

SCDC # 369754
Name - Chad Stalwater

November 16 2022
appellate case No. 2019-000184 (1)

To: Chief Administrator Judge

So, there is much confusion. I just received a letter from the Supreme Court. The envelope is stamped as being received by Broad River on November 9th 2022. I no longer reside at Broad River & have not for the past seven plus months. I am housed at MacDargall Correctional. In turn Broad River forwarded the letter which I then received November 16th 2022. In "your" letter "you" also referenced Taylor Gilliam as my counsel. This is incorrect as well. I represent myself

Let me see if I can articulate the past events leading up to this current situation:

I filed a P.C.R. in 2017. In 2019 my P.C.R. was heard & dismissed. This decision was appealed by way of writ of certiorari through appointed counsel Taylor Gilliam, in 2019. The writ was transferred from the Supreme Court of South Carolina to the court of appeals.

- Appellate Case No. 2019-000184 -

The Court of appeals denied the writ with a standard order ~~denied~~, this was filed August 19 2022. At that time Mr. Gilliam was relieved as my counsel.

I did some studies & wanted the Supreme Court of South Carolina to review the decision of the Court of appeals denial of my writ. This was not for exhaustion purposes but for the fact of a miscarriage of justice; where the decision of the court of appeals is in conflict

with a prior decision of the Supreme Court & where substantial constitutional issues are directly involved.

So, I wrote a *pro se* petition to the Supreme Court requesting review. I mailed that petition on or about September 9th 2022 (~~10th~~ depending on the institution's mail service it may of been September 12th 2022)

I formatted it properly: factual basis, summary, argument, conclusion, table of authority...- it was lengthy but did not exceed (25) twenty-five pages. It was also mailed with less than (30) thirty days having elapsed since the order of dismissal.

Time went by & I heard nothing.

I began to think about the relief I had originally wanted if granted. In my P.C.R. I had requested a new trial. After it taking almost seven years in this appeals process & me getting closer to my max-out date, I thought better relief would be time served or a sentence reduction which would align with what I had believed I was pleading to in the middle of my trial, back in 2016. I was it sure if I could change the relief I originally requested in my P.C.R. application - but, so, I wrote a letter which I mailed/dated October 27 2022. In that letter I referenced the petition I sent September 9th/12th 2022 & I explicitly stated that I had only forgot to include the relief to be requested.

Now in "your" correspondence "you" have stated that the letter on October 27 2022 is said to have been "construed" as a Writ of certiorari ?!?! Forgive me if I sound rude - but that is absolutely crazy & completely incorrect! There is no way a reasonable individual would interpret or construe such a letter as a writ. The letter specifically referenced the September 9th/12th 2022 petition - I mean specifically. I precisely stated I had only forgot to include in the September petition the relief I currently sought. That was all that the October 27 2022 letter was about (& I complained & cried a little about the length of the appeals process; referenced I was in the military - that I was housed in the Veterans dorm at MacDongall & just wanted this whole ordeal to be over with). That is all it said.

So now I am terrified that the actual petition for Supreme Court review, that I put all my efforts into & that I mailed September 9th/12th 2022 got lost, or wasn't received somehow or maybe "you" were just... confused somehow - maybe a different clerk received it & "you" were unknowing of its existence.

From reading South Carolina appellate Court rules I was understanding that a rehearing or reinstatement is not applicable to a writ of certiorari that is appealing the decision of a post conviction relief action. The Supreme Court recognizes that criminal & post conviction relief litigants

IF

- ~~this~~ this Court never received my September petition.
- IF that is the case, I have substantial evidence that I mailed such petition on such date
- the mailroom here at MacDougal has a record of it.
 - There are obtainable recorded telephone conversations that pertain to it
 - There are numerous electronic correspondence with the institutional law library & the department of corrections legal department
 - Multiple staff members whom can attest to it.
 - & hell we can carbon date my rough draft...

IF my September 9th/12th 2022 petition was never received by this court I should be allowed to resubmit it, for if it was lost in the mail - that is no fault of mine

Again the October 27th 2022 letter was/is in no way a petition. Please re-read it - I know exactly what it says. It explicitly references the September 9th/12th 2022 petition. It specifically states its purpose was because I did not include the relief I wanted in the September petition. That was its only purpose.

The 4th Circuit conclusively sides with my claims & arguments that the court of appeals denied, & that the p.c.R. court dismissed. It is in the interest of justice, ~~that~~ there was a complete miscarriage of justice, ~~that~~ is why I

Sect Review from this States Superior Court

I do not understand how the October 27th 2022 letter was so misconstrued, it baffles me - Could "you" enlighten me in to what was specifically wrote that would allude "you" to such. (And when I say "you" I don't mean you but "you" as in whomever received the correspondence)

I don't mean to come across as rude. I am just so confused. And this matter(s) are extremely important to me for this is my life. It is a job for "you" but an every moment of my life.

"You" State a remittitur was issued on September 8 2022 - I have no notice of that.

The order that denied writ of certiorari for my P.C.R. was filed August 19th 2022

I received notice August 22nd 2022 of such order

I submitted a petition for review September 9th 2022 & heard nothing about that petition.

* Then October 27th letter I wrote ^{was} a simple letter & now I have received an order for appellate case No.

→ 2022-001306 ????

* I have no idea what that case No. is for my appellate case No. is 2019-000184

I don't mean to waste anyones time

(7)

I am just so confused. I am heartbroken that my September 9th/12th petition may of been lost but I can prove that I sent it. I know things in life happen & I am not blaming anyone or thing. Sometimes things just happen - but in the case that it was not received I beg that I not be procedurally barred & that "you" allow me to re-submit my petition. ~~It~~ most definitely the interest of justice is at hand with regard to my case. The P.C.R. Court dismissed my application & the court of appeals denied my writ of Certiorari - both decisions are contrast to established South Carolina & 4th Circuit precedent.

The fourth circuit has specifically held that when a defendant pleads guilty to an offense under which he is not eligible for parole (statutorily) he should be made aware of that fact before acceptance of his plea

As is the main focal point of my claim of injustice. I went to trial - the State rested, offered me a plea deal - I plead guilty. - [this is a brief synopsis]-

I am 100% ineligible for parole in due to the statutes of my charges. I plead to assault & battery of a high & aggravated nature, which is a violent, no parole offense. I ~~was~~ also pled to possession of a weapon during the commission of a violent crime which is a mandatory, no parole offense. I testify & testified that I was understanding that I would be parole eligible in due to conversations with my trial counsel.

My trial counsel testified that he couldn't specifically remember the conversation(s) but it probably did happen (see: P.C.R. transcript - direct exam of Mr. Runyon).

Ultimately I was never informed that upon my guilty plea I would be absolutely ineligible for parole. As parole ineligibility was a direct consequence of my guilty plea.

* * The statutes of both of my charges are engrafted with ineligibility of parole. These statutes are easily accessible & easily understandable.

[just a few cases that surmise my case]

Cuthrell v. Director Patuxent

~~██████████~~ ~~██████████~~ ~~██████████~~ ~~██████████~~

Chapman v. Angelone

Bustos v. White

Hawkins v. Murray

Paige v. United States

Strader v. Garrison

O'Tuel v. Osborne

Bell v. North Carolina

- to cite a few but not all

My case was not overwhelming, there was no real evidence against me, I had always wanted to testify as I believed I was innocent. that I was standing my ground. Had I known that I would be ineligible for parole I would of never plead guilty.

Again this is merely a quick synopsis of my case.

9

Please if "you" could help me & provide me with some insight as to whether my September 9th/12th 2022 petition to the Supreme court for review of the court of appeals decision of appellate case No. 2019-000184 was ever, even received

if it was not

can I resubmit it for the procedural default would be of no cause of myself - & I have substantial evidence to prove I sent it.

I do not request review for exhaustion purposes but the fact that there is a gross miscarriage of justice, that the State & 4th circuit has clearly set a precedent which the P.C.R. court & court of appeals did not adhere to

Thank you for "your" time & understanding - I hope.

this is so confusing to me & I do not mean to be rude - this is just so very important to me - this is my life

I await your response

Sincerely

Chad Stelwater # 369754

MacDougall Correctional

appellate case # 2019-000184

RECEIVED

NOV 28 2022

S.C. SUPREME COURT

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CHARLESTON SC 294
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