

State of South Carolina

In The Supreme Court

Certiorari to Florence County
Thomas A. Russo, Circuit Court Judge

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NOV 05 2013

SC Court of Appeals

Jeremy T. DURANT Petitioner

V

State of South Carolina Respondent

Appellate Case No. 2012-213326

Johnson petition and prose petition for
Writ of certiorari

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OFFICE OF
CLERK OF COURT

Cover

State of South Carolina

State of South Carolina) In the Court of Common Pleas

)

County of Florence) Case No: 2012-Cp-21-0305

Jeremy T. Durant 347062)

plaintiff,) Order substituting counsel

v.)

State of South Carolina)

Defendant.

* fighting for my Justice & What Went Wrong in the Court:

McNaughten test for ~~bl~~ Competency to stand trial

August 25, 2010 (Not Competency)

Gordon Brown Jr (Offices of Clinical Services)

With the S.C. dept. of disabilities and special needs)

December 22, 2010 After be trained Competency was Not Restored.

March 10, 2011 S.C. Department of mental health / Report finds that
he does have the ability to conform his conduct to The law and that he is
indeed Criminally Responsible

May 21, 2009 - found Criminally Responsible According to McNaughten
Test

Cover of the first page

one

Competency to Stand trial Evaluation

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Date of evaluation: June 23, 2010

Presiding: Michael Ferlauto, M.D.

Second Examiner: Carol David, LLSW-Cp

Diagnoses: AXIS I: No diagnosis

AXIS II: Mild mental

AXIS III: History of Neck laceration

Competency to Stand Trial opinion: No opinion

Sources of Information:

1. Florence County Court of General Sessions order for an Evaluation of Competency to stand trial
2. Arrest Warrant # H-615054
3. Florence County Sheriff's Office Report dated 6-14-2009
4. Narrative of Corporal Paul Bird dated 5-21-2009
5. Narrative of Corporal Adam Moore (No dated)
6. Narrative of Corporal Andrew Clendenin (No dated)
7. Incident Report by Office Gibson
8. Supplementary Report by Office Palmer

Conclusion Regarding Competency to stand trial:

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In accordance with the court order in this case we are not rendering an opinion on Mr. Durant's Competency to stand trial because it is our opinion that he is mentally Retarded and Not mentally ill.

Recommendations: An evaluation of Mr. Durant's Competency to stand Trial should be conducted by the South Carolina Department of Disabilities and Special Needs

Michael Ferlauto M.D.
Senior psychiatrist
South Carolina Department of mental Health

July, 6, 2010

State of South Carolina) Indictment for

) Murder

County of Florence)

At a Court of General Sessions, Convened on Oct, 1st 2009 the
grand Jurors of Florence County present upon their oath:

Count One - murder
CDR: 0116 16-03-0010, 0020, 16-01-0060

That Randy Antonio Baker and Jeremy Terrell Durant did in Florence
County on or about May 21, 2009, feloniously, willfully and with malice
Aforethought kill one Rush Vance Bass by means of beating him to death with
brass knuckles and/or a metal pole in the town of Timmonsville SC
And that the said Rush Vance Bass did die as a proximate result thereof,
In Violation of sections 16-03-0013, 0020 And 16-01-0060 SC. Code of laws
1976 As Amended.

Against the peace and dignity of the state and contrary to the statute
in such case made and provided

E.L. Clements, III

Twelfth Circuit Solicitor

State of South Carolina) In the Court of General Sessions 66-68-69-71

County of Florence)

State of South Carolina)

) Affidavit of defendant for (D.R. C. H. P. W. H. D.)

V)

Guilty plea

NOV 05 2013

Jeremy T. Durant)

SC Court of Appeals

Defendant)

1 The defendant state to the court that the defendant
wants to plead guilty to the following charge(s)

ABHAI

Nature of the charge and consequences of pleading ~~guilty~~ Guilty

4 As you understand the maximum possible punishment
for this charge is 10 years

plea negotiations

1 HAS ANY plea agreement been made by you with
The solicitor's office (yes) No

IF so, exactly what do you understand the
Agreement to be probation

Concluding questions

Signed by me in the presence of my Attorney

This 9th day of April 2009

Jeremy Durant
Defendant