

Terrance Adam #229165

BroadRiver Corr. Inst.

4460 BroadRiver Road

Columbia, S.C. 29210

,2012

The Supreme Court
Post Office Box 11330
Columbia, S.C. 29211

Re: Terrance Adam v. State of South Carolina

2012-CP-400-2904

Sir or Madam:

Enclosed please find a copy of Appellant's Notice
of Appeal, in the above reference, to be filed in this
Court.

Thank you in this matter,

I am,

Terrance Adam

RECEIVED

AUG 09 2012

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

The Honorable James R. Barber, III, 5th Cir. Judge

Case No: 2012-CP-400-2904

Terrance Adam #229165

Appellant,

v.

State of South Carolina

Respondent.

NOTICE OF APPEAL

Terrance Adam #229165, appeals the Honorable James R. Barber, III denying post-conviction relief to the respondent. Unsigned pro-se litigant received notice of entry of the order on August 8, 2012. A copy of the order on appeal is attached to this notice.

AUGUST 8, 2012

Terrance Adams

Terrance Adam #229165 / pro-se

BroadRiver Corr. Inst./

4460 BroadRiver Rd.

Columbia, S.C. 29210

RECEIVED

AUG 07 2012

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

County of RICHLAND

In The Court of Common Pleas

For the Fifth Judicial Circuit

TERRANCE ADAM, 229165

Appellant,

v.

STATE OF SOUTH CAROLINA

Respondent.

Case No: 2012-CP-400-2904

PROOF OF SERVICE

I hereby certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of the Notice in the United States mail postage prepaid, on August 8, 2012 addressed to the attorney of record:

cc: Office of the Attorney General / Jeanette W. McBride
Robert D. Corney Clerk of Court
Post Office Box 11549 P.O. Box 2766
Columbia, S.C. 29211-1549 Columbia, S.C. 29202

The Supreme Court
Post Office Box 11330
Columbia, S.C. 29211

AUGUST 8, 2012

Terrance Adams

Terrance Adam 229165 / pro se
Broad River Corr. Inst.
4460 Broad River Road
Columbia, S.C. 29210

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Petition TO RICHLAND COUNTY
JAMES R. BABBER, III, CIRCUIT COURT JUDGE

TERRANCE ADAMS,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT,

PETITION FOR WRIT

Terrance Adams, 229165
PRO-SE
4460 Broad River Road
Columbia, SC 29210

INDEX

INDEX	_____	1
ISSUE Presented	_____	2
STATEMENT	_____	3
Argument	_____	4
CONCLUSION	_____	

ISSUE PRESENTED

Subject Matter Jurisdiction Maybe raise at anytime.

STATEMENT

Petitioner Terrance Adams was found in possession of stolen items, but was charged and convicted for first degree burglary because of the officer(s) of the court misconduct. Petitioner was sentenced to life without the possibility of parole - APP. 1-315. Petitioner filed this PCR application April 23, 2012, respectively, with the Richland County office of the Clerk of Court. The Respondent filed a motion to dismiss on April 27, 2012, requesting that the application be summarily dismissed. In which the final order was signed July 31, 2012, and filed August 1, 2012. Petitioner appealed Judge Barber's order. This petition follows.

ARGUMENT

Subject Matter Jurisdiction maybe raised at anytime.

The Petitioner argues Respondent and State's appointed attorney engaged in misconduct to Prosecute for the Greater offense, and most serious offense, where evidence shows the offense is a lesser included offense. Rule 407, B.4

In Additionally, Trial and Appellate Counsel's has a onus to challenged the sufficiency of the evidence. Petitioner appointed Counsel's erred for not requesting the State to offer evidence to Prove Petitioner Committed the offense Charged in the Warrant and indictments.

Petitioner assert Possession of Stolen items is no-more than Possession of stolen items. and Respondent had no authority to Prosecute for the most serious offense, where the evidence shows the lesser included offense.

At trial, Asia Ferguson (UPS man), Rufus Carl Keys (maintenance man), Investigator Hunt, Inv. William Mann, Deputy David Soto, apartment tenants Dechantel CoField, Charles Nottingham, Conquista Drayton, Shawnetta Belton, Nancy Blanton, Dorothy Nelson, testified for the state, but not one of the above individual presented any testimony that Petitioner enter their homes Pursuant to Section 16-11-311.

According to S.C. Code Ann. § 16-11-311. The Statute unambiguously interpret a person is guilty of burglary when one enter a dwelling or a house. It language does not read a person is assume guilty of burglary if one has a prior and/or be found in Possession of items came from a burglary.

Respondent agrees in the Final Order signed by Judge James R. Barber July 31, 2012, Petitioner has a constitutional right to be heard. An (sic) a right to be heard on the nolle prossed indictment No. 1993-GS-40-9516 non-violent in which the state use to amended in a written stipulation for enhancement to give Petitioner life without the possibility of Parole February 1, 2006. APP. 7-314

At the close of the state's case before closing summation, Defense Counsel motioned the Court for directed verdict on all charges. The Trial Court stated while there is (NO) evidence of anyone actually seeing anyone going into the homes, there is sufficient circumstantial evidence ~~TO MAKE THIS~~ A JURY ISSUE. APP. 248 Ln. 4-14

Appellate Counsel was ineffective for failing to argue the Directed Verdict issue on Appeal. *Evitt v. Lucy*, 469 U.S. 387 (1985)

Petitioner contends subject matter jurisdiction maybe raise at any time. *Carter v. State*, 329 S.C. 355, 455 S.E.2d 773 (1993); *Hope v. State*, 328 S.C. 78, 492 S.E.2d 76 (1997).

Id. Claire v. State, 324 S.C. 144, 478 S.E.2d 54 (1996) holding that an amendment that changes the penalty change the nature of the offense.

The original offense were initially second degree burglary, However, Respondent enhanced the daytime burglaries to first degree burglary by adding an amending the nolle prossed indictment No. 1993-GS-40-9516 non-violent, which was a material change. *State v. Guthrie*, 572 S.E.2d 309, 352 S.C. 103

CONCLUSION

For the foregoing reasons, Appellant conviction should be vacated, and he should be released from confinement.

Respectfully Submitted
Terrance Adams, 229165
Pro-se

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
C/A NO: 2012-CP-400-2904

Terrance Adams, 229165

VS.

Applicant,

State of South Carolina,

Respondent,

CERTIFICATE OF SERVICE

I, the Applicant in the above captioned matter, do hereby under oath and penalty of perjury certify that I have served copies of the same documents upon the below listed parties upon this same date.

(1) Robert D. Corney
Asst. Attorney General
P.O. Box 11549
Columbia, SC 29211-1549

(2) Ms. Jeanette W. McBride
Richland County, Clerk of Court
P.O. Box 2766
Columbia, S.C. 29202-2766

(3) South Carolina Supreme Court
Post Office Box 11330
Columbia, SC 29211

SWORN TO BEFORE ME THIS 8th day
OF AUGUST, 2012

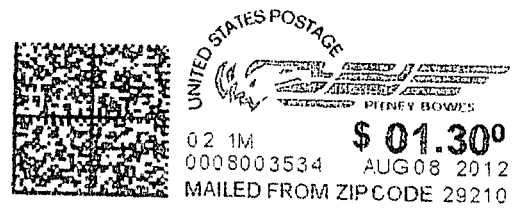
Susan A. Frye

NOTARY PUBLIC OF SOUTH CAROLINA

MY COMMISSION EXPIRES _____

My Commission Expires
March 5, 2018

ance Adams, 229165
nurray 275
0 Broad River Road
Lumbia, SC 29210



RECEIVED

AUG 08 2012

BRCI
MAIL ROOM

South Carolina Supreme Court
Post office Box 11330
Columbia, SC 29211