

LEGAL MAIL

pg # = 1 of 19

(10-30-13)
ATES

C/O: CLERK CONT, SUPREME CONT, S.C.

DANIEL E. SHEAROUSE

P.O. Box 11330, Columbia, SC 29210, "29211"

From: BEN NABORS # 233844

B.R.C.I. mdt-1042

4460 Broads Rivers Road

Columbia, SC 29210

RE: ENCLOSED formal

RECEIVED

Communication / Complaint, NOV 04 2013

* Case No: 2013-001797

* Low Cont No: 2011-CP-30-308

S.C. SUPREME COURT

~~10-30-13~~
DATE

YOUR HONOR, please hear
me out in problem(s) (serious
problems) do currently exist in
direct regards to the offices
of Appellate Defenders

Inadequate rendering of
representation, on my appeal
Case No: 2013-001797.

* Yesterday evening, around
11am - 5pm, it came

RECEIVED
NOV 04 2013
OFFICE OF
CHIEF JUSTICE

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PG-~~48~~-2019

(10-30-13)
DATE

to This appellants attention,
that information from your
office, "directly" from, "your"
office, MR. SHEAROUSE, in which
you communicated to me, between
August 27, 2013, to October 30,
2013, was "ERRONEOUS" and
prejudicial to my current
appeal, case no: 2013-001797,
as well as, in all likely

hood, my previous appeal,
case no: 2013-001195, ...

My complaint is that your
office informed me that

Robert M. Dudek, Esq. was
my court-appointed lawyer, in

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PG #44 = 3118

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the captain's seat, at the
helm, of my appeal?

This, according to the office
of Appellate Defense of S.C., is
NOT true, sir. Please see ~~the~~ attached
communications addressed to me
this appellant, from your self,
dated October 17-2013,

October 9, 2013, as this
complaint (is not) solely limited
to the enclosed / attached ~~com~~
documentation(s) of the referenced
dates of those "communications"
OR "documentations" enclosed
currently within this complaint.
"This complaint therefore is subject
to amendment", MR. SHEAROUSE...

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PG. 44 = 4, f19

10-30-13

YOUR HONOR, UNDER THE PAST & CURRENT guise, OF ME BEING "REPRESENTED" BY A "LAWYER", "AN ACTUAL ATTORNEY" OUT OF THE OFFICES OF THE APPELLATE DEFENSE OF S.C., "NOT NEARLY THE (ENTITY) PER SE, 'KNOWN AS', THE S.C. APPELLATE DEFENDERS OFFICE, YOU HAVE MISLEAD ME INTO BELIEVING:

*= (1.) MY CURRENTLY PENDING APPELLATE CASE, CASE NO. 2013-001797 IS BEING (ADEQUATELY) REPRESENTED BY AN ACTUAL AND COMPETENT "HUMAN ATTORNEY, NOT NEARLY AN "ENTITY"

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= (2) your office "the clerks
office of the S.C. SUPREME COURT
has purposefully, @ am convinced
"mistaken" me in foregoing my
PROSE attempts, and full
though perhaps mentally
challenged attention, away
from my prosecution of
this current appeal? case
NO: 2013-001797, "by
means of "misinformation"
which to me, a layman
translate simply into
"trickery" "IN polite
rendering" This is what @ NOW
so label e. Label e, your office(s)

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pg ~~100~~ = 6 of 19

actions as amounting
to. AND This "trickery"
has thus profoundly (irreparably)
prejudice me, my current
appeal, case no. 2013-001797,
my efforts, to prove my "actual
innocence" in regards to these
UNLAWFUL SENTENCES/CONVICTIONS,

YOUR HONOR, to refresh this
HONORABLE COURTS memory, in
regards to my allegations,
"prior to, and actually ON, 6-10-09,
(~~Q~~) was directly under public/
actual, authority, of the U.S.D.
Narcotics Department, when thus
(~~Q~~) was, while (acting) in such →

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10-30-13

a capacity as a (forced),
(taken advantage of) by the
L.C.S.D. police officers of
such "actual authority"
mentally challenged citizen
of S.C. and the U.S.A. "earth"
was, on 6-10-09, while
under authority of police officers
of (an actual authority) of
L.C.S.D. "exposed" to mind
altering and potentially
deadly toxic chemicals
at 836 Helms Rd. Greyston,
S.C. 29645 "an active meth
lab" etc. AND after this →

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19-~~6~~ 8 of 19

10-30-13
DORL

EXPOSURE, the C.C.S.D. did so in fact deny me medical treatment, then released me from their physical custody/protection, back into the community of Lauren County

S.I. ON 6-10-09, a white ~~♂~~ WAS knowingly still mentally ill/unstable, hallucinating, a diagnosed mentally ill paranoid schizophrenic so says several expert psychiatrist/psychologists etc. which did so result in me white so incapacitated mentally, my contacting a good honest to God Samaritan, who's only fault was, being not overly suspicious, herself.

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PKY-9010

10-30-13

And my whole case currently centers around the (FACTS) which are all provable by a preponderance of evidence

that this appellant was

☞ "1". Acting under actual police authority on 6-10-09.

☞ "2" was represented by very much so ineffective counselors Mike Turner JR. Esq. and Alex Stalvey, Esq. and

☞ "3" was assaulted by victim(s) son at the L.C.D.C.

"Deputy James L. Edwards" after carjacking, and threatened, coerced by such victim(s) son as well as (many) of his →

PIK = 10 of 12

~~10-30-13~~

COWORKERS, all police officers also of C.C.S.D. and the C.C.D.C., i.e.

"CAVREN COUNTY SHERIFF DEPARTMENT" and "CAVREN COUNTY DETENTION CENTER"

NOTE * → TWO OF WHICH WITCHES WAS WERE LEAD C.C.S.D. INVESTIGATORS HANDLING MY CARJACKING AND ARM ROBBERY CHARGES STREAMING FROM 6-10-09 INCIDENT AFTER MY EXPOSURE TO THOSE TOXIC MIND ALTERING CHEMICALS ON 6-10-09 WHILE →

PAV-110F19

10-30-13

this appellant was
thus acting under direct
actual authority of the
L.C.S.D. Nat COHCS Department
Lt. Plaxico and Lt. Withie
who themselves coerced my
confession/statement on
6-11-09, using themselves
"police trickery" of their
own. AND also lays for
opening arguments in my
Car Jackin Bm battery trial
such investigators Lt. R. Plaxico
and Lt. Withie, took me from
→

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The C.C.S. COURT House
under direction of the
COURT, to their NARCOTICS
OFFICE, ANNEX building,
and for several long

hours, repeatedly urged
me to stop my efforts to

have the Arms robbery
charges to trial and to

just "enter a guilty
plea" that such act
would be "the Christian
thing to do, etc." ALSO

at current ISSUES is this
appellant having been highly →

PA 11 = 13 of 19 1072-13

"Overt medicated" OR
"Medically intoxicated"
prior to, and at ^{time} (13/2/63) of

trial, guilty plea, on what
10-18-10 and 10-19-10.

Thus this appellant was
deemingly "INCOMPETENT"
to have thus even entered
the guilty plea, etc.

ALSO AT CURRENT ISSUE
IS FACT THAT THE STATE
PURPOSELY WITHHELD MITIGATING
(EXCULPATORY) EVIDENCE FROM BOTH

P1. ~~14~~ 14 of 19

10-30-13

The Appellant, the trial court, as well as the current court, the S.C. Supreme court, which does consist of mental health records/ diagnoses of the appellants documented 30 year strong mental health history. etc.

Also at issue in this case, case no: 2013-001797. is the fact(s) that this appellant requested for and was denied his federal and

P 14 = 15 of 19

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State Constitutional rights
and due process rights
to a "Blair Hearing"
to contest the "it can
be easily proven, UNRELIABLE
AND SEVERLY FLAWED" M.M.H.
report, claiming that the
appellant was both criminally
responsible at ^{TRIAL} 523 of

6-10-09 crime and
competent to stand trial.
etc... MR. Sitarouse
YOUR HONOR, why is →

PT# 16 of 12

10-30-13

Your office misrepresenting
the facts to me in direct
regards to this case, case

2013-001797?

As stated above this motion/
complaint is subject
to amendment if this
appellant or future counsel
deems such necessary.

Please do so (file)

this complaint, and
present such said complaint
before the courts inspection
for an immediate response →

PJ #17 of 19

10-30-13

This appellant humbly -
respectfully expects a
acknowledgment/reply to
this complaint.

Respectfully submitted

10-30-13
D. A. S. BEN R. NABORS
BEN R. NABORS

cc.. U.S. Supreme Court, C.J.
U.S. Judicial Department
Director of A..

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IN SUPREME COURT SOUTH CAROLINA,

APPEAL CASE NO: 2013-001797

COURT CASE NO: 2011-CP30-308

BEN NABORS

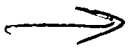
VS.

STATE OF SOUTH CAROLINA

(10-30-13
NABORS)

APPEAL FROM HONORABLE
CLIFFORD B. NEWMONS 7-16-13
DISMISSAL P. CP. 59 (e) ETC.

THIS APPELLANT SWEARS UNDER
PENAL PERJURY HE HAS
SERVED THIS FORMAL COMPLAINT



PA 19 OF 19, 10-30-13

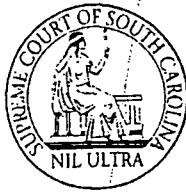
ON THE S.C. SUPREME COURT
CHIEF JUSTICE'S OFFICE
ON 10-30-13, BY SO
ADDRESSING SUCH AND DEPOSITING
INTO HANDS OF B.R.C.T.,
MAKE NOW SUPERVISORS
HANDS, MR. COV, MR. WOOD,
OR MRS. FINE, ON 10-30-13
POSTAGE PREPAID AND ADDRESSED
TO
CHIEF JUSTICE JENNIFER
PO BOX 11334, COLUMBIA, SC 29211.

10-30-13

ATTEN

BEN R. NABORS

BEN R. NABORS #233844
4460 BROADSTREET ROAD
COLUMBIA, SC 29210



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330-
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
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FAX: (803) 734-1499
www.sccourts.org

October 17, 2013

Mr. Benjamin Nabors, #233844 ,
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

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OCT 21 2013

Re: Benjamin Nabors v. State
Appellate Case No. 2013-001797

Dear Mr. Nabors:

This responds to the letter that you sent to Chief Justice Toal dated October 11, 2013. Attached to this letter is a letter that you want forwarded to your counsel.

This Court will not forward mail for you. If you want to send mail to your counsel, you should mail it directly to him. Therefore, I am returning your letter and its attachment to you, and these documents have not been filed in the above matter.

The address for your counsel is Robert Michael Dudek, Esquire, 1330 Lady Street, Suite 401, Columbia, SC 29201.

Sincerely,

Daniel E. Shearouse

Enclosure

cc: Robert Dudek, Esquire
Suzanne H. White, Esquire

The Supreme Court of South Carolina

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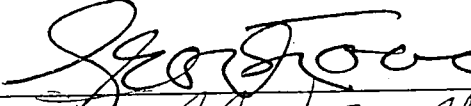
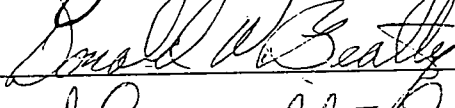
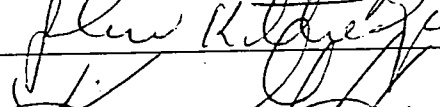
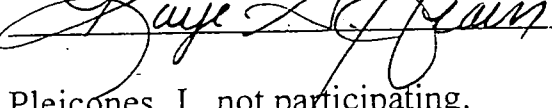
OCT 22 2013

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ORDER

The following matters are dismissed pursuant to *Key v. Currie*, 305 S.C. 115, 406 S.E.2d 356 (1991), because no extraordinary reason exists to entertain them in this Court's jurisdiction:

1. *Donnie Jones*. Letter to the Chief Justice dated September 18, 2013. Appellate Case No. 2013-002045.
2. *Stepheno Alston*. Letter to the Chief Deputy Clerk of Court dated September 12, 2013. Appellate Case No. 2013-002057.
3. *Justin Lee Brown*. Letter to the Court received September 19, 2013. Appellate Case No. 2013-002039.
4. *Halique Davenport*. Letter to the Court received September 20, 2013. Appellate Case No. 2013-002044.
5. *Ben Nabors*. Letter to the Chief Justice dated September 22, 2013. Appellate Case No. 2013-002055.

 C.J.
 J.
 J.
 J.
Pleicones, J., not participating.

Columbia, South Carolina

October 16, 2013

CC:

Mr. Donnie Joe Jones

Mr. Stepheno Alston

Mr. Justin Lee Brown

Mr. Halique Davenport

Mr. Benjamin Nabors

Mr. Christopher D. Florian, Esquire

The Supreme Court of South Carolina

Benjamin Nabors, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-001797

RECEIVED

OCT 10 2013

ORDER

Petitioner has filed a *pro se* document with this Court dated September 17, 2013. This document was received by this Court on September 30, 2013.

In this document, petitioner indicates that he has a conflict of interest with his counsel. To the extent that this may be a request to relieve his counsel, this request is denied.¹

¹ In part, petitioner appears to be dissatisfied that his counsel from the Division of Appellate Defense has not provided funds for an investigator and has not ordered various transcripts, including a family court transcript. This Court reminds the petitioner that this matter is an appellate proceeding and the sole issue before this Court is whether the post-conviction relief (PCR) judge committed error in denying relief. In making that determination, this Court will only consider evidence or materials that were part of the record before the PCR judge. Rule 243(f), SCACR (appendix shall include an index, the order(s) on appeal and the entire record before the lower court).

Since evidence or materials that were not before the PCR judge cannot be considered by this Court, there is simply no need for investigative services in this appellate proceeding. Further, except for the transcript of the hearings held in this PCR case (which appear to have been ordered by Appellate Defense), the transcripts from any other hearings cannot be considered by this Court (unless) they were part of the record before the PCR judge.

To the extent that this document may be seeking any other relief from this Court, no action will be taken on it since petitioner is represented by counsel in this matter. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

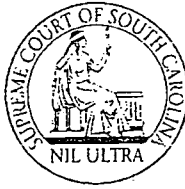


C.J.

FOR THE COURT

Columbia, South Carolina
October 9, 2013

cc: James Rutledge Johnson, Esquire
Robert Michael Dudek, Esquire



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
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October 9, 2013

Mr. Benjamin Nabors, #233844
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

Re: Benjamin Nabors v. State
Appellate Case No. 2013-001797

Dear Mr. Nabors:

This responds to your correspondence dated September 17, 2013. Enclosed is an order issued on that correspondence.

As to the costs of providing the documents that have been filed with this Court in the above matter and in 2013-001195, I can provide a copy for the following amounts in each case. This represents the cost of copying at 25 cents a page plus a mailing fee.

Case	Number of Pages	Cost (including mailing fee)
2013-001797	488	\$141.20
2013-001195	1156	\$335.00

If you would like a copy, please send a check or money order payable to the South Carolina Judicial Department in the appropriate amount. Since I do not find that

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OCT 10 2013

BRCI

1

providing these documents would primarily benefit the general public, I decline to provide copies without charge.

Very truly yours,

Daniel A. Shearouse
BS

CLERK

Enclosure

cc: James Rutledge Johnson, Esquire
Robert Michael Dudek, Esquire

BGW NARBORS #233894
B.R.C.F. MLT. 1092
4460 Broad St NW
Colo. S.C. 29210

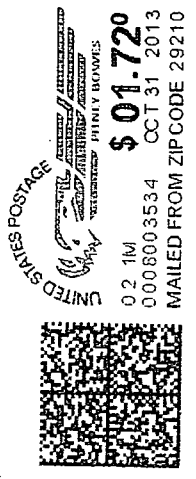
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OCT 31 2013

S.C. SUPREM CO. F.
C/O: Chief Justice of S.C.

HONORABLE
JEFFREY H. STONE
P.O. BOX 11330
COLUMBIA, SC 29211

MAILED
OCT 31 2013
BY



LEGAL MAIL