

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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SC Court of Appeals

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Appeal From Richland County  
Robert E. Hood, Chief Administrative Judge

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The State of South Carolina

Respondent,

v.

Randolph Ashford

Appellant,

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Appellate Case No. 2023-001463

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APPELLANT'S FINAL BRIEF

Randolph Ashford # 256638  
Allendale Corr. Inst.  
1057 Revolutionary Trail  
Fairfax, South Carolina-  
29827

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STATEMENT OF THE ISSUE ON APPEAL

1. The lower court erred by ruling on Appellant/Petitioner's in-complete filings of the S.C.R.Crim.P. Rule - 29 (b). Motion For New Trial Based On After Discovered Evidence.

STATEMENT OF THE CASE

On April 18, 2007, the Richland County Grand Jury indicted Appellant for first degree burglary, two counts of assault with intent to kill (AWIK), and first degree criminal sexual conduct. App. 998-1000.

On May 23, 2007, Appellant was indicted for kidnapping and and three counts of carjacking from the same set of facts. App. 1000-1021. On March 31, Appellant's case proceeded to a jury trial before Judge G. Thomas Cooper, jr. App. 1. Deon O'Neil and Nicole Singletary represented Appellant. Kathryn Luck Campbel and Will Bryant represented the State. App. 1.

Appellant was found not guilty of the Criminal sexual conduct 1st degree. App. 990-998. Transcript of Record, April 3, 2009. Page - 23-26,.

Appellant appealed his conviction and sentences. The court of appeals dismissed the appeal by order dated January 25, 2012. The remittitur was issued on February 15, 2012. On April 23, 2013. Appellant filed an application for post conviction for forensic DNA testing. App. 955. Respondent filed its response on July 18, 2013, requesting that Appellant's application be denied App. 961. An evidentiary hearing was held on January 5, 2015 before Judge Robert E. Hood App. 965. Here, there are no specific finding of fact or conclusion of law made by Judge Hood, in its assessment of whether Appellant had met his burden of proving whether he was entitled to additional DNA testing. David E. Belding, represented the Appellant. Joanna McDuffie, represented the State.

On January 5, 2015, Judge Hood issued an order of dismissal denying Appellant's application. App. 989.

ARGUMENT

The lower court erred by ruling on Appellant/Petitioner's in-complete filings of the S.C.R.Crim.P. Rule - 29 (b). Motion For New Trial Based On After Discovered Evidence.

Appellant argues that on January 20, 2024. He filed a Motion For New Trial Based On After Discovered Evidence, Motion For Appointment Of Counsel and Affidavit of Randolph Ashford. The court clocked stamped filed January 31, 2023. The State filed its response to Petitioner/Defendant motion for after discovered evidence and motion to dismiss and judgment on the pleadings August 16, 2023.

On August 22, 2023. The court denied and dismissed Appellant/Petitioner motion for new trial based on after discovered evidence six (6) days after the Respondent's motion to dismiss.

Due the the courts continued judicial misconduct an Prejudice to Appellant, Ashford, was unaware the court deliberately did not, and still have not provided the Appellant/Ashford with Judge Robert Hood's, August 22, 2023. Order of Dismissal, Pursuant South Carolina Rule - 77,(d). Clerks and Courts. S.C. Code Ann -

On August 29, 2023. Appellant Ashford, unaware the court had dismiss the motion for new trial, Ashford filed Objections to the respondent's motion to dismiss and judgment on the pleadings that never considered by the court or reviewed.

Appellant/Ashford, contends that the Whole/Complete Motion For New Trial was not before the court for its review, due to the courts continued overwhelming judicial misconduct. This motion were clocked filed January 31, 2023. Seperated then the

R.P. 3-28-2017 R.P.

**Affidavit of Randolph Ashford, and Motion For Appointment of Counsel were filed August 1, 2023. According to Richland County Fifth Judicial Circuit Public Index.**

**Appellant asserts that his complete, Motion For New Trial was not before the court, due to the court neglect of duty Code 1976 & 8-1-60, prejudice Ashford; by failing to keep constant attendance and discharge all duties, According to Code 1976 & 14 - 17 - 220.**

**In State v. Spann, 334 S.C. 618, 619-20, 513 S.E. 2d 98, 99 ( 1999 ). Appellant asserts all (5) five grounds was not presented for the courts review, nor was Ashford's, Objections To Respondent's Motion To Dismiss. all of which hindered the Appellant Motion For New Trial from a full/fair consideration of the facts by the court, violating the U.S. Constitution, Section 1. XIV Amendment, S.C. Constitution Article I. Section 1, 3, 11, and 22, and the South Carolina Rules of Court. Here the court's refusal of a hearing to hear this claim**

**Here the court's refusal of a hearing to hear this claim constitute a gross miscarriage of justice where state government interference rendered reasonable unavailability of the factual basis of the claim impeded appellant's ability to raise the claim or where some other circumstance beyond Appellant's control occurred. (R.P. 33, lines 3-4) (R.P. 216, lines 11-14) (R.P. 222, lines 8-9) R.P. 225, lines 6-13) (R.P.P. 791-792, lines 1-25) ( R.P. 828, lines 24-25) (R.P.P. 625-636, lines 1-25) (R.P. 567, 1-25) (R.P.P. 573-574, lines 1-25) (R.P. 606, lines 11-25) (R.P. 629, lines 16-25) ( R.P. 634, lines 23-25) ( R.P. 635, 1-2) ( R.P. 392, line 25) (R.P. 393, 6-11) ( R.P.P. 810-811, 1-25) ( R.P. 378, 7-8) ( R.P. 926, lines 9-25) ( R.P. 930, lines 1 - 6) (R.P.P. 661-662, lines 1-25) ( R. Exhibit's - A,B,C,D,E,).**

**CONCLUSION**

Based on the foregoing argument, Appellant prays that this court grant this appeal, remand this case back to the lower court for hearing and that it violates the U.S. Const. Section 1. XIV Amendment, S.C. Const. Article I. Section 1, 3, 11, and 22, S. C. Rules of Court.

December 17, 2024.

  
**Randolph Ashford # 256638**