

Petition for a Writ of Certiorari  
the Court of Appeals

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JUL 24 2024  
S.C. SUPREME COURT

The State of South Carolina  
in The Supreme Court

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Case NO: 2024-000186  
Amended from 2020-001564

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Charles W. McCormick Petitioner  
326467

v.  
State of South Carolina Respondent

Petition for A Writ of Certiorari  
ORIGINAL JURISDICTION

Respondents  
Beaufort County  
Solicitor's office  
Mr. Duffy Stone  
Office of Attorney  
General, South Carolina  
Allen Wilcox  
Hon. Judge Carmen Mullen  
14th Circuit

Pro Se  
Charles W. McCormick  
326467 COA-15  
Allendale CI,  
1057 Revolutionary trail  
Fairfax, SC, 29827

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Petitioner respectfully comes before this Court as an indigent Pro se. Petitioner asks this Court for indulgence to readdress the issues presented.

### Questions Presented

1. Petitioner's default motions were never addressed or answered.
2. Petitioner's procedural due process claims and undue lengthy delays were not addressed nor answered.

### Statement of Case

October 2017, Day 20. Petitioner being indigent filed application for DNA testing and in forma pauperis. Mailed to Beaufort County Clerk of Court. Receiving no response back.

Petitioner wrote the Beaufort County Clerk of Court on April 28, 2018 - August 19, 2018 - November 2, 2018 with no response back to status of applications.

Petitioner wrote to Administration Law Court.  
ALC responded back to Petitioner with letter.  
Petitioner mailed letter to Beaufort Clerk of  
Court March 23, 2019 with no response back.

Petitioner filed a Motion for Cause on February  
18, 2020. Petitioner received response back  
from Beaufort Clerk of Court on March 11, 2020  
This being the first response in 2 yrs. and 4  
months. Informing Petitioner applications were  
put on docket October 30, 2017 and the  
Solicitor and Attorney Generals office have been  
notified.

Statute 17-28-50 states within 90 days or time  
Court may A fix. The Solicitor or AG shall  
responded.

Petitioner gave favor and wait 225 days with  
no response from the Solicitor, the Attorney  
general or the Court.

Petitioner then filed a Motion for default  
on the Solicitor and Attorney General.  
November of 2020.

Petitioner was notified of a virtual web x hearing in front of Judge Carman T. Mullen. Judge Mullen never addressed the default motion. By statute 14-3-50 Judge Mullen was disqualified by reason of interest or prior participation in case. Here Judge Mullen was Petitioner's Trial and sentencing Judge.

Petitioner being indigent and filed in forma pauperis should have been appointed an attorney before given a hearing.

More than 2 years past with no response from Judge Mullen. 5 years from filing of Applications.

Filed - Mailed out writ of Mandamus October 24, 2022. Wrote the SCSC Clerk of Court, April 4, August 8, November 7, 2023. With response back still pending.

December 23, 2023 assigned new Judge for 2nd PCR Application, Due to order 2013-04-12-02

This being a separate case and number:  
2022-CP-07-00474.

February 5, 2024 Mandamus still pending.

Petitioner has filed many motions. Petitioner also filed with the disciplinary Counsel about Virtual hearing and the problems obtaining the transcript. That parts are changed and incorrect.

## ARGUMENT

Petitioner asserts his due process, Fundamental fairness and equal protection of the law, has been abused over the undue lengthy delays, by the Clerk of Courts, The Solicitors, The Attorney General, The Court reporter and The Judge Mullen.

The State violated several statutes, 17-28-50 (A) Clerk will deliver for docketing to Solicitor. (B) Solicitor or A.G. shall respond.

Petitioner wasted 225 days. Then Filed motion for default.

At no time was Petitioner contacted there was any time extension.

Here the Clerks did not file on time.

Solicitor and A.G. did not respond.

# CONCLUSION

For the reasons stated, Petitioner ASKS  
this Court to grant the Petition for  
Writ of Certiorari and/or VACATE sentences,

Charles W. McCormick 326467  
Petitioner

V.

STATE of South Carolina  
Respondent

Appellate Court

CASE NO: 2024-000186

Certificate of Service

I Charles W. McCormick, Certifie all statements  
to be true and correct. Servied Certified U.S.  
MAIL to Attorney Generals office of South  
Carolina, Beaufort County Solicitors Office,  
Honorable Judge Carmen T. Mullen 14<sup>th</sup> Judicial  
Court, Appellate and Supreme Court.

This day ~~19~~ July 2024

Charles W. McCormick  
Charles W. McCormick  
326467 COA-15  
Allendale CI.  
1057 Revolutionary Trail  
Fairfax, SC. 29827

(5)

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S.C. SUPREME COURT

Summons and Complaint

Is here by served U.S. Certified mail  
to Beaufort County Solicitor's office  
Duffy Stone, 14th Judicial Court. To  
respond and answer to Motion filed  
with Appellate Court CASE NO; 2024-000186  
Default and Due process, Lengthy delays.

This day 19, July 2024

Charles W. McCormick  
Charles W. McCormick  
326467 COA-15  
Allendale CI.  
1057 Revolutionary Trail  
Fairfax, SC. 29827

## Summons AND Complaint

Is here by served U.S. Certified mail  
to Attorney General's office of South  
Carolina, Allen Wilson Columbia, SC.

To respond and answer to Motion filed.  
with Appellate Court case NO: 2024-000186

Default and Due process, Lengthy Delays.

This day ~~19~~, July 2024

Charles W. McCormick  
Charles W. McCormick  
326467 COA-15  
Allendale CI.  
1057 Revolutionary Trail  
Fairfax, SC. 29827

# Summons and Complaint

Is here by Served vs. Certified mail  
to Beaufort County 14th Judicial Circuit Court  
Hon. Judge Carmen T. Mollen. To respond and  
ANSWER to Motion filed with Appellate Court.

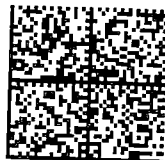
CASE NO: 2024-000186

Default and Due process, Lengthy delays

This day 19, July 2024

Charles W. McCormick  
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Allendale CI.  
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Fairfax, SC, 29827

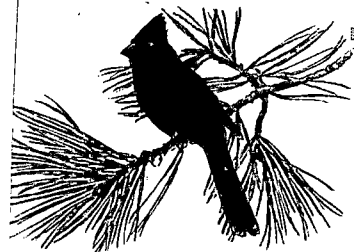
CHARLES W. CORMICK  
326467 COA-15  
Almdale CT.  
17 Revolutionary trail  
WFAAX, SC. 29827



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FOREVER / USA

The Supreme Court of  
South Carolina.  
Patricia A. Howard, Clerk of Court  
1231 Gervais Street  
Columbia SC, 29201

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JUL 24 2024

S.C. SUPREME COURT

LEGAM

THE DEPARTMENT OF CORRECTIONS HAS  
NOT CENSORED THIS ITEM THEREFORE, THE  
DEPARTMENT DOES NOT ASSUME  
RESPONSIBILITY FOR ITS WRITTEN CONTENTS  
ALLENDALE CORRECTIONAL INSTITUTION  
CALIFORNIA DEPARTMENT OF CORRECTIONS

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