

THE SOUTH CAROLINA COURT OF APPEALS

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JENNY ABBOTT KITCHINGS, CLERK
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COLUMBIA, SOUTH CAROLINA 29211

MAY 06 2024

SC Court of Appeals

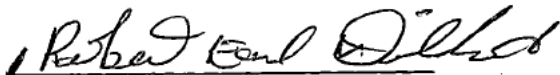
RE: Robert E. Dillard v. State
Appellate Case No. 2022-000972

Dear Clerk;

I WILL Respectfully Show the COURT, That here is my copy of motion to Notice of appeal, and permission to proceed in forma pauperis and my Explanation of appeals pursuant to rule 18.5 and the brief of the appellant's initial brief and Designation of matter BRIEF as, well my certificate of service, and Amended brief as well, that was day stamp by the perry correctional inst, mailroom, and form 4 designation of matter to be included in the record on appeals Appc.form 14,

I, THANK YOU VERY MUCH IN THIS MATTER.

DATE 4-30- 2024.


Robert Earl Dillard #220045
perry correctional inst,
430 oaklawn road q4b209
pelzer, S.C. 29669

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SOUTH CAROLINA COURT OF APPEALS

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SC Court of Appeals

case no. 2022-000972

ROBERT EARL DILLARD#.....APPELLANT,

v.

THE STATE OF SOUTH CAROLINA,.....RESPONDENT,

RULE 201. JUDICIAL NOTICE OF ADJUDICATIVE FACTS

The appellant in the above case motion this court under RULE 201, judicial notice of adjudicated fact for the following reasons The judicial noticed fact is one not subject to reasonable dispute in that it is capable of accurat and sendye dtusemination by resot to sources whose accuracy cannot be reasonable be questioned.

date 4-30-2024.

Robert Earl Dillard

Robert Earl Dillard#220045 perry correctional inst, 430 oaklawn road q4b-209 pelzer, s.c. 29669

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THE SOUTH CAROLINA COURT OF APPEALS

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MAY 06 2024

SC Court of Appeals

case no. 2022-000972

ROBERT EARL DILLARD,.....APPELLANT,

v.

THE STATE OF SOUTH CAROLINA,.....RESPONDENT,

AFFIDAVIT IN SUPORT OF RULE 201

PERSONALLY appeared before me, the undersigned authority for administering oath, Robert Earl Dillard, who being duly sworn, deposes and state the following;

- 1, That I as the petitioner (Deponent) in the above entitled case;
- 2, Notice of Appeals motion, dated July 11, 2022,
- 3, dated, filed designation of matter brief, May 8, 2023.
- 4, dated filed initial brief May 8, 2023. *and correction to State Reply Brief on 11/21/23*
- 5, all original brief, designation of matter been amended to the court of appeals court.
- 6, RULES TO 208§209, have been filed in the court of appeals
- 7, have service the ATTORNEY GENERAL OFFICE, ON DOE'S DATE,
- 8, form 14, Designation of matter to be included in the record on Appeals, dated May 8, 2023.

I hereby certify that this affidavit contains nothing which is irrelevant to the appeal, court of appeals.

date 4-30- 2024.

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Robert Earl Dillard
Robert Earl Dillard 220045

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Robert Earl Diillard,.....Appellant

v,

State of south carolina,.....Respondent,

CERTIFICATE OF SERVICE

I certify that a True-Copy of the RULE 201, Judicial notice of adjudicative facts and affidavit in suport of rule 201,notice of appeals that was on file,in the court of appeals case no.2022-000972, has been served on attorney general Alan Wilson, Esquire and assistance attorney general melody jane brown post office box 11549. Columbia, S.C.29211

date 4-30- 2024.

Robert Earl Dillard
Robert Earl Dillard#220045

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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

April 23, 2024

Robert Earl Dillard, 00220045
Perry Correctional Institution
430 Oaklawn Road
Pelzer SC 29669

Re: Robert E. Dillard v. State
Appellate Case No. 2022-000972

Dear Mr. Dillard:

Our records reflect that the time for serving the record on appeal has expired. Within ten (10) days of the date of this letter, you must serve the record on appeal along with a motion requesting permission to serve the record on appeal outside of the filing deadlines set by Rule 210 of the South Carolina Appellate Court Rules. Your appeal will be dismissed if no motion is made within ten (10) days of the date of this letter.

Very truly yours,


CLERK

cc: Alan McCrory Wilson, Esquire
Melody Jane Brown, Esquire

117 541
JULY 7-11 2022.

THE SOUTH CAROLINA COURT OF APPEALS
Kenneth A. Richstad, clerk
post office box 11629
Columbia, s.c. 29211

RE: TO ROBERT EARL DILLARD V. STATE
case no. 2022-cp-39-00680.

Dear HON. Richstad, clerk


Enclosed please find the original Notice of appeal and
Explanndtion of appeal pursuant to rule 18.5 filing fee
s.c.a.c.p. and a copy of the order along with proof of
service of same for filing in your office.

CCALAN WILSON
ATTORNEY GENERAL

CLERK OF COURT

13th SOLICITOR

WALT WILKINS


ROBERT EARL DILLARD #220045
perry correctional inst.
430 oaklawn road q4b209
pelzer, s.c. 29669

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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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MAY 06 2024

SC Court of Appeals

APPEAL FROM PICKENS COUNTY
COURT OF COMMON PLEAS
PERRY H. GRAVELY, ADMINISTRATIVE JUDGE

case no. 2022-cp-39-00680

ROBERT EARL DILLARD, APPELLANT,

v.

THE STATE RESPONDENT,

NOTICE OF APPEAL

Robert Earl Dillard, appeal the order of the honorable
perry G. Gravely, dated june 7, 2022. appellant received
written notice of denying filing of pleadings order on
june 14, 2022. from the perry c.i. mailroom.

counsel of record
alan wilson
Pofahsa, 1548. 29211-1549
attorney for respondent


ROBERT EARL DILLARD #22005

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM PICKENS COUNTY
COURT OF COMMON PLEAS
PERRY H. GRAVELY, ADMINISTRATIVE JUDGE

case no. 2022-cp-39-00680

RECEIVED

MAY 06 2024

SC Court of Appeals

ROBERT EARL DILLARD,.....APPELLANT,

v.

THE STATE,.....RESPONDENT,

EXPLANATION OF APPEAL PURSUANT TO RULE 18.5

Pursuant to rule 18.5 filing fee S.C.A.C.R. Robert Earl Dillard 220045 files this Explanation of his order appeal of the denying filing of pleadings of his motion to filed to proceed in forma pauperis in pre-payment of cost without cost, of being indigent petitioner in this case. the honorable perry h. gravelly, denying the motion THE Petitioner in the above case entitled respectfully petition this court honorable court to ALTER/AMEND HIS JUDGMENT THAT WAS SIGNED ON JUNE 7, 2022. and served on the petitioner on june 14, 2022.

THE petitioner would show this court that he filed a motion on june 9, 2022. THE CLERK of court office raising the following by way of a motion hearing to his claim of false imprisonment/ false arrest and false indictment and failed to instruct the jury

the reasonable doubt , request his pleading/motion to be construed liberally and held to less strivgent standard manner forward pleading s drafted by lawyers, that.

did not state with certointy the reason for the denying other that,

THE petitioners, would show this court that the motion was denyin^g on june 7, 2022. before the motion was filed inthe clerk of court's office, see order attached.

MOTION TO ALTER/AMEND JUDGEMENT pursuant to RULE 59(e) was file on june 20, 2022. in perry c.i. mailroom, and was return back to me july 6, 2022. stating of the previous order,the court received this motion on june 28, 2022. and send back unfile by the clerk of court.

THE appellant, argused below that he is right in his motion to filed to proceed in forma pauperis,action(CASE NO.2022-cp-39-00680 ~~and~~ that pursuant to this court decision in LAKE V. STATE, 333 s.c.382, inmate petitioning for writ of habeas corpus moved for order to proceed in forma pauperis THE CIRCUIT COURT ORANGEBURG COUNTY , CHARLES W. WHETSTONE , JR J, DENIE MOTION AND INMATE APPEALED .THE COURT OF APPEALS HELD THAT INMATE WAS ENTITLED TO PROCEED IN FORMA PAUPERIS. Reversed and remanded on appeal

HERE, the petitioner, did the same as in LAKE V. STATE.
motion to proceed in forma pauperis under rule 18.5
THIS motion and/or pleading that was filed was a motion
to adjudicate his claim s of whether he(PETITIONER) was
denied due process of law.

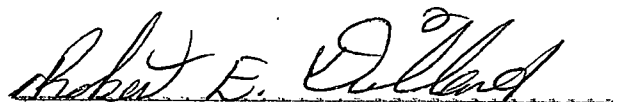
THE petitioner request his pleading / motion be construed
liberalby and held to less stringent standard fact formal
pleadings drafted by attorney.

Finally, as the pcr court has rendered a decision in conflict
with this court decision LAKE V. STATE, the aellant. pray
this honorable court reversed the pcr court decision, and remand
the case for an evidentiary hearing on the merits of his claims
to serve the interest of justice.

CONCLUSION

for the forgoing reason, this honorable court should alter/
amend its' prior judgment to reflect the forgoing and provide
an evidentiary hearing and or vacate petitioner conviction
and sentence on the pleadings / motion filed,

date 7/11 2022.



ROBERT EARL DILLARD#220045

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM PICKENS COUNTY

COURT OF COMMON PLEAS
PERRY H. GRAVELY ADMINISTRATIVE JUDGE

case no. 2022-cp-39-00680

ROBERT EARL DILLARD, APPELLANT.

V.

THE STATE, RESPONDENT.

PROOF OF SERVICE

THE APPELLANT, ROBERT EARL DILLARD, do hereby certify that he ser
a true copy of the notice of appeal and explanation of appeal
pursuant to rule 18.5)scacp by placing same in the u.s. mail,
postage pre-paid addressed to;walt wilkins, 13th solicitor,and
alan wilson,attorney general, clerk of court for pickens county
p.o. box215 pickens, s.c. 29671. honorablekenneth a. richstad
clerk of court, post office box 11629. columbia, s.c.29211.

CC: ALAN WILSON.
WALT WILKINS, SOLICITOR
CLERK OF COURT

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JUL 11 2022

PCI MAILROOM

date 7/11 2022.

ROBERT EARL DILLARD#220045

Jenny A, Kitching, clerk
south carolina court of Appeals
post office box 11629
columbia, s.c.29211

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MAY 06 2024

SC Court of Appeals

RERobert E, Dillard v. State of south carolina
pickens countys, c/a no. 2022-000972/1490-1491
1994-GS-39-1490/1491.

Dear; clerk;

Enclosed please find my original objection Reply to the
state initial brief and designation of matter ~~Response~~ motion
on a appeals to the court of appeals, and my proof of service
to be filed in your office.

CC:Respondent's ATTORNEY
FILE.

DATE 11-21- 2023.

Sincerely yours


Robert E, Dillard#220045

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appellate no. 2022-000972
(1994-GS-39-1490/1491

Robert Earl Dillard.....Appellant,

v.

State of south carolina.....Respondent,

objection Amended Appellant's REPLY BRIEF OF RESPONDENT
BRIEF INITIAL AND DESIGNATION MATTER

Appellant Robert Earl Dillard#220045, motions to this Honorable C
Court to Grant Relief to his REPLY Brief Initial-brief with Rule
208 of the south carolina Appellate Court Rules on This 21 day
of november, 2023. That was GRANTED on oct, 17. 2022.

CC:

Jenny Abbott Kitchings, Clerk
Alan McCrory Wilson, Esquire
Taylor Zane Smith, Esquire,

date 11-21 2023.


Robert earl Dillard#220045

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NOV 21 2023

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STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeals from pickens county
The Honorable Perry H, Gravely

ROBERT EARL DILLARD,

APPELLANT,

V.

THE STATE,

RESPONDENT.

Appellate Case no;2022-000972

objection

REPLY BRIEF TO RESPONDENT BRIEF
INITIAL AND DESIGNATION MATTER

date 11-21- 2023.


Robert E, Dillard#22004

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NOV 21 2023
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6

QUESTION PRESENTED

WHETHER Appellant was Granted to proceed in forma pauperis
by the court of Appeals on his merits.

STANDARD OF REVIEW

THIS COURT OF APPEALS has found that an order denying a request for informia papuperis status to allow filing without payment of cost was Granted on september 2, 2022.

Appellant, Robert Earl Dillard#220045. file a 59 (e) motion to Appeals the order of the honorable Perry G, Gravely, dated June 7 2022. appellate received written notice of order denying of an pleading order dated on June 14, 2022. see exhibit of court of Appeals order granted to proceed informia papuperis to the Appellant's dated on september 2, 2022. and court of Appeals order dated october 17, 2022. to file Appellant's initial brief and Designation of matter is Granted, and filed on January 18, 2023.

see exhibit order, and page (10) of the Respondent brief.

80. criminal proceeding vii due process of Law.

The court has also held that when an appeals is Granted, to an accused in a criminal processing a due process right to that appeals is created. See Attachment order

our standard of review in PCR cases depende on the specific issue before(US). [WE defer to a PCR courts findings of fact and will u uphold them if there is evidence in the record to support them, small v. state, 422 S.C. 174 180, 810 S.E.2d 836, 839 (2018). Appeals court will reverse the lower court's decision if it is controlled by an error of law! milledge v. state,422 S.C.366,374 811 S.E.2d 796,800 (2018). WE, review questions of trial court's small, 422 S.C. at 180-81 810 S.E.2d at 839 (footnote omitted.

ARGUMENT

[WE] an indigent files motion to proceed in forma pauperis pursuant to Rule 18.5. The court of appeals has found that an order for the request for to proceed in forma pauperis status to allow appellant to filing without payment of cost. in conjunction, the south carolina supreme court has held that anytime criminal procedures discriminate against a petitioner by reason of their indigent status, such procedures violate the guarantee of equal protection where the indigent petitioner is subjected to a process which is not required of a non-indigent petitioner, then the process become invidiously discriminatory and violative of equal protection expart Lexington county, v. state 442,S.E.2d 589,594(1994). 17-27-60 cod (1995).

IN support of his motion, U.S. Supreme court has held that fundamental fairness entitles petitioner to an adequate opportunity to present their claims fairly within the adversary system AKA V. O OAKLOHMA, 470 U.S. 68 (1985).

Here, The State, is miss leading the court with false pretention apond the court.

Motion to Alter/amend judgment pursuant to rule 59(e) was file on june 20, 2022. in the perry C.I. mailroom and was return back to me july 6, 2022. stating of the previous order, the court received this motion on june 28, 2022. and send back unfile by the clerk of court.

The appellant, argued below that he is right in his motion to filed to proceed in forma pauperis, action (case no. 2022-cp-39-006, and that pursuant to this court decision in Lake v. state, 333 S.C.382 inmate petitioning for writ of habeas corpus, moved for order to proceed in forma pauperis the circuit court orangeburg county, charles w, whetstone, jr, motion denie and inmate appeals, the COURT OF APPEALS Held that inmate was Entitled to proceed in form pauperis, reversed and remaned on appeal.

The petitioner request his pleading/REPLY MOTION be construed liberalby and held less stringent standard fact formal pleading d drafted by attorney.

Finally, as the PCR COURT has rendered a decision in conflict with this court decision Lake v. state, the appellant. pray this honorable court reversed the PCR court decision, and remand the case for an evidence hearing on the merits of his claims to served the interest of justice.

CONCLUSION

FOR the forgoing reason, this honorable court Dissial of the Respondent, response brief and designation matter, by fraud apound the court in it brief, and should alter/amend its prior judgment to reflect the forgoing and provide an hearing on the evidence and or vacate petitioner conviction and sentence on the pleadings// REPLY MOTION AND OBJECTION to the state, Respondent brief. filed,

FORM 14, DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD
ON APPEALS

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Robert Earl Dillard,)
petitioner,)
)
)
v.)
)
State of south carolina)
Respondent,)

PETITIONER HAS INCLUDE
THE FOLLOWING ON REPLY OJECTION
TO THE RESPONDENT INITIAL BRIEF
ON APPEALS

Petitioner request this court to consture his pleading liberally and not be held to lawyer's standards, cited in Haines v. kerner 404U.S.519, The petitioner filed the following in the Reply motio appeals to the court;

- [1] Letter dated Jan. 12, 2006
- [2] Calander from supreme court for the term court.
- [3] Greenville News Letter dated Jan. 15, 2002.
- [4] Letter dated Jan.17. 2001. from Jinny morgan, G.D.C.
- [5] Arrest & Detention released records.
- [6] James Flecter Simpson Records.
- [7] EXhibit/s
- [8] Reasonable Doubt Standard.
- [9] judge order & Date
- [10] Court of Appeals order.
- [11] Court of Appeals order, Granted to proceed in forma pauperis.
- [12] No presentment of a indictment on november 17, 1994.

I Robert Earl Dillard#220045, certify & verify under penalty of perjury that the forgoing is True and Correct.

november 11-21- 2023.


Robert Earl Dillard#2200

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

IN THE COURT OF COMMON PLEAS

ROBERT EARL DILLARD

2022 JUN -9 A 10 09

C.A. No.:

PETITIONER,

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

2022-CP-39- 00680

v.

STATE OF SOUTH CAROLINA)

**ORDER DENYING FILING OF
PLEADINGS**

RESPONDENT.)
_____)

The Court has reviewed the Petitioner's Motion to proceed in forma pauperis, Petition for Relief and other documents filed by the Petitioner and the Court hereby Orders the following:

1) The Motion to Proceed in Forma Pauperis is denied because it has not been presented on the proper forms nor has the Petitioner set forth any supporting information as to the Petitioner's basis for waiving Court fees; and

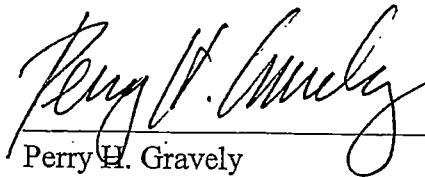
2) The Court finds that the Petition is set out as an appeal of his 1995 conviction and this Court is not the proper forum to address such issues and the pleadings cannot be accepted.

Therefore, the Petitioner's Motion is denied and it is Ordered that all documents be returned to the Petitioner unfiled.

It is so Ordered.

June 7, 2022

Pickens, South Carolina



Perry H. Gravely

Chief Administrative Judge-General Sessions

The South Carolina Court of Appeals

Robert Earl Dillard, Appellant,

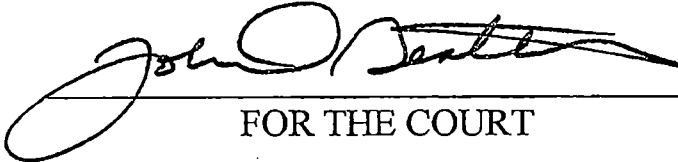
v.

The State, Respondent.

Appellate Case No. 2022-000972

ORDER

Appellant's motion to proceed *in forma pauperis* is granted.



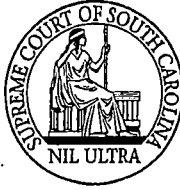
FOR THE COURT

Columbia, South Carolina

cc:

Robert Earl Dillard, 00220045
Alan McCrory Wilson, Esquire
Taylor Zane Smith, Esquire

FILED
Sep 02 2022



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

ROSALYN FRIERSON
DIRECTOR

MOTTE L. TALLEY
ASSISTANT DIRECTOR

1015 SUMTER STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1800
FAX: (803) 734-0269
E-MAIL: mtalley@scjd.state.sc.us

January 12, 2006

Mr. Robert Earl Dillard #220045
Perry Correctional Institution, Q-3-13-121
430 Oaklawn Rd.
Pelzer SC 29669

Dear Mr. Dillard:

I have received your letter asking for the terms of court for the months of November and December 1994 for Greenville and Pickens Counties.

Please find enclosed the information you requested.

Sincerely,

Stephanie O'Neal

so
Enclosure

EXHIBIT

21

B

TERMS OF CIRCUIT COURT

NOVEMBER 1994

7

14

21

28

<p>10TH CIRCUIT</p> <p><i>11-2 CP-1 CPNS-1 11-6 ✓</i></p>	<p>Anderson CPV 2.4 Anderson CPV</p>	<p>Oconee GSV 1.2 <i>Anderson CPNS 17, 18 ✓</i></p>	<p><i>Oconee CPNS 22 ✓</i></p>	<p>Anderson GSV</p>	
<p>11TH CIRCUIT</p> <p><i>11-3 CP-2 CPNS-1 4 ✓</i></p>	<p>Lexington CPV 3 Lexington GSV</p>	<p>11th Cir. CPNJ 1 Lexington CP Edgefield GSV 1</p>		<p>Saluda CPV 1 Lexington GSV</p>	
<p>12TH CIRCUIT</p> <p><i>11-3 CP-1, 2 CPNS-1, 6 5.8 ✓</i></p>	<p>Florence GSV 3.8 Florence GSV</p>	<p>12th Cir. CPNJ 1 Marion CP</p>	<p><i>Florence CP 21 ✓</i> <i>Florence CPNS 21, 22, 23 ✓</i></p>	<p>Florence CPV Marion GSV 1</p>	
<p>13TH CIRCUIT</p> <p><i>11-5 CP-1 CPNS-2, 4 11.4 ✓</i></p>	<p>Greenville CP 1 Greenville GSV Greenville GS Greenville GS <i>Pickens CPNS 3</i></p>	<p>13th Cir. CPNJ Pickens CPV Greenville GS Greenville GS Greenville GS <i>Greenville CP</i></p>		<p>13th Cir. CPNJ 1.4 Greenville CPV Pickens GSV <i>13th Cir. CPNS 29, 30 ✓</i></p>	
<p>14TH CIRCUIT</p>	<p><i>...</i></p>	<p><i>...</i></p>	<p><i>...</i></p>	<p>Calleton CPV ✓</p>	

EXHIBIT

22 (B)-2

TERMS OF CIRCUIT COURT

DECEMBER 1994

5

12

19

26

10TH CIRCUIT	<input checked="" type="checkbox"/> Oconee CP 1 <input checked="" type="checkbox"/> Anderson GS 2	<input checked="" type="checkbox"/> 10th Cir. CPNJ-PC 1 <input checked="" type="checkbox"/> Anderson CP	Anderson CPNS (PC)		
11TH CIRCUIT	<input checked="" type="checkbox"/> Lexington CP <input checked="" type="checkbox"/> Lexington GS 3.6	<input checked="" type="checkbox"/> Lexington CP <input checked="" type="checkbox"/> Lexington GS	<input checked="" type="checkbox"/> Lexington CPNS 19, 20, 21 <input checked="" type="checkbox"/> Edgefield CPNS 28		
12TH CIRCUIT	<input checked="" type="checkbox"/> Florence CP 1 <input checked="" type="checkbox"/> Marion GS 1	<input checked="" type="checkbox"/> 12th Cir. CPNJ 1			
13TH CIRCUIT	<input checked="" type="checkbox"/> Greenville CPNS 5, 6, 7 <input checked="" type="checkbox"/> Greenville GS <input checked="" type="checkbox"/> Greenville GS <input checked="" type="checkbox"/> Greenville GS <input checked="" type="checkbox"/> 13th Cir. CPNS-PC 2	<input checked="" type="checkbox"/> 13th Cir. CPNJ <input checked="" type="checkbox"/> Pickens CP 1 <input checked="" type="checkbox"/> Greenville GS <input checked="" type="checkbox"/> Greenville GS	<input checked="" type="checkbox"/> Greenville CPNS 19 <input checked="" type="checkbox"/> Greenville AW 19, 20		
14TH CIRCUIT	<input checked="" type="checkbox"/> Beaufort GS 1.6	<input checked="" type="checkbox"/> Hampton CP 1	<input checked="" type="checkbox"/> ... 1.1 CPNS 10, 21		



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Posted Tuesday, January 15, 2002 - 11:28 pm

[e-mail this story to a friend](#)

Solicitor drops two murder cases after witness lies on stand

By John Boyanoski
STAFF WRITER

jboyan@greenvillenews.com

After the prosecution's only witness to a 1998 murder was found to have lied on the witness stand, the 13th Circuit Solicitor's Office dropped the case against two men Tuesday accused of the crime.

The murder trial of Calvin Rico Rosemond, formerly of 300 Furman Hall Road, was charged in the death of James J. Chattman, 25, of 113 Norwood St., who died from a gunshot blast to the head on the morning of Nov. 12, 1998.

A witness said Monday that he saw Rosemond at the murder scene, but under cross-examination, defense attorney Symmes Culbertson showed evidence that the witness was in jail at the time.

"I had been down to talk to him and off-hand said he had been in jail," Culbertson said. "We looked into it and we brought that out."

On Tuesday, Rosemond's charges were dropped as were the charges against Asim Clement, who was arrested along with Rosemond in April 2000. Both cases were based on the witnesses' statements.

Solicitor Bob Ariail said the man was the sole eyewitness in the case, and gave a very detailed description of the shooting. After working through the night to verify the man's jail records, the prosecution asked for a direct verdict Tuesday morning which ended the case.

"We felt that his credibility, our credibility and the credibility of the case before the jury was damaged and the right thing to do was dismiss the charges," Ariail said. "If we had known this ahead of time, this would not have gotten this far."

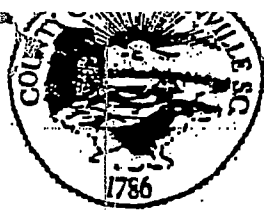
Ariail said it is not common practice for his office to verify an eyewitnesses' whereabouts, unless contested. He said investigators did know the man had a criminal record, but initial research did not show he was in jail at the time.

Ariail couldn't say why the witness lied to authorities, but added his office is investigating bringing charges against him for lying on the witness stand.

John Boyanoski covers crime and courts. He can be reached at 298-4065.

019861

(B)



County of Greenville

"...At Your Service"

712

DEPARTMENT OF COMMUNITY SERVICES
James M. Dorriety, Assistant County Administrator

Detention, Emergency Medical Services,
Forensics and Records Management Services
Office (864) 467-5082

January 17, 2001

Robert Earl Dillard #220045
Perry Correction Institute
430 Oaklawn Road Q-3-B-121
Pelzer, SC 29669

2013-CP-39-128

RE: FOIA Request (Received 12/27/00)

Dear Mr. Dillard:

2013 FEB - 5
CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

We have received your letter requesting arrest and detention records under the South Carolina Freedom of Information Act (FOIA) on James Fletcher Simpson. Described below are the records you requested and I address each individual item separately.

1. Arrest and detention release records.

These records can be released under FOIA.

2. Date of a Bond Hearing by a Judge.

We do not maintain this information, as it is not part of the booking and arrest records. The Clerk of Courts office or the Judge's office may have the information.

The South Carolina Freedom of Information Act, Section 30-4-30 (b) states in part, "the public body may establish and collect fees... and it also states that documents may be furnished when appropriate without charge or a reduced charge." Greenville County Council chose to and approved a county ordinance (Number 3011) establishing fees for the research and copying of arrest, booking, medical, and other law enforcement records. Our fees will not be waived or reduced. The fee for each record is \$6.00. You are requesting for one booking/arrest record and the fee is \$6.00. I have enclosed a copy of the computer screen that reflects the booking date and the release date. Please forward a money order (\$6.00) made payable to Greenville County and we will mail you the record.

Please be advised we are providing you with notification of your request within the fifteen-day (workdays, excluding holidays) requirement period. Upon receipt of payment, the records will be mailed to you.

Sincerely,

Jinny Moran
Records Manager

(B) 17

Male 102853 SIMPSON, JAMES FLETCHER
Sex M Race B DOB 10/25/1956 Booked 11/25/1992 Cell
Addr [REDACTED] C GREENVILLE

NOT SENT INACTIVE
NxtScr
S SC Z 29611 713

HgtIn 507 WgtIn 168 Booked Date 11/25/1992 Time 05:45
Out 507 Out 168 Released Date 04/19/1993 Time 20:42
Estimated Date
Release Judge EPPES/BARTLETT
Release Off-> P AK C CPL J HUBI S
Released Where? O

Release Reason: REL.AGENCY: STRT REL.REC.DT:
REL.REC.TM: ADJ.REL.DT: OPID: D07
TIME SERVED/DISMISED/PROBATION

Canteen Bal 0.00 Cash Amt Pd 0.00 Check Amt Pd 0.00
96=RP 97=RC 98=RS

Command ==>
F1=Help F2=Short Help F3=Exit F5=Refresh F7=Backwards F9=Find F12=Popup

(B)

As a result, on May 25, 1999, applicant filed a second PCR (99-CP-39-0406) pursuant to Austin v. State, 409 S.E.2d 385 (1991). On August 28, 2000, an evidentiary hearing was held before the Honorable John W. Kittredge. Applicant was represented by John D. Jorge, Esq. By order dated August 29, 2000, Judge Kittredge granted applicant a belated appeal from the denial of his first PCR application (97-CP-39-0826).

On March 21, 2002, the SC Supreme Court entered an order granting the petition for writ of certiorari from Judge Kittredge's order, and upon review of Judge Patterson's order denied writ of certiorari. Dillard v. State of SC, order (SC S.Ct. March 21, 2002).

On August 6, 2002, applicant filed a third (technically his second) PCR (02-CP-39-1217). The applicant raised the following grounds:

- (1) After-discovered evidence of solicitor's knowing use of perjured testimony.
- (2) Denial of due process by trial judge's definition of "reasonable doubt".
- (3) Applicant's murder indictment(s) was not lawfully presented by a grand jury for trial of his case(s).

On July 28, 2003, a motion hearing was held before the Honorable John C. Few. The applicant was represented by Cheree Gillespie, Esq. On August 19, 2003, Judge Few issued an order denying the PCR application as untimely and successive. A timely appeal was filed on applicant's behalf.

On September 24, 2006, the Court of Appeals issued an order denying the Johnson petition; Dillard v. State, (SC App. September 27, 2006). A timely petition was filed on January 29, 2007, the Court of Appeals denied the rehearing. On April 24, 2007, petitioner filed a writ of certiorari to the SC Supreme Court. The Supreme Court denied the writ.

STANDARD OF REVIEW

In Aice v. State, 409 S.E.2d 392 (SC 1991), a case addressing an exception to procedurally barred claims, the SC Supreme Court held that "finality must be realized at some point in order to achieve a semblance of effectiveness in dispensing justice... at some point judicial review must stop, with only the very rarest of exception. When the (judicial) system has failed a defendant and where to continue his imprisonment without a review would amount to a miscarriage of justice." In addition, the Court has held that "a defendant's filing of four PCR actions, one of which was successful, was not repetitive, numerous, or totally frivolous, and thus defendant was not subject to strict restriction on future filings. Williams v. State, 583 S.E.2d 52 (SC 2003).

As shown above, the applicant has previously prevailed in a PCR action (99-CP-39-0406) pursuant to Williams, infra. He will now present the following arguments for entitlement to review under the miscarriage of justice standard under the holding in Aice, infra.

ARGUMENT

UNDER McQUIGGIN V. PERKINS, 133, s.ct. 1924(2013) actual innocence,
I. THE APPLICANT SUFFERED A MISCARRIAGE OF JUSTICE WHEN HE WAS CONVICTED UPON A STANDARD OF GUILT BELOW THAT REQUIRED BY THE FOURTEENTH DUE PROCESS CLAUSE (Alternatively, applicant raised this ground under ineffective assistance of counsel).

The applicant submits that the record of his trial shows that after the jury found him guilty, he discovered that during its deliberation the jury had sent the judge a note requesting a layman's definition of "reasonable doubt". He further discovered that the judge had conferred with both applicant's counsel and the solicitor regarding the jury's request before writing on the jury's note that "he could not comply with the jury's request." Also, without publishing the jury's request in open court, the

judge sent the note back to the jury with a response that "he could not comply with their request." Tr.p. 681-82

In addressing such an error, the SC Supreme Court has recognized that a "reasonable doubt" charge could be erroneous if it could cause a jury to interpret the charge to allow a finding of guilt based on a degree of proof below that required by the Fourteenth Amendment, Due Process Clause. As a result, the SC Supreme Court has offered a definition which would be acceptable for use by the bench, as follows:

"a reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act...."

State v. Manning, 409 S.E.2d 372 (1971). The Court has further guided that the courts are not restricted to the exact definition in Manning, but that the charge must legally equate to that offered in Manning. See, State v. Clute.

Nevertheless, to warrant reversal, a trial judge's refusal to give a requested jury instruction must be both erroneous and prejudicial. State v. Hughey, 529 S.E.2d 721 (SC 2000). Where a general instruction to jury is insufficient to enable jury to understand fully law of case, the refusal to give requested charge is reversible error. Brown v. Smalls, 481 S.E.2d 444 (SC App. 1977). Moreover, the U.S. Supreme Court has held that the Due Process Clause of the Fourteenth Amendment protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime for which he is charged. To this end, the "reasonable doubt" standard is indispensable (to a fair trial). In re Winship. 397 U.S. 358 (1970).

Here, as evidenced by the jury's "note" requesting a layman's definition of "reasonable doubt", it is logical to assume that the jury had, at this point, entertained a degree of doubt as to applicant's guilt and had focused critical attention on the definition of "reasonable doubt" to reach its verdict. Therefore, the layman's definition of reasonable doubt which the

judge should have conveyed to the jury would be given special consideration in reaching a verdict since it was in response to its own inquiry. Under this circumstance, the judge's failure to comply with the jury's request was an error of law that prejudiced applicant's fundamental right to a fair trial. See e.g., State v. Blasingame, 244 S.E.2d 528 (SC 1978); See also, Winship (holding that a conviction below the reasonable doubt standard would amount to a miscarriage of justice).

Finally, applicant contends that the failure of the judge, solicitor, and his counsel to provide a confused jury a layman's definition of "reasonable doubt" in his case should amount to a failure of the judicial system and a corresponding miscarriage of justice to entitle him to review of the merits of his claim. An applicant's right to a fair trial is basic requirement of the Due Process Clause, and includes a fair judge. Liljerberg v. Health Serv. Corp., 486 U.S. 847 (1988); a right to be prosecuted by a prosecutor whose duty is to see that justice is done. Berger v. U.S., 295 U.S. 78 (1936); and the right to effective assistance of trial counsel, Strickland v. Washington, 466 U.S. 668 (1984).

II. THE APPLICANT DISCOVERED AFTER HIS TRIAL AND FIRST PCR ACTION THAT THE SOLICITOR KNOWINGLY USED PERJURED TESTIMONY TO OBTAIN HIS CONVICTION (Alternatively, applicant raised this ground under ineffective assistance of counsel).

The SC Supreme Court has recognized prosecutorial misconduct as a ground for PCR action in the absence even of a claim of ineffective assistance of counsel. Gibson v. State, 514 S.E.2d 320, 323-27 (SC 1999) (Setting aside applicant's guilty plea, and granting a new trial because of prosecutor's Brady violation.) [fn.1]

With regard to his claim, the applicant submits that pursuant to his discovery and Brady Motion the solicitor disclosed the

[1] Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194 (1963)

detention records of its chief witness, James Simpson. However, the solicitor failed to disclose any records of Simpson's detention in the Greenville Detention Center (GDC) for the months of November 25, 1992 through April 30, 1993, which covered the time period Simpson testified that applicant admitted to him (Simpson) that he (applicant) had committed the murders while they were at the "Haynie Street Men's Club" in downtown Greenville. As the State's evidence against applicant was entirely circumstantial, Simpson's testimony regarding applicants murder confession to Simpson in "February 1993" at the Haynie Street Men's Club was the only evidence the State had that directly connects applicant to the murders.

Following his trial and before filing his first PCR action in 1997, applicant contacted the GDC requesting requesting Simpson's detention records but was not provided any of Simpson's records covering the time period between November 1992 through April 1993. Finally, on January 17, 2001, pursuant to the SC Freedom of Information Act (FOIA), the GDC Record Manager, Jinny Morgan, provided applicant the records of Simpson's detention. These records showed that Simpson was, in fact, detained in the GDC from 11-25-92 until 4-30-93. Thus, Simpson's GDC records showed that he obviously could not have been at the "Haynie Street Men's Club" in downtown Greenville in February 1993 when he was detained in the GDC the entire month of Febraury 1993. The records clearly showed that Simpson testified falsely.

As the GDC records shows that Simpson testified, the inquiry should now focus on whether the solicitor knowingly introduced Simpson's false testimony to convict applicant. A review of the solicitor's closing argument did not only show that he knowingly introduced Simpson's perjured testimony, but also showed that the solicitor actually provided Simpson with key evidence from the murder scene to convince the jury of Simpson's credibility, in relevant part, as follows:

Solicitor: Mr. Warner (applicant's counsel) might argue that Simpson was the one who killed them. I don't

know, he might argue that, but I just simply ask you to remember "that Simpson was in jail at the time (of the murders)". Tr.p. 632.

Solicitor: What did he (Simpson) tell us? He told us some things in the statement that nobody else knew, that the general public did not know, that had not been released to the public, to the media.

Of particular note, the murders took place on December 17, 1992. The GDC records showed that Simpson was detained in the GDC from 11-25-92 until 4-30-93. Consequently, the solicitor's closing argument shows that he knew from his own records that Simpson had been detained in the GDC from 11-25-92 until 4-30-93, which also included the time of the murders as the solicitor argued. Therefore, as Simpson could not have been at the "Haynie Street Men's Club" in downtown Greenville to witness any confession by applicant, or get any details of the murder scene from applicant, it logically follows that he was provided the details of the murder scene from the solicitor's files. [fn.2]

To obtain relief on the basis of subornation and perjury, an applicant must demonstrate (1) that the witness made a false statement, (2) that the false statement was material to case, (3) that the false statement was knowingly and intentionally employed by the State. See Beasley v. Holland, 649 F.Supp. 561 (S.D.W.Va. 1985). Furthermore, a conviction must be set aside if there is a reasonable probability that false testimony (or evidence) could have affected the outcome of the trial. See e.g., United States v. Bagley, 105 S.Ct. 3375, 473 U.S. 667 (1985); Giglio v. United States, 405 U.S. 150, 92 S.Ct. 763 (1972); Miller v. Pate, 87 S.Ct. 785 (1967); Brady, supra.

[2] See print-out of 13th Circuit Solicitor Office practice of using false testimony by incarcerated witnesses to obtain conviction, attached herewith as Exhibit A-1A-2A3.

(3) see ALSO U.S. V. FREEMAN, 650 F3d 673, 680 (7th cir 2011)

III. THE SOLICITOR PROSECUTED AND CONVICTED APPLICANT UPON UNINDICTED MURDER OFFENSES.

The applicant contends that the solicitor did not obtain his murder indictment by way of a lawfully convened Pickens County Grand Jury to empower the general sessions (circuit) court to adjudicate his murder cases. In reviewing such a claim as alleged by applicant, the SC Supreme Court has held that it will presume the regularity and legality of the proceedings before the grand jury was complied with absent any evidence to the contrary. State v. James, 472 S.E.2d 38. To prove that the solicitor did not comply with the regular and legal proceedings before the grand jury for presentment of his murder indictment, the applicant will show that he received a "general sessions court calendar" from the SC Court Administration and its implication. Government records and official conduct should be accorded a presumption of legitimacy. U.S. Dept. of State v. Ray, 112 S.Ct. 541, 502 U.S. 164 (1991).

Accordingly, the applicant's indictment shows that the grand jury presented it during a November 17, 1994, term of Pickens County general sessions court. Conversely, the SC Court Administration's calendar shows there was no term of general sessions court held in Pickens County on November 17, 1994. See SC Court Administration calendar attached hereto as Exhibit B-1 S B-2. As a result, the applicant directs the Court's inquiry to whether the "absence of a term of general sessions court for attendance of a grand jury could deprive the court of its 'power' (jurisdiction) to adjudicate cases." To resolve this question, it will be necessary to interpret the U.S. Supreme Court's holding in United States v. Cotton, 122 S.Ct. 1781 (2002), which guided the SC Supreme Court's ruling in State v. Gentry, 610 S.E.2d 494 (2005). In both Cotton and Gentry, the Court's held that the term "Subject Matter Jurisdiction" means the "Court's statutory and constitutional power to adjudicate the case."

Likewise, in South Carolina, the general sessions court's power (jurisdiction) to adjudicate a criminal case is determined by statutory law as follows: (1) the grand jury... shall meet with general sessions court at each of its terms -- SC Code, Ann., § 14-9-170; (2) the solicitor shall prepare and, through the presiding judge of general sessions court, submit to grand jury, while in attendance upon general sessions court, bills of indictment (for grand jury presentment) -- SC Code, Ann., § 14-9-210. No indictment may be true billed by grand jury when circuit court (general sessions) lacks jurisdiction (or is not in term), since the grand jury's jurisdiction is co-extensive with the criminal jurisdiction of the general sessions court in which it is convened and for which it is to make inquiry (on bills indictment). State v. McClure, 289 S.E.2d 158 (1982); State v. Wheeler, 193 S.E.2d 515 (1972).

In addition, the SC Constitution mandates that "no person may be held to answer for any crime... unless on a presentment of indictment by a grand jury of the county where the crime has been committed." SC Const., Art. I, § 11; and "the grand jury of each county... shall consist of eighteen (18) members, twelve (12) of whom must agree on a matter (true bill) before a case can be presented for trial (of case) by general sessions court." SC Const., Art. V, § 22. The presentment of indictment for general sessions court's jurisdiction to try criminal cases is (according to Cotton and Gentry) determined by the above statutory and constitutional laws, and is fundamental. Anderson v. Anderson, 382 S.E.2d 897 (1989).

As a threshold matter, the SC Constitution gives the general sessions court jurisdiction to try all criminal cases. SC Const., Art. V, § 11. However, the jurisdictional claim raised by applicant is not a challenge to the Pickens County general sessions court's jurisdiction to try criminal cases. Instead, the applicant is contending that the solicitor failed to comply with statutory and constitutional laws, set forth above, which are jurisdictional in nature, specifying the manner and means for presentment of his murder indictment by lawfully convened grand

[Cont]-

A Notice of Appeal was Filed and Perfected at the South Carolina Supreme Court, M. Anne Pearce, Esquire of the South Carolina Office of Appellate Defense Perfected the Appeal. The Supreme Court "Affirmed" -Petitioner's Conviction and Sentence in State V. Dillard, OP.no. 97-mo-012 [S.C. Sup.Ct., Filed February 11, 1997].

In essence, Applicant is alleging that there was no legal -- obtained indictment charging him with murder because there was no-term of General Sessions Court with a Grand-Jury in -- "Attendance to present his indictment" for trial of his case under General Sessions Court's Criminal Jurisdiction. THUS, The absence of a presentment of indictment of indictment was a "defect in subject-matter jurisdiction" that deprived the Court of it's "Power to Act". Smith V. United States, 360 U.S. 1, 10, 79 S.Ct. 991, 3 L.Ed.2d 1041 [1959].

Finally, Both the United States and South Carolina Supreme Courts have held "defect/s in subject-matter jurisdiction require - correction whenever raised. COTTON, GENTRY, SUPRA. And, the Court's "lack of subject-matter jurisdiction" may be raised at any time, including FOR THE FIRST TIME ON APPEAL, OR COLLATERAL CHALLENGE. Hope V. State, 492 S.E.2d 76 [SC 1997]. See The United States Supreme Court has HELD that Government Records' and OFFICIAL Conduct must be Accorded a Presumption of - Legitimacy, in Dept. of U.S. V. Ray, 112 S.Ct. 541 [1991].

The South Carolina Court of Appeals

Robert Earl Dillard, Appellant,

v.

The State, Respondent.

Appellate Case No. 2022-000972

ORDER

After careful consideration, Respondent's motion to dismiss this appeal and to strike Appellant's July 13, 2022 filing is denied.

Appellant's October 17, 2022, motion to allow late filing of his initial brief is granted. However, we do not accept the attached document, entitled, "Petition for Writ [of] Certiorari, Motion for a[n] Evidentiary Hearing . . ." as Appellant's initial brief. Accordingly, Respondent's motion to compel Appellant to file Appellant's initial brief and designation of matter is granted, in part. Within thirty days of the date of this order, Appellant shall serve and file an initial brief and designation of matter that complies with Rules 208 and 209 of the South Carolina Appellate Court Rules. Failure to comply will result in dismissal of this appeal.



FOR THE COURT

Columbia, South Carolina

FILED
Jan 18 2023

cc:

Robert Earl Dillard, 00220045
Alan McCrory Wilson, Esquire
Taylor Zane Smith, Esquire


OPINION BELOW

The order of the Court of Appeals. After careful consideration, Respondent's Motion to Dismiss this appeal and to strike Appellant's July 13, 2022 filing is denied.

CONCLUSION

WHEREFORE, for the foregoing Reason, The Honorable Court should
Grant Relief to reverse& vacate Appellant's Conviction and sentence
AND DISMISS THE STATE, MOTION OF FALSE FACTS.

on this 11-21- day of november, 2023.


Robert Earl Dillard#220045
perry correctional inst,
430 oaklawn road q4b/209
pelzer, s.c. 29669

RECEIVED

NOV 21 2023

PCI MAILROOM

A2

THE STATE OF SOUTH CAROLINA
THE COURT OF APPEALS

case no; 2022-000972

Robert E, Dillard,.....Appellant,

v.

State of south carolina,.....Respondent.

CERTIFICATE OF SERVICE

OBJECTION ~~REPLY~~ TO STATE INITIAL BRIEF.

I, Robert E, Dillard#220045, do hereby certify that I served True-Copy(s) of the filed and served my objection Reply to the state initial response brief TO:

CC:

court of appeals
c/o jenny abbott kitchings, clerk
post office box 11629
columbia, S.C.29211

melody j, brown
senior assistant deputy
attorney general
post office box 11549
columbia, S.C.29211

attorney general alan wils
post office box 11549
columbia, S.C. 29211

date 11-21- 2023.


Robert E, Dillard#22004

RECEIVED

NOV 21 2023

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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Robert Earl Dillard.....Appellant,

Vs

State of South Carolina.....Respondent.

CERTIFICATE OF SERVICE

I certify that a True-Copy of the Designation of Matter Brief be Amended to Court of Appeals and Copy of the Appendix in this Appellate Case has been served on Attorney General Alan Wilson, Esquire and Taylor Zane Smith, Esquire [both] of the Office of the Attorney General of South Carolina.

SWORN AND SUBSCRIBED TO BEFORE ME
on this 28 day of March, 2023.

Tamara Conwell
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires
September 25, 2023

/s/ Robert Earl Dillard
Robert Earl Dillard

RECEIVED
MAR 29 2023
PCI MAILROOM

FORM # DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEALS APPC FORM 1

THE STATE OF SOUTH CAROLINA
THE COURT OF APPEALS

Appeal From Pickens County
Court of Common Pleas
Perry Gravely, Circuit Court Judge

Case No: 2022-000972 / 1994-GS-1490/1491

State of South Carolina Respondent,

v.

Robert E. Dillard Appellant.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

1. Order of June 7, 2022.
2. Order of October 17, 2022.
3. Greenville News Letter Dated Jan. 15, 2002.
4. Letter from Jinny Morgan, G.D.C., dated Jan. 17, 2001.
5. Arrest/Detention Release Records.
6. James Fletcher Simpson Records.
7. Defendant's Exhibits.
8. Reasonable Doubt Standard
9. Calendar
10. Letter dated Jan. 12, 2006
11. No Indictment.

I hereby certify that this Designation of Matter contains nothing which is irrelevant to the appeal.

Date: 5/8/ 2023

Robert E. Dillard
Robert E. Dillard, #220045
Perry Correctional Institute
430 Oak Lawn Rd. / Q4B-209
Pelzer, SC 29669
Appellant, pro se

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appellate No. 2022-000972
[1994-GS-39-1490/Trial]-1491

Robert Earl Dillard.....Appellant,

V.

State of South Carolina.....Respondent.

AMENDED APPELLANT'S INITIAL-BRIEF ON APPEAL

Appellant-Robert Earl Dillard [SCDC No. 220045], motions to this Honorable Court to Grant Relief to his Initial-Brief [now amended] and ~~to Grant Relief to his Initial-Brief~~ on Appeal, that complies with Rule 208 of the South Carolina Appellate Court Rules on this 8th day of ~~MAY~~, 2023. That was GRANTED on Oct. 17, 2022.

CC:

Jenny Abbott Kitchings, Clerk
Alan McCrory Wilson, Esquire
Taylor Zane Smith, Esquire

1s/ Robert Earl Dillard
Robert Earl Dillard

THE STATE OF SOUTH CAROLINA
IN SUPREME COURT

ROBERT EARL DILLARD,
APPELLANT.

v.

THE STATE RESPONDENT,

) MOTION TO FILED AND PROCEED
) IN FORMA PAUPERIS IN PRE
) PAYMENT OF COST WITHOUT COST
) UNDER RULE 18.5

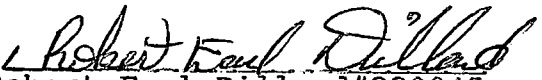
) case no. 2022-000972/1490-91.
)
)
)

IN conjunction, the south carolina supreme court has held that his financial inability to pay the cost of his motion, the petitioner, support in U.S. supreme court has held that fundament fairness entitles petitioner to adnevate opporntonity to present their claims fairly within the adversard system aka v. oakloham 470 U.S. 68 (1985).

in conjunction, the south carolina supreme court has held that an anytime criminal procedured discriminate against a petitioner by reason of their indigent ststus, such procedures violate the guarantee of equal protection, where the indigent petitioner is subjectd to a process which is not required of a non-indigent petitioner, then the process becomes invidiously discriminatory and violative of equal protection exparte lexington county, v. state442,S.E.2d 589,594(1994). 17-27-60 cody (1985). UNDER RULE 18.5 filing fee lake v. state,

in reliance upon the above court decisions petitioner moves, this honorable court to grant his motion of appeal, and to proceed in forma pauperis without pre-payment of cost to his illegal life sentence and conviction.

date 5th 2023.


Robert Earl Dillard#220045
perry correctional, inst,
430 oaklawn road q4b/209
pelzer, s.c. 29669

SEPTEMBER 5th 2023.

HON. DANIEL E. SHEAROUSE
Supreme court clerk
1231 Gervais street
P.O. box 11330
Columbia, s.c. 29211


RE: ROBERT EARL DILLARD, V. STATE OF SOUTH CAROLINA.
case no. 2022-000972/1490-91.

Dear HON. Shearouse;

Enclosed please find the original notice of appeal and
Explanation of appeal pursuant to rule 243(C). SCACP. and copy
of the order along with proof of service of same for filing
with your office. Motion to proceed in forma pauperis as well,

Sincerely,

Alan McCrory Wilson, Esquire
Melody Jane Brown, Esquire



Robert Earl Dillard #220045
perry correctional inst,
430 oaklawn road q4b/209
pelzer, s.c. 29669

RECEIVED

SEP 05 2023

PCI MAILROOM

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM COURT OF APPEALS

case no. 2022-000972/ 1490-91

ROBERT EARL DILLARD,

APPELLANT.

v.

THE STATE,

RESPONDENT,

NOTICE OF APPEAL

ROBERT EARL DILLARD, Appeal the order of the COURT OF APPEALS Court dated August 24, 2023. Appellant received written notice of entry of this order on August 29, 2023. from the Perry C.I. mailroom.

SEPTEMBER 5th 2023.

other Counsel of Record

Alan McCrory Wilson, Esquire

Melody Jane Brown, Esquire

p.o. box 11549
Columbia, S.C. 29211-1549


Robert E. Dillard #220045

CONCLUSION

WHEREFORE, For the Foregoing Reason, The Honorable Court Should Grant Relief to Reverse & Vacate Appellant's Conviction and-Setence.

On this 8th day of MAY, 2023.

/s/ Robert Earl Dillard
Robert Earl Dillard

PERRY CORRECTIONAL INSTITUTE
430 Oaklawn Road
Pelzer, South Carolina 29669

RECEIVED
MAY 08 2023
PCI MAILROOM



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 02, 2022

Robert Earl Dillard, 00220045
Perry Correctional Institution
430 Oaklawn Road
Pelzer SC 29669

Re: Robert E. Dillard v. State
Appellate Case No. 2022-000972

Dear Mr. Dillard:

Enclosed is a copy of this Court's order regarding your motion to proceed in forma pauperis. The time for ordering the transcript in accordance with Rule 207 of the South Carolina Appellate Court Rules will expire ten (10) days from the date of this letter.

Very truly yours,

A handwritten signature in black ink, reading "Jenny A. Kitchings". The signature is written in a cursive, flowing style.

CLERK

cc: Alan McCrory Wilson, Esquire
Taylor Zane Smith, Esquire

The South Carolina Court of Appeals

Robert Earl Dillard, Appellant,

v.

The State, Respondent.

Appellate Case No. 2022-000972

ORDER

The time for serving and filing the respondent's initial brief and designation of matter is hereby extended until November 10, 2023. No further extensions will be granted absent extraordinary circumstances.


FOR THE COURT

Columbia, South Carolina

cc:
Robert Earl Dillard, 00220045
Alan McCrory Wilson, Esquire
Melody Jane Brown, Esquire

FILED
Oct 16 2023

MS copy

IN THE STATE OF SOUTH CAROLINA
THE COURT OF APPEALS

JENNY ABBOTT KITCHINS, CLERK
-Clerk of Court-
Post Office Box 11629
Columbia, South Carolina 29211

RE: TO CASE No.2022-000972/1994-GS-39-1490/1491 Trial.
an amended apellant's initial brief on appeals.

Dear Ms Kitchings

You will find my original an amended appellant's initial
brief on appeals, and the order of Chief Administrative Judge/-
General Sessions-the Honorable Perry Gravely, Address, and -
Appellant's Adress, and Cover-Sheet, and Proof-of-Service, and
Certificate of Service, along with the amended appellant's initial
brief on appeals, to be filed with your office. Rule 208 (b) (1)

--I Thank You Very Much in this Matter. God Bless!

May 8th; 2023.

1s/ Robert Earl Dillard

Robert Earl Dillard

SCDC No. 220045
PERRY CORR INSTITUTE
430 Oakalwn Road ^{QWS/209}
Pelzer, S.C. 29669

Robert Earl Dillard #220045
Perry Correctional Inst
430 Oaklawn Road 94B/209
Pelzer S.C. 29669

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SC Court of Appeals

THE SOUTH CAROLINA COURT OF APPEALS
Jenny Abbott Kitchings, Clerk
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