

IN THE STATE OF SOUTH CAROLINA
COURT OF APPEALS

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SC Court of Appeals

S.C. Court of Appeals
Jenny Abbott Kitchings, Clerk
post office box 11629
Columbia, S.C.29211

Dear, Clerk.

RE:TO my Initial brief & designation of matter, filed on may 5, 2023. & my response to the STATE, RESPONDENT, Initial brief & THE Designation of matter brief.on 11-21-2023. & the date of Respondent's Brief[s] 11-13-2023. That you send back to ME stated that I much filed rules 210 & 240 & 267, motion & Breif[s] That I , have REsponse to by the Appellate Court Rules & I" M being made to refiled all my Brief[s] & here is everythings day stamp & send back into Court & here or all of my copy[s] I am sending you to Look at & see that I am Correct by the Court. Record on Appeals file on Record to Court of Appeals.

I thank you very much in this matter.

date 8-15 2024.


Robert Earl Dillard#220045

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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
COURT OF APPEALS

APPEAL FROM PICKENS COUNTY
COURT OF COMMON PLEAS
PERRY H, GRAVELY, ADMINISTRATIVE LAW
JUDGE
CASE NO. 2022-000972/2022-cp-39-00680

ROBERT EARL DILLARD,

APPELLATE,

v,

STATE OF SOUTH CAROLINA,

RESPONDENT,

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PCI MAILROOM

PROOF OF SERVICE

I, Robert Earl Dillard, do hereby certify that I served a True-Copy[s] of all my Proof of service [s] & Certificate of service, dated may 8, 2023. of the Designation of matter & MY Initial Brief, Rules 208 & 209. date stamp by the Perry correctional inst, & the Rely Brief objection to the Respondent Designation of matter brief & the Initial brief date stamp 11-21-2023. to jenny A, Kitchings, CLERK of Court, & send back to me, and I filed a second objection Reply to the STATE Initial Brief & Designation of matter Response Motion date stamp 6-24-2024. by PCI Mailroom, by placing the same in the U.S. Mail, postage prepaid, addressed to;

S.C. Court of Appeals
Jenny Abbott Kitchings, Clerk
post office Box 11629
Columbia, S.C. 29211

S.C. office of Attorney General
Alan M, Wilson, Esq.
Mebody Jane Brown, Esq
post office box 11549
Columbia, S.C. 29211

date 8-15 2024.



Robert Earl Dillard#220045

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
THE COURT OF APPEALS

Case No: 2022-000972

Robert E. Dillard Appellant.

v.

State of South Carolina Respondent.

PROOF OF SERVICE

I, Robert Earl Dillard, do hereby certify that I served True-Copy(s) of the filed and served "Initial Brief Amended on Appeal" and that it complies with Rule 208 of the South Carolina Appellate Court Rules on this matter. by placing the same in the U.S. Mail, postage prepaid, addressed to:

S.C. Court of Appeals
c/o Jenny Abbott Kitchens, Clerk
Post Office Box 11629
Columbia, South Carolina 29211

S.C. Office of Attorney General
Alan M. Wilson, Esq.
c/o Taylor Z. Smith, Esq.
Post Office Box 11549
Columbia, South Carolina 29211

Date: 5/8/23, 2023

Robert Earl Dillard
Robert E. Dillard, #220045
Perry Correctional Institute
430 Oak Lawn Rd. / Q4B-209
Pelzer, SC 29669
Appellant, pro se

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THE STATE OF SOUTH CAROLINA
THE COURT OF APPEALS

RECEIVED
AUG 22 2024
SC Court of Appeals

Case No: 2022-000972

Robert E. Dillard Appellant.

v.

State of South Carolina Respondent,

PROOF OF SERVICE

I, Robert Earl Dillard, do hereby certify that I served True-Copy(s) of the Designation of Matter to the Court of Appeals and that it complies with Rule 209 of the South Carolina Appellate Court Rules on this matter: by placing the same in the U.S. Mail, postage prepaid, addressed to:

S.C. Court of Appeals
c/o Jenny Abbott Kitchens, Clerk
Post Office Box 11629
Columbia, South Carolina 29211

S.C. Office of Attorney General
Alan M. Wilson, Esq.
c/o Taylor Z. Smith, Esq.
Post Office Box 11549
Columbia, South Carolina 29211

Date: 5/8, 2023

Robert Earl Dillard
Robert E. Dillard, #220045
Perry Correctional Institute
430 Oak Lawn Rd. / Q4B-209
Pelzer, SC 29669
Appellant, pro se counsel

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RULE 209 DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
THE COURT OF APPEALS

Case No: 2022-000972

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SC Court of Appeals

Robert E. Dillard Appellant.

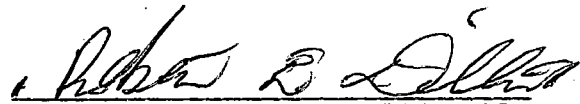
V.

State of South Carolina Respondent,

CERTIFICATE OF SERVICE

I hereby certify that a True-Copy of the Designation of Matter brief be amended Court of Appeals and copy of the Appendix in this appellate case has been served on S.C. Attorney General, Alan Wilson, Esq. and Taylor Z. Smith, Esq., both of the Office of the Attorney General of South Carolina.

Date: 5/8/ 2023



Robert E. Dillard, #220045
Perry Correctional Institute
430 Oak Lawn Rd. / Q4B-209
Pelzer, SC 29669
Appellant, pro se counsel

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MAY 08 2023

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RULE 209 DESIGNATION OF MATTER TO BE INCLUDED IN
THE RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
THE COURT OF APPEALS

Case No: 2022-000972

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SC Court of Appeals

Robert E. Dillard Appellant.

v.

State of South Carolina Respondent,

CERTIFICATE OF SERVICE

I hereby certify that a True-Copy of the Designation of Matter brief be amended Court of Appeals and copy of the Appendix in this appellate case has been served on S.C. Attorney General, Alan Wilson, Esq. and Taylor Z. Smith, Esq., both of the Office of the Attorney General of South Carolina.

Date: 5/8/, 2023

Robert E. Dillard

Robert E. Dillard, #220045
Perry Correctional Institute
430 Oak Lawn Rd. / Q4B-209
Pelzer, SC 29669
Appellant, pro se counsel

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ALAN WILSON
ATTORNEY GENERAL

November 13, 2023

Robert Earl Dillard, #220045
Perry Correctional Institution
430 Oaklawn Road
Pelzer, South Carolina 29669

Re: Robert Earl Dillard v. State of South Carolina
Appellate Case No: 2022-000972

Dear Mr. Dillard:

Please find enclosed a copy of the Initial Brief of Respondent, Designation of Matter and Certificate of Service, which were electronically filed by the Respondent today.

Sincerely,

s/Melody J. Brown

Melody J. Brown
Senior Assistant Deputy Attorney General

MJB/abb
Enclosure



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Oct 11 2023
SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

October 11, 2023

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Robert E. Dillard v. State of South Carolina
Appellate Case No: 2022-000972

Dear Ms. Kitchings:

The Initial Brief of Respondent and Designation of Matter in the above appeal are due to be served and filed today, October 11, 2023. Undersigned counsel hereby requests a 30-day extension in which to serve and file the brief. Counsel is attempting to reorganize assigned work which includes working to address past due obligations. However, counsel is aware of the number of extensions at this stage and will work diligently to complete the brief within the time requested herein.

I respectfully request this Court grant an extension until November 10, 2023 to serve and file the Initial Brief of Respondent and Designation of Matter.

Sincerely,

s/ Meldoy J. Brown

Melody J. Brown
Senior Assistant Deputy Attorney General

In compliance with:

In Re: Extensions in Criminal and Post-Conviction Relief Cases, (S.C. Sup. Ct. order dated March 18, 2009) (Davis Adv. Sh. No. 13 at 1).

s/Donald J. Zelenka

DONALD J. ZELENKA
Deputy Attorney General

cc: Gregory D. Daniels, #297449 (via US Mail)

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
AUG 22 2024
SC Court of Appeals

Jenny A, Kitchings
Clerk of Court
Post Office Box 11629
Columbia, SC 29211

RE: : TO Robert Earl Dillard v. State of South Carolina
Pickens County 2022-000972 /2022-CP-39-00680

Dear; Clerk

Enclosed please find my original Objection Reply to the State initial Brief and Designation of matter Response Motion on a Appeals to the Court of Appeals, and my Proof of Service to be filed in your office. Record of Appeal.

CC: Alan Wilson, Esquire
Medoley Jane Brown, Esquire

date 6-24- 2024.


Robert Earl Dillard

IN THE STATE OF SOUTH CAROLINA
THE COURT OF APPEALS

APPEAL FROM PICKENS COUNTY
COURT OF COMMON PLEAS
PERRY GRAVELY, CHIEF ADMINISTRATIVE
JUDGE-GENERAL SESSIONS

Caseno.2022-000972/2022-CP-39-00680

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SC Court of Appeals

Robert Earl Dillard,.....Appellate,

v.

State of South Carolina,.....Respondent,

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellate Prppose the Following be included in the on appeal;

- 1,Order of June 7, 2022.
- 2)rder of October 17, 2022.
- 3Greenville News Letter Dated Jan, 15, 2002.
- 4Letterfrom Jinny Morgan, G.D.C. Jan. 17, 2001
- Arrest/Detention Release Records
- 6 James Fletcher Simpson Records.
- 7Exhibits.
- 8Reasonable Doubt Standard.
- 9Calendar November 17, 1994. Term of Court.
- Letter dated Jan 12, 2006
- 10 no indictment.

I hereby Certify that this Designation of matter contains
nothing Which is irrelevant to the appeal.

date 6-24 2024.

Robert Earl Dillard
Robert Earl Dillard#220045

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JUN 24 2024

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COVER-SHEET

APPELLATE OBJECTION REPLY TO THE STATE INITIAL BRIEF
AND DESIGNATION OF MATTER BRIEF.
RULE 267 Appellate court RULE
RECORD ON APPEAL

INDEX

Index	.....	1
Questions Presented	.....	2
Statement	.....	3
Arguments	.....	4
Opinion	.....	6
Conclusion	.....	5
EXhibit	.....	7

QUESTION PRESENTED

RECORD ON APPEALS

WHETHER Appellant was Granted to proceed in forma pauperis
by the court of Appeals on his merits.

STANDARD OF REVIEW

THIS COURT OF APPEALS has found that an order denying a request for informia papuperis status to allow filing without payment of cost was Granted on september 2, 2022.

Appellant, Robert Earl Dillard#220045. file a 59 (e) motion to Appeals the order of the honorable Perry G, Gravely, dated June 7, 2022. appellate received written notice of order denying of an pleading order dated on June 14, 2022. see exhibit of court of Appeals order granted to proceed informia papuperis to the Appellant's dated on september 2, 2022. and court of Appeals order dated october 17, 2022. to file Appellant's initial brief and Designation of matter is Granted, and filed on January 18, 2023.

see exhibit order, and page (10) of the Respondent brief.
80. criminal proceeding vi due process of Law.

The court has also held that when an appeals is Granted, to an accused in a criminal proceeding a due process right to that appeals is created. See Order Granted in Form Pauperis Exhibit [1]

our standard of review in PCR cases depend on the specific issue before(US). [WE defer to a PCR courts findings of fact and will uphold them if there is evidence in the record to support them, small v. state, 422 S.C. 174 180, 810 S.E.2d 836, 839 (2018). Appeals court will reverse the lower court's decision if it is controlled by an error of law! milledge v. state, 422 S.C.366,374 811 S.E.2d 796,800 (2018). WE, review questions of trial court's small, 422 S.C. at 180-81 810 S.E.2d at 839 (footnote omitted.

ARGUMENT

[WE] an indigent files motion to proceed in forma pauperis pursuant to Rule 18.5. The court of appeals has found that an order for the request for to proceed in forma pauperis status to allow appellant to filing without payment of cost. in conjunction, the south carolina supreme court has held that anytime criminal procedures discriminate against a petitioner by reason of their indigent status, such procedures violate the guarantee of equal protection where the indigent petitioner is subjected to a process which is not required of a non-indigent petitioner, then the process become invidiously discriminatory and violative of equal protection except Lexington county, v. state 442, S.E.2d 589, 594 (1994). 17-27-60 cod (1995).

IN support of his motion, U.S. Supreme court has held that fundamental fairness entitles petitioner to an adequate opportunity to present their claims fairly within the adversary system AKA V. OAKLOHMA, 470 U.S. 68 (1985).

Here, The State, is miss leading the court with false pretention^o apound the court.

Motion to Alter/amend judgment pursuant to rule 59(e) was file on june 20, 2022. in the perry C.I. mailroom and was return back to me july 6, 2022. stating of the previous order, the court received this motion on june 28, 2022. and send back unfile by the clerk of court.

The appellant, argued below that he is right in his motion to filed to proceed in forma pauperis, action (case no. 2022-cp-39-006, and that pursuant to this court decision in Lake v. state, 333 S.C.382 inmate petitioning for writ of habeas corpus, moved for order to proceed in forma pauperis the circuit court orangeburg county, charles w, whetstone, jr, motion denie and inmate appeals, the COURT OF APPEALS Held that inmate was Entitled to proceed in form pauperis, reversed and remaned on appeal.

The petitioner request his pleading/REPLY MOTION be construed liberalby and held less stringent standard fact formal pleading drafted by attorney.

Finally, as the PCR COURT has rendered a decision in conflict with this court decision Lake v. state, the appellant. pray this honorable court reversed the PCR court decision, and remand the case for an evidence hearing on the merits of his claims to served the interest of justice. Contary to the State never put up any Evidence to Refuste value Argument, in the Appellate Argument set fore in Appellate Brief.

CONCLUSION

FOR the forgoing reason, this honorable court Dissial of the Respondent, response brief and designation matter, by fraud apound the court in it brief, and should alter/amend its prior judgment to reflect the forgoing and provide an hearing on the evidence and or vacate petitioner conviction and sentence on the pleadings// REPLY MOTION AND OBJECTION to the state, Respondent brief. filed,

EXHIBIT [2]

RECORD ON APPEAL

The South Carolina Court of Appeals

Robert Earl Dillard, Appellant,

v.

The State, Respondent.

Appellate Case No. 2022-000972

ORDER

After careful consideration, Respondent's motion to dismiss this appeal and to strike Appellant's July 13, 2022 filing is denied.

Appellant's October 17, 2022, motion to allow late filing of his initial brief is granted. However, we do not accept the attached document, entitled, "Petition for Writ [of] Certiorari, Motion for a[n] Evidentiary Hearing . . ." as Appellant's initial brief. Accordingly, Respondent's motion to compel Appellant to file Appellant's initial brief and designation of matter is granted, in part. Within thirty days of the date of this order, Appellant shall serve and file an initial brief and designation of matter that complies with Rules 208 and 209 of the South Carolina Appellate Court Rules. Failure to comply will result in dismissal of this appeal.



FOR THE COURT

Columbia, South Carolina

FILED
Jan 18 2023

cc:

Robert Earl Dillard, 00220045
Alan McCrory Wilson, Esquire
Taylor Zane Smith, Esquire

EXHIBIT [1]
RECORD ON APPEAL

The South Carolina Court of Appeals

Robert Earl Dillard, Appellant,

v.

The State, Respondent.

Appellate Case No. 2022-000972

ORDER

Appellant's motion to proceed *in forma pauperis* is granted.



FOR THE COURT

Columbia, South Carolina

cc:

Robert Earl Dillard, 00220045
Alan McCrory Wilson, Esquire
Taylor Zane Smith, Esquire

FILED
Sep 02 2022

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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JUN 24 2024

PCI MAILROOM

Jenny A, Kitchings, Clerk
South Carolina COURT OF Appeals
Post Office Box 11629
Columbia, SC 29211

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AUG 22 2024

SC Court of Appeals

Appellateno.2022-000972

Robert Earl Dillard,.....APPELLATE,

V.

State of South Carolina,.....Respondent,

CERTIFICATE OF SERVICE

I Robert Earl DILLARD #220045 Objection Reply to the State Initial Brief and designation of matter Brief, do hereby certify that I Served True-Copy(s) of the filed and served my Objection Reply to the State Respondent Initial Response Brief(s) to;

CC:

Attorney
Alan Wilson Esquire

Melody Jane Brown, Esquire
Post office Box 11549
Columbia, SC 29211

Court of Appeals
Jenny A, Kitchings, Clerk
Post office Box 11629
Columbia, SC29211

date 6-24 2024.


Robert Earl Dillard#220045