

Mr. Patrick Spigner #340898

October 6, 2013

Lieber Corr. Inst. / WA113

P.O. Box 205

Ridgeville, SC 29472

RECEIVED

OCT 09 2013

S.C. SUPREME COURT

Supreme Court of S.C.

Daniel E. Shearhouse, Clerk of Court

P.O. Box 11330

Columbia, SC 29211

To Whom it may concern,

Enclosed you will find a copy of my arguments and issues

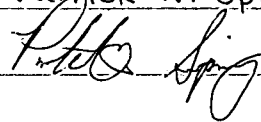
I wish to bring forth to the court. I also would like for

my lawyer Wanda H. Carter to file a motion for a

reconsideration.

Sincerely,

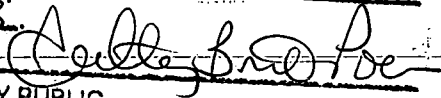
Patrick A. Spigner



FORN TO AND SUBSCRIBED BEFORE ME

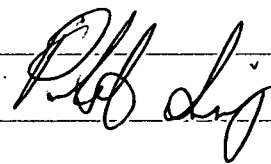
THIS 9 DAY OF October

20 13



NOTARY PUBLIC
STATE OF SOUTH CAROLINA

MY COMMISSION EXPIRES 5/1/2018



Enclosures

Arguments

1. Counsel asked the judge that I be evaluated after I plead guilty. Counsel mentioned in the PCR transcript page 55 line 16-18.

There was no question in her opinion about my competency or my understanding about what was going on and the decision I was making. See *Odle v. Woodford* cite as 238. F3d 1084 (9th Cir. 2001) Mental Health 432 While defense counsel will often have best informed view of defendant's ability to participate in his defense, Counsel is trained mental Health professional, and counsel's failure to raise defendant's competence as issue does establish that defendant was competent.

2 Counsel is ineffective because counsel never informed me that as my right I did not have to answer to these infamous crimes because indictment never was presented to Grand Jury prior to signing waiver of Presentment to Grand Jury. Counsel intentionally informed me to waive presentment because her whole intention was to convict me hoping that aided in her being a prosecutor. Therefore I suffered Conflict of Interest. See *Turner V. State* 380 S.C. 223, 670 S.E. 2d 373 S.C. 2008. Criminal Law 6M1.13(5) states that a defendant who pleads guilty on the advice of Counsel may only ~~take~~ attack the plea only by showing that 1) Counsel was ineffective and 2) There is a reasonable probability that, but for Counsel's errors, the defendant would not have plead guilty.

Arguments continued:

3. There's clear evidence that I was not satisfied with my lawyer. On May 13, 2010 I asked Judge Edgar Dickson for substitute of counsel, request denied. I plead guilty do to lack of confidence in my lawyer. Had I been confident I would not have plead guilty and exercise my right to trial.