Appeals



State of South Carolina
In The Court of Appeals

Appel Farm Orangeburg County

Honorable Diane S. Goodstein, C.A. Court Judge

Appellate Case No: 2013-000308

State of South Carolina

Respondent

vs.

Thomas Dowling

Appellate

Appellant's Motion to Amend and

Response to State's Motion to Dismiss

and Motion to set aside judgment.

The Appellant, Making Response to the motion submitted

by Respondents to dismiss this Appeal, and Motion for

this Court to set aside Judgment, Remand to lower Court

for Reconsideration, the Motion this Court to allow him

to raise also the issue that defendant's pointed out

in their response that the fact that no issue was

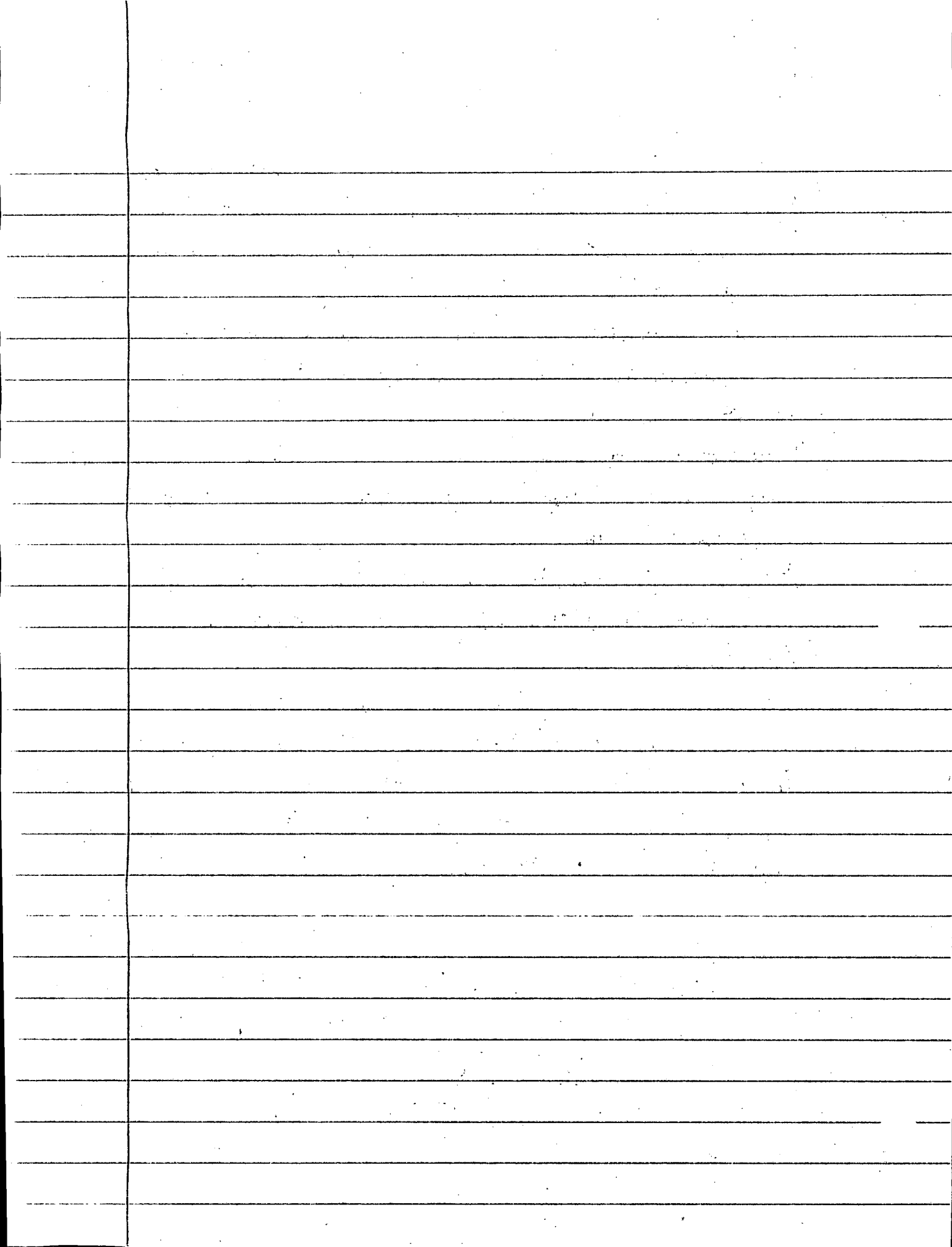
preserved for appellate review. Applicant submits that

this issue and the current issue raised by him should

have been preserved by his Attorney for direct appeal. The record on transcript would show that Applicant's plea was without recommendation and for the Court to recommend that Plaintiff be sentenced under enhancement statute required the state to serve him notice and his Attorney, because had he known the solicitor's intent to use his prior record for aggravating circumstance he would have move for trial. Applicant also submits that his attorney failed to preserve issues based on her bias opinion that Applicant and victim was probably both drunk and one thing led to another. The Applicant only wanted to show this Court that there were issues that should have been preserved at sentencing trial but record show his Attorney failed him. This error was made by his Attorney and Applicant should not be held responsible for bad faith representation, when the law guarantees him the right to effective assistance of counsel? Even defendants agreed I should have raised the issue or fact that no issue was preserved. see Page 2-Paragraph 5 of Respondents Motion to dismiss.

Conclusion.

The record show Applicant Thomas Dowling did not receive a just sentencing. He believes had the Court heard mitigating issues surrounding



the case he would have found the Applicant Not guilty but self Defense, but record would show Attorney for Applicant told the Court one news contacted all the witnesses for their testimony on the Person, Character of the Victim.

Applicant assert that he put himself at the mercy of this court that he is an old man who can barely walk. He's been placed in an environment that clearly he do not believe he deserved to be. The Applicant only ask this Court to grant him if not time served, but an opportunity to have a fair hearing with all the facts and not educated opinions.

Respectfully Submitted,

Thomas Dowling

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