

THE SUPREME COURT OF SOUTH CAROLINA

RECEIVED

SEP 27 2023

S.C. SUPREME COURT

Bobby Ray Gladden, Petitioner

v.

State of South Carolina, Respondent

Appellate Case NO. 2023-001137

---

MOTION TO RECONSIDER AND MOTION FOR  
PERMISSION TO FILE PCR AND  
APPOINTMENT OF COUNSEL

The applicant is requesting permission to file collateral action challenging murder conviction and sentence (indictment No. 1995-GS-12-002261), based on equal protection claims and meaningful access to the court. The Supreme Court also has held that prisoner have a constitutional right to meaningful access to state post conviction courts. The right of access to the courts ... is founded in the Due Process Clause and assure that no person will be denied the opportunity to present to the judiciary allegations concerning violation of fundamental constitutional rights. Douglas, 372 U.S. at 356, did not address the question whether appointed counsel or other necessary financial assistance must be provided for a prisoner seeking post conviction proceedings ... A number of courts have recognized the assistance by attorney is an indispensable element of meaningful access to

the courts, at least in circumstance in which access to law books and other resources short of counsel is insufficient due to mental or physical status of the prisoner, the condition of their confinement, or nature of their legal claims. Under this aspect due process analysis, therefore, counsel and necessary financial assistance arguably are constitutionally required in those circumstances in which the petitioner or class of petitioner make a particularized showing that the denial of counsel and necessary financial assistance is tantamount to the denial of meaningful access to post conviction remedies\_\_\_i.e. that under circumstance the right to be heard will be ... of little avail if it does not comprehend the right to be heard by counsel.

Appellant has submitted his school papers, and pleaded that he is border-line retarded and have satisfied the showing, that the denial of counsel is tantamount to the meaningful access to post-conviction remedies with counsel aid and therefore appellant is asking this court to reconsider its rule and give permission to proceed with counsel on remand.

#### CONCLUSION

Appellant prays for any relief this court grant.

Dated  
September 20, 2023

Dated

Bobby Ray Hadden

\* Powell v. Alabama, 287 U.S. 45, 68-69, Lane v Hendrrson, 480 F.2d 544, 545 (5th Cir. 1973).