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JUL 01 2024
SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM PICKENS COUNTY

Perry H. Gravely, Administrative Law Judge

COURT OF COMMON PLEAS

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

v.

State of South Carolina,.....Respondent,

RULE 267.

RECORD ON APPEAL

Appellate no.2022-000972

Robert E. Dillard, Pro-Se
Perry Correctional Institution
430 Oaklawn Road q4b-209
Pelzer, SC 29669

CC:Alan MC Crory Wilson, Esquire
Melody Jane Brown, Esquire
P.O.Box 11549
Columbia, SC 29211-1549
Attorney for Respondent

date _____ 2024.

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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

Appellate no.2022-000972

RECEIVED
JUL 01 2024
SC Court of Appeals

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

v.

State of South Carolina,.....Respondent,

RULE240FORM AND CONTENT OF MOTION AND PETITION

EXPLANATION OF APPEAL PURSUANT TO RULE 18.5

memorandum authorities in Support of the motion

Pursuant to Rule 18.5 Filing Fee SCACR 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

Petitfobner in this Case. the Honorable Perry H. gravely, 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 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 on

The Request Denial of Due Process by trial Judge's Definition

of'Reasonable Doubt!

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 certainty 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. Exhibit/s (a) page 4

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 petitioneng 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 Appellant, 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.

Contary to The State never put up any Evidence to Refute value Argument, in the Appellate Argument set fore in Appellate Brief.

CONCLUSION

For the forgoing Reason, This Honorable Court should Alter/Amend its' prior Judgment to Reflect the forgoing and Provide an Evidentiary Hearing on the Merits of his Claims and or vacate the petitioner Conviction and sentence on the pleadings/Motion Filed,

date 6-24-2024.


Robert Earl Dillard#220045

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

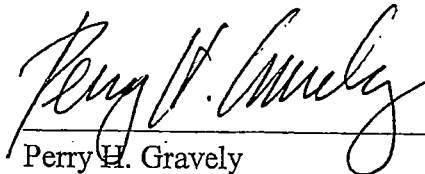
2) The Court finds that the Petition is set out as an appeal of his 1995 conviction and this Court is not the proper forum to address such issues and the pleadings cannot be accepted.

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

The South Carolina Court of Appeals

Robert Earl Dillard, Appellant,

v.

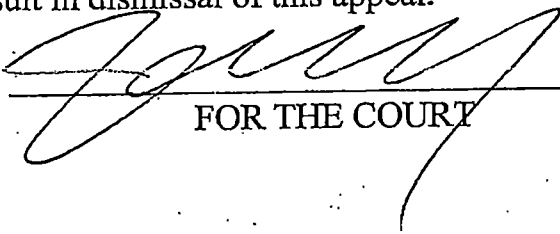
The State, Respondent.

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