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JAN 03 2025  
SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM PICKENS COUNTY  
Court of Common Pleas

THE HONORABLE PERRY H, GRAVELY  
Administrative Law Judge

ROBERT EARL DILLARD,

APPELLANT,

v,

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

**RULE 201 NOTICE TO MOTION FILED**

**DECLARATORY JUDGMENTS**

(a) Judgments, order and DECISIONS Subject to Appeal.

(b) WHO May Appeal. only a party aggrieved by an order, Judgment.  
sentence or Decision may appeal.

date 12-31 2024.

*Robert Earl Dillard*  
Robert Earl Dillard#220045

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**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

**APPEAL FROM PICKENS COUNTY  
Court of Common Pleas**

**THE HONORABLE PERRY H, GRAVELY  
Administrative Law Judge**

**Appellate case no. 2022-000972**

**Robert Earl Dillard,**

**Appellant,**

**v,**

**THE STATE,**

**Respondent,**

Instant case Here, ROBERT EARL DILLARD, Premised his motion on a Brady violation, Arguing that the Government had Purposefully Solicitor MICHAEL W, BARCROFT Withheld the evidence of issue. failed to disclose any records of simpson's detention in the Greenville Detention Center (GDC) for the months of November 25, 1992. through April 30, 1993, which covered the time period Simpson testified that applicant admitted to him JAMES F, Simpson) that he (applicant) had committed the murders while they were at the Haynie Street Men's Club' in downtown Greenville, as the

State's evidence against applicant was entirely circumstantial, Simpson's testimony regarding applicants murder confession to Simpson in February 1993' at the Haynie Street men's Club was

the only evidence the state had that directly connects applicant to the murders.

The District Court, however, considered. According, we vacate the district court's order and remanded so that the court can apply the standard that Governs-Brady-based Rule 33.

SEE also Fourth Circuit court of Appeals Ruling on Robert peter Russell Appeals.

**CONCLUSION**

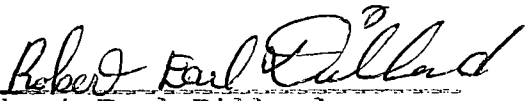
For the forgoing reason, this Honorable Court to dismissal of the Respondent, response brief and designation of matter and fraud apoud the Court in it brief, and Reversed petitioner Conviction and vacate his sentence.

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date 12-31- 2024.

  
Robert Earl Dillard  
pro-se

UNPUBLISHED

United States Court of Appeals, Fourth Circuit  
United States of America, plaintiff Appellee

v,

Robert peter Russell, Defendant-Appellant,

no.24-6611

submitted; December 19, 2024

Decided; December 27, 2024

District Judge (1;91 -cr-00056-LMB-1)  
vacated and remanded by unpublished per curiam opinion.

Robert peter Russell appeals the district court's order denying relief on his Fed.R Crim.p. 33 motion for a new trial base on Newly discovered evidence. on appeal, Russell contends that the court analyzed his motion under the wrong standard.for the reasons that Follow WE vacate and remand

Rule 33 ordinarily requires the movant to show that 'the evidence is of such a nature that it would probably result in aan acquittal at a New trial.' United States v, Lofton, 233 F,3d 313,318 (4th cir.2000) (Cleaned up). But when a BRADY" VIOLATION Forms the basis of a Rule 33 motion, the movant need only show a reasonable probability of a different outcome, Juniper v, Davis, 74 F4th 196,210 (4thcir.2023); SEE UNITED STATES V,SUTTON, 542 F,2d 1239, 1242 n.3 (4th cir 1976) (Explaining that a New trial Motion based on Newly discovered evidence from a Neutral source faces a HEAVIER BURDEN THAT A new trial motion based on a Brady violation).

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Russell premised his motion on a Brady violation, arguing that the Government had purposefully withheld the evidence of issue. The district court, however, considered the motion under the stricter Rule 33 standard. Accordingly, we vacate the district court's order and remanded so that the court can apply the standard that governs-Brady-based Rule 33.

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APPEAL FROM PICKENS COUNTY  
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Administrative Law Judge

case no. 2022-000972

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SC Court of Appeals

Robert Earl Dillard,

Appellant,

v,

THE STATE,

Respondent,

**PROOF OF SERVICE**

I Robert Earl Dillard#220045 served a true copy of my motion of Rule 201 Notice to motion filed Declaratory Judgments to be served To; BY PLACING PRE-paid addressed in (PCI) MailRoom TO:

MEOLDY JANE BROWN EQS  
Attorney General office  
post office box 11549  
Columbia, S.C. 29211

COURT OF APPEALS  
Jenny A, Kitchings, Clerk  
post office box 11629  
Columbia, S.C. 29211

date 12-31 2024.

  
Robert Earl Dillard#220045  
pro-se

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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COURT OF APPEALS  
Jenny A, Kitchings, Clerk  
post office box 11629  
Columbia, S.C. 29211

Dear Clerk,

Please find my motion to Rule 201 Notice to motion filed  
DECLARATORY JUDGMENTS to be filed in your office.

I THANK YOU VERY MUCH IN THIS MATTER.

date 12-31- 2024.

  
Robert Earl Dillard #22004  
perry correctional Inst,  
430 oaklawn Road q4b/209  
Pelzer, S.C. 29669

ROBERT EARL DILLARD#220045  
perry correctional Inst,  
430 oaklawn Road q4b/209  
Pelzer, S.C. 29669

1720 Senate

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