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Aug 28 2024

S.C. SUPREME COURT

Appellate Case No. 2024-001286

Case No. 2023 CP 400599D

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SC Court of Appeals

STATE OF SOUTH CAROLINA |
COUNTY OF RICHLAND |

Terrance Adams #229165, |
Appellant, |

v. |

STATE OF SOUTH CAROLINA, |
Respondent. |

A Constitution issue must be raised to and ruled upon by the Trial Court to be preserved for appeal. The appellant is asking for an evidentiary hearing or "New Trial" because under sentencing and punishment appellant bears the burden of proof when collaterally attacking a prior conviction used by the state to seek a sentence enhancement which is constitutionally invalid.

The Sixth and Fourteenth Amendment to the United States Constitution prohibit a prior uncounsel conviction to be used to enhance sentence and punishment. The illegal sentence is the issue under the facts in FCRCP Rule 11(b)(1) Boykins v. Alabama and Ferretta v. California.

Here, in appellant case, counsel deficient performance prejudice the appellant because counsel and opposing attorney's signed a stipulation agreeing her client have prior convictions under this specific facts is an unprofessional error. Counsel and opposing attorney's takes liberty to claims the contract over appellant objection.

A hearing is necessary to resolved this issue. The opposing attorney's refusal to signed the F. Form Sentence sheet prior and subsequently Rule 901(c)(1)(5)(B) SCRE applies

Bennettsville, South Carolina
August 19, 2024

By Terrance Adams
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