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IN THE SOUTH CAROLINA SUPREME COURT

S.C. SUPREME COURT

In Re) Jeffcoat vs. State Appeal 2007-CP-40-2256

Procedural History

Tiffany J. Jeffcoat was sentenced on December 13, 2004, before the Honorable L. Casey Manning. In Richland County Fifth Judicial Circuit, Defendant was represented by Atty. Deborah Ahrens. The defendant entered a guilty plea of guilty and was sentenced to 23 years. The defense attorney filed a Direct Appeal.

A Notice of Appeal was filed by Atty. Deborah Ahrens in the South Carolina Supreme Court on December 22, 2004. Appellate Defense Atty., Robert Dudek, filed A Motion to be Relieved of Counsel in lieu of an Anders Brief. The notice was served on December 8, 2005 on the South Carolina Supreme Court.

(The Applicant) Appellant received notice from the Supreme Court to submit a brief as to why her case should not be dismissed; and/or^a reply brief in opposition of the Anders Brief.

On February 1, 2007, a Petition For Rehearing was submitted, the Appellant did not respond. On January 23, 2007, the Supreme Court dismissed the case with prejudice (chronological order on December 8, 2005, Anders Brief was submitted and Motion For Removal of Counsel. The Appellant failed to respond within 45 days. On January 2, 2007, Appeal submitted - filed January 17, 2007. UP. OP. NO. 2007-UP-029 Final Order Issue of Dismissal - January 23, 2007.

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The South Carolina Supreme Court affirmed the conviction against the Appellant in the above referenced case, charged with Homicide by Child Abuse.

The Appellant submitted a PCR Application, Docket # 2007-CP-40-2256. Appellant was allegedly indicted on October 22, 2003. However, the Appellant was indicted on November 19, 2004, which makes it approximately one year and four days later. Because the Appellant's ~~indictment~~^{indictment} was delayed, the Lower Courts did not have subject matter jurisdiction over the Appellant. Consequently, to that issue, the State and Defense Attorney during the Sentencing Stage of the Appellant asked the Courts to consent to an Amendment the charge to 16-3-85 (b)(1) for Substance. The Appellant states that under South Carolina Rules of Appellant Court, Rule 15 B.F.R.C.P.

The State must submit a Motion to Amend and/or to Supplement the Indictment; the State failed to supplement the indictment within 90 days, and/or failed to file a Motion to Supplement to pleadings on the indictment. The State cannot alter an indictment without The State Grand Jury hearing the evidence to reduce the charge or upgrade the charge. The State acted in bad faith in violation of

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In Re) Jeffcoat vs. The State ^{PCRA Appeal} 2007-CP-40-2256

Article VI clause 2 to the USCA. Meaning the Solicitor in acting over the case can be stripped and/or deprived of his official representative character for purposes on the Court.

This is to say, that the State violated the Appellant Due Process of Law which is guaranteed to her by the U.S.

Constitutional Amendment. Note 18 USCA. 1506, 1503, 1504, Model

Penal Code ~~224.4~~ 224.4. Tampering with records, the act of attempting to influence a judge or jury corruptly by persuasion of belief and/or other means. This is to say that this act is a

criminal offense, pursuant to 18 U.S.C.A Model Penal Code 224.4,

1506, 2071, 2073. It is a crime under state and federal statute

for a person to knowingly alter or falsify public records.

The State and Defense Attorney conspired together to conceal the default and/or defect of the elements of the alleged charge without the Appellant being brought before a State Grand Jury.

Meaning the original charge had to be dismissed by the State Grand Jury before the Solicitor could upgrade the current charge of substance, p.8 Substance 16-3-85(b)(1),

Amend to the original charge.

The Applicant filed a PCR in the Court of Common Pleas, Docket # 2007-CP-400-2256. The Applicant was appointed

Tara D. Shurling as attorney; applicant appeared before the

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Honorable William Paul Keesley, Presiding Circuit Court Judge, 5th Judicial Circuit in the Court of Common Pleas, Richland County Judicial Center on September 25, 2008. The Circuit Court Judge Keesley accepted the (Applicant) Appellant's Motion to Withdraw her PCR.

Trial Judge Keesley failed to give instructions on the elements or on the waiver of all constitutional rights which she will be forfeiting. He did not give specific instructions to advise her that she would be forever barred from challenging her conviction. This is to say that Judge Keesley did not give instructions to the Appellant; although he stated that she likely would be deemed to have waived her right to pursue collateral review in State or Federal Court if she chose to withdraw her PCR Application. That was the end of the Judge's colloquy. Nevertheless, Trial Judge stated the Appellant knowingly and intelligently based upon the comprehensive advice of her lawyer and the questioning by the Court request to withdraw her application for PCR Docket # 2007-CP-40-2256 is hereby granted.

Therefore, this court ordered that the Application for PCR found at 2007-CP-40-2256 be dismissed with prejudice. It is so ordered on this 25th day of September 2008.

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questions concerning your case, do not hesitate to contact me.

The Appellant can show that the Defense Attorney, Tara D. Shurling coerced her into withdrawing her PCR and failed to advise her of her rights to appeal the decision to the South Carolina Supreme Court; she also failed to inform her that she would be forever barred to re-enter in any court, state or federal. Enclosed is a photo copy of the Final Order of Dismissal of the PCR claim and a letter from Tara D. Shurling dated October 6, 2008, along with a PCR Application. Also included trial transcript, pages 1-39, submitted to the Courts on record for review.

Brian T. Petrano
P.O. Box 11549
Columbia, SC 29211

Tiffany Jeffcoat
July 3, 2013
Camille Griffin Graham CI
4450 Broad River Rd. WHA 10
Columbia, SC 29210

Sworn before me on July 3, 2013

Kathy R. Barnes

My Commission Expires August 12, 2015

IN THE SOUTH CAROLINA SUPREME COURT
In Re)

Tiffany J. Jeffcoat vs. The State of South Carolina

Designation of Matter

Exhibit A 1 Copy of Procedural History

1 Letter from Tara D. Shurling

1 Photocopy of Order of Dismissal

Exhibit B 1 Copy of Notice of Intent to Appeal Affidavit of
Service to Daniel E. Shareouse

2 Copies of Proof of Service that Notice of Intent to
Appeal was served on Atty. Gen. Brian T. Petrano

1 Copy of Notice of Intent to Appeal Affidavit of
Service was served on Richland County Clerk of
Court, Jeanette W. McBride

Exhibit C 1 Photocopy of PCR claim

Exhibit D 1 Transcript from General Sessions Court, p. 1-39

I further contend that all matters described herein are incorpor-
ated in this envelope on the merits of this appeal.

South Carolina Supreme Court
Atty. Gen.
Richland County Clerk of Court

Tiffany Jeffcoat
July 3, 2013
Camille Griffin Graham CI
4450 Broad River Rd. WHA 10
Columbia, SC 29210

Sworn before me on July 3, 2013
Kathy R. Barnes

Exhibit A

LAW OFFICE OF



TARA DAWN SHURLING, PA

Attorney and Counselor at Law

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Suite D

Columbia, South Carolina 29204

Jeremy A. Thompson
Associate Attorney

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October 6, 2008

Tiffany J. Jeffcoat , 306630
Camille Griffin Graham Correctional Institution
4450 Broad River Road
Columbia, SC 29210-

RE: Tiffany J. Jeffcoat , 306630 v. State of South Carolina; 2007-CP-40-2256.

Dear Ms. Jeffcoat:

Enclosed please find for your records a copy of the Order of Dismissal with Prejudice issued by Judge William P. Keesley dismissing your Application for Post-Conviction Relief. This Order has been filed with the Richland County Clerk of Court's Office. You may wish to retain these documents in your records. I know this was a difficult decision to make, but I genuinely believe that you have made the best decision in this matter. If you have any further questions concerning your case, do not hesitate to contact me.

Sincerely,

A large, stylized handwritten signature in black ink that reads "Tara Dawn Shurling". The signature is written over the typed name and title below it.

Tara Dawn Shurling
Attorney and Counselor at Law

TDS/sg
Enclosure
cc: Charlette Perry