

RECEIVED

FEDERAL HABEAS CORPUS

DEC 01 2022

A. STATUTE OF LIMITATIONS:

SC Court of Appeals

1. **The Rule:** The AEDPA places a one-year limitations on the filing of federal petitions for writs of habeas corpus by state prisoners seeking relief under 28 U.S.C. § 2254, and federal prisoners seeking relief under 28 U.S.C. § 2255. The one-year limitations period begins to run from the latest of four dates: (1) the date judgment is final; (2) the date on which an impediment to filing, created by government action in violation of the federal constitution or laws, is removed; (3) the date on which a federal constitutional right (both constitutional and statutory rights for federal prisoners) is newly recognized and made retroactively applicable by the Supreme Court; or (4) the date on which the factual predicate of the claim presented could have been discovered through the exercise of due diligence. 28 U.S.C. § 2244(d)(1); 28 U.S.C. § 2255, ¶ 6.

For state prisoners, the limitations period is statutorily tolled for the time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending. 28 U.S.C. § 2244(d)(2).

The limitations period may be equitably tolled for state and federal prisoners if the petitioner diligently pursues his claims and demonstrates that the failure to timely file was caused by extraordinary circumstances beyond his control. Each of these topics is discussed in greater detail below.

**Compare:** Chapter 154 of AEDPA provides a state with certain procedural benefits in federal habeas cases filed by capital defendants if the state has "opted in" to its provisions. 28 U.S.C. §§ 2261-2266. One benefit is that the capital defendant must file his federal habeas petition within "180 days after final State court affirmance of the conviction and sentence on direct review or the expiration of the time for seeking such review." 28 U.S.C. § 2263(a).

2. **Applicability:**

- a. **State And Federal Prisoners:** Both state and federal prisoners are subject to a one-year limitations period. See 28 U.S.C. § 2244(d)(1) (state prisoners); 28 U.S.C. § 2255, ¶ 6 (federal prisoners).

For state prisoners, § 2244(d)(1) provides a one-year limitations period for all petitions for writs of habeas corpus filed by individuals "in custody pursuant to the judgment of a State court." The majority of courts have concluded that § 2244(d)(1) is not limited to petitions contesting the judgment of a state court, but also includes challenges to administrative decisions by prisoners in custody pursuant to a state-court judgment, at least those affecting parole or imposing discipline. *Dubworth v. Evans*, 442 F.3d 1265, 1267-68 (10th Cir. 2006); *Shelby v. Bartlett*, 391 F.3d 1061, 1062 (9th Cir. 2004); *Cook v. New York State Div. of Parole*, 321 F.3d 274, 279-80 (2d Cir. 2003); accord *Wade v. Robinson*, 327 F.3d 328, 331 (4th Cir. 2003) (§ 2244(d) applied to prisoner's challenge to state's rescindment of prisoner's good conduct credits upon his parole revocation; the statute is not limited to habeas petitions that actually challenge state court judgments, but rather

encompasses all applications for writs of habeas corpus); *Kimbyrell v. Cockrell*, 311 F.3d 361, 362 (5th Cir. 2002) (when a prisoner is eligible for mandatory supervised release, and when prison disciplinary proceedings result in a change in good-time earning status that extends the prisoner's release date, the prisoner's petition challenging such proceedings falls within § 2244(d)); *cf. McAleese v. Brennan*, 483 F.3d 206, 213 n.9 (3d Cir. 2007) (indicating that application of § 2244(d)(1) to all challenges to administrative decisions by prisoners in custody pursuant to a state-court judgment "seems reasonable, at least with respect to a decision denying parole"). *Contra Cox v. McBride*, 279 F.3d 492, 493-94 (7th Cir. 2002) (declining to apply limitations period to petition contesting an administrative decision by a prison disciplinary board that sentenced prisoner to lose two years' of good time credits).

For federal prisoners, § 2255 ¶ 6 provides a one-year limitations period that applies to any "prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack . . ." 28 U.S.C. § 2255, ¶ 1.

- b. **Effective Date:** The one-year limitations period applies to all federal petitions filed after the effective date of the AEDPA (April 26, 1996). *Lindh v. Murphy*, 521 U.S. 320, 326-27 (1997); see, *supra*, Cases Governed By AEDPA, page 94.
- c. **Mischaracterizing Basis For Relief:** A state prisoner cannot avoid the § 2244(d) statute of limitations by mischaracterizing his federal petition as a request for habeas corpus relief under 28 U.S.C. § 2241 or *coram nobis* under the All-Writs Act, 28 U.S.C. § 1651(a). Section 2244(d)(1) applies to every "application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court." If the relief the prisoner seeks falls within this provision, the one-year limitations period applies, regardless of how the prisoner has characterized his action. *Owens v. Boyd*, 235 F.3d 356, 360 (7th Cir. 2001); *cf. Moore v. Reno*, 185 F.3d 1054, 1055 (9th Cir. 1999) (petitioners cannot use § 2241 to escape the successive petition bar); see, *supra*, State Prisoners, page 17 (discussing differences between § 2241 and § 2254).

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District: <u>Sumter / Third Judicial Circuit</u>
Name (under which you were convicted): <u>Brandon M Fadden</u>		Docket or Case No.: <u>2021-000482</u>
Place of Confinement: <u>Kershaw Correctional Inst.</u>	Prisoner No.: <u>313848</u>	
Petitioner (include the name under which you were convicted) <u>Brandon M Fadden</u>	Respondent (authorized person having custody of petitioner) <u>State of South Carolina</u>	
The Attorney General of the State of: <u>Alan Wilson</u>		

PETITION

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DEC 01 2022

SC Court of Appeals

1. (a) Name and location of court that entered the judgment of conviction you are challenging: Sumter County, located in ~~the~~ the County of ~~Sumter~~ Sumter, South Carolina.

(b) Criminal docket or case number (if you know): 2021-000482

2. (a) Date of the judgment of conviction (if you know): NA

(b) Date of sentencing: NA

3. Length of sentence: 20 years

4. In this case, were you convicted on more than one count or of more than one crime?  Yes  No

5. Identify all crimes of which you were convicted and sentenced in this case: 1st m. robbery  
\*Weapon charges were dropped\*

6. (a) What was your plea? (Check one)

(1) Not guilty       (3) Nolo contendere (no contest)

(2) Guilty       (4) Insanity plea

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

Arm. robbery was the charge I pled ~~not~~<sup>guilty</sup> guilty to and there are no other charges that I didn't plea nor did a not guilty plea to. The weapon charges were dropped that was part of this offense.

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury  Judge only N/A

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing? N/A

Yes  No

8. Did you appeal from the judgment of conviction?

Yes  No

9. If you did appeal, answer the following:

(a) Name of court: Court of Common Pleas

(b) Docket or case number (if you know): 2020-CP-43,990

(c) Result: denied

(d) Date of result (if you know): NA

(e) Citation to the case (if you know): ~~Shrickland~~ Shrickland v. Washington

(f) Grounds raised: o Due process violation ineffective assistance of counsel  
o Prosecutor misconduct / breach plea agreement  
o Attorney failed to represent client to the fullest extent of the law  
o counsel also failed to object plea after knowing constitutional violations were made / counsel wrongly advised defendant during plea after knowing of constitutional violations / o counsel deprived defendant of liberty of his const. rights of effective counsel

(g) Did you seek further review by a higher state court?  Yes  No

If yes, answer the following:

(1) Name of court: Court of Appeal

(2) Docket or case number (if you know): ~~2021~~ NA

(3) Result: denied

(4) Date of result (if you know): 2021 April 27<sup>th</sup>

(5) Citation to the case (if you know): Strickland vs Washington

(6) Grounds raised: Counsel deprived client of his liberty of his constitutional rights, due process violation, PROSECUTOR MISCONDUCT + breach plea agreement violating 5<sup>th</sup> and 14<sup>th</sup> amendment

(h) Did you file a petition for certiorari in the United States Supreme Court?  Yes  No

If yes, answer the following:

(1) Docket or case number (if you know): 2021-000482

(2) Result: denied

(3) Date of result (if you know): NA

(4) Citation to the case (if you know): NA

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court?  Yes  No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: The South Carolina Court of Appeals

(2) Docket or case number (if you know): 2021-000482

(3) Date of filing (if you know): ~~2021~~ NA

(4) Nature of the proceeding: ~~Post conviction relief~~ Post conviction relief / Ineffective Assistance of counsel

(5) Grounds raised:  
• Due process violation, ineffective Assistance of counsel /  
• Prosecutor Misconduct / breach of plea agreement  
• Attorney failed to represent client to the fullest extent of the law / counsel also failed to object, guilty <sup>del</sup> after <sup>knowing</sup> constitutional violations were made.  
• Counsel wrongly advised defendant deny plea bargain / after being aware of constitutional violation.  
• Counsel deprived defendant of liberty of his constitutional rights of ~~effective~~ effective assistance of counsel

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes  No

(7) Result: denied

(8) Date of result (if you know): NA

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: \_\_\_\_\_

(2) Docket or case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes     No

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: \_\_\_\_\_

(2) Docket or case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes  No

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition:  Yes  No

(2) Second petition:  Yes  No

(3) Third petition:  Yes  No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:  
\_\_\_\_\_  
\_\_\_\_\_

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.**

GROUND ONE: Counsel wrongly advised defendant / ~~TR~~ plea ~~TR~~  
after knowing of the constitutional violations.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Defense counsel ~~advice~~ to the defendant that he be convicted  
of arm robbery without proof of a physical representation of an  
deadly weapon rendered counsel's performance deficient.  
(Pg. 66 line 20-25 in Post-conviction transcript) - supporting facts - The counsel  
 knew of the arm robbery and weapon charges and did not object the plea after  
it was violated. The weapon charges were dropped and it was not part of the plea  
agreement <sup>therefore</sup> counsel deprived defendant of my liberty of my constitutional rights of effective  
assistance of counsel

(b) If you did not exhaust your state remedies on Ground One, explain why:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue?  Yes  No

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?  Yes  No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Post Conviction Relief Motion / Appeal Motion on Judgment

Name and location of the court where the motion or petition was filed: The South Carolina Court of Appeals / ~~Sumter~~ Sumter County

Docket or case number (if you know): 2021-000482

Date of the court's decision: NA

Result (attach a copy of the court's opinion or order, if available): NA

(3) Did you receive a hearing on your motion or petition?  Yes  No

(4) Did you appeal from the denial of your motion or petition?  Yes  No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?  Yes  No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: Columbia, South Carolina Court of Appeals

Docket or case number (if you know): 2021-000482

Date of the court's decision: ~~Oct. 04, 2022~~ Oct. 04, 2022

Result (attach a copy of the court's opinion or order, if available): NA

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: The court of Appeals then the Supreme Court the Supreme Court sent case back to the Court of Appeals.

**GROUND TWO:** Prosecutor Misconduct/Breach of Plea Agreement  
Due Process violation / Counsel failed to object breached plea agree.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Supporting facts; In plea bargain process / The prosecutor breached plea agreement by not sticking to agreement of pleading to all charges. The weapons charges were dropped this violated the plea agreement & due process. Counsel was aware of constitutional violation and did not object during plea hearing. The weapon charge is an crucial element of the offense without it changes the nature <sup>the</sup> offense and the offense is to be dropped to an lesser included offense. The prosecutor and counsel manifested an constitutional error that is harmful to the outcome of the plea ~~the~~ both parties also manifested injustice. Making the plea involuntary, unknowing, unintelligent and counsel is ineffective.

(b) If you did not exhaust your state remedies on Ground Two, explain why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?  Yes  No

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_  
\_\_\_\_\_

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes  No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Appeal Motion on Judges Judgement  
Name and location of the court where the motion or petition was filed: Columbia,  
South Carolina Court of Appeals

Docket or case number (if you know): 2021-000482

Date of the court's decision: ~~10/1/2021~~ ~~10/1/2021~~ N/A

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_  
\_\_\_\_\_

(3) Did you receive a hearing on your motion or petition?  Yes  No

(4) Did you appeal from the denial of your motion or petition?  Yes  No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?  Yes  No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: Columbia, South Carolina

Court of Appeals

Docket or case number (if you know): 2021-000482

Date of the court's decision: 10.04.22

Result (attach a copy of the court's opinion or order, if available): ~~\_\_\_\_\_~~

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: I appeal the p.c.r. judge decision on p.c.r. I appealed through the supreme court and they sent case back to the court of appeals

**GROUND THREE:** Counsel failed to represent client to the fullest extent of the law. By failing to provide client with effective assistance

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

During the plea counsel was aware of the constitutional violation on 5th, 6th & 14th amendment. Counsel failed to address the matter on prosecutor misconduct and breach plea agreement by ~~total~~ solicitor. Counsel knew of the nature of the offense when the prosecutor dropped the weapon charges the nature of offense changed when the main elements were taking away which are the weapon charges, Counsel counsel could have object and raise the issue of due process violation but didn't this made the counsel ineffective

(b) If you did not exhaust your state remedies on Ground Three, explain why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?  Yes  No

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_  
\_\_\_\_\_

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?  
 Yes  No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Appeal on post conviction relief / Motion to Appeal

Name and location of the court where the motion or petition was filed: Columbia, South Carolina  
Court of Appeals

Docket or case number (if you know): 2021-000482

Date of the court's decision: ~~10/04/22~~ N/A

Result (attach a copy of the court's opinion or order, if available): N/A

(3) Did you receive a hearing on your motion or petition?  Yes  No

(4) Did you appeal from the denial of your motion or petition?  Yes  No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?  Yes  No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: Columbia, South Carolina  
Court of Appeal / Supreme Court / sent back to Court of Appeal

Docket or case number (if you know): 2021-000482

Date of the court's decision: 10.04.22

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: The Supreme court they sent Case back to the court of Appeal for judgement

**GROUND FOUR:** Counsel deprived defendant of his liberty of his Constitution rights

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

The plea was unconstitutional and unlawful I pled guilty by force charges were dropped I didn't agree to dropping before the plea was made Counsel was aware of the constitutional violations of due process still yet the ~~can~~ counsel advised me to plea, Counsel manifested injustice and this is an harmful constitutional error that ~~prejudice~~ prejudice the outcome of the case, Counsel failed to object the error of law and fell below reasonable standards of professional conduct.

(b) If you did not exhaust your state remedies on Ground Four, explain why: Supreme Court sent case back to the court of appeals

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?  Yes  No

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes  No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Appeal / post conviction relief / Motion to Appeal decision + judgement

Name and location of the court where the motion or petition was filed:

Columbia

South Carolina Court of Appeals

Docket or case number (if you know):

2021-000482

Date of the court's decision:

10.04.22

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

Yes  No

(4) Did you appeal from the denial of your motion or petition?

Yes  No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes  No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Court of appeal/Supreme

Court / sent back to court of Appeals / Columbia, S.C.

Docket or case number (if you know):

2021-000482

Date of the court's decision:

10.04.22

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four:

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction?  Yes  No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:

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(b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

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14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition?  Yes  No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

The motion was appealing the court of appeal decision Nelson to Appeal judgement and decisions / Columbia, S.C. 2021-000482

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15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging?  Yes  No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

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16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: Timothy Murphy (Retired)

(b) At arraignment and plea: Katarzyna Timmons public defender (address NA) located in Sumter, S.C. 29150

(c) At trial: NA

(d) At sentencing: Katarzyna Timmons public defender (address NA) located in Sumter, S.C. 29150

(e) On appeal: ~~Timothy Murphy~~ ~~2338 Mount Vernon Dr~~ ~~Sumter, S.C. 29150~~ Adam Ruffin, Columbia, S.C. P.O. Box 11589 29210

(f) In any post-conviction proceeding: Adam Ruffin & Joanna Delany P.O. Box 11589 Columbia, S.C. 29210

(g) On appeal from any ruling against you in a post-conviction proceeding: Adam Ruffin & Joanna Delany P.O. Box 11589, Columbia, S.C. 29210

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging?  Yes  No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:  
\_\_\_\_\_

(b) Give the date the other sentence was imposed: \_\_\_\_\_

(c) Give the length of the other sentence: \_\_\_\_\_

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future?  Yes  No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.\*

I received my final decision on appealing the post conviction judgement on 10.04.22 I don't have no legal help as of the help I've had in the past.



- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief:

Charge dropped to an lesser  
included offense and time reduction

or any other relief to which petitioner may be entitled.

\_\_\_\_\_  
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on 10-08-22 (month; date, year).

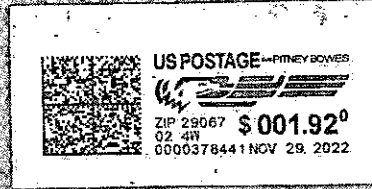
Executed (signed) on B.M. Fodda (date). November 2022

B.M. Fodda  
Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Brandon McFadden 313848 Eyr. Rm. 92  
Kershaw Correctional Inst.  
4848 Goddard Hwy.  
Kershaw, S.C.



**RECEIVED**

DEC 01 2022

SC Court of Appeals

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