

Atty AT LAW  
Ashley A. McMahan  
P.O. Box 50536  
Colo SC 29250

RECEIVED  
JAN 09 2023  
S.C. SUPREME COURT

DATE 10.26.21

Re: 2014-CP-36-141

Dear Ms. McMahan

Please be advised, that I am writing you in regards to what Judge Griffin said about the order.... he allows the prevailing party to write the order.

Since the cards were stacked against me I thought we was calling Sol. McDaniel, not the state. Well anyway, please, please prepare to file a 59(a)(e) motion upon my behalf upon "any" part of the order, that do not correctly address the facts and or laws. I need for you to make sure Latter v Cooper 132 S Ct. 1376 is cited upon my 3rd issue.

With kind regards I remain  
~~a Judge Griffin~~ P.S. enclosed letter from  
BWA

B. McDaniel

Durant to Clerk Holston about the Tape 12.30.2010

Ms. Ashley A. McMahon

pg (3)

DATE: 10.29.21

please file a motion for reconsideration upon any facts/laws that doesn't correctly address my arguments. Plus, asking Judge Griffin to reconsider my 3rd issue in light of *Latter v Cooper* 132 S Ct. 1376. As well as the 6th and 14th Amend.<sup>s</sup> of the U.S. and S. C. Const.<sup>s</sup>. And, regarding the letter I mailed you 10.27.21 regarding my letter/att. and Tape? Is there an alternative "C/R notes" to the Tape to be reviewed.

I look forward to hearing from you very soon  
With best regards, I remain

Sincerely  
B. Mitchell

### PROOF OF SERVICE

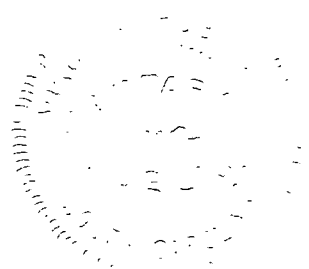
I, Bennie Mitchell do hereby certify that I have served this letter upon Ashley A. McMahon by depositing it in RCI mail room

SWORN to before me  
this 29th day of October

Bennie Mitchell

Virginia Robinson  
Notary Public

my Commission Expires April 21, 2031



# MCMAHAN LAW, LLC

March 4, 2022

Bennie D. Mitchell, #278318  
B2d-0002-A  
MacDougall Correctional Institution  
1516 Old Gilliard Road  
Ridgeville, SC 29472

Re: Bennie D. Mitchell, #278318 vs. State of South Carolina  
2014-CP-36-00141

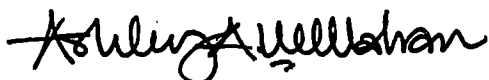
Dear Mr. Mitchell:

Enclosed is the Order of Dismissal on your PCR application. I also went ahead and filed a Notice of Appeal for you. Someone from the Office of Appellate Defense should be in touch with you about your appeal. Your appellate attorney will send you the appendix which will include the PCR transcript. I am closing my file on your case and will keep a copy of your file for six (6) years.

I did not file a 50(e) because all your issues were addressed in the final order. I have also sent you all the information I was able to get via FOIA from the City of Newberry and from the Solicitor's Office.

If you have any questions, please write me let me know. Please note I do not accept collect phone calls, communications from items that are considered contraband, third party calls, or calls from a calling card.

Best regards,



ASHLEY A. MCMAHAN  
ATTORNEY AT LAW

AAM

Enclosures

McMahan Law Firm

Ms. Ashley McMahan

P.O. BOX 50536

Colo. SC 29250

DATE: 3.10.22

Re: 2014-CR-141

Dear Ms. McMahan

I trust that my letter find you well  
Please be advised, that I rec'd your letter/  
notice of appeal and the Judge's order 3.10.22  
which your letter/notice of appeal was dated  
3.4.22

I must say that I am very surprised that  
you did not file a 59(c) motion before your  
notice of appeal. Thus, you have really killed  
my appeal off per Marler v State 6535E2d  
264; Bostick v Stevenson 589 F2d 164.

Where you knew that my 3<sup>rd</sup> issue was not  
that counsel failed to inform me of the  
plea offer. Where I argued that counsel  
caused me to reject the plea offer per  
Lafter v Cooper - NOT Missouri v Frye

Ms. McMahon

Re: 2014-CP-36-141

pg (2)

DATE: 3.10.22

Which I asked you in a few letters after  
the hearing to make sure you file a 59(e)  
motion upon any issues that is/was misplaced  
per law/facts.

The second issue was misplaced as well I  
argued that she was a HOPE witness.....

Please try to preserve my true issue and  
arguments for my appeal etc reviews.

cc Clerk, Howard  
Indigent Defense  
Personal Etc

Sincerely  
B. Mitchell

Maryann Nevers  
Court Reporter  
P.O. BOX 5712  
W. Colo SC 29171-5712

RECEIVED  
JAN 09 2023  
S.C. SUPREME COURT

DATE: 9.27.22

Dear Ms. Nevers

Please be advised, that I understand you were the CIR upon my PCR# 2014-CP-36-140 which was held Oct 26, 21 before Judge Britton.

My Appellate Defender Ms. DeLong sent me a copy of this transcript. Which I notice the following errors, which will be imperative upon my appeal(s) right. Error on pg 17L 25 about calling me; It should read "pressured me, causing me" Error on pg 23 L1 aint never: It should read: "even agreed" Error on pg 28L 25 piece: It should read "pigs head" Would you be so kind as to send the corrected pgs to me and my Appellate Defender.

With kind regards, I remain

cc: B.M.

Sincerely  
B. Mitchell



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1345

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

October 10, 2022

Bennie D. Mitchell, #278318  
MacDougall Correctional Institution  
1516 Old Gilliard Road  
Ridgeville, SC 29472

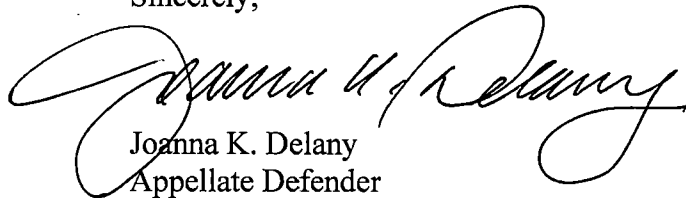
Re: Your Case

Dear Mr. Mitchell:

Thank you for your letter postmarked September 29, 2022. I did not feel it was necessary to try to make the minor corrections you identified to the PCR transcript. I did not need to quote them and thought that the meaning of the testimony was clear. If you do file a Johnson pro se response, you may want to include those discrepancies in your pro se response.

Please feel free to call me collect if you have questions. I do hope this letter finds you well.

Sincerely,



Joanna K. Delany  
Appellate Defender

JKD/kw

Enclosure

Maryann Nevers  
Court Reporter  
PO BOX 5712  
W. Cola, SC 29171-5712

DATE: Nov 18, 22

Re: 2014-CP-36-140

Dear Ms. Nevers

Please be advised, that I am sure you are aware that I've challenged the PCR trial transcript on 9-27-22. And asked the Sup. Ct for an extension on Oct 20, 22 to file my brief due to the errors....which I sent you a cc., Now waiting on your corrections.

With all due respect, if I don't hear from you by Nov 30, 22. I will be forced to contact S.C. Ct. Admin. C/R manager and the Sup. Ct in this matter.

cc: BM.

Sincerely  
B. Mitchell

S. C. Court Administration  
1220 Senate St. Ste 200  
Colo SC 29201

RECEIVED

JAN 09 2023

S.C. SUPREME COURT

DATE Rec 1.22

Attn: C/R manager

Please be advised, that Ms. Maryann Nevers was the court reporter upon my PCR #2014-CP-36-140 before Judge R. Kirk Brittin on Oct 26, 21.

On Sept 27, 22 I wrote Ms. Nevers challenging my PCR transcript, where I notice the following errors.

Error: On pg 17 L25 about calling me  
IT should read, "pressured me, causing me"

Error: On pg 23 L1 ain't never

IT should read, "even agreed"

Error: On pg 28 L25 piece

IT should read "pigs head"

Please note that the correct pgs are imperative upon my appeal - in submitting my pro-se brief

cc: Sup. Ct. Clerk, Howard

B.M.

Sincerely

B. Mitchell

SC. Court Administration  
1220 Senate St Ste 200  
Colg, SC 29201

DATE: Dec 14, 22

Dear CLR Manager

Please be advised, that this is my second letter to you regarding the letter I sent you Dec 1, 22, regarding my challenge to the /my PCR transcript # 2014-CP-36-140 before Judge R. Kirk Griffin on Oct 26, 21 CLR Hevers, Maryann

This matter is very, very imperative. Thus would you be so kind as to act upon this matter. As of now, I have a court dead line to submit my brief Jan 9, 23.

Thank you

Sincerely

B. H. H. H.

cc: B. H. H.

CERTIFICATE OF SERVICE

I Bennie Mitchell do hereby declare under penalty of perjury that I have served my pro-se brief upon the below Hon. Sup. Ct. Clerk. By placing the above said into the Mac Dougall C.I. mail room on this 5<sup>th</sup> day of Jan 2023 to be placed in the U.S. mail w/ postage prepaid.

Bennie Mitchell