

The State of South Carolina
In the Court of Appeals

RECEIVED
OCT 08 2024
SC Court of Appeals

Certiorari to Florence County
Hon. Debra R. McCaslin, Circuit Court Judge

Mr. Anthony M. Hudson #381313

Petitioner

v

State of South Carolina

Respondent

Appellate Case No: 2023-001687

Rule 60 (B) Motion to be Relieved
OF Judgment

Comes Now, Mr. Anthony M. Hudson, #381313, the
Petitioner who submits a Pro-Se Motion to be
Relieved of the Judgment in Pursuant to Rule 60 (B)
to reconsider the following factors:

Cont.

- 1) Mistake, Inadvertence, Surprise, or Excusable Neglect;
- 2) Newly Discovered Evidence which by Due Diligence could not have been discovered in time to move for a New Trial under Rule 59 (b)
- 3) Fraud, Misrepresentation, or other Misconduct of adverse party
- 4) The judgment is void.

Petitioner prays for relief as this Court reconsiders the following factors.

Petitioner files this Motion For Reconsideration to address the Abuse of Discretion in their Erroneous July 22, 2024 order Denying Petitioner's Writ of Certiorari, Case No. 2023-001687, arguments without obtaining a Required hearing.

1) The S.C. Supreme Court and The S.C. Court of Appeals Judges erred in violation of Rule 60(b)(3), (4) Fraud upon the Court and Abuse of Discretion on March 26, 2024 and July 22, 2024, when Judges Systematically Prejudged Mr. Hudson by Denying his rights to appear in open Court to address Writ of Certiorari arguments on Court Record in accordance to S.C. Article 1 sections 14-Trial by Jury; Witnesses; Defense; 3-Privileges and Immunities; Due Process; Equal Protection of Laws; 2-Religious Freedom; Freedom of Speech; Right of Assembly And Petition; and 22-Procedure Before Administrative Agencies; Judicial Review. (pg 26) Prose petition for Writ of Certiorari. (Exhibit #4)

2) S.C. Supreme Court and S.C. Court of Appeal.

Cont.

2) Judges erred on March 26, 2024 and July 22, 2024, By way of violating Rule 60(b) (3) and (4) Fraud upon the Court and Abuse of Discretion when the Court claimed to have conducted specific Writ of Certiorari Reviews without affording Mr. Hudson (as Counsel) or S.C. Indigent Defense Services the rights Pursuant to S.C. Article I sections 14, 3, 2 and 22, to be a part of such hearing or reviews. Mr. Hudson contends structural errors and Procedural Due Process violations, and that Judges and Clerk of Courts Prejudged Mr. Hudson by failing to issue standard subpoena orders for Mr. Hudson to appear as Counsel according to S.C. Rule 407 of Rules 1.1, 1.2, 1.3, 1.4 as Professional Conduct Requires under (1) Competence; (2) Allocation of Authority; (3) Diligence; and (4) Communication.

3) Mr. Hudson also asserts that the Judges and Clerk of Courts made an erroneous claim and violated Mr. Hudson according to S.C. Rule 11 Frivolous Claims, stating that they held, and that an open Court Hearing took place in open Court, however they could not show or prove by Video or Audio appearance indicating such case was called on Record and argued on such dates, and no Video or Audio appearance of Court Reporters and Transcriptionist indicating that such hearing existed.

Ineffective Assistance of Counsel

4) Attorney Carter failed to appear before the S.C. Supreme Court and S.C. Court of Appeals on March 26, 2024 and July 22, 2024 to Rebuttle Lack of Jurisdiction and each of the Writ of Certiorari arguments listed by Mr. Hudson, Attorney Carter prejudged Mr. Hudson's appeal processes and sabotaged Mr. Hudson's ability for immediate relief at such time which was a Direct Violation of S.C. Rule 60(b)(3), (4) and (5).

• Ineffective Assistance of Counsel occurred when the Office of Indigent Defense Service Attorney Wanda Carter, in violation of SC Article 1 sections 19, 3, 2, and 22, and S.C. Rule 407 of Rules 1.1, 1.2, 1.3, 1.4, 1.5, Professional Conduct; Carter did not do what was legally necessary in appearing before the S.C. Supreme Court and S.C. Court of Appeal to argue in open court (pg 2-6) of Mr. Hudson's Pro-se Writ of Certiorari which indicates that State Prosecutors Lack Jurisdiction to prosecute Mr. Hudson for Charges of 2017A21020151 Murder and 2018G52102120 A Indictments.

5) Ineffective Assistance of Counsel and Rule 60(b)(3), (4) and (5) Fraud upon the Court by way of Prejudice, as well as Violations of SC Constitution

Cont. (5)

5) Article 1 sections 14, 3, 2 and 22 and Violations of SC Rule 407 of Rules 1.1, 1.2, 1.3, and 1.4 was blatantly committed by SC Indigent Defense Service and Appellant Attorney Wanda Carter. The following violations occurred when:

*A) Attorney Carter did not appear before the SC Supreme Court or SC Court of Appeals Court on the Dates of March 26, 2024 and July 22, 2024 to argue Jurisdictional Claims, Ineffective Assistance of Counsel Claims, and Violations laid out in Mr. Hudson's Pro-Se Writ of Certiorari as Argument (1); Argument (2); Argument (3); and Argument (4).

*B) Attorney Carter did not appear before the SC Court of Appeals on July 22, 2024 to address Mr. Hudson's Four (4) Pro-Se Writ of Certiorari arguments which was sent back to the Appellant Court by the Supreme Court for Appellant Reviewal to address Ineffective Assistance of Counsel and the Violations of Mr. Hudson's Appellant Due Process Right of an Anders Brief when Mr. Hudson was Denied such rights to Appellant Counsel after he gave Notice to Appeal his Plea to the Clerk of Court on the Date of October 1, 2019 and the Clerk Response was on October 24, 2019. (see Exhibit #5)

Cont.

(C) Attorney Carter and Office of Indigent Defense Service Committed Rule 60(b)(3), (4) and (5) Fraud upon the Court by Prejudice against Mr. Hudson:

(1) Mr. Hudson asserts that the Prejudice occurred July 22, 2024, when the Court made an order Denying Mr. Hudson's Pro-Se Writ of Certiorari without conducting a Required Hearing with a Court Reporter, Mr. Hudson, Attorney Carter or any Appointed Attorney present, when Mr. Hudson clearly wrote the Courts requesting new Counsel, after Attorney Carter filed a Johnson Petition withdrawing herself as Counsel, the Courts responded. (see Exhibit #6), Mr. Hudson then wrote Attorney Carter asking what to do next, her response (see Exhibit #7,8).

(2) The Court erroneously assisted Attorney Carter in the re-addressing of Mr. Hudson's Four(4) Pro-Se Writ of Certiorari and Ineffective Assistance of Counsel argument claims.

(3) Attorney Carter these after conspired with the Court and her Agency on July 22, 2024 to mislead Mr. Hudson into filing a Federal Habeas Corpus, when Attorney Carter and other officials of the Courts had knowledge that

Cont. (C) (3)

(3) Mr. Hudson's Pro Se writ of Certiorari issues were never ruled on in open court on record, and if so Attorney Carter and her Agency had a legal duty to inform Mr. Hudson that he had a right to Appeal the July 22, 2024 Denial Order back before the SC Supreme Court before a Federal Habeas Corpus can be processed.

(4) Attorney Carter in a Deliberate Indifference Attempted to mislead Mr. Hudson with a Federal Habeas Corpus in hopes that Mr. Hudson would default in his case by failing to exhaust All State Appeal Remedies.

Conclusion

Wherefore, the Petitioner respectfully requests that this Honorable Court would reconsider based upon the following factors stated in Pursuant to Rule 60(b) (3), (4) and (5), for Fraud upon the Court, Misrepresentation, and Void Judgement, the Petitioner Prays for Relief from Judgement as a matter of Law.

Dated: 9-24-2024

Respectfully submitted

1st Anthony Hudson

Mr. Anthony M. Hudson # 381313

Keeshaw CI Palmetto A-36

4848 Goldmine Hwy

Keeshaw, S.C. 29067

Pro-se Petitioner

Sworn and subscribed before me on the 3rd of
October 2024.

Cathie A. Amosa

Notary Commission Expires 1-22-2029

Exhibit to Motion 60 (b)

- Exhibit-1 Supreme Court order of transfer
- Exhibit-2 South Carolina Court of Appeals order of denial of PCR.
- Exhibit-3 Letter for SC. Court of Appeals Denying writ of Certiorari.
- Exhibit-4 writ of Certiorari
- Exhibit-5 letter to Clerk of Court asking for an Appeal and their responses.
- Exhibit-6 letter of response from SC. Court of Appeals.
- Exhibit-7 Letter of response from Attorney Carter.
- Exhibit-8 - Letter of response from Attorney Carter, when asked what's the next step.

The Supreme Court of South Carolina

Anthony M. Hudson, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2023-001687

ORDER

Pursuant to Rule 243(l) of the South Carolina Appellate Court Rules, this post-conviction relief appeal is hereby transferred to the South Carolina Court of Appeals.

FOR THE COURT

BY Patricia A. Howard
CLERK

Columbia, South Carolina
March 26, 2024

cc: D Russell Barlow, II
Wanda H. Carter
Anthony M. Hudson, 381313
The Honorable Jenny Abbott Kitchings

The South Carolina Court of Appeals

Anthony M. Hudson, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2023-001687

ORDER

This matter is before the court on a petition for a writ of certiorari following the denial of Petitioner's application for post-conviction relief.

Petitioner's counsel asserts that the petition is without merit and requests permission to withdraw from further representation. Petitioner has filed a pro se petition.

Based on the vote of the panel after careful consideration of the entire appendix as required by *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988), the petition for a writ of certiorari is denied and counsel's request to withdraw is granted.

FOR THE COURT

BY


CLERK

Columbia, South Carolina

cc:

D. Russell Barlow, II, Esquire

Wanda H. Carter, Esquire

Anthony M. Hudson, 381313

The Honorable Debra R. McCaslin

FILED
Jul 22 2024

Exhibit #3



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1345

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

July 22, 2024

Anthony M. Hudson, #381313
Kershaw Correctional Institution
4848 Gold Mine Highway
Kershaw, SC 29067-8069

Re: Your Case

Dear Mr. Hudson:

Enclosed is a copy of the Order of the Court of Appeals denying our Petition for Writ of Certiorari, and granting the petition to be relieved. This means that you have now exhausted your state court remedies.

There is now a **one-year statute of limitations for filing an application for a writ of habeas corpus in federal court**. However, please be aware that the time between your direct appeal becoming final, and the date your PCR application is filed **will count against your federal habeas statute of limitations in the future**. This statute of limitations is strictly enforced. I have enclosed a copy of the pertinent section of that statute for you to review. I am closing your file with this letter. Please understand that it is **your obligation alone** to ensure that a federal habeas application is timely filed if you want to continue challenging your conviction. Feel free to contact me if you have any questions, but writing to me **does not stay** the applicability of the statute of limitations. I do wish you the best in the future.

Sincerely,

Wanda H. Carter
Deputy Chief Appellate Defender

WHC/sl

Enclosure: Habeas Corpus Application

Exhibit 4

DATED: 03-06-2024

THE HONORABLE PATRICIA A. HOWARD
CLERK OF THE S.C. SUPREME COURT
P.O. BOX 11330
COLUMBIA, S.C. 29211

RE: PETITIONER'S PRO-SE PETITION FOR A WRIT OF CERTIORARI TO BE FILED
WITH THE S.C. SUPREME COURT. PLEASE FILE AND SEND BACK A DATE STAMPED
COPY FOR MY RECORDS.

MR. ANTHONY M. HUDSON, #381313, PETITIONER, v. STATE OF SOUTH CAROLINA

DEAR MRS. HOWARD:

ENCLOSED YOU WILL FIND THE ORIGINAL PRO-SE PETITION FOR A WRIT OF
CERTIORARI. PLEASE FILE AND SEND BACK A DATE STAMPED COPY FOR MY
RECORDS. THANK YOU KINDLY!

SINCERELY,

/s/ Anthony M. Hudson

MR. ANTHONY M. HUDSON, #381313
KER. C.I. PALMETTO A#37
4348 GOLDMINE HWY.
KERSHAW, S.C. 29057
PRO-SE PETITIONER

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3. WHETHER THE PCR COURT ERRED IN FINDING THE PLEA COUNSEL'S TESTIMONY CREDIBLE WHEN QUESTIONED ABOUT THE PETITIONER'S CONSTITUTIONAL DUE PROCESS RIGHTS TO FILE A DIRECT APPEAL AFTER REQUEST ?

4. DID THE PCR COURT ERRED BY FAILING TO FIND WHETHER OR NOT THE PETITIONER RIGHT TO WHITE V. STATE, REVIEW EXIST OR WHETHER THE PETITIONER KNOWINGLY AND INTELLIGENTLY WAIVED HIS CONSTITUTIONAL DUE PROCESS RIGHT TO A DIRECT APPEAL ?

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ISSUES PRESENTED

1. DID PCR COURT ERRED FINDING PLEA COUNSEL WAS EFFECTIVE WITH RESPECT TO THE CONSEQUENCES OF PETITIONER'S GUILTY PLEA ?
2. WHETHER THE PCR COURT ERRED IN FINDING THAT THE PETITIONER WAS NOT SUBJECTED TO ANY CONSTITUTIONAL VIOLATIONS OR DEPRIVATIONS ?
3. WHETHER THE PCR COURT ERRED IN FINDING THE PLEA COUNSEL'S TESTIMONY CREDIBLE WHEN QUESTIONED ABOUT THE PETITIONER'S CONSTITUTIONAL DUE PROCESS RIGHTS TO FILE A DIRECT APPEAL AFTER REQUEST ?
4. DID THE PCR COURT ERRED BY FAILING TO FIND WHETHER OR NOT THE PETITIONER'S RIGHT TO A WHITNEY v. STATE REVIEW EXIST OR WHETHER THE PETITIONER KNOWINGLY AND INTELLIGENTLY WAIVED HIS CONSTITUTIONAL DUE PROCESS RIGHT TO A DIRECT APPEAL ?

STATEMENT

PETITIONER MR. ANTHONY M. HUDSON, PLED GUILTY WHILE UNDER DURESS AT THE ADVICE OF HIS PLEA COUNSEL ~~MATTHEW~~ SWILLEY, ESQUIRE, TO VOLUNTARY MANSLAUGHTER AND ATTEMPTED ARMED ROBBERY WITH A MISUNDERSTANDING OF HIS GUILTY PLEA, WITH RESPECT TO HIS SENTENCING AND THE CONSEQUENCES. PETITIONER WAS PRESENT DURING THE AUGUST OF 2019 TERM OF THE FLORENCE COUNTY GENERAL SESSIONS COURT, APPEARING BEFORE THE HON. D. CRAIG BROWN, CIRCUIT COURT JUDGE. JUDGE BROWN, SENTENCED HIM TO IMPRISONMENT FOR A PERIOD OF (28) TWENTY-EIGHT YEARS, APP. 18-49.

MATTHEW SWILLEY, ESQUIRE REPRESENTED PETITIONER AT HIS GUILTY PLEA PROCEEDING, AND ASSISTANT SOLICITOR RYAN WHITE, APPEARED ON BEHALF OF THE STATE. A MOTION TO RECONSIDER SENTENCING WAS FILED ON SEPTEMBER 4TH, 2019, AND DENIED BY ORDER DATED NOVEMBER 22ND, 2021. APP. 50-~~51~~51.

PETITIONER SUBMITTED SEVERAL OF LETTERS TO MR. SWILLEY, REQUESTING SOME TYPE OF APPEAL, IN REGARDS TO A DIRECT APPEAL OF HIS GUILTY PLEA AND SENTENCING APP. 50-51. ON APRIL 7TH, 2022, PETITIONER RECEIVED FROM THE FLORENCE COUNTY CLERK OF COURT, AN APPLICATION FOR POST-CONVICTION RELIEF, IN WHICH THE PETITIONER DID HIS BEST AS HE COULD BY TIMELY FILING HIS APPLICATION. APP. 52-58

THE OFFICE OF THE ATTORNEY GENERAL'S FILED A RETURN AND MOTION FOR A MORE DEFINITE STATEMENT DATED OCTOBER 3RD, 2022. APP. 59-63. THE MOTION WAS GRANTED BY ORDER DATED OCTOBER 17TH, 2022. APP. 65-68. PETITIONER WAS ORDERED THAT HE MUST RESPOND TO THE MOTION WITHIN (60) SIXTY DAYS AND ONCE THE APPLICATION IS AMENDED, AN EVIDENTIARY HEARING SHALL BE SET. THE RESPONDENT'S STATED THAT ANY FUTURE AMENDMENTS OR RESPONSE TO THE MOTION MUST BE FILED BY HIS APPOINTED ATTORNEY (AND NOT BY THE APPLICANT) IS THE ONLY INDIVIDUAL AUTHORIZED TO FILE AMENDMENTS. PETITIONER ASSERTS BEING DEPRIVED OF HIS DUE PROCESS CONSTITUTIONAL RIGHTS THROUGH COUNSELS THAT WERE APPOINTED TO REPRESENT.

THEREFORE, HIS FIRST PCR HEARING WAS NOT AN FAIR AND IMPARTIAL EVIDENTIARY HEARING. APP. 62 PETITIONER'S PCR APPOINTED COUNSEL FAILED TO COMPLY WITH THE COURT'S ORDER DATED OCTOBER 17TH, 2022, BY THE HON. STEVEN DEBERRY IV., CHIEF ADMINISTRATIVE JUDGE. APP. 67-68. A PCR HEARING IN THIS CASE WAS CONVENED ON JUNE 13TH, 2023, AT THE FLORENCE COUNTY COURTHOUSE BEFORE THE HON. JUDGE DEBRA R. McCASLIN. APP. 92-139. PETITIONER WAS PRESENT AND REPRESENTED BY APPOINTED ATTORNEY STEVEN W, FOWLER, ESQUIRE, AND ASSISTANT ATTORNEY GENERAL D. RUSSELL BARLOW. PETITIONER APPEALS THE ORDER OF DISMISSAL BY JUDGE McCASLIN.

ARGUMENTS

1. DID PCR COURT ERRED IN FINDING THAT PLEA COUNSEL WAS NOT INEFFECTIVE WITH RESPECT TO THE CONSEQUENCES OF THE PETITIONER'S GUILTY PLEA ?

DISCUSSION

PCR COURT DID ERR FINDING THAT PLEA COUNSEL WAS INEFFECTIVE WITH RESPECT TO UNDERSTANDING OF THE CONSEQUENCES AND AGREEMENT OF HIS SENTENCING. APP147 PETITIONER IS CITING S.C. CODE ANN §17-27-20(a) #6. PETITIONER ASSERTS THAT HIS CONVICTION OR SENTENCE IS OTHERWISE SUBJECTED TO COLLATERAL ATTACK BY WAY OF AN FAIR AN IMPARTIAL EVIDENTIARY HEARING, UPON ANY GROUND OF ALLEGED ERROR HERETOFORE AVAILABLE UNDER ANY COMMON LAW, STATUTORY, OR OTHER WRIT, MOTION, PETITION PROCEEDING OR REMEDY. APP. 161-162. SEE DALTON v. STATE, 376 S.C. 130, 654 S.E. 2d. 870 (2007), BOYKIN v. ALABAMA, 395 U.S. 238 (2000), AND ALSO SEE HILL v. LOCKHART, \$\$\$ U.S. 52 (1985).

PETITIONER ASSERTS THAT HE TOOK THE ADVICE OF HIS PLEA COUNSEL AND WAS COERCED UNDER DURESS INTO SAYING AND MAKING A GUILTY PLEA UNKNOWINGLY, UNWILLINGLY, AND UNINTELLIGENTLY TO AN OPEN PLEA DEAL OF 0-15, ACCORDING TO THE TALK THAT PLEA COUNSEL HAD WITH THE ASSISTANT SOLICITOR RYAN WHITE. BUT, FOR THE COUNSEL'S INEFFECTIVENESS, PETITIONER WOULD NOT HAVE PLED GUILTY.

2. WHETHER THE PCR COURT ERRED FINDING THAT THE PETITIONER WAS NOT SUBJECTED TO ANY CONSTITUTIONAL VIOLATIONS OR DEPRIVATIONS ?

DISCUSSION

PCR COURT DID ERRED BECAUSE ALL VIOLATIONS AND DEPRIVATIONS WERE BASED UPON THE PLEA COUNSEL'S PERFORMANCES AND PREJUDICES. PLEA COUNSEL DID PREJUDICED THE PETITIONER WHICH VIOLATED HIS CONSTITUTIONAL DUE PROCESS RIGHT TO A DIRECT APPEAL IN VIOLATION OF S.C. CONST. ART. 1 §3 & 14, AND THE UNITED STATES CONST. AMEND 6 & 14 §1.

S.C. CONST. ART. 1 § 3, STATES IN PART, THE PRIVILEGES AND IMMUNITIES OF CITIZENS OF THIS STATE AND OF THE UNITED STATES UNDER THIS CONSTITUTION SHALL NOT BE ABRIDGED, NOR SHALL ANY PERSON BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW, NOR SHALL ANY PERSON BE DENIED THE EQUAL PROTECTION OF THE LAW.

ARGUMENTS CONTINUED

PETITIONER ASSERTS THAT HE WAS DEPRIVED, DECEIVED, AND COERCED UNDER DURESS BY HIS PLEA COUNSEL MATTHEW SWILLEY, ESQUIRE. COUNSEL FAILED HIS DUTIES AND RESPONSIBILITIES BY FAILING TO FULLY ADVISE PETITIONER PROPERLY REGARDING SENTENCING CONSEQUENCES CONSTITUTED DEFICIENT PERFORMANCE AND POOR LEGAL REPRESENTATION IN VIOLATION OF S.C. CONST. ART1 § 14, AND THE SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONST. § 1.

S.C. CONST. ART.1 §14, STATES IN PART: THE RIGHT TO TRIAL BY JURY SHALL BE PRESERVED INVIOATE. ANY PERSON CHARGED WITH AN OFFENSE SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC TRIAL, BY AN IMPARTIAL JURY? TO BE FULLY HEARD, FULLY INFORMED, OF THE NATURE AND CAUSE OF THE ACCUSATIONS, TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM, TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR, AND TO BE FULLY HEARD IN HIS DEFENSE BY HIMSELF, OR BY HIS COUNSEL OR BY BOTH.

3. WHETHER THE PCR COURT ERRED IN FINDING PLEA COUNSEL'S TESTIMONY CREDIBLE WHEN QUESTIONED ABOUT THE PETITIONER'S REQUEST TO FILE A DIRECT APPEAL ?

DISCUSSION:

PCR COURT DID ERR IN FINDING PLEA COUNSEL'S TESTIMONY CREDIBLE WHEN QUESTIONED ABOUT THE PETITIONER'S REQUEST TO FILE A DIRECT APPEAL. APP. 151 BOTTOM PAGE.

PLEA COUNSEL AND PCR COUNSELS WERE ALL INEFFECTIVE AND BOTH FAILED IN THEIR RESPONSIBILITIES AS A COMPETENT ATTORNEY. THE PETITIONER WAS ORDERED TO RESPOND TO THE RESPONDENT'S MOTION FOR A MORE DEFINITE STATEMENT AND PCR COUNSEL DEPRIVED THE PETITIONER OF A FULL AND FAIR EVIDENTIARY HEARING REGARDING HIS CONSTITUTIONAL RIGHTS AND DEPRIVATIONS WHICH RENDERED HIM INEFFECTIVE 1. HE FAILED TO COMMUNICATE WITH PETITIONER WITH RESPECT TO AMENDING

ARGUMENTS CONTINUED

2. PCR COUNSEL FAILED TO COMPLY WITH THE COURT'S ORDER VIOLATING THE PETITIONER'S DUE PROCESS RIGHTS TO BEING FULLY HEARD AT THE EVIDENTIARY HEARING.

3. BEING QUESTIONED BY PCR COUNSEL DURING THE EVIDENTIARY HEARING DOES NOT CONSTITUTE BEING FULLY HEARD, IT WAS VERY PREJUDICIAL AND A DEPRIVATION.

4. PCR COUNSEL FAILED IN HIS DUTIES AND RESPONSIBILITIES CITING THE CASE OF *MARLAR v. STATE; 375 S.C. 407, 409 653 S.E.2d. 266, 266 (2007), TO PRESERVE ISSUES FOR APPELLATE REVIEW, AFTER AN ORDER IS FILE, COUNSEL HAS AN OBLIGATION TO REVIEW THE ORDER AND FILE A RULE 59(e) MOTION TO ALTAH OR AMEND, IF THE ORDER FAILS TO SET FORTH THE FINDINGS AND THE REASONS FOR THOSE FINDINGS AS REQUIRED BY SECTION 17-27-80, OF THE S.C. CODE AND RULE 52(a) SCRCP. SEE * SIMMONS v. STATE, June 8TH, 2016, 416 S.C. 584, 788 S.E.2d. 220.

S.C. CONST. ART. 1 §14 STATES IN PART: THE RIGHT TO TRIAL BY JURY SHALL BE PRESERVED INVIOATE. ANY PERSON CHARGED WITH AN OFFENSE SHALL ENJOY THE RIGHT TO SPEEDY AND PUBLIC TRIAL BY AN IMPARTIAL JURY; TO BE FULLY INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATIONS; TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM, TO HAVE A COMPULSORY PROCESS FOR ~~DEMANDING~~ WITNESSES IN HIS FAVOR AND TO BE FULLY HEARD IN HIS DEFENSE BY HIMSELF, OR BY HIS COUNSEL, OR BOTH.

PETITIONER ASSERTS THAT HE IS ENTITLED TO A * WHITE v. STATE, REVIEW, 263 S.C. 110, 208 S.E.2d 35 (1974), IN PURSUANT TO THE SUPREME COURT RULE 50(9)(b)

ARGUMENTS CONTINUED

4. DID THE PCR COURT ERRED BY FAILING TO FIND THAT THE PETITIONER IS NOT ENTITLED TO A * WHITE V. STATE, REVIEW OR WHETHER THE PETITIONER KNOWINGLY AND INTELLIGENTLY WAIVED HIS CONSTITUTIONAL DUE PROCESS RIGHTS TO A DIRECT APPEAL ?

DISCUSSION:

PCR COURT DID ERR BY FAILING TO FIND WHETHER THE PETITIONER KNOWINGLY, AND INTELLIGENTLY WAIVED HIS RIGHTS TO A DIRECT APPEAL. APP 164 (PCR tr.p 26) THE COURT'S RULING WAS INSUFFICIENT BECAUSE IT DID NOT SET FORTH SPECIFIC FINDING WITH REGARDS TO THIS ISSUE NOR DID ITS CONCLUSIONS OF LAW.

PETITIONER ASSERTS THE JUDGMENT AS TO THE COMPETENCY OF PLEA COUNSEL WAS AN ERROR OF LAW, IN LIGHT TO BEING CREDIBLE WHEN ASKED ABOUT THE REQUEST TO FILE A DIRECT APPEAL. THE ACTIONS OF PLEA COUNSEL WAS VERY PREJUDICIAL WITH AN CONFLICT OF INTEREST TO THE PETITIONER, PLEA COUNSEL VIOLATED THE S.C. RULE 407, RULES OF PROFESSIONAL CONDUCT AND RESPONSIBILITIES, AND THE COURT SHOULD HAVE FOUND COUNSEL INEFFECTIVE.

CONCLUSION

WHEREFORE, THE PETITIONER PRAYS FOR RELIEF AS HE RESPECTFULLY ASKS THIS HONORABLE COURT, TO REVERSE AND REMAND TO LOWER COURT AND FOR ANY OTHER RELIEF THAT MAY BE DEEMED JUST AND PROPER AS A MATTER OF LAW.

RESPECTFULLY SUBMITTED,

/s/ Anthony M. Hudson

MR. ANTHONY M. HUDSON, #381313

KER. C.I. PALMETTO A#37

4848 GOLDMINE HWY.

KERSHAW, S.C. 29067

PRO-SE PETITIONER

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO FLORENCE COUNTY
HON. DEBRA R. McCASLIN, CIRCUIT COURT JUDGE

MR. ANTHONY M. HUDSON, #381313,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT,

APPELLATE CASE NO: 2023-001687

CERTIFICATE OF SERVICE

THE UNDERSIGNED PRO-SE PETITIONER HEREBY CERTIFIES THAT A TRUE COPY AND THE ORIGINAL PRO-SE PETITION FOR A WRIT OF CERTIORARI IN THE ABOVE CAPTIONED REFERENCE HAVE SERVED ON THE OTHER COUNSEL OF RECORD D. RUSSELL BARLOW, ESQUIRE, ASSISTANT ATTORNEY GENERAL, OFFICE OF THE S.C. ATTORNEY GENERAL'S, P.O. BOX 11330, COLUMBIA, S.C. 29211-1549, AND THE HON. PATRICIA A. HOWARD, CLERK OF THE S.C. SUPREME COURT, P.O. BOX 11330, COLUMBIA, S.C. 29211.

RESPECTFULLY SUBMITTED,

/s/ Anthony M. Hudson

MR. ANTHONY M. HUDSON, #381313

KER. C.I. PALMETTO A#37

4848 GOLDMINE HWY.

KERSHAW, S.C. 29067

PRO-SE PETITIONER

LEGAL
MAIL
ONLY

Dear Mrs. O'Hara.

I'm writing because I want to ask why didn't I ever receive any appeal paperwork after I got sentenced about how I go about an appeal process. My sentencing judge was Judge Brown, my attorney was Matt Swilley, and my solicitor was Ryan White. Matt Swilley was asked to file for an appeal but I don't think he did so, this is my first time ever coming to prison and I'm in need and is asking all that I need to ask about filing appeals and PCR's. Also upon my arrival to Kirkland P & E (SCDC) my County FCDC did not ship me with my property. I've had my mother to go up there to FCDC to check on my property but they don't have it up there and I've wrote the Property Room here and my property is not here either. I've also filed a Motion for PCR I need to know is it in process, I've asked for a copy of my Motion of Discovery/Rule 5 and is it possible can a copy be mailed and giving to my mother, Anethia Hudson, at 354 West Thomas Street Lake City, S.C. 29560, or can she pick it up. If you can please help me out or give this to the right person and file this on record I would gratefully appreciate it, please and Thank you.

P.S. Is a PCR Motion already in process
and copy for me, please and Thank you

Sincerely
Anthony
Hudson

Exhibit #5

**DORIS POULOS O'HARA
CLERK OF COURT
JUDICIAL CENTER
181 N. IRBY STREET, SUITE 1100
FLORENCE, SC 29501**

October 24, 2019

Anthony M. Hudson #381313
Kirkland Correctional Institution
4344 Broad River Road
Columbia, SC 29210

Dear Mr. Hudson:

Enclosed you will find the PCR Application you requested. Please contact the Solicitor's Office regarding your Motion of Discover/Rule 5. Thank you for your cooperation in this matter.

Sincerely yours,

Florence County Clerk Of Court
Common Pleas Court
Civil Division



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

April 24, 2024

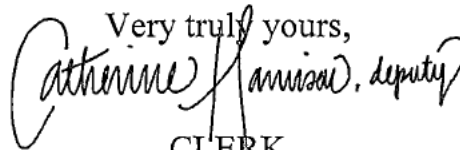
Anthony M. Hudson, 381313
Kershaw Correctional Institution
4848 Gold Mine Hwy
Kershaw SC 29067

Re: Anthony M. Hudson v. State
Appellate Case No. 2023-001687

Dear Mr. Hudson:

This will acknowledge receipt of your letter we received on April 23, 2024, regarding the status of this case. At this time our records indicate that your attorney of record is Wanda H. Carter, from Appellate Defense. Ms. Carter's motion to be relieved as counsel is pending at this court. You will be notified immediately once the Court decides the motion.

Your case is still pending in this Court and is being processed in the normal fashion. It is difficult to predict when a case will be decided by the Court because of the many variables that affect the decision making process of any given case. When a final decision has been made on your case, you and your attorney will be immediately notified.

Very truly yours,

CLERK

cc: D Russell Barlow, II, Esquire
Wanda H. Carter, Esquire

Exhibit 1



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

May 9, 2024

Mr. Anthony M. Hudson, 381313
Kershaw Correctional Institution
4848 Gold Mine Highway
Kershaw, SC 29067

Re: Your Case

Dear Mr. Hudson:

This letter will serve as an update in your case. As you know, I filed a Johnson Petition for Writ of Certiorari in your case on February 8, 2024. Your case was transferred to the Court of Appeals on March 26, 2024. At this time, we are awaiting a decision from the Court of Appeals.

I received a copy of the letter you addressed to the Court of Appeals. Please note that I will remain your attorney on this case until the Court relieves me. Therefore, you may direct your correspondence to me or you may call me. The petition to be relieved is a part of the Johnson Petition process that is a requirement, and it does not mean I do not wish to represent you. What it does mean is that I could not find a meritorious issue in your case to bring to the Court's attention, and that I chose the best issue I could from what was in your transcript.

The next step begins the stage of appellate review where the Court will conduct an in depth and independent review of your case, and then make a final decision as to whether there is merit to your case on appeal. Again, I have not been taken off of your case.

If you have any questions or concerns about your case, please do not hesitate to contact me.

Sincerely,

Wanda H. Carter
Deputy Chief Appellate Defender

WHC/sl

Exhibit #8



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

July 15, 2024

Mr. Anthony M. Hudson, 381313
Kershaw Correctional Institution
4848 Gold Mine Highway
Kershaw, SC 29067

Re: Your Case

Dear Mr. Hudson:

There isn't a next step in your case. I will contact you when the Court makes a decision in your case. There is nothing else to be done at this point.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wanda H. Carter'.

Wanda H. Carter
Deputy Chief Appellate Defender

WHC/sl

The State of South Carolina
In the Court of Appeals

RECEIVED

OCT 08 2024

SC Court of Appeals

Certiorari to Florence County
Hon. Debra E. McCoslin, Circuit Court Judgment

Mr. Anthony M. Hudson, #387313

Petitioner

v

State of South Carolina,

Respondent

Appellate Case No: 2023-001687

Proof of service

The undersigned hereby certify that on this 24
day of September, 2024, A true copy of the Petitioner's
Rule 60(b) Motion to be Relieved of the Judgment, in
Pursuant to Fraud upon the Court and Misrepresentation
have been served upon the Respondent, D Russell Barlow II,
Esquire, office of the S.C. Attorney General's, P.O. Box
11549 Columbia, S.C. 29211-1549, and the S.C. Court of
Appeals, Clerk of Court, P.O. Box 11629, Columbia, S.C. 29211.

Cont.

Date: 9-24-2024

Respectfully Submitted,

1st Anthony Hudson

Mr. Anthony M. Hudson # 387313

Kershaw CI Palmetto A-36

4848 Goldmine Hwy.

Kershaw, S.C. 29067

Pro-se Petitioner

Sworn and subscribed before me on the 3rd
of October 2024

Cathrine A. Amason

My Commission expires 1-22-2029

Jenny Abbott Kitchings Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

RECEIVED

OCT 08 2024
SC Court of Appeals

Date: 9-24-2024

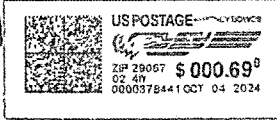
Re: Anthony Hudson # 381313 v. State
Appellate Case No. 2023-001687

Dear Mrs. Kitchings

With this letter is a Rule 60(b) Motion to be
Relieved of Judgment, and I'm asking for a Clocked
Time and Date stamped Copy back in Return and
to please send a Copy to the Attorney General's
office, also enclosed is a stamped envelope with the
Attorney General's address, and please make sure
everything is filed on Record. Thank you

1/s/ Anthony Hudson
Anthony M. Hudson 381313
KCI PA-36
4848 Goldmine Hwy
Kershaw, S.C. 29067

Anthony M. Hudson #38
KCI-PA-36
4848 Goldmine Hwy
Kershaw, S.C. 29067



RECEIVED

OCT 08 2024
SC Court of Appeals

RECEIVED

OCT 04 2024
KERSHAW CI
MAIL ROOM

Jenny Abbott Kitchings Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

LEGAL

