

Illya Salter #270347
Perry Court Inst. Q3B-214
430 OAKLAWN Rd.

Date 8-21-13

Case No: ~~2011-CD-23-4780~~
RECEIVED

AUG 29 2013

Daniel Shearouse,

S.C. SUPREME COURT

Inclose Please find the original copy of my
"Notice to Show Cause To With Hold The Notice of Appeal."
ON 6-19-13 I sent my Lawyer Rodney Richey a 59(e) Motion
to be filed with the Clerk of Court in Greenville County
and ask him to send me a copy after it was clock
stamped. I received a letter from him on 6-24-13
stating that he would take the necessary step and
send me a copy. ON 8-9-13 I received a Order of Dismissal
from Rodney Richey and a letter stating that he was
going to file a Notice of Appeal, and that's not what
I want him to do. I would like for you to please
take a look at the Exhibits 1, 2, 3, and They will show
that he didn't do what I need him to do. IF this Notice
To Show Cause To With Hold This Notice of Appeal meets your
Standard of Approval please sign the original copy and forward
a copy to the Circuit Court Judge Garrison Hill, and please
return me a Certified Copy.

(Exhibits)

- 1) Letter from Rodney Richey - 59(e) - Dated - 6-24-13
- 2) Affidavit of Service - Amend PCR - Dated - 3-7-13
- 3) 59(e) Motion I sent Counsel - Dated - 6-19-13
- 4) ORDER OF Dismissal - Dated - 8-7-13

Respectfully Submitted

Illya Salter

THE STATE OF SOUTH CAROLINA
IN THE Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

HONORABLE D. GARRISON HILL
2011-CP-23-4280

Illya T. Salter # 270347
Appellant,

against

State of South Carolina
Respondent

Notice: SHOW CAUSE TO
With Hold Notice OF APPEAL

This Matter Come before The South Carolina Supreme Court
Mr. Daniel E. Shearouser. The Appellant is Notifying the South
Carolina Supreme Court that Counsel Rodney Richey represented
the applicant at a (P.C.R.) hearing on June 18, 2013, and the
P.C.R. Judge Garrison Hill didn't rule upon my grounds which
was amended to my original P.C.R. Applicant. The respondent
file a order of dismissal on 8-1-13. The Applicant had
notified P.C.R. Counsel Rodney Richey by way of U.S.
mail and Proof of Service, to Please file my 59(E)

(1)

Motion on June 24, 2013. I, Ilyia Salter received a response from Mr. Richey that he would file my 59(E), and this matter hasn't been taken care of by the Circuit Court Judge, Garrison Hill. This notice should be granted and withheld the notice of appeal until matter has been handled.

Therefore accordingly, To S.C. Code of Law Ann § 17-27-80. States that the P.C.R. Judge is required to rule upon all issues presented in my P.C.R.

Granted or Denied

Date: _____

S/
Clerk of Supreme Court
Daniel Shearouser

The State of South Carolina
In The Supreme Court

APPEAL From Greenville County
Court of Common Pleas

Honorable W. Garrison Hill
2011-CP-23-4280

Illya T. Salter #270347
Appellant,
against

State of South Carolina
Respondent

AFFIDAVIT

This Affidavit by Illya Salter is True and Correct, which is given upon OATH; That the Applicant is in the Custody of S.C.D.C. and Sworn that the Information is Correct and I, The Applicant Statement is True.
I, Illya Salter forward a motion - 59(E) to my lawyer Rodney Richey requesting for Counsel to file within the Clerk of Court, and forward a Copy of the 59(E) motion to the P.C.R. Judge to rule upon all my Issue Presented in the Original Application and Amendments, S.C. Code of Law -17-27-80

Which require the Judge to rule upon all the Issue presented.

- 1) Ineffective Assistance of Counsel
- 2) Involuntary Guilty Plea
- 3) Failure To Investigate and Prepare for a defense at trial
- 4) Applicant Wue Process of Law 14th Amendment
- 5) Violation of Rule (3) of the S.C.R. Crim P.

ON June 24, 2013, I, Illya Salter received Certified Legal mail from Counsel Rodney Richey notifying me That he would file the 59(e) motion and take the necessary step and forward a copy of the 59(e) after it has been Clock Stamped by the Clerk of Court.

- 1) These exhibits are True and Correct which the Applicant received a letter stating he would take the necessary steps, in sending me a Clock Stamp Copy filed with the Clerk of Court in Greenville S.C. "Dated- June 24, 2013"
- 2) I sent Mr Richey a Motion 59(e) on 6-20-13 to be file with the Clerk of Court in Greenville S.C. and he didn't file it.

3) I received a Affidavit of Service from Tina Garduno Paralegal out of Richey & Richey Lawfirm, Stating that he Amend my P.C.R. Application with the Issue I sent him but he didn't. See Exhibits (3) which is Correct and True

4) All information and Exhibits are True and Correct given by Applicant upon OATH!

Sworn before me

This day 21st of August of 2013

Notary Nancy C. Muehler

Expires 1-23-2023

S/ Illya Saltes
Illya Saltes #210347
Perry Court, Inst-Q3B-214
430 OAKLAWN Rd.

The STATE of South Carolina
In The Supreme Court

APPEAL FROM Greenville County
Court of Common Pleas

Honorable W. Garrison Hill
2011-CP-23-4280

Illya T. Salter # 270347
Appellant,

against

State of South Carolina
Respondent

Proof of Service

I, Illya Salter Certify that a True and Correct Copy of Notice: Show Cause to With Hold Notice of Appeal. Has been Served on Daniel Shearouser by way of U.S. Mail alone with a Affidavit Through the Perry Corr. Inst. Mail.

Sworn before me

This day 21st of August 2013

Notary Nancy C. Muehler

EXPIRES 1-23-2023

①

S/ Illya Salter
Illya Salter

Exhibit (1)

RICHEY AND RICHEY
ATTORNEYS AT LAW

A PROFESSIONAL ASSOCIATION

RODNEY W. RICHEY
LOLA S. RICHEY

POST OFFICE BOX 10916
GREENVILLE, SOUTH CAROLINA 29603

(864) 467-0503; 1-888-882-4878 Toll Free
(864) 467-0646 FAX

June 24, 2013

Illya Salter SCDC# 270347
Perry Correctional Institute
430 Oaklawn Rd
Pelzer, SC 29669

Re: Illya Salter SCDC# 270347 vs. State of South Carolina
Case No: 2011-CP-23-4280

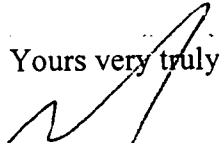
Dear Mr. Salter:

I received your Motion 59 (e) from you. I do not have the order from the judge. Once I have the order, I will take the necessary actions and forward a copy to you.

Thank you and if you should have any questions, please feel free to write.

RICHEY AND RICHEY, P.A.

Yours very truly,



Rodney W. Richey

RWR/tlg

Exhibit-(2)

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
)
Illya Salter SCDC# 270347,)
)
)
vs.)
)
)
THE STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMONS PLEAS
CASE NO: 2011-CP-23-4280

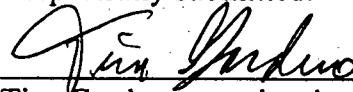
AFFIDAVIT OF SERVICE

2013 MAR - 6 P 4: 16

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMMER

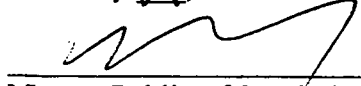
I certify that I have served the Applicant's Motion to Amend PCR Application and Affidavit on the State of South Carolina by depositing copy of it in the United States Mail, postage prepaid, on February 21, 2013, addressed to their attorney of record, Office of Attorney General State of South Carolina, Post Office Box 11549, Columbia, SC 29211-1549.

Respectfully submitted:



Tina Garduno, paralegal
Richey and Richey, P.A.
Post Office Box 10916
Greenville, South Carolina 29603

Sworn to before me on
February 21, 2013.



Notary Public of South Carolina
My Commission Expires: 3-18-18

Exhibit-(3)

Ilysa Salter

430 Oaklawn Rd

Pelzer, S.C. 29669

Date 6-19-13

Attorney At Law:

Dear, Rodney Richey Please find my Motion 57(E)
to be filed with the Clerk of Court, and all
Parties in this matter. Please return to me a copy
of this motion after its been filed with the
Clerk of Court,

Respectfully Submitted

S/ Ilysa Salter

State of South Carolina
County of Greenville

In The Court of Common
Pleas

Illya Salter

Case: 2011-CP-23-4280

Applicant

Motion for 59(E)

VS.

State of South Carolina

Respondents

TO: Respondent:

This matter comes before the Honorable Judge Hill.
Whereby Post-Conviction-Reiff was held on June 18, 2013,
According to S.C. Code of Law, Ann-17-27-80 Judge is
required to rule on each issue in the Post-Conviction-
Reiff grounds that was presented before the Court.
See grounds which the P.C.R. Judge must
and shall rule upon.

Issue Presented

Motion to Amend Post-Conviction-Relief Application
filed with Clerk of Court Feb 25/14-13

- 1) Ineffective Ass. of Counsel
- 2) Involuntary Guilty Plea
- 3) failure to Investigate and Prepare for a defense at trial
- 4) Applicant Due Process of Law - 14th Amendment
- 5) Violation of Rule (3) of the S.C.R. Crim.P.

Date: 6-19-13

S/Allyssa Satter

STATE of South Carolina
County of Greenville

In The Court of Common
Plea

ILLYA Salter
Applicant

Case: 2011-CP-23-4280

VS.

AFFIDAVIT By

ILLYA Salter

STATE of South Carolina
Respondent

To Respondent

This Affidavit by ILLYA Salter is True and Correct, which is given UPON OATH; That the Applicant is in the Custody of S.C.D.C. and Sworn that the Information is Correct and True given by the Applicant.

- 1) Inmate ILLYA Salter Submit Motion 59(E) According to S.C. Code Ann. 17-27-80. The P.C.R. Judge must and Shall Rule upon all grounds available in his motion to Amend P.C.R. application.
- 2) Involuntary Guilty Plea
- 3) Failure to Investigate and Prepare for a defense at trial
- 4) Applicant Due Process of Law 14th Amendment
- 5) Violation of Rule (3) of the S.C.R. Crim.P.
- 6) Ineffective Assistance of Counsel

Date: 6-19-13

S/ ILLYA Salter

State of S.C. |
County of Greenville |
Illya Salter |
vs. |
State of S.C. |

In The Court of Common Plea

Case: 2011-CP-23-4280

Proof of Service

Respondent

I, Illya Salter Certify that a true copy of Motion 59 (E) has been served upon Richey Richey P.O. Box-10916, Greenville S.C. 29603, by placing a true copy in the United States mail along with Affidavit,

RECEIVED

JUN 20 2013

P.C.I. MAILROOM

Date: 6-19-13

Illya Salter

Exhibit (4)

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
Illya Tramell Salter,)
S.C.D.C. No. 270347,)
)
Applicant,)
)
v.)
)
State of South Carolina,)
)
Respondent.)

IN THE COURT OF COMMON PLEAS
C.A. No. 2011-CP-23-4280

ORDER OF DISMISSAL

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
AND B. WICKENS

2013 AUG -7 PM 3:39

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed June 28, 2011. The Respondent made its return on November 1, 2011. An evidentiary hearing into the matter was convened on June 18, 2013 at the Greenville County Courthouse. The Applicant was present at the hearing and represented by Rodney W. Richey, Esquire. Karen C. Ratigan, Esquire of the South Carolina Office of the Attorney General represented the Respondent.

The Applicant testified on his own behalf at the PCR hearing. The Court had before it the transcript of the guilty plea hearing, the Greenville County Clerk of Court records, the Applicant's South Carolina Department of Corrections records, the PCR application, and the return.

PROCEDURAL HISTORY

The Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Greenville County Clerk of Court. The Greenville County Grand Jury indicted the Applicant for carjacking (2010-GS-23-1872), failure to stop for a blue light (2010-GS-23-1874), and armed robbery (2010-GS-23-1879): Daniel J. Farnsworth, Sr.,

1
HHS

Esquire represented the Applicant.

On January 31, 2011, the Applicant pled guilty as indicted. The Honorable G. Edward Welmaker sentenced the Applicant to concurrent terms of two hundred thirty (230) months for carjacking, thirty-six (36) months for failure to stop for a blue light, and two hundred thirty (230) months for armed robbery. The Applicant did not appeal.

ALLEGATIONS

In his application, the Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel:
 - a. Failure to investigate and prepare for a defense at trial.
2. Involuntary guilty plea:
 - a. "Plea was given under duress and misrepresentation of facts and is a fraud."
3. Prosecutorial misconduct:
 - a. "Failed to follow criminal procedures when acquiring indictments."

In an amendment to the PCR application filed September 2, 2011, the Applicant makes the following allegation:

1. "Trial court lack of jurisdiction due to the use of fraud indictment."

The Applicant, through counsel, submitted an amendment to his application dated January 23, 2013, in which he alleged the following:¹

1. Ineffective assistance of counsel:
 - a. Failed to conscientiously discharge professional responsibilities.
 - b. Failed to effectively challenge search and seizure.
 - c. Failed to act as a diligent and conscientious advocate.
 - d. Failed to give complete loyalty.
 - e. Did not have Applicant's best interest in mind.

¹ This Court notes the Applicant filed several pro se amendments to his PCR application. These amendments, however, were filed while the Applicant was represented by counsel. This Court cannot consider these amendments. See Rule 11(a), SCRCP; Jones v. State, 348 S.C. 13, 14, 558 S.E.2d 517, 517 (2002) (holding there is no constitutional right to hybrid representation either at trial or on appeal).

- f. Failed to serve the cause in good faith.
- g. Neglected necessary investigations and preparation.
- h. Did not do necessary factual investigations.
- i. Did not do necessary legal research.
- j. Did not conscientiously gather information to protect rights.
- k. Did not try to have the case settled in a manner that would have been to my best advantage.
- l. Did not advise me of all my rights or take any of the actions that were necessary to protect and preserve them.
- m. Never properly ascertained whether or not I actually understood or comprehended all of the issues involved in the case.
- n. Never properly consulted with me or kept me informed.
- o. Never explained to me or discussed with me any of the elements.
- p. Never made any attempt to ascertain whether or not I actually knew the elements of the crime charged or whether or not I understood exactly what "criminal element" meant.
- q. Never explained or discussed with me how the elements of the crime charged and the evidence that the prosecution planned to introduce into evidence against me related to one another and did not discuss how the sentencing would be done especially as it related to the elements of the crime as in State v. Boyd.
- r. Never informed me of any of the defenses that were available to me.
- s. Never intended to offer any defense to the court on my behalf.
- t. Never explained to me or discussed with me any kind of defense strategy.
- u. Never explained to me or discussed with me any of the tactical choices that were made or planned to be made.
- v. Dictated to me exactly how my case was going to be handled and offered no alternative options.
- w. Failed to properly acquaint herself with the law and facts surrounding my case and, as a result, there was a very serious error in the assessment of both the law and the facts.
- x. No defense at all was put in issue for me during the Court proceedings.
- y. Did not subject the prosecution's case to any adversarial testing.
- z. Failed to oppose the prosecution's case with any adversarial litigation.
- aa. Failed to function as the government's adversary in any sense of the word.
- bb. Failed to pursue any of the legal recourse that was available.
- cc. Failed to function as the counsel that the Constitution's Sixth Amendment guarantees.
- dd. Failed to call alibi witnesses on my behalf.
- ee. Failed to appeal my case.

[Handwritten signature]

[Handwritten signature]



present any testimony, argument, or evidence at the hearing regarding such allegations. Accordingly, this Court finds the Applicant has abandoned any such allegations.

CONCLUSION

Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his guilty plea and sentencing proceedings. Counsel was not deficient in any manner and the Applicant was not prejudiced by counsel's representation. Furthermore, the Applicant's guilty plea was entered knowingly and voluntarily within the mandates of Boykin. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 1st day of AUGUST, 2013.



D. Garrison Hill
Presiding Judge
Thirteenth Judicial Circuit

Greenville, South Carolina.

STATE OF South Carolina
County of Greenville

Illya Salter
Applicant

VS.

STATE OF South Carolina
Respondent

In The Court of
Common Pleas

Case: 2011-CP-23-4280

Motion To Amend
Post-Conviction
Relief Application

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSHER
2011 MAR - 6 P 4: 16

To Respondent's

This matter comes by way of a pending PCR filed within the Clerk of Court in Greenville County which was filed on June 28, 2011, The Applicant Motion To Amend PCR on the following ground.

- (1) Applicant Due Process of Law 14th Amendment right was violated in violation of Article V § 4 of the South Carolina Constitution that all Criminal Cases in the State of South Carolina shall be disposed of within 180 days from the date of the arrest

ARGUMENT 3

Applicant Due Process OF Law 14th Amendment rights was violated in, violation of Article V§4 of the South Carolina Constitution, that "All" Criminal Case in the State of South Carolina shall be disposed of within 180 days from the date of the defendant arrest.

Applicant Mr. Salter was arrested on Dec. 19, 2007 for committing a criminal crime of Armed Robbery, and Carjacking in the County of Greenville S.C. at Wal-Mart Shopping Center, and the applicant was indicted in a Court of General Sessions, that Convened on Dec. 14, 2008; the Grand Juror of Greenville County presented upon their OATH.

According to South Carolina Rule 3(c) of Civil Procedure. Action on Warrant within (90) days after receipt of an arrest warrant from the Clerk of Court, the Solicitor shall take action on the warrant by (1) Preparing an Indictment for presentment to the Grand Jury, Which indictment shall be filed with the Clerk of Court assigned a Criminal Case Number, and presented to the Grand Jury; (2) Formally dismissing the warrant, Noting on the Face of the Warrant, The Action Taken; or (3) making other Affirmative disposition in writing and filing such action with the Clerk of Court.

According to S.C. Rule (3) of Civil Procedure (C) the Solicitor office violated these Rules to timely file a Indictment and didn't Request for a Extension of Time. Rule-3(D) S.C. Rule of Civil Procedure, which the Solicitor may petition the Circuit Court for an Order delaying Action on the warrants, As set forth above, for successive ninety (90) day periods if the Circuit Court specifically find good Cause for such delay for each successive ninety day period.

See exhibit (A) The Supreme Court of South Carolina (Order) pursuant to Article V § 4 of the South Carolina Constitution, It is ordered that all Criminal Case in the State of South Carolina shall be disposed of within 180 days from the date of the defendant arrest. Provided however, that the Circuit Court may continue a Criminal Case beyond 180 days by Written Order if the Court determines that exceptional Circumstance exist in the Case. This order does not Create or define a right of a defendant to a Speedy Trial.

The applicant does have genuine Material Evidence respond from the Clerk of Court Office in Greenville County dated (Jan 17, 2012), Paul B. Wickensimmer, See Exhibit (E), The Applicant Conviction is Unlawfully, on the Charge of Carjacking, which the Applicant was indicted out of time Frame of (180) days required by law, which

is so fundamental miscarriage of Justice to delay
a indictment and presentment to a Grand Jury.

STATE VS. JANE Blackwell

Indictment: Obstruction of Justice
Greenwood County Court of General Session
Order of Judge Wyatt T. Saunders

March 3, 2008 Dismissing Charges
because State fail to Comply
with Rule (3) of S.C.R.C.P

Due Process encompasses all rights which are
of such fundamental importance as to require compliance
with due process standards of fairness and justice and
include procedural right of citizens against government
action that threaten the denial of life, liberty or
property. Cite at Ogburn-Matthews vs Loblolly Partners
(Ricefields Subdivision) (S.C. App 1998) 322 S.C. 551, 505,
S.E. 2d 598

Conclusion

Therefore Applicant does have genuine material Evidence and Exhibits to Support ground for the Indictment of Carjacking See

Exhibits (A),(B),(C),(D),(E), and (F)

- (A) The Supreme Court of South Carolina (ORDER)
- (B) ARREST WARRANT-(Carjacking) Judge Garrison issued (12-19-2009)
- (C) INDICTMENT For Carjacking from Grand Jury (Dec. 14, 2010)
- (D) LETTER TO Paul B. Wickensimer from Ilyya Salter (12-17-2010)
- (E) LETTER FROM Paul B. Wickensimer. Dated (1-17-13)
- (F) Supreme Court of South Carolina Filing Indictments with the Clerk of Court (ORDER) by JEAN Hoefler Toal (10-23-2010)

DATE: 2-12-13

S/ ~~Ilyya Salter~~
Ilyya Salter
430 Oaklawn Rd.
Pelzer, S.C. 29668

STATE OF SOUTH CAROLINA
County of Greenville

In The Court of
Common Pleas

Illya Salter #270397
Applicant

Case: 2011-CP-23-4280

V.S.

AFFIDAVIT BY
Illya Salter

STATE of South Carolina
Respondent

To Respondent

Applicant Illya Salter, personally appearing before me, who being duly sworn, states the following:

- (1) The Applicant is in the custody of South Carolina Department of Correction at Perry Correctional Inst. 430 OAKLAWN Rd. Pelzer, S.C. 29669
- (2) The Applicant is making this Affidavit under OATH by Illya Salter, that all EXHIBITS are TRUE and Certify by the Court.

~~S/ Illya Salter~~
Illya Salter
430 Oaklawn Rd.
Pelzer, S.C. 29669

STATE OF South Carolina
County of Greenville

Illya Salter # 270347
Applicant

-VS.

STATE OF South Carolina
Respondent

In THE Court of Common
Pleas

Case: 2011-CP-23-4280

Proof of Service

To Respondant

I Certify that I, Illya Salter #270347 has served a true copy of motion to Amend Post-Conviction Relief application upon Counsel Rodney W. Richey by placing a true copy in the United States mail through the P.C.I. mail room.

Rodney Richey
Post office Box-10916
Greenville, S.C. 29603

Sworn before me this
Day of 12th February 2013
Notary Steven M. M.../
Expires November 7, 2016

S/ Illya Salter
Illya Salter # 270347
430 OAKLAWN RD.
Pelzer, S.C. 29668

Exhibit A

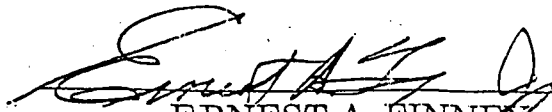
The Supreme Court of South Carolina

ORDER

Pursuant to Article V, § 4, of the South Carolina Constitution,
IT IS ORDERED that all criminal cases in the State of South Carolina shall be disposed of within 180 days from the date of the defendant's arrest. Provided, however, that the circuit court may continue a criminal case beyond 180 days by written order if the court determines that exceptional circumstances exist in the case. This order does not create or define a right of a defendant to a speedy trial.

IT IS FURTHER ORDERED that the orders of Chief Justice Lewis dated August 17, 1988, and January 13, 1984, which appear at pages CC-ADMIN 12 and 13 of the South Carolina Court Register, are hereby rescinded.

Exhibit A


ERNEST A. FINNEY, JR.
CHIEF JUSTICE

Columbia, South Carolina

March 5, 1999

Case was supposed to be heard by April 2005. Considering the holiday postponement the extension was provided to make the extension date.

Exhibit-13

ARREST WARRANT

STATE OF SOUTH CAROLINA
County/ Greenville

Municipality of
Greenville

ARREST WARRANT

STATE OF SOUTH CAROLINA
County/ Greenville

Municipality of
Greenville

ARREST WARRANT

STATE OF SOUTH CAROLINA
County/ Greenville

Municipality of
Greenville

Personally appeared before me the affiant A C Sexton who being duly sworn, deposes and says that defendant Ilyia Trameil Salter did within this county and state on or about 12/18/2009 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Greenville) in the following particulars:

DESCRIPTION OF OFFENSE Carjacking / Take or attempt a vehicle from person by force without great bodily harm

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THE AFFIANT HAS A WRITTEN STATEMENT FROM THE VICTIM STATING THAT THE DEFENDANT DID FORCE HIM FROM HIS VEHICLE, A 2004 SILVER TOYOTA CAMRY LE SC LICENSE PLATE DZU591, AND DRIVE AWAY WITH THE VEHICLE. THE VICTIM STATED THAT THE DEFENDANT WAS ARMED WITH A PAIR OF SCISSORS DURING THE INCIDENT. THIS OFFENSE DID OCCUR IN GREENVILLE COUNTY SOUTH CAROLINA.

Signature of Affiant Ack C. J. K1011 A35

STATE OF SOUTH CAROLINA
County/ Greenville
Affiant's Address 4 Mcgee Street Greenville 29601-
Affiant's Telephone _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

it appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/18/2009 defendant Ilyia Trameil Salter did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: Carjacking / Take or attempt a vehicle from person by force without great bodily harm

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 12/19/2009 Judge's Address _____

Signature of Issuing Judge _____ (L.S.)

Vlavin Garrison Judge's Telephone _____

Judge Code: 5946 Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ARREST WARRANT 5005
12-29-09
M-177488

STATE OF SOUTH CAROLINA
County/ Greenville
Municipality of
Greenville

THE STATE 01-2009-1973B3 against _____

Ilyia Trameil Salter.
Address: 1607 E. Washington Ave. Greenville, SC 29611-

Phone: _____ SSN: 251-23-1332

Sex: M Race: B Height: 6 5 Weight: 275

DL State: SC DL #: 007735901

DOB: 6/18/1974 Agency ORI #: SC0230000

Prosecuting Agency: Greenville County Sheriffs Office

Prosecuting Officer: A C Sexton - 1011

Offense: Carjacking / Take or attempt a vehicle from person by force without great bodily harm

Offense Code: 2599

Code/Ordinance Sec: 16-03-1075(B)(1)

This warrant is **CERTIFIED FOR SERVICE** in the _____

County/ Municipality of _____

The accused _____

is to be arrested and brought before me to be dealt with according to the law.

Date: _____ (L.S.)

Signature of Judge _____

RETURN

A copy of this arrest warrant was delivered to defendant Ilyia Trameil Salter on 12-19-09

Paul S. Byrd 1095 E35
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Greenville General Sessions
305 E. North Street
Greenville County Courthouse
Greenville, SC 29601-2120

ORIGINAL

ORIGINAL

ORIGINAL

EXHIBIT = C

DOCKET NO. 2010-GS-23-001072
JMG

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

December TERM 2010

1-31-10 THE STATE

vs.

ILLYA TRAMELL SALTER

RECEIVED

MAR 17 2010

Clerk of Court
Greenville County

WITNESSES

A C Sexton

Greenville County Sheriffs Office

12/19/2009

ARREST WARRANT NUMBER

M177488

ACTION OF GRAND JURY

TRUE BILL

[Signature]
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

✓ 2599

Indictment for

CARJACKING

VIOLATION § 16-03-1075

Foreperson of Petit Jury

Date:

Exhibit-C

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CARJACKING

At a Court of General Sessions, convened on
County present upon their oath:

DEC 14 2010

the Grand Jurors of Greenville

That ILLYA TRAMELL SALTER did in Greenville County, on or about the 19th day of December, 2009, take or attempt to take a motor vehicle, to wit: a 2004 Toyota Camry from THOMAS SCOTT COX by force, and violence or by intimidation while THOMAS SCOTT COX was operating and/or was in the said vehicle. This is in violation of §16-3-1075 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

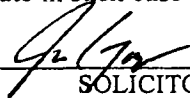

SOLICITOR

Exhibit-D

Illya Salter # 270347
Perry Correctional Inst
430 OakLawn Rd
Pelzer, S.C. 29668

Date: 12-16-12

Paul B. Wickensimer
Clerk of Court
Greenville County ~~Court House~~
305 E. North St.
Greenville, S.C. 29601

RECEIVED

DEC 17 2012

RCI MAILROOM

RE: This request is made under the
Freedom Information Act, (F.O.I.A.) S.C. Code Ann
§-30-4-10.

I'm ~~am~~ requesting this information dealing
with the terms of Court. I would like to
know if there was a term of Court in May-2010
and Dec-2010. I also would like to know if
the solicitor (W. Walter Wilkins) asked for a time
extension in prosecuting my case. Case # M177485,
M177488, 48870FB. If there was a term of Court
for the month of May-2010 - Dec-2010, and if
there was a time extension please send me
a Certified copy of those Documents.

Respectfully Submit

Illya Salter
Illya Salter



EXHIBIT-E

Office of the Clerk of Court
Greenville, South Carolina
Paul B. Wickensimer
Clerk of Court

Circuit Court Division
Greenville County Courthouse
305 East North Street
Greenville, South Carolina 29601
(864) 467-8551 FAX (864) 467-8540

January 17, 2013

Illya Salter #270347
P.C.I.
Q3B-214
430 Oaklawn Rd.
Pelzer, SC 29669

Dear Mr. Salter

Terms of Court (the court schedule) are set by South Carolina Court Administration. Please contact them for a certified copy of the "Terms of Court".

We are unable to fulfill your request for a certified copy of a request for extension because no such document was filed with the Clerk of Court for M177485, M177488 or 48870FB

Sincerely,
Clerk of Court
Greenville County General Sessions

Exhibit-F

Court News

2002-10-23-01

The Supreme Court of South Carolina

RE: Filing Indictments With the Clerk of Court

ORDER

Rule 3(c), SCRCrimP, requires solicitors to file indictments with the Clerk of Court. In some counties, solicitors are retaining the original indictments which have been returned by the grand jury until the proceedings are concluded. This local practice leads to problems and confusion in some cases. Accordingly, effective the date of this order, all original indictments which have been returned by the grand jury shall immediately be filed with the Clerk of Court.

IT IS SO ORDERED

s/Jean Hoefler Toal
Jean Hoefler Toal, Chief Justice

Columbia, South Carolina
October 23, 2002

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

Zilya Trammell Salter,
Applicant,

9A No. 2011-CP-23-04280

vs.

State of South Carolina,
Respondent.

Notice And Motion

Amend Post-conviction

Relief Application

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSHER

2013 FEB - 7 AM 10: 41

To Respondent

Now Comes the applicant who moves byway of motion before this Honorable Court, Based upon a pending Post-Conviction application, which does require for a hearing.

Statement OF THE CASE

On, 12-19-2009, the defendant, a black male was observed shoplifting at walmart, identified as Zilya Trammell Salter, concealing clothing items into a walmart bag.

The Respondent has false convicted the applicant of Armed Robbery and Carjacking when the Respondent's were only required to charge Applicant with grand larceny of a motor vehical, and shoplifting.

Argument 1

Trial Counsel prejudiced the Applicant by advice the

Applicant to Plead guilty to Armed Robbery and Carjacking, when there is genuine material evidence of shoplifting and grand larceny of a motor vehicle. Violation of Sixth and Fourteenth amendments.

Legal Advice to plead guilty to Armed Robbery and Carjacking.

Records indicate victim/witness statement given by Mr. Thomas Scott Cox, on 12-19-2009. He was loading his groceries in the trunk, and there is a conflict in this victim statement that is so prejudiced and false evidence, that victim could not have been carjacked by the Applicant and trial counsel prejudice the applicant by advice to plead guilty to carjacking. Evidence indicates the victim was putting the keys in the ignition and started car, and Mr. Cox stated he gave the applicant keys to the vehicle.

Therefore Counsel's advice for the Applicant to plead guilty prejudiced the Applicant by advice to plead guilty to Armed Robbery and Carjacking, carrying Nineteenth years, when there was no evidence in the records showing that the victims were armed robbed by the Applicant. The records does ~~not~~ indicate that the victims Anthony Michael McKinney observed a black male shoplifting and at no point that the Applicant demanded any money from a store cashier at gunpoint inside a Walmart store.

Counsel prejudiced the Applicant by advice to plead guilty to Armed Robbery and Carjacking. See Exhibits (A), (B), (C) - Defendant who pleads guilty on advice of Counsel may only attack the voluntary and intelligent character of a Plea by showing that counsel's representation fell below an objective standard of reasonableness demanded of Attorney's in Criminal Cases and

there is a reasonable probability that, but for counsel's error, Applicant would not have pled guilty and would have insisted on going to trial, and reasonable probability is "a probability sufficient to undermine confidence in the outcome of the trial". see, Thompson v. State, (S.C. 2000) 340 S.C. 112 S.E. 2d 294,

To establish a claim of ineffective assistance of counsel, a post conviction relief (PCR) Applicant must prove that (1) counsel failed to render reasonably effective assistance under prevailing Professional Norms, and (2) the deficient performance prejudiced the Applicant's case. Thompson v. State, S.C. 2000, 340 S.C. 112, 531 S.E. 2d 294.

The Applicant's alleged ineffective assistance of counsel results from wrongful advice to plead guilty to Armed Robbery and carjacking. When an ineffective claim is presented the Applicant must show that counsel's representation was deficient. Deficient representation amounts to conduct that is not objectively reasonable under the circumstances Strickland v. Washington, 466 U.S. 668, 688, 104 S.Ct. 2052 (1984). In addition, the Applicant must show that the outcome would have been different had counsel's performance not been deficient.

Strickland v. Washington At 694, The Applicant submit that trial counsel's degree of skill, knowledge and professional judgement that is expected of an Attorney who practices criminal law, State v. Pendergrass, 270 S.C. 1, 239 S.E. 2d 750 (1977), Strickland supra, Butler v. State, 286 S.C. 441, 334 S.E. 2d 813 (1985),

Argument 2

Trial counsel was prejudice, and ineffective for failure to prepare and to conduct a proper pre-trial investigation.

The Applicant submits that he received ineffective assistance of counsel prior to and during his guilty plea. The sixth amendment of the United States Constitution guarantees that every criminal defendant is entitled to the effective assistance of counsel in presenting their defense. See also, S.C. Const. Art. I, Section 14. The Supreme Court has stated, "The Right to Counsel is a Fundamental Right of a Criminal Defendant, it assures the fairness of our adversary Process," Kimmelman v. Morrison, 477 U.S., 365 (1986). Furthermore, the supreme court has recognized that "The Right to Counsel is the Right to Effective Assistance of Counsel," McMann v. Richardson, 397 U.S. 759, 771 (1970). To see whether counsel was fallen below the minimum standard needed for effective assistance of counsel under the Sixth Amendment to the Constitution, a two prong test must be met, Strickland v. Washington, 466 U.S. 668, 688-694 (1984). The Supreme Court held that a determination of ineffective assistance of counsel would be conditioned on two factors:

- 1) Counsel's performance must have fallen below an objective

standard of standard reasonableness, and

2) There must be a reasonable probability that but for counsel's errors, the results of the proceedings would probably have been different.

'First prong ineffective assistance'

Counsel Mr. Fornsworth failed to investigate. If counsel would have investigated, he would have seen that the so called victim statement clearly states that he observed a subject identified as Mr. Salter concealing clothing items in a wal-mart bag as he walked towards the doors and walked outside, Mr. Kenny followed the suspect once they were outside to the wal-mart parking lot, Mr. McKenny asked the suspect Mr. Salter to come back inside the wal-mart store and Mr. Salter kept walking. If counsel would have looked at the video tape of suspect in the store it would have clearly shown the defendant concealing clothes.

According to S.C. Code Ann. 16-13-110, Shoplifting, Subsection

(A), (1), (2), & (3),

(A) A person is guilty of shoplifting if he:

- (1) takes possession of, carries away, transfers, from one person to another or from one area of a store or other retail merchantile establishment to another area, or causes to be carried away or transferred any merchandized

displayed, held, stored, or offered for sale by any store or other retail merchantile Establishment with the intention of depriving the merchant of the possession, use, or benefit of the merchandise without paying the full retail value,

(2) Alters, transfers, remove any label price tag markings, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored, or offered for sale in a store or other retail merchantile Establishment and attempts to purchase the merchandise personally or in consort with another at less than the full retail value of the merchandise,

(2) Felony, and upon conviction, must be fined not more than one thousand dollars but less than five thousand dollars.

"Second prong ineffective assistance"

Counsel provided ineffective assistance to Applicant, by violation of the sixth amendment of the United States Const. It is counsel's duty to provide "objectively Reasonable Advice". Counsel prejudice Applicant by getting Applicant to plead guilty to Armed Robbery. If counsel had investigated Counsel would have seen that an Armed Robbery didn't take place at Wal-mart on Dec. 19, 2009. Therefore Counsel prejudice Applicant to enter a guilty plea of nineteen years.

Counsel's performance was deficient and that there is a reasonable probability that, but for counsel's errors the result at trial would have been different \ by S.C. Law The Jury would have "Not" have found the Applicant guilty of Armed Robbery, but shoplifting.

According to S.C. Code Ann. 16-11-330, subsection (A) Robbery and Attempted Robbery while armed with a deadly weapon.

So prejudice by Counsel's failure to investigate and review the statute Law Armed Robbery S.C. code of Law Ann. 16-11-330, subsection (A), which there was not No evidence that the Applicant presented a deadly weapon demanding the merchandise from a store clerk at Walmart store.

(A) A person who commits robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by action or words, he was armed while using a representing of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, is guilty of a felony and, upon conviction, must be imprisoned for a mandatory minimum term of Not less than ten years or more than thirty years, No part of which may be suspended or probation granted.

South Carolina has adopted the Strickland standard, see Cherry V. State, S.E. 2d 624 (1989) . The right to effective assistance of Counsel may be violated by even

an isolated error of counsel if the error is sufficiently egregious and prejudicial. Murry v. Carrier, 477 U.S. 478 (1986). It is the client's right to expect that his lawyer will use every skill, expend every energy, and tap every legitimate resource in the exercise of independent professional judgment on behalf of the client and in undertaking representation of the client's interest. Frazer v. United States, 18 F.3d 778, 785 (9th Cir. 1994). Defense counsel must do his utmost to bring his legal acumen to bear on behalf of the defendant, keep the defendant fully informed of developments in the case and consult with the defendant on all major decisions to be made, conduct a reasonable pre-trial investigation, which should include contacting potential witnesses, prepare adequate, and professionally for trial, conduct the trial to the best of his ability and at the bottom, serve as a vigorous and devoted advocate of the defendant's counsel, United States Ex Rel Partee v. Lane, 926 F.2d 694, 702 (7th 1991).

(A) Counsel was ineffective for failing to conduct an adequate pre-trial investigation.

As the Supreme Court also recognized in Strickland,¹¹ Counsel has a duty to make a reasonable investigation of the law and facts in his client's case. Strickland, 466 U.S. at 691. Additionally, the A.B.A. standards relating to the Admin. of Criminal Justice provide:

It is the duty of the lawyer to conduct a prompt

investigation of the circumstances of the case and to explore all avenues leading to facts relevant to the merits of the case, and the penalty in the event of conviction. The investigation should always include efforts to secure information in the possession of the prosecutor and Law Enforcement Authorities. The duty to investigate exist regardless of the accused admissions, or statements to the lawyer of facts constituting guilt or the accused stating desire to Plead Guilty,

A defendant's Right to Effective Assistance of Counsel confers a duty on counsel to conduct an adequate pre-trial investigation into any of his client's plausible lines of defense, the lawyer has failed to render effective assistance of counsel, Cobbs v. State, 408 S.E. 2d 223 (1991), Pre-trial preparation, principally because it provides a basis upon which most of the defense case must rest, is perhaps, the most critical stage of a lawyer's preparation. Id failure to investigate evidence that would be helpful to the defense is also an indication of ineffective assistance of Counsel Id.

Conclusion

Whereas Applicant's Conviction and Sentences should be vacated, or granted a New Trial,

Date: 12-27-12

S/ ~~Ellya Salter~~

Ellya Tramell Salter #270347

430 Oaklawn Rd.

Pelzer, S.C. 29669

Return

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE

Illya T. Salters # 270347,

C/A No. 2011-CP-23-04280

Applicant,

v.

State of South Carolina,

Proof of Service

Respondent.

2013 FEB - 7 AM 10:41
FILED-CLERK OF COURT
GREENVILLE CO S.C.
PAUL B. WICKENSINER

To Respondent:

I certify that Illya T. Salters # 270347 Hereby served a true copy of Notice motion To Amend Post-Conviction Relief Application upon counsel Caroline M. Horibek by placing in the U.S. mail, postage prepaid, this 3rd day of January 2013.

Sworn before me this
27th day of December 2012

Illya T. Salters

Illya T. Salters

Notary: Stuart Mulaahy

270347

430 Oaklawn Rd.

Expires: January 7, 2014

Pelzer, S.C. 29669

RECEIVED

JAN 04 2013

P.C.I. MAILROOM

EXHIBITS (A)

11

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 09-197353

Date 12/19/2009

I, THOMAS SCOTT COX, do hereby give freely and voluntarily this statement to RAGAN MARLING # 223/A28 and _____ who have identified themselves to me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina.

I am 63 years old and I reside at _____

I WAS SHOPPING AT WALMART AND WAS LOADING MY GROCERIES IN THE TRUNK AND STARTED TO DRIVE AWAY WHEN A BLACK MALE HEAVY SET GRAY SWEAT SHIRT CAME UP TO ME AND SAID "GIVE ME YOUR FUCKING KEYS AND GET OUT OF THE CAR" HE ALSO HAD A PAIR OF SCISSORS IN HIS LEFT HAND LIKE HE WAS GOING TO USE THEM AS A WEAPON. HE WAS ALSO CARRYING A WHITE PLASTIC BAG. I GAVE HIM THE KEYS AND HE GOT IN MY CAR AND TOOK OFF. I SAW A SHERIFF'S DEPUTY AND POINTED TO THE CAR.

HE DID GRAB MY ARM BUT HE DID NOT ASSAULT ME ANY OTHER WAY. MY CAR THAT WAS STOLEN IS A 2004 SILVER TOYOTA CAMRY LE S.C. TAG DEUS91. I WAS PARKED IN ROW B UP NEAR THE GAS STATION IN THE WALMART PARKING LOT.

END OF STATEMENT

[Handwritten signature of Thomas Scott Cox]

20 DEC 19 18 54

I have read the above statement of 1 pages and it is true and correct as best as I recall.

WITNESS:

Ragan Marling # 223/A28
[Signature]

X Thomas S Cox

I have received a copy of this statement.

X Thomas S Cox

Sworn before me this _____ day of _____,

NOTARY PUBLIC FOR SOUTH CAROLINA

[Handwritten initials]

CR1141515 (K)

115

OF AGENCY I.D. Greenville County Sheriff's Office
SC0230000 SUPPLEMENTAL REPORT

CASE NUMBER

09000197353

ORIGINAL REPORT STATUS CHANGE ADDITIONAL VICTIMS ADDITIONAL STOLEN PROPERTY INCIDENT TYPE Armed Robbery/Car Jacking

SUPPLEMENTAL REPORT OTHER ADDITIONAL OFFENDERS ADDITIONAL RECOVERED PROPERTY PATROL DISTRICT 08 PAGE 01 OF 01 PAGES.

Incident Location: 6134 White Horse Rd Walmart Greenville SC 29611

Suspect: Salter, Illya Trammell B/M DOB/ 06-18-74 Hgt/605 LBS/ 210
100 Shemwood Ln Apt. 17 A Greenville SC 29605 SSN 251-23-1332 SCDLN 0007735901

Victim #1 Walmart

Victim # 2: Cox, Thomas Scott [REDACTED]

I responded to the incident location and spoke to victim #2, Mr. Cox. Mr. Cox stated that he had been shopping at Walmart and had put the merchandise that he purchased in the trunk of his vehicle, 2004 Silver Toyota Camery SC tag DZU591. He stated that he was parked in Row 8 toward the gas station. Mr. Cox stated that when in was in the driver's seat about to put the keys in the ignition and started the car, a black male, heavy set with a gray sweat shirt approached him and told him, "give me the fueling keys and get out of the car." Mr. Cox stated that the man had a pair of scissors in his left hand like he was going to "use them", so he got out of the car and the man jumped in a took off. Mr. Cox stated that he saw a Sheriff's Deputy and pointed toward his car as the man drove off.

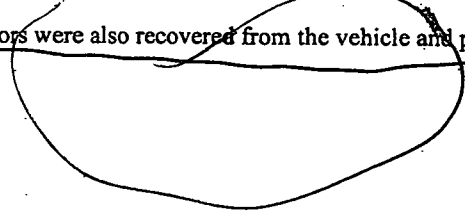
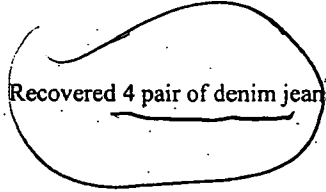
Mr. Cox did not have any injuries from this incident.

Mr. Cox's brother came to Walmart and they followed me to the location where the suspect was apprehended and the vehicle was located and recovered. See M.D. M. Magaha's supplemental.

Francis Marion Towing responded and towed the vehicle. A Tow Sheet was completed.

I recovered the from the vehicle the reported stolen property from Walmart and returned the items. Recovered 4 pair of denim jeans total amount \$62.54. A Property and Evidence sheet was completed.

The scissors were also recovered from the vehicle and placed in Property and Evidence.



20 DEC 2009 18 54

SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		SUBJECT LOCATED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADMIN. CLOSED <input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> ARRESTED UNDER 18 <input checked="" type="checkbox"/> ARRESTED 18 AND OVER		<input type="checkbox"/> EX-CLEARED UNDER 18 <input type="checkbox"/> EX-CLEARED 18 AND OVER		
REASON FOR EXCEPTIONAL CLEARANCE: <input type="checkbox"/> OFFENDER DEATH <input type="checkbox"/> NO PROSECUTION <input type="checkbox"/> VICTIM/DECLINES COOPERATION <input type="checkbox"/> EXTRADITION DENIED <input type="checkbox"/> JUVENILE-NO ARREST										
REPORTING OFFICER(S) MD Ragan Marling *223		DATE 12/20/09		UNIT NO. / STAR # A28		APPROVING OFFICER <i>[Signature]</i>		DATE 12-20-09		UNIT NO. / STAR # AS
FOLLOW-UP INVESTIGATION				<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (OFFICER)						

MB

HS. 12/20/09

EXHIBITS (C)

16

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 09-197353

Date 12-19-09

I, Anthony Michael McKinney, do hereby give freely and voluntarily this statement to Jeremy Jones and Deputy R. M... who have identified themselves to me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina.

I am 31 years old and I work at [redacted] SC 29611 Wal-Mart. On 12-19-09, while working as loss prevention for Wal-Mart I observed a male subject later identified as Ilyse Trammell Salter concealing clothing items into a Wal-Mart bag. As the subject made his way to the doors, I recognized him as the same subject that I attempted to stop for shoplifting last night. I immediately called Greenville County. While on the phone with dispatch I asked Salter to return to the store with me. Salter refused and kept telling me to "Come On" as I followed Salter through the parking lot so that I could keep dispatch informed as to where Salter was. Salter began to come towards me and got within approximately two feet of me. Salter swung at me with what looked like scissors. I ducked so that I was not hit. I then gained distance between myself and Salter. Salter kept going in between cars when he approached a silver car and forced the driver out and jumped in the vehicle. At this time deputies were pulling up. I pointed to the vehicle Salter was in and Salter then took off in the car very fast almost hitting a Deputies vehicle. No Merchandise was recovered. Nothing Follows.

20 DEC 2009 18 54

I have read the above statement of 1 pages and it is true and correct as best as I recall.

WITNESS

[Signature] 2285/E-12
[Signature] 2223/A78

Anthony Michael McKinney
I have received a copy of this statement.

[Signature]

Sworn before me this ___ day of ___

NOTARY PUBLIC FOR SOUTH CAROLINA

GSO 00019

[Signature]

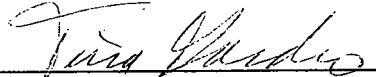
STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
)
Illya Salter SCDC# 270347,)
)
)
vs.)
)
)
THE STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMONS PLEAS
CASE NO: 2011-CP-23-4280

AFFIDAVIT OF SERVICE

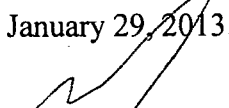
I certify that I have served the Applicant's Notice and Motion to Amend PCR Application on the State of South Carolina by depositing copy of it in the United States Mail, postage prepaid, on January 29, 2013, addressed to their attorney of record, Office of Attorney General State of South Carolina, Post Office Box 11549, Columbia, SC 29211-1549.

Respectfully submitted:



Tina Garduno, paralegal
Richey and Richey, P.A.
Post Office Box 10916
Greenville, South Carolina 29603

Sworn to before me on
January 29, 2013.



Notary Public of South Carolina
My Commission Expires: 5-18-18

Allysa Salter - 270347
P.C.I. - Q3B-214
430 Oaklawn Rd.
Seymour, S.C. 29669

RECEIVED
AUG 26 2013
P.C.I. MAILROOM

Reborn
mail

Legal Mail

All Supreme Court of S.C.
Daniel E. Shearouse
Clerk of Court - P.O. Box - 11330
Columbia S.C. 29211

Legal Mail