

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

COUNTY OF RICHLAND

PETITION FOR APPOINTMENT OF COUNSEL

GERALD GANTT,

PETITIONER

V

THE STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-000016

TO: Honorable Supreme Court of The State of South Carolina, Post Office 11330 Cola, S.C. 29211 1231
Gervais St. Cola, S.C. 29201.

Pro Se' : Petitioner Gantt is in request of continual legal assistance due the Johnson v State ,294 S.C. 310,
364 S,E,2d 201 (1988) petition filed from Duty Chief Appellate Defender Wanda Carter filed on Sept. 6,
2013, counsel has asked to be relieved of duty stating that case has no merits.

RECEIVED

OCT 18 2013

S.C. Supreme Court

Pro Se ' Petitioner would apply ANDERS v CALIFORNIA 18 L.E.2d counsel should remain as attorney also be active not just amicus curiae 14th amendment GIDEON v WAINWRIGHT 372 U.S. 335, 380 – DOUGLAS v CALIFORNIA 14TH amendment 372 U.S. 353, petitioner would hope that opinion of or slackness thereof does not overshadow due process and the rights of the innocent petitioners.

Attorney never spoke with petitioner nor have consultation session, merely one which I've sent you it read of the direction attorney would proceed attorney choice only and not client, this case has had difficulties with several issues, contacts and dismissal , violations of basic rights of the innocent the search for petitioner started in the Dept. of Corrections which I was not in that started a major Judicial error basically this has caused quite a bit of confusion.

Petitioner would request Honorable Supreme Court to address merits and errors in this case please , petitioner would apply CARAAFAS v LAVALLE' any facts are sufficient to uphold merits should petitioner quote rules for argument in the highest Court in South Carolina legal system to justify wrong on court behalf and ineffective assistance of counsel performance as in U.S. 142-103 s.S.CT, 255 74 L.E.2D 199 (1982 petitioner has actively pursued relief with no unreasonable neglect in case to prosecute state.

I would remand Honorable Court, SHARPER v STATE 279 S.C. 264, 305 S.E.2D 247 (1983), evidentiary hearing was granted to fully resolve this issue on Dec. 4th 2012 9:30 am, also WEBB v STATE any evidence of probative value is sufficient to uphold Post Conviction Relief 281 S.C. 287 S.E.2d 839 (1984)- Criminal Law key 1158(1) U.S.C.A. any evidence of probative is sufficient to uphold P.C. R. to affirm any case of this degree to its purest form all rights must be respected as written in the constitution when petitioners address merits in colloquy terms(5th amendment rights of the accused in criminal proceeding of due process.

In the Post Conviction Relief application Judge dismissed case for lack of prosecution on plaintiff that lack was based on Judicial error stating petitioner had be sent to S.C.D.C.even the Attorney General wrote to RICHLAND COUNTY CLERK OF COURT to verify completed time I will send you that letter also which was incorrect with all the facts incorrect the state sort to give relief, however plaintiff was absent do to Judicial error attorneys performance fell below standards at hearing once case was called no objections came from attorney to dismissal, no questions no asking for a continuance in case .

STRICKLAND v WASHINGTON 466 U.S. 668 ,104 S.CT. 2052, 2064,80 L.E.2D 174 , BUTLER V. 334 S.E.2d 813 the measure of performance clearly a continuance would have been needed to render an adequate relief this is ineffective assistance of counsel of professional standards.

When we discuss merits in which I pray is upheld this concerns me on July 18,2011 transcripts of Judge Benjamin page -2 line 4-5 no victim ,no witnesses, page -2 line 13-14 no exhibits were introduced July 19,2011 transcripts Judge Benjamin presiding the same facts shadow attorney Courtney Gibbes merely had to request dismissal or a continuance or simply not guilty plea she insisted on the Alford Plea STRICKLAND v WASHINGTON 466 U.S. 668 ,104 S.CT.2052,2064 ,674 L.E.2d (1988), BUTLER 334 S.E.2d the measuring of performance attorney GIBBES advice was instrumental in the plea deal the outcome would have been much different had GIBBES excised a degree minimum of performance also given the counsel was appointed minutes before plea deal no time to prepare for case.

Page-3 –line 5-9 motion for speedy trial filed Pro Se'on Sept. 23, 2010 Public Defender Anna Walker nor did Pro Bono Attorney Anna Good did any assistance only wanted plea deals all motions filed Pro Se' I pray that the Honorable Supreme Court agrees in its percuriam.

IN THE COURT OF GENERAL SESSION
TRANSCRIPT OF RECORD OF JULY 18 ,2011 AND JULY 19, 2011 CASE
PRESIDING D. BENJENJAMIN
CASE NO. 2009-GS-40-06311

APPEARANCES;

ANDREW R. RODERS, ASST. SOLICITOR

ATTORNEY FOR THE PLAINTIFF

PRO SE' DEFENDENT PRO SE' GERALD GANTT

DEBORAH M. McCURDY, RPR

OFFICIAL COURT REPORTER

Violations/ Merits

PAGE LINE

3 5-12 180 days of CHAPMAN v STATE 289 S.C. 244 S.E.2d
611 (1972) QUICK AND SPEEDY TRIAL VIOLATION

5 11-15 same as page-5 line5-12

6 8-15 no filing of any motions as requested ineffective
assistance of counsel QUICK AND SPEEDY TRIAL should have been filed Sept. 2009

7 10-13 Judge Barber ruling contempt of court on State
to this point Rodgers says does not recall petitioner heard it 14th amendment

7 22 involuntary Plea petitioner has clearly states his
innocence STATE v TUCKER, 376 S.E.2d 403 406 (2003)

PAGE LINE

8 9 -19 indictments 180 days, motions for speedy trial denied
judicial error on Judges orders .counsel relieved of duty 14th 5th 6th amendments release should have
been July 18 ,2012 not plea deal.

7 15-25 no assistance from counsel clearly they lacked the two
probes of standard of professionalism STRICKLAND v WASHINGTON 466 U.S. 668 104 S CT. 2052,
2004,80 L.E.2d 674 (1984) BUTLER 334 S.E.2d 813

13 defendant expresses concerns of medical issues says he has
proof dispositions of arrest warrant S.C.R.C.P. 39(d) 90 days to 180 days, case should have been brought
to trial by SEPT. 13, 2011 CONTEMPT

16 19-22 search for answers and transcripts errors, errors ,errors
8th amendment

17 24-25 no medical treatment prolonged stay 8th amendment
cruel and unusual punishment

18 2-12 for concerns of involuntarily Plea include medical
concerns see page 17 line 24-25 8th amendment

VIOLATIONS FROM TRANSCRIPT OF RECORD JULY 19,20011

GENERAL SESSIONS -2009-GS-40 06311

PAGE LINE

3..... 7-15 no Counsel then shadow Courtney Gibbes advice insist
on ALFORD PLEA ,no victim , no witnesses no arresting officer no accuser, 14th amendment due process
5th and 6th amendment ineffective assistance of counsel performance

17 17-25 court asks State / Rodgers about time served says 728
days sentencing part of plea turn to next page read carefully you will find bad mistake petitioner was
never in the S.C.D.C. ON THIS confusion on records Judicial errors.

EVIDENTIARY HEARING RECORDS
IN THE COURT OF COMMON PLEAS
THE STATE OF SOUTH CAROLINA
FILED MARCH 12, 2012
HEARD DECEMBER 4,2012

TRANSCRIPT OF RECORD

BEFORE : HONORABLE J. ERNEST KINARD JR. JUDGE

APPEARANCES:

ROBERT CORNY, ASST. ATTORNEY GENERAL
ATTORNEY FOR THE STATE

DAVID BELDING ,ESQ.
ATTORNEY FOR THE PLAINTIFF
KAREN AMBROZIAK
OFFICIAL COURT REPORTER

TO: THE HONORABLE SUPREME COURT this petition is shorten content for your consideration to review this petitioner prays the honorable court is fair to ones rights on the innocent

Cont. on next page

PAGE LINE

66..... no exhibits were introduced, no witnesses was called

67..... 11-14 not prison error on state

67 24-25 BELDING says he tried to locate petitioner with no contact or response

68 3-17 Judge questions attorney about petitioner and why he is not present to prosecute state Judge also asks attorney is he sure applicate was contacted Belding insist case is dismissed no case ,no case law quoted he didn't even ask for a continuance in case , ineffective assistance of counsel STRICKLAND v WASHONGTON petitioner had only one letter from counsel date Dec. 4 ,2012

CLOSING AGRUMENTS thoughts and facts knowing and willing has been challenged must have understanding contempt has been challenged, all THE CONSTITUTION HAS TO BE UPHELD this nation of ours is based on liberty and justice for all not terrorists or communism or badge carrying thugs .

Petitioner has considered every possible percuriam prima facie affirming delivering justice to the innocent I hope and pray you field s we all should, I give you merits, GOD BLESS THE HONORABLE SUPREME COURT OF THE STATE OF SOUTH CAROLINA.

Respectfully Submitted,

Oct. 18, 2013

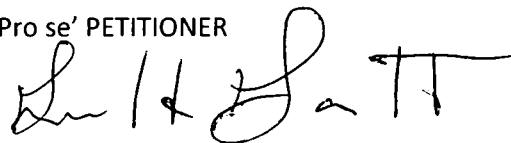
GERALD GANTT

901 Collecton St. apt. 4-b

Columbia,S.C. 29203

803-546-4063

Pro se' PETITIONER





ALAN WILSON
ATTORNEY GENERAL

March 19, 2012

The Honorable Daniel E. Johnson
Solicitor, Fifth Judicial Circuit
P.O. Box 192
Columbia, South Carolina 29202

RE: State v. Gerald Gantt
2009-GS-40-6311

Dear Solicitor Johnson:

In its Order, filed October 27, 2011, the South Carolina Court of Appeals dismissed the above appeal due to the appellant's failure to establish any preserved issues. The Remittitur has been sent to the Richland County Clerk of Court. Therefore, with this letter, we are closing our direct appeal file in this matter.

We are unable to determine from our own records whether the sentence has been served and, therefore, request that you ensure that the sentence has been carried out.

Sincerely,

Salley W. Elliott
Senior Assistant Deputy Attorney General

SWE/ab
Enclosure

cc: The Honorable Jeanette W. McBride
David M. Tatarsky, Esquire
Ms. Trisha Allen, Victim Services

DAVID E. BELDING
Attorney at Law
South Carolina Bar #00623
Federal ID # 57-1101784
1201 Main Street, Suite 1980
Columbia, South Carolina 29201

Mailing Address:
Post Office Box 11964
Columbia, S.C. 29211

Phone: 803-665-3161
Fax: 866-220-6352
Email: dar820@sc.rr.com

November 20, 2012

By Priority Mail
Delivery Confirmation

Mr. Gerald Levon Gantt
901 Colleton Street
Columbia, SC 29203

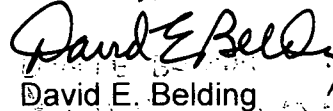
Re: Gerald Levon Gantt #58302 vs. State of South Carolina
Case No.: 2012-CP-40-1937

Dear Mr. Gantt:

I have been appointed to represent you in the above-referenced case. I need to talk with you about your PCR.

Please call me at 803-665-3161 to discuss your claim. Thank you. I look forward to hearing from you and working with you on this case.

Sincerely,


David E. Belding

DEB/ify

THE UNIVERSITY OF CHICAGO
LIBRARY
540 EAST 57TH STREET
CHICAGO, ILLINOIS 60637
TEL: 773-936-3200

UNIVERSITY OF CHICAGO
LIBRARY

UNIVERSITY OF CHICAGO
LIBRARY

JAN. 3, 2013

I Gerald Gantt certify that the statements and facts are true as written in this letter, also I've mailed a certified letter and hand delivered to the address of, David Belding 1201 Main St. Suite 1980 Cola, S. C. 29211 P. O. 11964;

I Gerald Gantt have spoken to my attorney not before the hearing on Dec. 4, 2012 9:30am but after on Dec. 21, 2012, because of the lack of prosecution on my attorney and I the Assistant Attorney General Office somehow dismissed the case.

On Nov. 20, 2012 a letter was sent to my mailing address of 901 Colleton St. Cola, S.C. 29203 NO APT. NUMBER there were no other contacts nor did the letter state of a hearing date of Dec. 4, 2012 9:30 am at Richland County Court 1701 Main St. Cola, S.C. 29201 Assistant Attorney General Robert Corney would defend the state given those facts I spoke with my attorney on Dec. 21, 2012 approx. 8:30 am a transcript was given to me opened my him Of a July 18, 2011 case State v. Gantt we also spoke of the dismissed P.C.R. he suggested that he could not assist me any further it was a Civil Case on the Federal level but would not assist, also would send me the facts and any information this has not happened at this time there is a 30 day time limit on the P.C.R. appeal the original appeal clearly stated my release on line 10(a) my mailing address has not changed in 10 years .

I formally request an appeal on the dismissed P.C.R. Respectfully, Please respond A.S.A.P , Sir

Thank you again;

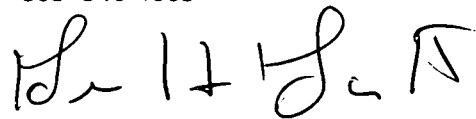
Respectfully Submitted

Gerald Gantt

901 Colleton St. Apt. 4-b

Jan, 3 ,2013

803- 546-4063

A handwritten signature in black ink, appearing to read "Gerald Gantt", is written over the printed name and address.



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

February 28, 2013

Mr. Gerald L. Gantt,
901 Colleton St., Apt. 4B
Columbia, SC 29203

Re: Your case

Dear Mr. Gantt:

I am the lawyer who will be handling your case in the Supreme Court. I will be reviewing the record of the proceedings at the PCR court to see what legal errors to present to the Supreme Court on your behalf. I will submit these in the form of a petition for writ of certiorari.

When I file the petition, I will send you a copy of all relevant hearing transcripts and material in the form of an appendix. Only information that was in front of the PCR judge can be included in the appendix.

You must be patient while the court considers your case. The process is very slow, but there is nothing I can do to speed up the process. It may be a few months before I submit a petition to the Supreme Court and at least a year after that before the Court decides your case. Some cases take even longer. You will be notified when the Court makes a decision and letters asking the status of your case do not speed up the process.

Please keep these points in mind. The Supreme Court can only consider the information that was before the PCR court. Any new information cannot be brought to their attention at this point. In addition, the issue must have been addressed in the PCR court's order of dismissal before it can be raised to the Supreme Court.

The court decides the case based on the written material submitted by the attorney general's office and me. It very rarely sets oral arguments, which are an opportunity for me to focus its attention on the information in the petition. If you are in prison, you cannot attend.

Mr. Gerald L. Gantt,
Page 2
February 28, 2013

In addition, we are not able to visit our clients personally but feel free to call collect.

Be assured that I will try my best to find reversible error. I will submit the best petition I possibly can to the Supreme Court.

I receive a tremendous amount of mail and I may not be able to respond to all letters. However, you are free to telephone me collect. An SCDC Telephone Privilege Request has already been submitted for the following number: (803) 734-1330. This is the preferred method of us communicating. Regardless, rest assured if you write me a letter about your case, I will read it and carefully consider it as I decide which issue or issues to submit to the appellate court. Please note that the decision about which issues to submit is mine. Only if I submit a "no merits" or Johnson petition, stating that I could not find any good issues, will the court let you submit your own legal arguments.

Finally, if you are transferred to another facility or released, you must write and let me know where you are. The Department of Corrections will not notify us of your new address.

I hope this letter answers some of the questions you may have at this time. Again, please do not hesitate to contact me by letter if you have any questions or I may be of further assistance.

Sincerely,

WANDA H. CARTER

Wanda H. Carter
Deputy Chief Appellate Defender

EB

WHC/eab

Enclosure

INDEX
PETITON FOR APPOINTMENT OF COUNSEL 1-3
VOILATIONS FROM CASE/ TRANSCRIPT RECORDS JULY 18, 2011 AND JULY 19, 2011 4-5
EVIDENTIARY HEARING TRANSCRIPT RECORDS VIOLATIONS DEC. 4,2012 6-7
CLOSING THOUGHTS AND FACTS REVIEW INCLUDING CASE LAW ECT 6-7
LETTER FROM ATTORNEY GENERAL SALLEY ELLIOTT MARCH 19, 2012 8
LETTER FROM ATTORNEY DAVID BELDING NOV. 20,2012 9
LETTER TO ATTORNEY FROM PETITIONER JAN.3,2013 10
LETTER FROM ATTORNEY WANDA CARTER FEB. 28, 2013 12

END

RECEIVED

OCT 18 2013

S.C. Supreme Court