

PC 40718

6

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA
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www.sccourts.org

June 04, 2013

David M. Tatarsky, Esquire
PO Box 21787
Columbia SC 29221-1787

EXHAUSTED!

PROOF OF EXHAUSTION

Re: Curtis D. Richardson v. State of South Carolina
Appellate Case No. 2013-000978

Dear Counsel:

This will acknowledge receipt of a Petition for Writ of Mandamus/Habeas Corpus filed by Mr. Richardson, in which he contends that his sentence classification was erroneously changed from, non-violent to violent. A copy of this petition is enclosed for your files.

Please file a return to this matter on or before June 14, 2013. Please be sure to show proof of service of your return on Mr. Richardson.

Very truly yours,

CHIEF DEPUTY CLERK

cc: Mr. Curtis D. Richardson, 00269166

THE HONORABLE LARRY B. HYMAN JR.
FIFTEENTH JUDICIAL CIRCUIT
1301 2ND AVE, SUITE 3B76
CONWAY SC 29526

FILED
Horry County
13 OCT -4 AM 11:28
MELANIE HUGGINS-WARD
CLERK OF COURT

SEP 23, 2013

RE: CURTIS D. RICHARDSON VS STATE OF SOUTH CAROLINA
2013-CP-26-1723

DEAR JUDGE HYMAN:

PLEASE ACCEPT THIS LETTER IN OBJECTION TO RESPONDENTS
ORDER DISMISSING PETITION AND PROPOSED ORDER DISMISS-
ING PETITION BASED ON THE FOLLOWING:

1. PETITIONER FILED AN AMENDMENT MOTION RELEVANT TO
SUBJECT MATTER AND SUPPLEMENTAL DISCOVERY ON
MAY 2013 AND JUNE 2013 ABSENT OBJECTIONS VIA
RESPONDENTS. SEE SLACK V STATE 429 SE2D 801
2. JUDGMENT VIA DEFAULTS OF STATE AND WARDEN
HAVE NOT BEEN RULED UPON. SIMMONS V STATE 471 SE2D 455
3. THE AMENDED GROUNDS ARE ALL BASED ON
INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL
SEE SIMMONS V STATE / BUTER V STATE 397 SE2D 87 (RESPECTFULLY SUBMITTED)

CONCLUSION

BASED ON THE ABOVE BOTH OF RESPONDENTS
MOTIONS SHOULD BE DENIED.

CC: OFFICE OF ATTORNEY GENERAL
ORIGINAL: HON MELANIE H. WARD

St. Curtis Richardson

STATE OF SOUTH CAROLINA
COUNTY OF Horry

IN THE COURT OF COMMON
PLEAS

CURTIS RICHARDSON
PETITIONER

2013-CP-26-1723

V.

STATE OF SOUTH CAROLINA
WARDEN OF KCI
SC DPPS RESPONDENTS

FILED
HORRY COUNTY
13 OCT -4 AM 11:35
MELANIE HUGGINS-WARD
CLERK OF COURT

PROOF OF SERVICE

THIS IS CERTIFICATION THAT I SERVED THIS
OBJECTIONS TO RESPONDENTS MOTION TO DISMISS
AND PROPOSED ORDER OF DISMISSAL ON 9/23/13
ON THE FOLLOWING BY PLACING A COPY OF SAME
IN THE U. S. MAIL POSTAGE PREPAID ADDRESSED.

HONORABLE MELANIE WARD
1361 2ND AVE
CONWAY SC 29526

OFFICE OF ATTORNEY GENERAL
P. O. BOX 11349
COLUMBIA SC 29211

Curtis Richardson



MELANIE HUGGINS- WARD

CLERK OF COURT
1301 2ND AVENUE
CONWAY, SC 29526
(843) 915-5080 • Fax: (843) 915-6081

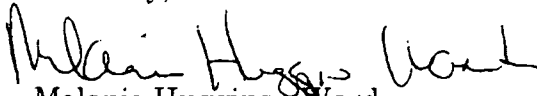
October 4th, 2013

Mr. Richardson

We received your letter requesting us to file your Motion Of Objection /Proof Service .I have done that for you. Sending The Attorney General's Office a copy and returning you a copy.

If we can be of any further assistance, please do not hesitate to let us know.

Sincerely,


Melanie Huggins Ward

MHW/ac



MELANIE HUGGINS- WARD

CLERK OF COURT
1301 2ND AVENUE
CONWAY, SC 29526
(843) 915-5080 • Fax: (843) 915-6081

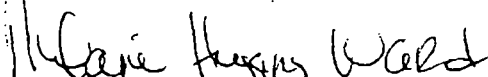
July 11th, 2013

Mr, Richardson

We received your letter requesting us to file your Amendment and send a copy to Attorney General. I have done that and enclosing you a clocked copy.

If we can be of any further assistance, please do not hesitate to let us know.

Sincerely,


Melanie Huggins - Ward

MHW/ac

STATE OF SOUTH CAROLINA
COUNTY OF MORLEY

2013 JUL -5 PM 4:53

IN THE COURT OF COMMON
PLEAS

FIFTEENTH JUDICIAL CIRCUIT

CURTIS D. RICHARDSON
PETITIONER

2013-CP-26-1723

VS

STATE OF SOUTH CAROLINA
CECILIA REYNOLDS
SC DC AND SC DPPP
RESPONDENT

2ND AMENDMENT TO
PETITION AND REQUEST
FOR HEARING IN (10) DAYS

PROOF OF SERVICE

THIS IS TO CERTIFY THAT I DID ON THE 26TH
DAY OF JUNE 2013 SERVE A COPY OF THE
ABOVE CAPTIONED DOCUMENT ON THE FOLLOWING
PARTIES BY PLACING A COPY OF SAME IN THE U.S.
MAIL POSTAGE PREPAID ADDRESS:

HONORABLE MELANIE WARD
CLERK OF COURT
1301 2ND AVE
CONWAY SC 29526

TYSON A. JOHNSON
OFFICE OF ATTNY GENERAL
P.O. BOX 11549
COLUMBIA SC 29211

S/Curtis Richardson

3 of 6

IN THE COURT OF COMMON PLEAS

FIFTEENTH JUDICIAL CIRCUIT

2013-CP-26-1723

AND AMENDMENT TO

PETITION AND REQUEST

FOR HEARING IN (10) DAYS

STATE OF SOUTH CAROLINA
COUNTY OF HOLLY

CURTIS D. RICHARDSON

PETITIONER

STATE OF SOUTH CAROLINA
JULIA REYNOLDS

SCDC AND SCPPS

RESPONDENTS

PETITIONER MOVES THIS HONORABLE TO
TO AMEND HIS PENDING PETITION FOR
WIT OF HABEAS CORPUS FOR CONSIDERATION
OF HEAR ON THE FOLLOWING ADDITIONAL GROUNDS
RELEVANT TO ATTACHED ORDER FOR SUPPLEMENTAL
DISCOVERY LIMITED IN SCOPE TO REQUESTED
ROAD BLOCK INFORMATION

Silvia Lopez
4848 GORMINE HWY
KENSIMAN SC
29667

2013 JUL -5 PM 4:53

CLERK

6 of 6

JUNE 29, 2013

2013 JUL - 5 PM 4:53
FILED

HONORABLE CLERK

WOULD YOU PLEASE PROVIDE ME A
FILED COPY OF THIS AMENDMENT IN
THE ENCLOSED SELF ADDRESSED POST-
AGE PREPAID ENVELOPE

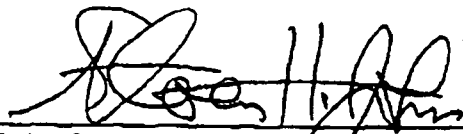
THANK YOU
I AM SINCERELY
S/ Curtis Robinson

WHEREAS, the information requested represents a crucial part of Petitioner's case against the State and without it, Petitioner cannot proceed.

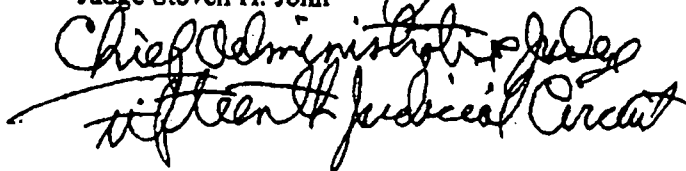
THEREFORE, it is the Order of the Court that Trooper G.R. McCrackin of the South Carolina Highway Patrol be ordered to produce the information specifically requested in Petitioner's Supplemental Motion for Discovery within Thirty (30) days from the issuance of this Order. If the requested material does not exist, Trooper G.R. McCrackin will tender an explanation as to why the specific information does not exist within Thirty (3) days from the issuance of this Order.

IT IS SO ORDERED.

November 20, 2012



Judge Steven H. John


Chief Administrative Judge
Fifteenth Judicial Circuit

STATE OF SOUTH CAROLINA
COUNTY OF HEALY

IN THE COURT OF COMMON
PLEAS

CURTIS D. RICHARDSON
PETITIONER

2013-CP-26-01722

V.

STATE OF SOUTH CAROLINA
CECILIA REYNOLDS
SCDC AND SCDCPPS
RESPONDENTS

OBJECTIONS TO RESPONDENTS
RETURN AND MOTION TO DISMISS
AND IN ALTERNATIVE AMENDMENT
TO PETITION AND REQUEST
FOR A HEARING WITHIN
(10) TEN DAYS

PETITIONER MAKING OBJECTION TO RESPONDENTS
RETURN WILL OBJECT TO RESPONDENTS RETURN IN EXCESS
OF 30 DAYS OF SERVICE AND MOVES THIS COURT TO
GRANT DEFAULT JUDGEMENT BASED ON SAME.

SECONDLY PETITIONER MOVES THIS COURT TO EN-
TERTAIN SUBJECT MATTER ISSUE AS THE COURT LACKED
JURISDICTION TO ACCEPT GUILTY PLEA SINCE PETITIONER HAD
NEITHER BEEN INDICTED FOR NOR WAIVED PRESENTMENT OF
THE CHARGE OF POSSESSION OF MARIJUANA WITH INTENT
TO DISTRIBUTE 4. GRAMS OF MARIJUANA.

SEE SLICK V STATE 429 SC2D 801 GRANTING WRIT OF HABEAS
CORPUS ALSO SEE SIMMONS V STATE 471 SC2D 455 (SC 1993)
AND BUTLER V STATE 397 SC2D 87 (SC 1990) EACH
GRANTING HABEAS CORPUS RELIEF ON IDENTICAL
MERITS.

ALSO SEE PELTZER V STATE 672 SC2D 790
(SC APP. 2009)

FURTHERMORE PETITIONER REQUESTS A HEARING WITHIN (10) TEN DAYS AS MANDATED BY STATUTE. 17-17-80. "TIME WITHIN WHICH PRISONERS MUST BE BROUGHT BEFORE COURT"

"IF THE PLACE OF IMPRISONMENT OF THE PERSON BE BEYOND THE DISTANCE OF TWENTY MILES FROM THE PLACE WHERE SUCH COURT IS HELD AND NOT ABOVE ONE HUNDRED MILES HE SHALL BE BROUGHT BEFORE THE COURT WITHIN THE SPACE OF TEN DAYS AND NOT LONGER."

PROOF OF SERVICE

I SERVED A COPY OF THIS AMENDMENT ON THE FOLLOWING PARTIES BY PLACING A COPY OF SAME IN THE U.S. MAIL POSTAGE PREPAID ADDRESSED AS FOLLOWS ON 5/21/13

TYSON ANDREW JOHNSON, SR
OFFICE OF ATTORNEY GENERAL
P.O. BOX 11549
COLUMBIA SC

HONORABLE LARRY HYMAN
1301 2ND AVE
COLUMBIA SC 29526

HONORABLE MELANIE WARD
1301 2ND AVE
COLUMBIA SC 29526

St. Curtis A. Harshbarger