

THE STATE OF SOUTH CAROLINA

In the Supreme Court

APPEAL FROM YORK COUNTY

Court of Common Pleas

Grace Gilcrest Knie, Circuit Court Judge

Case No.: 2023-CP-46-00232

Willie Gordon, #103101,

v.

State of South Carolina,

Appellant.

Respondent.

NOTICE OF APPEAL

Willie Gordon does hereby appeal the Order of the Honorable Grace Gilcrest Knie dated March 6, 2024, and filed with the York County Clerk of Court on March 11, 2024 in this Post Conviction Relief matter. Appellant received written notice of the Judgment on March 13, 2024.

Rule 243 (c) Explanation

Pursuant to South Carolina Appellate Court Rule 203(d)(B)(v) and Rule 243(c), Appellant does hereby submit the following explanation as to the appealability of the Judgment since this Post Conviction Relief Denial Order is based on successiveness and the statute of limitations.

RECEIVED

APR 12 2024

S.C. SUPREME COURT

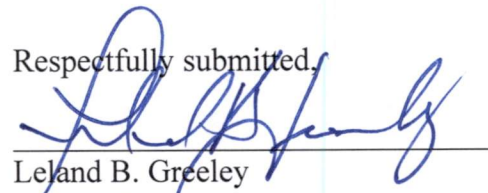
Appellant admits there is a long appellate and procedural history to his previous actions for relief over his 30-year sentence. The history is contained in the findings of facts by the Court in this matter. Relying on the history, the Court dismissed the current action on the issues of successiveness and the statute of limitations. The Appellant respectfully submits that the previous history relied upon by the Court didn't have two elements which are present in this current case. The first is the case of *State v. Corey Jermaine Brown*, which was decided by this Court in September 2023 and thus didn't exist prior to 2023 which involved a violation of *United States v. Brady*, as did this case.

The second element was the actual documents of dismissal signed by the Solicitor in June 2000, discovered by counsel for Appellant in April 2022, and placed into evidence by Appellant in this matter, showed **not** that the charges had been permanently dismissed against the witness but actually had **only** been intended to be dismissed during the pendency of Appellant's charges, and **were to be restored against the witness** after Appellant's 2001 trial. Not providing these documents to the Defense prior to the 2001 trial prevented the Defense from cross examining the witness not that the cases had been dismissed against the witness, but that the cases had only been temporarily dismissed at that time and were going to be restored after the witness testified in the Gordon cases. Ultimately, such charges, after 23 years were never restored, thus making the case **State v. Corey Jermaine Brown**, S.C. (Op. No. 2021-000941) Sept. 2023, applicable in this matter. The State asserts that these documents were publicly available to the Appellant. The Appellant himself however hasn't been publicly available to obtain the publicly available documents since 1996 when he began his tenure with the South Carolina Department of Corrections. And further it is important to note that the restoration of the charges was to be done

at the earliest in 2012 when the last Gordon prosecution applicable to the dismissals against the witness (*State v. Spencer Gordon*) was ended.

Therefore, for the reasons above, Appellant submits the findings of the Court in this matter of being barred by the statute of limitations in that it also could have been applied for within one year of his conviction in 1996, and successiveness, are errors, and relief on the merits should have been granted.

Respectfully submitted,



Leland B. Greeley
LELAND B. GREELEY, P.A.
130 East Main Street
Post Office Box 2981
Rock Hill, South Carolina 29730
(803)329-0088
lgreeley@lbgreeleylaw.com
S.C Bar #: 7850
Pro Bono Attorney for Appellant.

April 9, 2024.

Rock Hill, South Carolina

Other counsel of record:

Zachary W. Jones
Assistant Attorney General
South Carolina Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211-1549.