

Lonnie Geter #2008401  
Q-3 B-201 P.C.I.  
430 Oaklawn Road  
Petzer S.C. 29669

**RECEIVED**

NOV 04 2013

October 28 2013

S.C. SUPREME COURT

Appellate Case No. 2013-002215

Dear Honorable Daniel F. Shearouse:

Enclosed please find a original copy  
of my explanation to show cause. Along  
with a proof of service and affidavit  
by Lonnie Geter.

Respectfully  
submitted

/s/ Lonnie Geter

C:C; L:G  
C:C; D:E;S; S:C; S:C.

The State of South Carolina  
In The Supreme COURT  
Appeal From Spartanburg County  
COURT OF COMMON PLEAS

Roger L. Couch Administrative Judge  
Common Pleas Seventh Judicial Circuit

Appellate case no. 2013-002215

Donnie Geter #288401 . . . . . Appellate

VS

State of South Carolina . . . . . Respondent

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NOV 10 2013  
SC SUPREME COURT

EXPLANATION SHOW CAUSE

This matter comes before the South Carolina  
Supreme Court Daniel E. Shearouse, Explanation show cause.

The appellant Donnie Geter is serving a Life Sentence  
for Burglary first degree.

The appellant attacks two separate conviction in this  
application. The applicant

licant was indicted at the August 1991, And may 1998 term of the Court of General sessions for Spartanburg County for two counts of Burglary third (1991-GS-42-3059, 1998-GS-42-2304).

Applicant was represented by Billy Hahs, for the 1991 indictment and John Abdolla, Esquire, for the 1998 indictment. On July 12, 1993 the applicant Pled guilty to third degree Burglary (91-3059), He was sentenced by the Honorable E.C. Burnett II to confinement for a period of five (5) years suspended upon the service of time served to eighteen (18) months probation for third degree burglary. On August 24, 1998, the applicant Pled Nolo contendere to third degree burglary (98-2304), Pursuant to a Negotiated Plea, the Honorable

Donald W. Beatty sentenced the applicant to confinement for a period of ten (10) years suspended upon the service of four (4) years to three (3) years Probation.

"The records indicate that counsel for the applicant did not appeal either, Plea or sentence."

Appellant can put forth explanation to show cause and prejudice effect which harm the appellant both amendment Right ineffective assistance of counsel; failure to file a timely Notice of Appeal to challenge either guilty Plea or sentence cite White v State.

In the applicant case present before Supreme court, counsel was required to file a timely Notice of Appeal which client had request counsel

to challenged his Judgment conviction  
on record of appeal for belated appeal  
pursuant to White v. State 263 S.C.116  
208 SE2d 35 (1974).

Applicant Lonnie Geter before Circuit  
court of General sessions did not  
knowingly and intelligently waive his right  
to appeal. Cite Steickland v. Washington,  
466 U.S. 668 688, 104 S.Ct 2052 (1984)

Applicant has standing to Petition  
for Post-conviction Relief if he is  
in custody or result of his prior  
conviction still persist. Cite Jackson  
v. State S.C. 1997) 33 S.C. 486 489 SE2d  
915, rehearing denied

Applicant prior conviction would  
be so prejudice to the Applicant  
conviction which the Applicant is  
serving A Life sentence without

parole for burglary first degree, and the state did use these prior for enhancement in his indictment presented before the county grand jury of Spartanburg county on Burglary first degree which the applicant is serving a Natural Life sentence for Burglary first degree without Parole.

### Conclusion

Therefore the South Carolina Supreme Court must and shall vacate, or reduce the Applicant conviction; and sentence to 15 fifteen years for Burglary.

Date October 28 2013

s/ Lonnie Geter  
Lonnie Geter #288401  
430 Oaklawn Rd  
Pelzer, S.C. 29669

The State of South Carolina  
In the Supreme Court  
Appeal from Spartanburg County  
Court of Common Pleas

Roger L. Couch Administrative Judge  
Common Pleas Seventh Judicial Circuit  
Appellate case NO. 2013-00221S

Donnie Geter #288401. . . . Appellate

VS

State of South Carolina. . . Respondent

Affidavit By Donnie Geter

- (1) This affidavit By Donnie Geter #288401, is true and correct given upon oath.
- (2) Based on all grounds Alleged in this explanation to show cause is true and correct whereby his prior conviction is so prejudice by - the

Solicitor present to the grand jury,  
and the court of General sessions  
during his jury trial which these  
Prior was so harmful and prejudice.

(3) In the applicant indictment before  
the grand jury indicate several  
Third degree prior conviction for  
Burglary; which the Solicitor use  
for enhancement seeks Life without  
Parole.

Based on this affidavit is  
true and correct given upon oath  
By Lonnie Geter.

Lonnie Geter  
430 Oaklawn Rd  
Pelzer, S.C. 29669

Sworn before me  
This Day 28th of October 2013  
2013

Notary Stewart Mulvaney

Expires January 2, 2016

The State of South Carolina  
IN The Supreme Court  
Appeal From Spartanburg County  
Court of Common Pleas

Roger L. Couch Administrative Judge  
Common Pleas Seventh Judicial Circuit

Appellate case no. 2013-002215

Lonnie Geter #288401 . . . . . Appellate

VS

State of South Carolina . . . . . Respondent

Proof of Service

I Lonnie Geter #288401, Hereby served a true  
and original copy of Explanation to show cause upon Daniel E.  
Shearouse at Post Office Box 11330, Columbia S.C. 29211 BY placing  
A true copy in the Perry corr. INST. mail Box,

sworn before me

This Day 28th of October 2013

notary Stewart Mulvaney

Expires January 7, 2016

Lonnie Geter  
Lonnie Geter #288401  
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430 Oaklawn Road  
Pelzer, S.C. 29669

7771 e Geyer #288461

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OCT 29 2013

P.C.I. MAILROOM

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Daniel E. Shearouse

South Carolina

Supreme Court

Post Office Box 11330

Columbia, S.C. 29211

LEGAL MAIL

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