

FORM 5

STATE OF SOUTH CAROLINA )  
 )  
County of Clarendon )  
 )  
Marvin Keith McBride, Jr. )  
Full name and prison number (if any) of Applicant )  
 )  
v. )  
 )  
State of South Carolina )  
 )  
 )  
 )  
 )

IN THE COURT OF COMMON PLEAS

**RECEIVED**

JUL 21 2022

SC Court of Appeals

APPLICATION FOR

POST-CONVICTION RELIEF

**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention clarendon county detention center, SC.

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2. Name and location of Court which imposed sentence clarendon county circuit court  
located in clarendon county, SC.

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3. Name(s) of co-defendant(s) (if any) N/A.

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4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) It's on file w/ appellate case no. 2021-000823.
  - (b) Contact Wanda H. Carter, because she did not forward me everything or visit me to discuss my appeal for this entrapment.

- (c) \_\_\_\_\_
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) July 27, 2022 the date upon which the circuit judge imposed in violation of  
 (b) the constitution and laws of the US, w/ allege victim call to the stand and committed  
 (c) deceit for this 6 year non-violent sentence by R. Ferrell Cochran, Jr. of the terms  
of the sentence no contact w/ allege victim who made a false report.
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty \_\_\_\_\_  
 (b)  after a plea of not guilty for the 6 yrs non-violent entrapment w/ jurisdiction  
 (c) after a plea of nolo contendere \_\_\_\_\_
7. Did you appeal from the judgment of conviction or the imposition of sentence?  
Yes, while the circuit judge was question by me during proceeding for the wrongful imprisonment.
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. July 27, 2022 at the Clarendon County circuit court,  
 ii. November 30, 2022 at the Sumter County circuit court alleges/entrapment run concurrent w/ said  
6 yrs. sentence and was appeal to by a different circuit court judge.  
 iii. \_\_\_\_\_
- (b) the result in each such Court to which you appealed:
- i. The State of South Carolina is the court of appeals.  
 ii. \_\_\_\_\_  
 iii. \_\_\_\_\_
- (c) the date of each such result:
- i. submitted April 1, 2022 my appeal submitted on record for SC court of appeals.  
 ii. \_\_\_\_\_  
 iii. \_\_\_\_\_
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. unpublished opinion no. 2022-bP 295,  
 ii. \_\_\_\_\_  
 iii. \_\_\_\_\_
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) \_\_\_\_\_  
 (b) \_\_\_\_\_

(c) \_\_\_\_\_  
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) Allege victim made a false report and giving false information to the bank and
- (b) to law enforcement, No probable cause exist, I was unlawfully detained when I was
- (c) free to leave on law enforcement body cam recording). No miranda rights was given or

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) Said 6 yrs sentence was imposed in violation of the constitution and laws
- (b) of the U.S. Procedural errors determine the issues. No findings of fact exist.
- (c) Enfringement of my constitutional rights. No reasonable factfinder would have found me guilty when I'm innocent.

called to the stand by the judge the allege victim committed perjury knowing he give me more than \$10,000. and it was his signature he signed.

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? Yes.
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? Not until now.
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No.
- (d) any other petitions, motions or applications in this or any other Court? No.

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
  - i. Anders vs California procedure.
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_
- (b) the name and location of the Court in which each was filed:
  - i. S.C. court of appeals.
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_

(c) the disposition thereof:

- i. Contact Wanda H. Carter, esquire to forward or fax the disposition. She have it.
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(d) the date of each such disposition:

- i. Contact wanda H. Carter, esquire to give the date of each such disposition.
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. Contact Wanda H. Carter, esquire.
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

Yes.

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. S.C. codes of law was violated.
- ii. Amendments 4, 5, and 6 was violated.
- iii. No evidence proven me guilty because no evidence exist.

(b) the proceedings in which each ground was raised:

- i. Anders v. California procedure.
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) Contact Wanda H. Carter, esquire.
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? Na.
- (b) your trial, if any? Yes.
- (c) your sentencing? Yes.
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes.
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?  
Yes.

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
  - i. Timothy L. Griffith, III, esquire, Google his law firm or such what's on file.  
Wanda H. Carter, esquire, appellant defense PO Box 11589 Columbia SC 29211.
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
- (b) the proceedings at which each such attorney represented you:
  - i. Griffith represented me during July 27, 2021 and Nov. 10, 2021 proceedings.  
Carter represented me during appellant case No. 2021-000913.
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_

19. State clearly the relief you seek in filing this application:

Post-conviction (PCR) relief. I am innocent and amended to have the right to  
be represented by legal counsel paid to perform their duty,

20. Are you now under sentence from any other court that you have not challenged?

No.

STATE OF SOUTH CAROLINA )  
 )  
County of Charleston County. )

VERIFICATION

I, Maria Keith McMiller Sr, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Maria K. McMiller Sr.

SWORN to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
*Notary Public* (L.S.)

My Commission Expires: \_\_\_\_\_

**APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF**

I, Marvin Keith McBride Sr, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Marvin K. McBride Sr.  
Applicant

SWORN or affirmed to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

July 17, 2022.

The State, Respondent,

v.

Marvin Keith McBride, Jr., Appellant.

Motion to retain counsel under SC Rule 105

Appellate Case No. 2021-000813

Motion attacking sentence; Motion for dismissal for entrapment/wrongful imprisonment.

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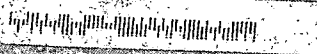
SC Court of Appeals

Hereafter, I Marvin Keith McBride, Jr in unlawful custody under a sentence that is in violation of the constitution and laws of SC and the United States, motion to retain counsel, paid to perform their duty to represent me w/o the 608 process and motion for dismissal motion attacking sentence, the court shall cause notice thereof to be served upon my attorney, grant motions filed thereon, determine the issues and make findings of fact and conclusions of law w/ the respect thereto. All Rules of SC Appellate apply to my case w/o argument.

RHU

JUL 1 2022

Trenton Correctional Institution



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 ZIP 28847 02 7H \$ 000.57<sup>0</sup>  
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Marvin Keith A. Bridge, Jr. #332741  
 Trenton Department of Correction,  
 84 Greenhouse Road  
 Trenton SC 29847

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 SC Court of Appeals

SC Court of Appeals  
 Jenny Abbott Kitchings, Clerk  
 P.O. Box 11629  
 Columbia, SC 29211

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