

THE SUPREME COURT OF South Carolina  
COURT OF

APPEAL

PCR Petition 1998-CP-23-1108

AMSTIN Petition

I Steve Lester Applicant I swear under the penalty of perjury my statement for the Supreme Court in Greenville County Courthouse. THE COURT THEY appoint ME MR. Michele D. Heathmore to present ME FOR MY PCR COUNSEL IN 1999. IN MARCH OF 22 1999 THE COURT OF GREENVILLE MY PCR COUNSEL HE WAS INEFFECTIVE OF COUNSEL I STEVE LESTER I AM A MENTAL PATIENT AT MY PCR HEARING IN 1999 I WAS ON MEDICATION. AT MY HEARING THE HEARING JUDGE WERE JUDGE HONORABLE WYATT SAUNDER THE COURT OF GREENVILLE, THEY SIGNED JUDGE SAUNDER TO MY CASE JUDGE SAUNDER HE GRANTED ME STEVE LESTER A NEW TRIAL IN 1999. THE REASON MY ATTORNEY OF 1975 IT IS BECAUSE MY TRIAL ATTORNEY HE DIDN'T FILE APPEAL IN 1975 TO COME BACK TO COURT.

IN 1999 MY PCR COUNSEL MR. HEATHMORE HE TALK WITH ANOTHER ATTORNEY ABOUT MY CASE IN 1999 AT MY HEARING THEY BOTH WERE SAYING JUDGE SAUNDER WERE NOT GOING TO GIVE ME CREDIT FOR THE TIME I HAVE SERVED ON MY SENTENCE. MY PCR COUNSEL HE TOLD ME THAT I HAD TO START OVER NO MY SENTENCE BECAUSE JUDGE SAUNDER WERE NOT GOING ME STEVE LESTER CREDIT FOR THE 34 YEARS I HAVE SERVED ON MY SENTENCE. MY PCR COUNSEL MR. HEATHMORE HE MENT TO DO THIS HE DIDN'T WANT ME TO GO THROUGH WITH MY NEW TRIAL. MR. HEATHMORE HE COUNSEL ME TO WITHDRAW MY NEW TRIAL IN 1999 MR. HEATHMORE HE GAVE ME A FALSE STATEMENT AND FALSE SWEARING ON ME AND THE JUDGE SAUNDER IN 1999 IN GREENVILLE COUNTY COURTHOUSE. I WROTE JUDGE SAUNDER A LETTER AND HE TOLD ME THAT I WOULD HAVE GOT CREDIT FOR THE TIME I HAVE SERVED MY PCR COUNSEL HE WERE NOT TELL ME THE TRUTH IN 1999

So help me God

THE SUPREME COURT OF SOUTH CAROLINA  
COURT OF APPEALS

APPEAL

Petition RCR 1998-CP-23-1108

AUSTIN Petition

I Steve Lester I wrote MR Heathorne a letter and let him know what he did and that I had found out and told that Judge Saunders didn't tell him this about my trial in 1949 MR MICHAEL D. HEATHORNE HE TOLD ME THAT MEMORIS TO TEXAS. AND HE WERE NOT A COUNSEL OF PCRS  
no more

MY PCR COUNSEL MR. HEATHORNE HE NEW THAT HE GAVE ME STEVE LESTER THE WRONG ADVICE AND THE WRONG INFORMATION AT MY HEARINGS IN 1949 MR. HEATHORNE HE DID CARE TO HELP ME

MY PCR COUNSEL MR HEATHORNE HE PUT ME STEVE LESTER UP UNDER A LOTS OF PRESSURE AT MY HEARING UNABLE TO THINK STRAIGHT BY TELLING ME THAT I HAD 5 MINUTE TO MAKE UP MY MIND ALL SO MR HEATHORNE HE GAVE ME NOTHER FIBRE STATEMENT. THIS WAS ABOUT MY BOUNT HE TOLD ME THAT I WERE NOT GOING TO MAKE BOUNT HE WERE NOT TELLING ME THE TRUTH ABOUT EVERYTHING AT MY PCR HEARING IN 1949.

I HAVE A CASE THAT TELL YOU WHEN YOU GET A NEW TRIAL YOU TIME COUNT AND YOU GET CREDIT FOR TIME SERVED ON ~~FOR~~ YOUR SENTENCE

N.C. V PEARCE 89 S.C.T. 2072 CREDIT -  
FOR TIME SERVED

Steve Lester

# The SUPREME COURT OF South Carolina

Steve Lester PCR Appeal  
Austin Petition

I Steve Lester Plaintiff I swear under the penalty of perjury that the following is true and correct. At my PCR hearing my PCR counsel MR. HENTHORNE HE REFUSING AND FAILING TO MY TO MY REQUEST. TO NOT TELL JUDGE WYATT SAUNDER EVERYTHING I ASK HIM TO DO AT MY PCR HEARING. ALL SO MR. HENTHORNE HE SKIPPED THE FIRST PART MR. HENTHORNE HE DID NOT TELL JUDGE THE INFORMATION I WANTED HIM TO TELL JUDGE SAUNDER IN 1999. I STEVE LESTER WHY I FEEL THAT MR. MICHAEL D. HENTHORNE ARE GUILTY OF INEFFECTIVE OF COUNSEL. MR. HENTHORNE HE FORCE ME TO BE SCARED AND MADE ME FEEL AFRAID AND FEAR OF WHAT HE WERE TELLING ME. MR. HENTHORNE HE WERE NOT TELL ME STEVE LESTER THE TRUTH ABOUT WHAT WE WERE TALKING AT MY HEARING IN 1999. MR. MICHAEL D. HENTHORNE HE PUT ME UP UNDER A LOT OF PRESSURE BY ME BEING A MENTAL HEALTH NOT UNABLE TO THINK STRAIGHT. ALL SO I WAS ON MEDICATION MR. HENTHORNE HE MADE ME TO BELIEVE WHAT HE WERE TELLING ME THAT THE HONORABLE JUDGE WYATT SAUNDER WERE NOT GOING GIVE ME STEVE LESTER CREDIT FOR THE TIME I HAVE SERVED ON MY SENTENCE. MR. MICHAEL D. HENTHORNE HE GAVE ME A FALSE STATEMENT AT MY HEARING AND SWEARING. JUDGE WYATT T. SAUNDER HE TOLD ME THAT I WOULD HAVE GOT CREDIT FOR THE TIME I HAVE SERVED 34 YEARS.

# THE SUPREME COURT OF SOUTH CAROLINA

APPEAL PCR 1998-CP-231108

Writ Petition

I HAVE TESTER MY STATEMENT FOR THE SUPREME COURT  
IN 1999 AT MY PCR HEARING IN GREENVILLE COUNTY  
COURTHOUSE. MY PCR COUNSEL MR HEATHORNE HE  
WERE INEFFECTIVE IN 1999 I HAVE TESTER  
MY COUNSEL. MR. HEATHORNE THAT HE SAW MY  
TRANSCRIPT AND MY RECORD AND I HAD BEEN IN  
TROUBLE BEFORE MY PCR MR. MICHAEL D. HEATHORNE HE  
TOLD ME THAT MR HEATHORNE HE TOLD ME STEVE LESTER  
THAT HE ARE NOT FOR SHOW THAT JUDGE WYATT SAUNDER  
WERE GOING ME TO CREDIT FOR THE 34 YEARS I HAVE  
SERVED ON MY SENTENCE. MY PCR COUNSEL HE TOLD ME  
THAT I HAD TO STRICK AGAIN I TOLD MR. HEATHORNE  
HE HAD THIS WRONG. I TOLD MR HEATHORNE THIS WERE  
FIRST TIME I NEVER BEEN IN CONFINEMENT AND I WERE  
17 YEARS WHEN I GOT IN TROUBLE THE LAW. I SWEAR TO GOD  
MR. HEATHORNE HE DENIED ME AND REFUSED TO TELL  
JUDGE MY HOLD CASE IN 1999 AT MY PCR HEARING

6 COPIES

page

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF GREENVILLE )  
 )  
 Steve Lester, )  
 S.C.D.C. No. 75259, )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 State of South Carolina, )  
 )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 2007-CP-23-2452

**FINAL ORDER**

FILED  
 CLERK OF COURT  
 GREENVILLE, S.C.  
 2007 SEP 19 A 9 41

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed April 16, 2007. The Respondent made its return on June 21, 2007, requesting the application be summarily dismissed based upon the expiration of the statute of limitations and the presumption against successive PCR applications.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal signed June 29, 2007 and filed July 2, 2007, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated July 31, 2007, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

In a letter filed by the Greenville County Clerk of Court on July 12, 2007, the Applicant argues his counsel at his second PCR hearing in 1999 was ineffective and gave him wrong information. The Applicant also argues he is entitled credit for time-served.

*THE Honorable WYATT SAUNDER THE JUDGE SIGNED TO MY PCR 1999 HE. TOLD ME Steve Lester that I would have GOT CREDIT time for I HAVE SERVED ON MY SENTENCE. MR. HEATHORNE HE GAVE ME A FLOSE STATEMENT AND FLOSE SWEARINGS*

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )  
 )  
Steve Lester, )  
S.C.D.C. No. 75259, )  
 )  
Applicant, )  
 )  
v. )  
 )  
State of South Carolina, )  
 )  
Respondent. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
2011-CP-23-3285

**CONDITIONAL ORDER OF DISMISSAL**

FILED - CLERK OF COURT  
GREENVILLE CO. S.C.  
AUG 11 2011

2011 AUG - 9  
A 10:55

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed May 16, 2011. The Respondent made its Return, requesting the application be summarily dismissed.

I.

The Applicant was indicted at the March 1975 term of the Greenville County Grand Jury for murder while in the commission of armed robbery (1975-GS-23-0430) and two (2) counts each of armed robbery, robbery, and grand larceny (1975-GS-23-0427, -0429). He was represented by the late Saul Abrams, Esquire.

On March 12, 1975, the Applicant pled guilty to murder and two (2) counts of armed robbery. The Honorable Wade S. Weatherford, Jr. sentenced the Applicant to concurrent terms of life imprisonment for murder, thirty (30) years for one count of armed robbery (1975-GS-23-0427), and a consecutive thirty (30) years for the other count of armed robbery (1975-GS-23-0429). The Applicant did not file an appeal.

*AS*

1995-CP-23-1911

The Applicant filed an application for post-conviction relief (PCR) on July 5, 1995 (1995-CP-23-1911).<sup>1</sup> An evidentiary hearing was convened on April 29, 1997 at the Greenville County Courthouse. Lawrence W. Crane, Esquire represented the Applicant. The Applicant raised the following issues:

1. Ineffective assistance of counsel.
2. Violation of plea bargain.
3. Violation of Fourteenth Amendment.

The Honorable Thomas L. Hughston, Jr. denied and dismissed the Applicant's application by order dated June 9, 1997. The Applicant did not file an appeal.

1998-CP-23-1108

The Applicant filed a second PCR application on March 27, 1998 (1998-CP-23-1108). An evidentiary hearing was held on March 22, 1999 at the Greenville County Courthouse. Michael Henthorne, Esquire represented the Applicant. The Applicant raised the following issues:

1. Ineffective assistance of counsel.
2. Parole eligibility issues.

The Honorable Wyatt T. Saunders signed a final order on March 22, 1999 after the Applicant voluntarily withdrew his PCR application in open court.

2003-CP-23-1171

The Applicant filed a third PCR application on February 18, 2003 (2003-CP-23-1171). The Applicant raised the following issues:

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<sup>1</sup> As the Applicant did not file an appeal and then did not file his first PCR application until twenty (20) years after his guilty plea, there is no copy of his 1975 plea transcript.

RB  
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1. Ineffective assistance of counsel.
2. Violation of plea bargain.
3. Violation of Fourteenth Amendment.

The Honorable John C. Few summarily denied and dismissed the application by order dated March 19, 2003. The Applicant did not file an appeal.

2004-CP-23-0779

The Applicant filed a fourth PCR application on February 5, 2004 (2004-CP-23-0779).

The Applicant raised the following issues:

1. Ineffective assistance of counsel.
2. Violation of plea bargain.

The Honorable Larry R. Patterson summarily denied and dismissed the application by order dated August 14, 2004. The Applicant filed a notice of appeal. The appeal was perfected by Aileen P. Clare, Esquire of the South Carolina Office of Appellate Defense in the nature of a Johnson<sup>2</sup> petition. The South Carolina Supreme Court denied the petition on March 9, 2006.

2006-CP-23-1917

The Applicant filed a fifth PCR application on March 22, 2006 (2006-CP-23-1917). The Applicant raised the following issues:

1. Ineffective assistance of counsel.
2. Due process violation.
3. "The State has a duty to produce trial transcript."

The Honorable G. Edward Welmaker signed a conditional order of dismissal on May 5, 2006, indicating his intention to dismiss the application unless the Applicant showed good cause why he should not. Judge Welmaker signed a final order of dismissal on July 3, 2006. The

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<sup>2</sup> Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988).

*RBJ*

Applicant did not file an appeal.

2006-CP-23-4971

The Applicant filed a sixth PCR application on August 4, 2006 (2006-CP-23-4971). The Applicant raised the following issues:

1. Ineffective assistance of plea counsel.
2. Ineffective assistance of PCR counsel.

The Honorable Edward W. Miller issued a conditional order of dismissal dated October 6, 2006, indicating his intention to dismiss the application unless the Applicant showed good cause why he should not do so. The Honorable D. Garrison Hill signed a final order of dismissal on May 7, 2007. The Applicant did not file an appeal.

2007-CP-23-2452

The Applicant filed a seventh PCR application on April 16, 2007 (2007-CP-23-2452). The Applicant raised the following issues:

1. Ineffective assistance of plea counsel.
2. Ineffective assistance of PCR counsel.

The Honorable D. Garrison Hill issued a conditional order of dismissal dated June 29, 2007 and filed July 2, 2007, indicating his intention to dismiss the application unless the Applicant showed good cause why he should not do so. Judge Hill issued a final order of dismissal dated September 18, 2007 and filed September 19, 2007. The Applicant filed a notice of appeal at the South Carolina Supreme Court. The Supreme Court required the Applicant – pursuant to Rule 227(c), SCACR – to show an arguable reason why the denial of his application was improper. In an order of dismissal dated February 7, 2008, the Supreme Court found the Applicant failed to meet his burden in this regard.

*RB*  
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2008-CP-23-1261

The Applicant filed an eighth PCR application on February 15, 2008 (2008-CP-23-1261).

The Applicant raised the following issue:

1. Ineffective assistance of plea counsel:
  - a. Failure to file a direct appeal.

The Honorable John C. Few issued a conditional order of dismissal dated May 12, 2008 and filed May 16, 2008, indicating his intention to dismiss the application unless the Applicant showed good cause why he should not do so. Judge Few issued a final order of dismissal dated September 8, 2008 and filed September 12, 2008. The Applicant did not file an appeal.

2009-CP-23-1211

The Applicant filed a ninth PCR application on February 13, 2009 (2009-CP-23-1211).

The Applicant raised the following issues:

1. Ineffective assistance of counsel.
2. Involuntary guilty plea.
3. Due process.

The Honorable John C. Few issued a conditional order of dismissal dated July 24, 2009 and filed July 30, 2009, indicating his intention to dismiss the application unless the Applicant showed good cause why he should not do so. Judge Few issued a final order of dismissal dated October 13, 2009 and filed October 20, 2009. The Applicant did not file an appeal.

II.

In his current PCR application, the Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel.
2. Newly discovered evidence.

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In a "Motion to Amend P.C.R." filed June 6, 2011, the Applicant made the following additional allegation:

- I. "In Violation of U.S.C.A. Const. Amends, 6 and, 14 In accord with South Carolina Const. Art 1 § 3 and 14."

III.

This Court finds this matter should be summarily dismissed because the Applicant has failed to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §§ 17-27-10, et. seq. (2003). Specifically, South Carolina Code Ann. § 17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The Applicant pled guilty to the offenses he challenges in this application on March 12, 1975. This application was filed on May 16, 2011, which was over several years beyond the time the statutory filing period had expired.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. See McDonnell v. Consolidated Sch. Dist. Of Aiken, 315 S.C. 487, 489, 445 S.E.2d 638, 639 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (2003) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law."

IV.

This Court further finds the current application should also be dismissed because it is

RS  
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successive to the previous applications for post-conviction relief. Successive applications for post-conviction relief are disfavored. See Land v. State, 274 S.C. 243, 246, 262 S.E.2d 735, 737 (1980). South Carolina Code Ann. § 17-27-90 (2003) states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental or amended application.

Under this statute, successive post-conviction relief applications are forbidden unless an applicant can point to a "sufficient reason" why new grounds for relief were not raised or were not properly raised in previous applications. Aice v. State, 305 S.C. 448, 450, 409 S.E.2d 392, 394 (1991). Any new ground raised in a subsequent application is limited to those grounds that "could not have been raised . . . in the previous application." Id. (emphasis in original). If the Applicant could have raised these allegations in a previous application, then the Applicant may not raise those grounds in successive applications. Id. The Applicant bears the burden of showing that the allegations could not have been raised previously. Id.

As the Applicant has failed to present any reasons why he could not have raised the current allegations in his previous post-conviction relief applications, the current PCR application is dismissed.

V.

This Court notes the Applicant has alleged newly-discovered evidence. The Applicant, however, has failed to specify either the evidence in question or the nature of this claim. In a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a

RB 9  
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preponderance of the evidence.” Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002). As such, this allegation is summarily dismissed.

VI.

Based upon its review of the pleadings in this matter, this Court expresses its intent to summarily dismiss this matter unless the Applicant advises this Court with specific reasons, factual or legal, why it should not dismiss the matter in its entirety. The Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final by filing any reasons he may have with the Clerk of Court for Greenville County, South Carolina, and also by filing a copy of his reasons with the Office of the Attorney General, Attn: Karen C. Ratigan, Post Office Box 11549, Columbia, South Carolina, 29211.

AND IT IS SO ORDERED this 8<sup>th</sup> day of August, 2011.



Robin B. Stilwell  
Chief Administrative Judge  
Thirteenth Judicial Circuit

Greenville South Carolina.

Steve Lohr #2075257 ARR 107  
PERRY CORRECTIONAL INST  
430 DAKLAWN RD  
PELZER SC 29669

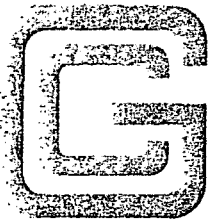
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MAR 27 2013

P.C.I. MAILROOM

The Supreme Court of South Carolina  
DAVID E. HERONDE Clerk of Court  
POST OFFICE BOX 11330  
COLUMBIA SC 29211

LEGAL MAIL



Greenville  
County

Office of the Clerk of Court

Paul B. Wickensimer  
Clerk of Court for Greenville County  
Greenville, South Carolina

[www.greenvillecounty.org](http://www.greenvillecounty.org)

**RECEIVED**

APR 01 2013

**S.C. SUPREME COURT**

STEVE LESTER #75259 Q2B212  
PERRY CORR-INSTI  
430 OAKLAWN ROAD  
PELZER SC 29669

STEVE LESTER

ENCLOSED YOU WILL FIND A COPY OF YOUR POST CONVICTION  
RELIEF APPLICATION. YOUR CIVIL CASE NUMBER IS:

A COPY OF YOUR PCR HAS BEEN FORWARDED TO THE ATTORNEY  
GENERAL'S OFFICE.

ONCE IT IS DETERMINED THAT A HEARING SHALL BE SCHEDULED,  
THE PROCESS FOR ATTORNEY ASSIGNMENT WILL BEGIN. THIS MAY  
TAKE SEVERAL MONTHS.

WE ONLY FILE THE PCR APPLICATIONS. WE DO NOT SET COURT  
DATES NOR ARE WE ABLE TO ANSWER QUESTIONS CONCERNING  
YOUR CASE.

THANK YOU  
CLERK OF COURT'S OFFICE

FORM 5

STATE OF SOUTH CAROLINA )  
 )  
 County of Greenville ) IN THE COURT OF COMMON PLEAS  
 )  
Steven Lester 75259 )  
 Full name and prison number (if any) of Applicant )  
 )  
 v. )  
 )  
 State of South Carolina ) APPLICATION FOR  
 ) POST-CONVICTION RELIEF  
 )  
 )  
 )  
 )

**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Perry c.f. 430 Oaklawn Rd Pelzer S.C. 29669

---

2. Name and location of Court which imposed sentence Green Court of General Sessions

---

3. Name(s) of co-defendant(s) (if any) none

---

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) N/A; From here forward is due to the length of time
  - (b) passed and institutional staff losing paper work belonging to the petitioner

- (c) \_\_\_\_\_
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) March <sup>12</sup>~~20~~-1975 life \_\_\_\_\_
- (b) March 12-1975 \_\_\_\_\_
- (c) March 12-1975 \_\_\_\_\_

6. Check whether a finding of guilty was made:
- (a) after a plea of guilty Yes \_\_\_\_\_
- (b) after a plea of not guilty \_\_\_\_\_
- (c) after a plea of nolo contendere \_\_\_\_\_

7. Did you appeal from the judgment of conviction or the imposition of sentence?  
yes \_\_\_\_\_

8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. N/A \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

- (b) the result in each such Court to which you appealed:
- i. N/A \_\_\_\_\_
- ii. \_\_\_\_\_

iii. MR. HENTHORNE he told me that I had 5 to 10 minutes to make up my mind because I had go back up in front of Judge Stude

- (c) the date of each such result:
- i. N/A in 1999 I was granted A new trial By \_\_\_\_\_
- ii. Judge Wyatt T. Scudder - My PCR counsel HE \_\_\_\_\_
- iii. told me that I was get tried that Sunday this were it \_\_\_\_\_

- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. N/A \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) My PCR counsel MR HENTHORNE HE gave me to False statement and False swearing. Everything HE told me that were it true. MR HENTHORNE HE didnt take for my Appeal that I ask him for My Right to appeal for Ineffective of Counsel Austin Petition<sup>2</sup>
- (b) \_\_\_\_\_

- (c) \_\_\_\_\_
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Assistance of Counsel
- (b) AUSTIN PETITION PCR
- (c) \_\_\_\_\_
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) See Attach
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? N/A
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? \_\_\_\_\_
- (d) any other petitions, motions or applications in this or any other Court? \_\_\_\_\_
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(c) the disposition thereof:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(d) the date of each such disposition:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

\_\_\_\_\_ N/A \_\_\_\_\_

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(b) the proceedings in which each ground was raised:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF

I, Steven Lester, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Steven Lester  
Applicant

SWORN or affirmed to and subscribed before me this

27<sup>th</sup> day of March, 2013.

Patricia Buchanan  
Notary Public

My Commission Expires: 4-26-2020

19. State clearly the relief you seek in filing this application:

Vacation of all sentences ~~are a new trial~~

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA )  
 )  
County of Greenville )

VERIFICATION

I, Steven Lester, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Steve Lester

SWORN to and subscribed before me this 27<sup>th</sup>  
day of March, 2013.

Patricia Buchanan (L.S.)  
Notary Public

My Commission Expires: ~~5-20-13~~  
4-26-2020