

State of South Carolina  
Appellate Court

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JUL 24 2024

George Cousins

Petitioner S.C. SUPREME COURT

VS.

MOTION

State of South Carolina

Respondent

Appellate Case No. 2024-000287

Appellate Case No. 2017-002630

Richard Jones Public Defender used a certain strategy to undermine his client first by NOT following the Rules of South Carolina Rules of Criminal Procedure Part of Due Process After the defendant Mr Cousins had spent 22 months in the Marlboro County detention center a first eight months before seeing any attorney being denied bond he came to see me one day of April 2012 something about a one time deal. I want you to think about a 15 year plea deal he was going to speak with Kelly W. Hall Prosecutor for State if she would agree with the one time deal. I asked him does the state have a strong case he said yes what if I go to trial you could but if you lose you could receive 30 years it turned out it was and open plea the judge could give out as much as 30 years he did not tell me that here is what I was told the judge would start in the middle of 15 years and go up or down depending on what he hears and he told me if the judge asks you if you were promised anything tell him no and if the judge asks if you were satisfied with your public defender representation tell him yes this is how the hearing will go I will have you sign a sentencing sheet first. I will talk to the judge then the prosecutor will talk then the judge will ask some question after that I will ask the judge for 15 years I was never advised of any legal rights Remand Silent. The privileges and immunities of citizens of this state and the United States under this constitution shall not be abridged, nor shall any person be deprived of LIFE, Liberty or Property without Due Process of Law, nor shall any person be denied the equal protection of the Law (1970) 366 2684; 1971 (57) 315) 14th Amendment. There are three components of a true Brady violation Evidence must be favorable to the accused either because it is exculpatory or it is impeaching have suppressed by state willfully prejudice exculpatory material was withheld along with favorable evidence counsel discloses exculpatory evidence that would of been helpful to the defendant Mr. Cousins. This is for a REHEARING THANK YOU.

Under Penalties of Perjury  
Sincerely George Cousins

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In the Recorded Petition for writ of Certiorari were APP. 92, 18 Stuart Axelrod stated that he met with Plea Counsel in the moment before petitioner's reconsideration hearing, APP. 94, 11.13-15 Axelrod asked Plea Counsel if he had promised petitioner a fifteen year sentence if petitioner plead guilty and Plea Counsel confirmed that he did yes promise petitioner that Ground two I was guaranteed by Plea Counsel if I plead guilty I would receive fifteen (15) years A ONE TIME DEAL. SUPPORTING FACTS Stuart M. Axelrod testified AT my PCR hearing on July 18, 2017 that he spoke directly to Richard Jones Public Defender for the Fourth Circuit and he said did you promise petitioner 15 years if he pleaded guilty he answer he did yes guilty plea must stand unless induced by misrepresentation Brady v. United States 397 U.S. 742, 755, 90 S.Ct. 1463, 1472 (1970) The Government's contention fall under the clear error of Law portion of Rule 59(E) Third Prong) The government contends that the court committed a clear ERROR of LAW limiting its cross-examination of defendant. [Date Petitioner Received Final ORDER of Dismissal] December 30, 2022 FIFTH Amendment Provision that individuals cannot be compelled to be a witness Against himself cannot be abridged

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Under exculpatory extraordinary evidence that was in Plea Counsel's possession prior to the plea hearing the Attorney General provided the discovery February 2011 material to the defense an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory of the two GSR kits submitted in the case there are critically important issues that show Accident Actual Innocence The Facts don't lie. In Reference to Brady material A letter was sent to Richard Jones from Mr Kelly W. Hall Prosecutor from Attorney General Office Please find a copy of the 911 call and Paperwork in the case that I spoke with you on the phone Reference to State vs. George Cousins looks like they were working together A few more points failed to prepare a defense failed to make preparation for trial A trial was set for July 9, 2012 failed to object to Hearsay Evidence by Prosecutor Kelly W. Hall and the defendant failure to sign a waiver of indictment in this case indictment there were two citing Phillips v. State 281 S.C. 41, 314 S.E.2d 313 (SC 1984) The South Carolina Supreme Court held that defendant failure to sign waiver of indictment invalidated guilty plea) And here is the S.C. Code Ann. §§ 17-23-130 how is that for particularity The points that were overlooked by the court. Declaratory my Miranda Rights were read to me by officer July 18, 2010 It did not happen and I still have the official written report.

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THE Supreme Court of  
South Carolina  
PATRICIA A. Howard  
Clerk of Court  
P.O. Box 11330  
Columbia, S.C. 29211

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