

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM PICKENS COUNTY
In Court of Common pleas

DEC 06 2024

SC Court of Appeals

THE HONORABLE PERRY H, GRAVELY,
Administrative Law Judge

case no.2022-000972

ROBERT EARL DILLARD,

APPELLANT,

v,

THE STATE,

RESPONDENT,

RULE 211. FINAL BRIEF (b)

Appellant Robert Earl Dillard, was Convicted by the pickens County Grand Jury in 1995 on two Counts of murder, He is Currently serving two Consecutive life terms as imposed on march 2, 1995. by the Honorable Frank P, McGowan, Jr.

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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 informapaperis 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 informapaperis 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 upon 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~~d~~ 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, Argused 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 Denied 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 to dismiss of the Respondent, response brief and designation matter, by fraud apond the court in it brief, and Reversed petitioner Conviction and vacate his sentence.

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DEC 02 2024

PCI MAILROOM

(5)

date 12-2-2024

Robert Earl Dillard
Robert Earl Dillard #220045

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,

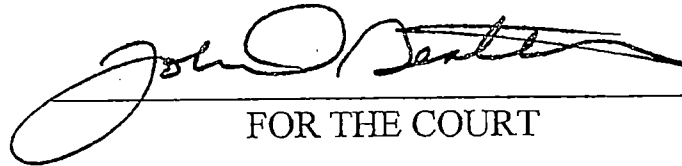
v.

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

APPENDICES TO PART II

FORM 16. CERTIFICATE OF COUNSEL IN FINAL BRIEF

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

Perry Gravely, Chief Administrative
Law Judge & General Sessions

case no. 2022-000972 & 2022-CP-39- 680

Robert Earl Dillard,Appellant,

v,

The State of South CarolinaRespondent,

CERTIFICATE OF COUNSEL, PRO-se

The undersigned certified that this Final Brief complies with
Rule 211 (b).SCACR

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DEC 06 2024

SC Court of Appeals

date 12-2- 2024.

Robert Earl Dillard
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Pro-Se