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S.C. SUPREME COURT

From: Christopher E Russell #0929
Greenville County Detention Center
20 McCree Street
Greenville S.C. 29601

TO: THE SOUTH CAROLINA SUPREME COURT
1231 Genval's street
Columbia S.C. 29201

RE Appellate NO 2017-000826, Lower Court NO
2016-CP-23-3282: NEW SENTENCING HEARING/
Convey Plea Officer.

In determining guilty plea issues, it is proper to
consider the guilty plea transcript as well as
evidence at the PCR hearing.

The action of sending the transcripts of records
in the above reference case back from an
Appellate Court to a lower Court, the notice for
doing so: Remedy for an unconstitutional
conviction.

Transcripts of records legitimately before
NEW SENTENCING HEARING Court as a
matter of law in the context of plea bargaining
would appear to support defendant position
(10) ten years extended during his trial
February 13, 2013,

which was lost and renegeed in process of the jury's verdict or (13) thirteen years conviction of same charges as principal offender Antonias Williams during his plea hearing, any amount of additional jail time has Sixth Amendment significance.

Trial Counsel testified at the PCR hearing before: Honorable Perry H. Gravely, presiding Judge (straight-up with the mandatory minimum (10) ten years, but failed to protect Client interest regarding this significantly lower sentence prior to the jury's verdict!

As a general Rule defense counsel has a duty to communicate formal offers from prosecution to accept a plea on terms and conditions that may be favorable to the accused.

The record reveals constitutional violation inquiry for relief is appropriate only where the violation is setting constitutes a denial of fundamental fairness shocking to the universal sense of justice.

If justice is to be done, a sentencing Judge should know all the material facts: Brady v. Maryland 373 U.S. (1963) a finding of materiality of evidence is required under Brady. Fair administration of justice demands that the

Judge will not act on surmise or suspicion, but will impose sentence with insight and understanding.

The Judge is required to listen, and give serious consideration to any information material to punishment, indicating differential treatment, a failure to treat defendants equally: both criminal liability, accomplice liability, criminal intent, both committed this unlawful act, both is guilty of a felony and upon conviction of same charges, clearly reflects an appropriate basis for a disparate sentence and both similarly situated Co-defendant hand of one hand of all when no reasonable distinction can be found between principal offender:

Antonia Williams caught on scene RED HANDED or Co-Conspirator Christopher Russell implicated a month later in a coercive tainted statement - sentence to same imprisonment as charge, the words of the statute complied with by the Supreme Court. If a defendant record as publicly disclosed (267 SC 246) is incorrectly reported defendant should have an opportunity to explain any discrepancy and inform the Court concerning the alleged error.

In the above reference case, provide the defendant with an opportunity to admit his guilt and receive more favorable terms and sentencing meaning that a plea agreement can benefit both parties.

Prosecutorial discretion to bargain a favorable plea and what sentence (straight-up with the mandatory minimum (10) ten years extended during defendant trial February 13, 2013 or (13) thirteen years conviction of the same charges as principal offender Antonio Williams during his plea hearing, both similarly situated Co-defendants.

Judicial discretion to what is fair under the words of the statute complied with by the Courts and guided by a concern not with the fairness of bargaining, but with the fairness of conviction and determination of law: The record reveals prejudice against defendant.

Conclusion

The judicial power shall extend to all cases in law and equity arising under the Constitution and the bill of rights (IN FORCE). The right of the people to be secure in their person shall not be violated without due process of law.

If for any reason this cannot be done by
corporation that Judicial and Administrators
informing the right principal in support of a
legal jurisdiction.

Your help concerning this written petition
of a criminal judgement consisting of the
NEW SENTENCING HEARING plea bargain
will be very grateful. I would like to thank
you in advance for your time and patience.

~~Respectfully submitted~~
1st Christopher E Russell
Christopher E Russell #09129
defendant

This _____ day of December 2022

Enclosure
cc: filed