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FORM 5

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Jul 01 2024

STATE OF SOUTH CAROLINA)
S.C. SUPREME COURT)
County of Richland County)

IN THE COURT OF COMMON PLEAS

2018CP400 3077

Trenton Barnes #362454)
Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

APPLICATION FOR

POST-CONVICTION RELIEF

FILED
RICHLAND COUNTY
2018 JUN 12 PM 4:35
JACARLETTE W. MORRIS
CLERK, C.C.P. & C.

INSTRUCTIONS B READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention South Carolina Department of Corrections.

2. Name and location of Court which imposed sentence Richland County, →
~~_____~~

3. Name(s) of co-defendant(s) (if any) Troy Stevenson, Lorenzo Young.

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 16-03-0010, 16-11-0312(B), 16-03-0910, 16-11-0330(B).

2.) 1701 Main St, Columbia SC 29201

(b) _____

(c) _____

5. The date upon which sentence was imposed and the terms of the sentence:

(a) Dec, 12, 2014.

(b) 50 Years.

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty _____

(b) after a plea of not guilty

(c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?

Yes.

8. If you answered Ayes@ to (7), list:

(a) the name of each Court to which you appealed:

i. Richland County,

ii. South Carolina Court of appeals.

iii. _____

(b) the result in each such Court to which you appealed:

i. Denied appeal

ii. _____

iii. _____

(c) the date of each such result:

i. I don't have the right date due to lost of

ii. Paper work.

iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. _____

ii. _____

iii. _____

9. If you answered Ano@ to (7), state your reasons for not so appealing:

(a) _____

(b) _____
(c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: By Denying the motions for Severance

- (a) The Jury was not able to make a reliable judgment of my guilt.
- (b) Denied my right to confront witness on statements that was not even
- (c) to be proven true. Allow the Self-inculpatory statements by young to come in

11. State concisely and in the same order the facts which support each of the grounds set out in (10): Location of hearsay within hearsay. Improper Impeachment of Latoya Barnes.

- (a) The Court abused its discretion in denying Severance given the
- (b) Circumstances of Polanda Coleman's testimony. The
- (c) need for Severance arises in the added fact that Ms. Coleman shares

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO

13. If you answered Ayes@ to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
 - i. N/A
 - ii. _____
 - iii. _____
 - iv. _____
- (b) the name and location of the Court in which each was filed:
 - i. N/A
 - ii. _____
 - iii. _____

11) The Court forbid trial counsel to cross-examine her regarding those Criminal Charges. This was a compromise of Appellant Barnes trial rights in favor of Defendant Young's rights.

Denied my right to confront witness - It is a fact that every defendant have the right of the Sixth Amendment right to confront witness against him/her and my right was denied when the court allow Schaefer and Wright to testify to statements made by Young but I was never able to cross-examine Young to even ask him if those statements really came from him.

Allow the self-inculpatory statements by Young to come in - These statements are perfectly admissible under Rule 804(B)(3) of the South Carolina Rules of Evidence to Defendant Young. However, both Wright and Schaefer's testimony is considerably flawed as to its admissibility against Appellant Barnes on multiple grounds. *State v. Fuller* similarly held that statements collateral to self-inculpatory statements, cannot be introduced under 804(B)(3).

Location of hearsay within hearsay - The crucial portion of Wright's testimony demonstrates that Young only provided the nicknames of his accomplices. The names Trenton Barnes and Troy Stevenson were never uttered. Mr. Wright admits that he did not know who "Trigg" and Trap were at the time of his discussion with Young. He only learned who Trigg and Trap were well after his discussion with Young, and he confirms that someone other than Young informed him of Appellant's association with the name Trap and Troy Stevenson was associated with the nickname Trigg. Then Wright was allowed to testify the nicknames Trigg and Trap were the names of Trenton Barnes and Troy Stevenson. Some as Wright, Schaefer's testimony was very similar.

Improper Impeachment of Latoya Barnes - The Trial court allowed the Solicitor to improperly impeach Latoya Barnes by admitting extrinsic evidence of a prior inconsistent statements two days after the witness was excused and could not provide an explanation or context to the newly admitted evidence.

iv. _____

(c) the disposition thereof: _____

i. N/A

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition: _____

i. N/A

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition: _____

i. N/A

ii. _____

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?
Yes

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. Motions for Severance

ii. Improper Impeachment of Latoya Barnes

iii. Location of hearsay within hearsay →

(b) the proceedings in which each ground was raised:

i. Trial

ii. Appeal

iii. _____

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- 15) ⁴ Denied my ~~right~~ right to confront witness on statements that was not ~~proven~~ true
 5. Allow the self-inculpatory statements by Young to come in

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented: N/A

- (a) _____
- (b) _____
- (c) _____

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? _____
- (b) your trial, if any? Yes
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? N/A

18. If you answered Ayes@ to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. Trial lawyer: Mark Schnee - Don't have his address any more.
 - ii. Appeal lawyer: Joseph Mays, 140 East Main Street Post office Box 489 Lexington, S.C 29071
 - iii. And someone at the South Carolina Commission on Indigent Defense handle my case after Joseph Mays Esquire →
- (b) the proceedings at which each such attorney represented you:
 - i. Trial
 - ii. Appeal
 - iii. _____

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18) ³ was relieved as my Counsel June, 9th due to him accepting an offer with the Attorney General's office of South Carolina.

19. State clearly the relief you seek in filing this application:

Reversal and remand for new trial

20. Are you now under sentence from any other court that you have not challenged?

No

Revised 3/2003

STATE OF SOUTH CAROLINA)
County of Richland)

VERIFICATION

I, Trenton M. Barnes, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Trenton Barnes

SWORN to and subscribed before me this 14th day of MAY, 2018.

Sylvia [Signature] (L.S.)
Notary Public

My Commission Expires: MARCH 8, 2026

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Trenton M. Barnes, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Trenton Barnes
Applicant

SWORN or affirmed to and subscribed before me this

14th day of MAY, 2018

Sylvia [Signature]
Notary Public

My Commission Expires: MARCH 8, 2026