

RECEIVED
DEC 18 2023
SC Court of Appeals

In the Court of Appeals for the State of
South Carolina

Motion to Appeal

Case # 2019A381070084

Indictment #

2019A381070083

2020GS3800410

I Allen Markae Frazier, moved Prose before the Orangeburg County Court (general sessions) asking this said court to allow me to act as my own Attorney in the above case. I also petition this Court to allow me to withdraw my guilty Plea that was made on November 16, 2023 due to several un-constitutional reasons.

There is reason to believe that allowing such conviction to stand would result in a clear injustice. There is also reason to believe and evidence that the defendant is innocent and did not understand the consequences of the guilty Plea. There are multiple grounds and reasons of why the motion to withdraw guilty Plea should be granted base off the factors that would be found later in this response. I contacted the attorney who originally represented me in the plea bargain and he stated to me I would have to file a motion because he was no longer active lawyer on the case and if I wanted to move Prose that I would have to file a motion within the Jurisdiction of the County in which the Plea was made.

The factors of why the motion to withdraw guilty plea should be granted is based off these factors.

1) Lawyer's ineffective assistance - Failing to investigate case, failing to introduce exonerating evidence, failing to tell defendant about the consequences of pleading guilty to the crime allegedly leading to.

2) Manipulation of defendant between lawyer and prosecuting Attorney to make or too threaten (pressuring) defendant to plea

3) Defendant constitutional rights were violated throughout all and every proceedings.

4) Bogus bench warrant - for failure to appear in General session court, when the court lied about sending notice to appear on court to lawyer they said was appointed and on file as my current lawyer about such or any appearances, when the lawyer they said they notified said he had no prior knowledge about me or the case - see attach files.

5) The strength of defendant case to show innocence.

I have stated the facts to why I would like to withdraw my guilty plea, based off the facts of being pressured and manipulated into taking the plea after all ready informing my attorney that I was innocent and wanted a jury trial and not wanting to take any -

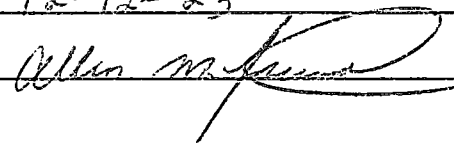
Plea. And having the Prosecutor pressured and threaten me with jail time till such trial would ever exist to pleading.

Relief - I ASK this said Court to allow this filing and motion to stand because the law requires that a defendant file a motion to appeal or withdraw any Pleas within 10 days after Pleading, And I myself did file such motion within the Jurisdiction of the County in which the Plea was made within 10 days of Pleading to such Plea.

I would further state that my lawyer did not investigate or otherwise work on my case at all, but nevertheless convinced his Client that conviction at trial was automatic. Meanwhile there was exonerating evidence that a competent lawyer would have discovered and that it would have inspired me to continue with trial. And that a motion to lift illegal bench warrant was never heard and was filed in Court.

Allen M. Frantz

12-12-23



THE STATE OF SOUTH CAROLINA
COUNTY OF Orangeburg

BENCH WARRANT
FAILURE TO APPEAR

THE STATE
VS.
Allen Markae Frazier

0000GS38

2019A3810700783

Forgery / Forgery, no dollar amount
involved


To all and Singular the Sheriffs Deputy Sheriffs Constables and other Peace Officers of the said State Greeting:

WHEREAS, at the Term of Court of General Sessions County Court for the County aforesaid, it was among other things Ordained
that a Bench Warrant should be issued for the arrest of Allen Markae Frazier

THESE ARE, THEREFORE, to command you and every one of you to make diligent search after the said above named and him to take and safely keep until he be delivered to the keeper of the Common Jail of the County or discharged by due course of law. And this shall be a good and sufficient warrant for you doing so, and for the keeper of said Jail receiving said above named from you and keeping him safely until he be discharged by due course of law.

WITNESS, Winnifa Clark, Clerk of Court of General Sessions and Common Pleas for the County of Orangeburg,

March 8, 2023.



Judge 1st Judicial Circuit / Clerk of Court
Deputy

THE STATE OF SOUTH CAROLINA

COUNTY OF Orangeburg

BENCH WARRANT
FAILURE TO APPEAR

THE STATE
VS.
Allen Markae Frazier

0000GS38

2019A3810700784

Courts / Intimidation of court officials,
jurors, or witnesses (after April 1, 1996)

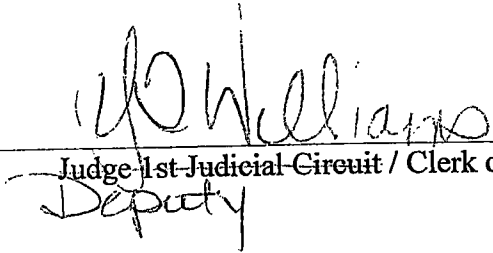
To all and Singular the Sheriffs Deputy Sheriffs Constables and other Peace Officers of the said State Greeting:

WHEREAS, at the Term of Court of General Sessions County Court for the County aforesaid, it was among other things Ordained
that a Bench Warrant should be issued for the arrest of Allen Markae Frazier

THESE ARE, THEREFORE, to command you and every one of you to make diligent search after the said above named and him to take and safely keep until he be delivered to the keeper of the Common Jail of the County or discharged by due course of law. And this shall be a good and sufficient warrant for you doing so, and for the keeper of said Jail receiving said above named from you and keeping him safely until he be discharged by due course of law.

WITNESS, Winnifa Clark, Clerk of Court of General Sessions and Common Pleas for the County of Orangeburg,

March 8, 2023.


Judge 1st Judicial Circuit / Clerk of Court

Deputy

THE FARLEY LAW FIRM, LLC
137 EAST BUTLER ST. SUITE 2
LEXINGTON SC 29072

andrew@afarleylaw.com

Telephone: (803) 359-0428

October 4, 2023

Allen Frazier, Inmate
Orangeburg Detention Center
1534 Ellis Ave
Orangeburg SC 29118

Re: State v. Allen Frazier
Warrant: 2019A3810700783, 784

RECEIVED
2023 NOV 20 P 12:25
AB

Dear Mr. Frazier,

I am writing to let you know that we have a Bond Hearing scheduled in your case for November 6, 2023 at 10 am in Orangeburg.

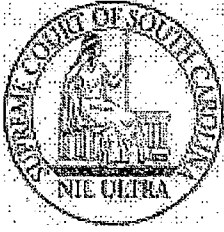
Also, please find enclosed a copy of an Order of Appointment dated September 21, 2023 that shows when Mr. Farley was appointed to your case. I have also enclosed a copy of the Orangeburg County First Judicial Circuit Public Index of your case for you to review.

In the meantime, DO NOT DISCUSS YOUR CASE WITH ANYONE.

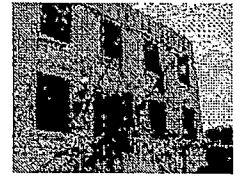
Mr. Andrew Farley was not appointed to represent Mr. Allen Marke Frazier until two days after already being placed under arrest and placed in Orangeburg County Jail.
Date of Arrest 9-19-23
Date of Appointment 9-21-23
Two days later!

Sincerely,

Amy Smith
Paralegal to Andrew Farley



Orangeburg County First Judicial Circuit Public Index



[Orangeburg County Home Page](#)
[South Carolina Judicial Department Home Page](#)
[SC.GOV Home Page](#)

Switch View

The State of South Carolina VS Allen Markae Frazier

| | | | | | |
|-------------------|-------------------|--------------------|---------------------------------|--------------------|------------------|
| Case Number: | 2019A3810700783 | Court Agency: | General Sessions | Filed Date: | 01/16/2020 |
| Case Type: | Criminal-Clerk | Case Sub Type: | | | |
| Status: | Failure to Appear | Assigned Judge: | Gillens (Magistrate), Jacob Sr. | Disposition Judge: | Taylor, Heath P. |
| Disposition: | Failure to Appear | | | | |
| Disposition Date: | 03/02/2023 | Date Received: | 01/16/2020 | Arrest Date: | 12/18/2019 |
| Law Enf. Case: | | True Bill Date: | 03/01/2023 | No Bill Date: | |
| Prosecutor Case: | | Indictment Number: | 2020GS3800410 | Waiver Date: | |
| Probation Case: | | | | | NB |

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

| Name | Description | Type | Motion Roster | Begin Date | Completion Date | Documents |
|-----------------------|--|--------|---------------|------------------|------------------|-----------|
| Frazier, Allen Markae | Archived Failure to Appear/Comply/Pay | Filing | | 03/08/2023-00:00 | 03/02/2023-00:00 | |
| Turnblad, Jason B. | 3/13/2023_GNTRD_Roster/Notice of Case Roster Publication Sen | Action | | 02/22/2023-14:14 | 03/02/2023-14:14 | |
| Riley, Bradley Kevin | 3/13/2023_GNTRD_Roster/Notice of Case Roster Publication Sen | Action | | 02/22/2023-14:14 | 03/02/2023-14:14 | |
| Riley, Bradley Kevin | 3/13/2023_GNTRD_Roster/Notice of Case Roster Publication Sen | Action | | 02/22/2023-11:42 | 03/02/2023-11:42 | |
| Turnblad, Jason B. | 3/13/2023_GNTRD_Roster/Notice of Case Roster Publication Sen | Action | | 02/22/2023-11:42 | 03/02/2023-11:42 | |
| Turnblad, Jason B. | 3/13/2023_GNTRD_Roster/Notice of Case Roster Publication Sen | Action | | 01/31/2023-10:39 | 03/02/2023-10:39 | |
| Riley, Bradley Kevin | 3/13/2023_GNTRD_Roster/Notice of Case Roster Publication Sen | Action | | 01/31/2023-10:39 | 03/02/2023-10:39 | |
| Turnblad, Jason B. | 9/26/2022_PDTR_Roster/Notice of Case Roster Publication Sent | Action | | 09/19/2022-13:39 | 03/02/2023-13:39 | |
| Riley, Bradley Kevin | 9/26/2022_PDTR_Roster/Notice of Case Roster Publication Sent | Action | | 09/19/2022-13:39 | 03/02/2023-13:39 | |
| Riley, Bradley Kevin | 8/22/2022_Motions_Roster/Notice of Case Roster Publication S | Action | | 07/21/2022-09:47 | 03/02/2023-09:47 | |

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| | | | | | | |
|-----------------------------|---|--------|--|----------------------|----------------------|--|
| Turnblad, Jason B. | 8/22/2022_Motions_Roster/Notice of Case Roster Publication S | Action | | 07/21/2022- 09:47 | 03/02/2023- 09:47 | |
| Frazier, Allen Markae | Motion/Status Conference | Motion | | 07/06/2022- 15:58 | 03/02/2023- 15:58 | |
| Frazier, Allen Markae | Request for Disclosure | Filing | | 06/29/2020- 13:44 | 07/02/2020- 13:42 | |
| Frazier, Allen Markae | Certificate of Service | Filing | | 06/29/2020- 13:44 | 07/02/2020- 13:43 | |
| Frazier, Allen Markae | Acceptance of Service | Filing | | 06/19/2020- 14:36 | 06/29/2020- 09:36 | |
| Frazier, Allen Markae | Motion for Discovery and Inspection | Motion | | 06/18/2020- 14:05 | 06/22/2020- 16:12 | |
| Frazier, Allen Markae | Motion for Brady and other Favorable Material | Motion | | 06/18/2020- 14:05 | 06/22/2020- 16:14 | |
| Frazier, Allen Markae | Order of Appointment | Order | | 06/18/2020- 13:58 | 06/22/2020- 15:46 | |
| Frazier, Allen Markae | Filing/Case File | Filing | | 01/16/2020- 09:56 | 03/02/2023- 09:56 | |

COPY

JAIL WI SCDC
STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

Conflict Attor

IN THE COURT OF GENERAL SESSIONS
FIRST JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA ORDER OF APPOINTMENT OF LEGAL
COUNSEL FOR INDIGENT DEFENDANT

VS.
Allen Markae Frazier 24967-3003
Defendant. SSN#

Age: Birthdate: 5-13-87 Race/Sex: B/M Date of Arrest: 12-18-19

271 S Couville Street
Address Address/Friend or Relative

Orangeburg SC 29115
City State Zip City State Zip

903-531-1771
Telephone Email

Offense: Forgery no amount
Magistrate: Warrant No: 2019A381070078

Bond: \$ Type: Signature Recog Property Bondsman:

Offense: Intimidation of Court Officials
Magistrate: Warrant No: 2019A381070078

Bond: \$ Type: Signature Recog Property Bondsman:

Offense:
Magistrate: Warrant No:

Bond: \$ Type: Signature Recog Property Bondsman:

The defendant contends that he is indigent and in need of services of an attorney as contemplated by law.

THEREFORE, Andrew Farley, Attorney at Law,
is appointed as counsel for the defendant.

This 21st day of September, 2023
at (am/pm)

White - Clerk of Court
Green - Attorney
Canary - Criminal Justice Coordinator
Pink - Solicitor
Goldenrod - Defendant

Honda W Bennett
Criminal Justice Coordinator

COPY

THE FARLEY LAW FIRM

137 EAST BUTLER STREET
LEXINGTON, SOUTH CAROLINA 29072

J

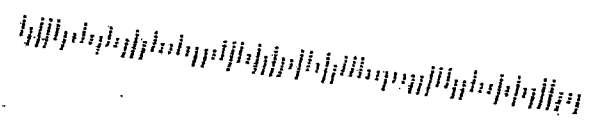
COLUMBIA SC 290
5 OCT 2023 PM 4 L

Allen Frazier, Inmate
Orangeburg Detention Center
1534 Ellis Ave
Orangeburg SC 29118

\$0.630
US POSTAGE
FIRST-CLASS
062S0011485640
FROM 29072



20110-251404



In the Circuit Court of First Judicial Circuit Court
of Orangeburg County.

Case No: 2019A381070084

Indictment No: 2020G53800410

2019A381070083

T Allen Markae Frazier, move prose before this Court this very day November 20, 2023 and ask this said Court to allow me to act as my own Attorney in the above case. I also Petition this Court to allow me to withdraw my guilty Plea that was made on November 16, 2023 due to several un-Constitutional reason's. There is reason to believe that allowing the conviction to stand would result in a clear injustice. There is also reason to believe and evidence that the defendant is innocent and did not understand the consequences of the guilty Plea. There are Multiple grounds and reason's of why the motion to withdraw guilty Plea should be granted base off these factors.

(1) Lawyer's ineffective assistance - Failing to investigate case, Failing to introduce exonerating evidence, failing to tell defendant about the consequences of pleading guilty to the crime allegedly pleading to.

(2) Manipulation of defendant between lawyer and Prosecuting Attorney to make or too threaten (pressuring) defendant to plea

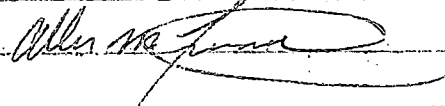
(3) Defendant Constitutional rights were violated throughout All and every Proceedings.

(4) Bogus Bench Warrant - for failure to appear in General Session's Court. (5) The strength of defendant case to show innocent.

I have stated the facts to why I would like to withdraw my guilty plea, base off the facts of being pressured and manipulated into taking the plea after all ready informing my attorney that I was innocent and wanted a Jury trial and not wanting to plea. And having the prosecutor pressured and threaten me into taking the plea.

Allen Frazier

11-20-23



In the Circuit Court of First Judicial Circuit Court
of Orangeburg County.

Case No: 2019A381070084

Indictment No: 2020G153 P00410

2019A381070083

I Allen Markoe Frazier, move prose before this court
this very day November 20, 2023 and ask this said court
to allow me to act as my own Attorney in the above case.
I also petition this court to allow me to withdraw my
guilty plea that was made on November 16, 2023 due to
several un-constitutional reasons. There is reason to
believe that allowing the conviction to stand would
result in a clear injustice. There is also reason to believe
and evidence that the defendant is innocent and did not
understand the consequences of the guilty plea. There are
multiple grounds and reasons of why the motion to withdraw
guilty plea should be granted base off these factors.

- (1) Lawyer's ineffective assistance - Failing to investigate case,
Failing to introduce exonerating evidence, failing to tell defendant
about the consequences of pleading guilty to the crime allegedly
proceeding to.
- (2) Manipulation of defendant between lawyer and prosecuting
Attorney to make or too threaten (pressuring) defendant to
plea
- (3) Defendant Constitutional rights were violated throughout
All and every proceedings.

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE COURT OF GENERAL SESSIONS

State of South Carolina,

Warrant No.: 2019A3810700783, 2019A3810700784

v.

**MOTION TO VACATE BENCH
WARRANT**

Allen Markae Frazier,

Defendant.

TO: FIRST CIRCUIT SOLICITOR'S OFFICE:

PLEASE TAKE NOTICE that the defendant, by and through his undersigned attorney will move before the court on October 08, 2023, or soon thereafter, for an order vacating the bench warrant.

IT APPEARS that the Defendant failed to appear for an appearance roll call. Defendant did not appear due to an inadvertent mistake and submits that good cause can be shown for his failure to appear for his 1st Appearance Roll Call.

THEREFORE, the defendant requests the court to grant the defendant's motion for a hearing and for an Order vacating the bench warrant.

Columbia, South Carolina
October 08, 2023

After contacting Solicitor Office about said Bench warrant Solicitor Office informed that they had sent notice and contacted Andrew Farley about such Appearance. When confer speak ing, with Mr. Farley and his Paralegal that they never received any phone calls, Paperwork and had no prior knowledge about Allen Frazier or his case.

78873)
Law, LLC

CLERK OF COURT
ORANGEBURG, SC

FILED FOR RECORD
MINNIE B. CLARK
2023 OCT 12 P 12:16

AK

In the Circuit Court of the first Judicial Court
In And for Orangeburg County, State of South Carolina

FILED FOR RECORD
WINNIE B. CLARK
2023 FEB 15 PM 12:50
CLERK OF COURT
ORANGEBURG, SC

Case # 2019-3810-00
2019-3810-00

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K3

In RE: State

And vs: Allen Markae Frazier

I Allen M. Frazier have ask this said Court to allow me to move pro se on the above case number's listed above. Now After asking the court to allow me the opportunity to move forward, I'm now petitioning the court as I now file this notice within the court, a Motion for a Fast and Speedy Trial as it is my Constitutional right under the 6th Amendment

Allen M. Frazier

02-15-2023

ATTEST: TRUE COPY

Winnifred B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

In The Circuit Court of the First Judicial Court
In the county of Orangeburg, state of South Carolina

In Re: State
And VS: Allen Markae Frazier

Case # 2019A3810700783
2019A3810700784

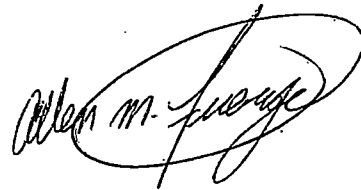
I Allen M. Frazier Now move before this court, filing a motion to dismiss (Vacate) the said charges because (I) the defendant was denied the Constitutional right to speedy prosecution. I have asked this said court in my filing of a motion to allow me to move prose on the above criminal charges and motion for a fast and speedy trial as it is the defendant Constitutional Right under the 6th Amendment. The motion was file on 02/15/2023, giving the court 6 months to prepare a trial. Since the beginning of the preliminary stages of this case, it has been express that (I) the defendant wanted a jury trial throughout every and all proceedings taken place in this case. The State has failed to show it's burden of proof, and has violated the 6th Amendment clause of Constitution in regards to the (Fast and Speedy Trial). According to the Fast and Speedy Trial Act it states, the court has 70 day's from the filing date of the indictment 9/2019 to present a trial. This clause protects the defenfent from delay between the prosecution of the indictment or similar charges. It further states, that a violation of the speedy trial act rule means that any convictions and sentences must be wiped out and the charges must be dismissed if the case has not reached trial.

The United States Supreme Court adopted four factors to be considered in determining if the rights to a fast and speedy trial has been violated.

1. The length of delay
2. The reason for the delay
3. The time and manner in which the defendant has asserted his rights
4. The degree of prejudice to the defendant which the delay has caused

- (1) The length of delay was 1,532 days 4 years 2 months 10 days
- (2) The reason for delay in unknown and the state has failed to show burden of proof and the United States Supreme Court, Concurred that an over crowded docket would not be a reasonable basis for a delay. (Baker vs Wingo)
- (3) The time and manner in which the defendant asserted his rights was on 09/24/2019 and throughout all proceedings thereafter
- (4)The degree of prejudice to the defendant which the delay has caused. (The length of delay was long enough to be presumptively prejudicial, that the delay clearly was attributable to the negligence of the state. And (I) the defendant should not be at fault for any delay in asserting my right to a fast and speedy trial.

FILED FOR RECORD
 WINNIFEA B. CLARK
 2023 SEP 11 11:41 AM
 CLERK OF COURT
 ORANGEBURG COUNTY, SC



9-01-2023

Subscribed to and subscribed to
me this 1 day of September 2023

Kilcho Aynock

My Commission Expires 9/10/2031

ATTEST: TRUE COPY
 Winnifea B. Clark
 CLERK OF COURT
 ORANGEBURG COUNTY, SC

Allen M. Frazier
271 Scoville St
Orangeburg SC 29115

FIRST CLASS



US POSTAGE - PINNEY BOXES

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DEC 18 2023

SC Court of Appeals

South Carolina Court of Appeals

P.O. Box 11629

Columbia S.C. 29211

