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JUL 31 2023

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

Bobby Ray Gladden.....Appellant

v.

State of South Carolina.....Respondent

Rule 243 Explanation

The Petitioner submits to Rule 243(c), SCACP of matters that was properly before the PCR Court. First, Petitioner stated he was and still is incompetent to understand what the what the PCR act really means, and the statute of limitations should be tolled pursuant to Ferguson v. State, 382 S.C. 615, 677 S.E.2d 600 (2009)(providing that the statute of limitations for PCR should be tolled when an applicant demonstrates that failure to timely file the PCR Application was due to mental incompetency. To support these allegations, Petitioner filed for expert funds for competency examination. that was denied on February 16, 2023. The indictment for the alleged "murder" did not have murder written in the paragraph, with help of law clerks, it was submitted to the PCR Court. It a technicality, an a PCR hearing is needed to determine if it deprives the court of jurisdiction. See Objection to the Final Order of Dismissal filed in April 2023. Then the trial judge did not charge the jury on "criminal intent" which violates Winship's, due proces clauses, 397 U.S. 358, There are only two issues be the PCR Court. The Petitioner is border line

retarded. The question before the Court is whether the court had the power to hear the case. Gentry 363 S.C. 93 and whether Petitioner has the understanding to present the claims in a earlier Petition?

The Final Order of Dismissal does not have a finding of fact or conclusion of law on these two claims. See pre-se Objections to the Final order of Dismissal April 2023.

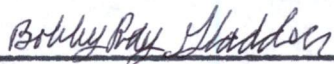
If it is apparent to the ... Court that a Pre-se litigant has a colorable claim but lacks the capacity to present it, the ...Court should appoint counsel to assist him. Gordon v Leeke, 574 F.2d 1147 (4th Cir. 1978). The question is whether counsel should have been appointed in this case.

#### CONCLUSION

Petitioner prays that this court would remand for a PCR hearing.

Dated

July 24, 2023

  
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Bobby Ray Gladden