

Daniel E. Shearhouse
SOUTH CAROLINA COURT OF APPEALS.
P.O. BOX 11629
Columbia S.C 29211

RE: The state v. Kendall M. Baccus
APPELLATE CASE NO. 2013-000905

DEAR ladies and gentlemen.

Enclosed please find the original argument along with certificate of service. Please have these documents filed with a clocked date and stamped copy and returned to me

Thank you, Kendall Baccus

Kendall Baccus

L.C.I

990 wisakv hwy

Risherville S.C

29010

Date September 3rd 2013

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SEP 09 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA)

SUPREME COURT

Heudall Marouise Baccus,
Plaintiff.)

CA NO: 2013-000908

CERTIFICATE OF SERVICE

v.)

STATE OF SOUTH CAROLINA,)

I, Heudall Marouise Baccus, hereby certify that I have served upon the South Carolina Court of Appeals 1 copy of Petitioner's Argument on appeal in the United States mail first class, postage, pre paid as followed.

SOUTH CAROLINA COURT OF APPEALS.

P.O. Box 11679

Columbia S.C. 29211

This 3rd day of September 2013 in Bishopville S.C. 29010

s/ Heudall Baccus

Heudall Marouise Baccus

Lee Corr Hershaw #241

990 Wisacky Hwy

Bishopville S.C. 29010.

I swear under Penalty and Perjury that the foregoing is true and correct. this 2nd day of September 2013.

s/ Heudall Baccus

Heudall Baccus

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SC Court of Appeals

Grounds

I The Petitioner was denied the Right to an Effective Assistance of Counsel Guaranteed By The Sixth and Fourteenth Amendments to the United States Constitution and By Article I, §§ And 3, 14 of The South Carolina Constitution.

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To Support Here are facts:

SC Court of Appeals

I Petitioner was ^{NOT} Competent of Plea, The Counsel failed to Investigate and examine My Competence to see if I'd Stand Trial, Pursuant to SECTION 44-23-410, ET. SEQUENTIAL, Code of Laws of South Carolina, 1976 Petitioner has been diagnosed with multiple disorders through out child hood, Dealing with mental health Dept. Services, it was incumbent of counsel to investigate Petitioner competency to stand trial and mental health issues and records, and counsel failed his obligations thus denying petitioner effective assistance of counsel, making Petitioner guilty Plea involuntary and not knowingly.

See "Carnes" v. State 275, S.C. 353, 271, SE2d, 121, S.C.

in "Carnes" Trial court granted Carnes application for Post conviction relief holding he was mentally incompetent to enter a guilty Plea, the Supreme court reversed, stating the sole issue whether the trial court erred in vacating respondents guilty Plea and holding it was involuntary. Because he was committed to the state Hospital for evaluation in this case prior to trial. They reported he was competent to stand trial.

The record reflects the respondent was examined by Private Psychiatrists prior to ~~the~~ to the talking of his guilty Plea.

In this instance Petitioner never received a mental evaluation as in "Carnes" and trial court erred in sentencing Petitioner. Have counsel or solicitor investigated. Petitioner would not have been prejudice by the results, due to these facts Petitioner is entitled to a Blair v. State hearing, State v Blair. 275, S.C. 529, 273, SE2d 536 (S.C. 1981) and sentence vacated for a new trial.

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