

IN THE SOUTH CAROLINA SUPREME COURT

Appellate Case No. 2019-000658

Glen K. LaConey Appellant,

v.

State of South Carolina Respondent.

SUPPLEMENTAL MEMORANDUM IN SUPPORT OF
NOTICE OF APPEAL

Appellant Glen K. LaConey (“LaConey”) submits his supplemental memorandum and exhibits in support of his Notice of Appeal.

STATEMENT OF FACTS

In July 2014, LaConey, after being denied counsel by Richland County, Fifth Circuit Judge Clifton B. Newman, and while under duress, pled nolo contendere to both charges of Harassment, Second Degree, under *Alford v. North Carolina*.

In June 2015, LaConey filed a Post-Conviction Relief action to dispose of his *Alford* pleas. Attorney David K. Allen, Esquire (“Allen”) was appointed to represent LaConey.

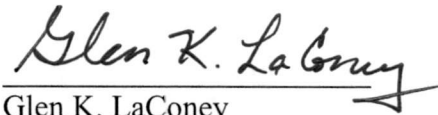
An evidentiary hearing was convened in February 2016 before Richland County, Fifth Circuit Judge J. Derham Cole (“Judge Cole”). Judge Cole, by his written Order, dismissed the matter with prejudice on April 2, 2019, without notice and without additional hearings on the matter. [It should be noted that Judge Cole noted in his Order that “[c]ounsel was not deficient in any manner, nor was Applicant prejudiced by his representation”, notwithstanding that Allen failed to contact LaConey and failed to take any action on the matter from February 2016, until April 19, 2019, when Allen filed notice of appeal.]

On or about October 30, 2019, appointed counsel, Susan B. Hackett, Esquire (“Hackett”) filed a Petition for Writ of Certiorari to the South Carolina Supreme Court, which transferred the case to this Court on May 4, 2020. After no substantive action from either Hackett or the court, the court issued its Order denying LaConey’s petition on June 29, 2022. Subsequently, LaConey forwarded several emails to Hackett relative to her untimely notice of the court’s decision, the inappropriateness of her proposed federal habeas corpus petition, and other matters. By her letter, dated September 22, 2022, Hackett responded and acknowledged her untimely notice. [LaConey’s Exhibit “A”]

CONCLUSION

LaConey’s untimely filing of his Petition for Rehearing or Reconsideration was proximately caused by the defective assistance of his appointed counsel. Additionally, because jurisdictional issues adversely affect the decision of the Court of Appeals, it is imperative to resolve these issues through plenary proceedings.

Respectfully submitted,



Glen K. LaConey

P.O. Box 2673

Columbia, South Carolina 29202

refundsplus@outlook.com

(803) 949-9604

Pro se

November 9, 2022

RECEIVED
NOV 14 2022
S.C. SUPREME COURT