

Mr. Samuel Dinkins #293951  
Kershaw Corr. Inst. HD-142  
4848 Goldmine Hwy.  
Kershaw, SC 29067

October 27, 2013

Daniel E. Shearouse  
Clerk of The Supreme Court of South Carolina  
PO Box 11330  
Columbia, SC 29211

**RECEIVED**

NOV 06 2013

S.C. SUPREME COURT

Re: Samuel Dinkins v. State  
Appellate Case No. 2013-002104  
Rule 243(c), SCACR

Honorable Clerk of Court,

Per your letter to me dated October 18, 2013, please find  
enclose:

(1) Rule 243(c), SCACR explanation in regards to the above  
noted Appellant's case, (2) Exhibit A; A copy of the Appellant's  
and Codefendant Shawntell Singletary Bond Hearing paper, (3)  
Exhibit B; A copy of Juror Maggie Singletary interview, (4)  
Exhibit C; A copy of the Appellant's PCR Evidentiary Hearing  
transcript.

Honorable Clerk, please send me a clock-stamped copy of my  
submitted Rule 243(c), SCACR explanation and exhibits for which  
I've included a return sase. I thank you in advance for your  
prompt and fastidious help concerning this matter.

Respectfully submitted,



Mr. Samuel Dinkins

cc: File

Rule 243(c), SCACR

Application should not be barred as being successive.

Appellant's argument is that Juror Maggie Singletary intentionally concealed information during Appellant's first PCR Investigation, that her daughter Shawntell Singletary, and Appellant was in fact arrested together as codefendants, and that she witnessed her daughter and Appellant's Bond Hearing at the Lee County Magistrate Court, and that she was very upset about her daughter spending a night in jail for the first time, and blame Appellant for everything that happened. Information that Juror concealed was most favorable to Appellant. Juror was interviewed (see Exhibit B) where Juror denied her, or daughter ever had any involvement with Appellant. Appellant's after discovered Bond Hearing papers (Exhibit A) prove that Juror's daughter and Appellant was in fact arrested together, and codefendants, and at time of the arrest Juror, and daughter was living together, and Juror posted her daughter's bail. Shawntell Singletary has the same address on her Bond Hearing paper as Juror Maggie Singletary (Exhibit A), who was seated at Appellant's trial!

McCoy v. State, Opinion No. 27214, February 6, 2013, the South Carolina Supreme Court reversed and remanded for hearing the dismissal of the Petitioner's PCR Application. The Supreme Court held that summary dismissal of the petitioner's second PCR Application was error because genuine issues of material fact existed as to whether his claim was successive or barred by the statute of limitation. When considering the state's motion

for summary dismissal, where no evidentiary hearing has been held, the PCR Judge must assume facts presented by the applicant are true and view those facts in the light most favorable to the applicant.

Application should not be barred as untimely under the statute of limitations.

Appellant's argument is after writing Lee County Magistrate Court office, about this matter was unsuccessful with no response. The after discovered Bond Hearing papers that Appellant provided to the court, could not have been discovered by Appellant because the Bond Hearing papers that prove, Juror Maggie Singletary is the mother of Appellant's codefendant, contains personal information of Shawntell Singletary, and Appellant, like Social Security Number, address (Exhibit A), which no court would send to any inmates in prison, unless legal assist, where Appellant legal assist failed to do so (Exhibit C), after the first PCR Judge gave an additional thirty (30) days to investigate this matter. The Bond Hearing papers were discovered when a family member of Appellants was able to go to the Lee County Magistrate Court office, and get the Bond Hearing papers on October 13, 2011, that's when Appellant made the court aware.

Leamon v. State, 363 S.C. 432, 434, 611 S.E.2d 494, 495 (2005) (citing S.C. Code Ann. § 17-27-80) Where an Applicant alleges facts that would establish an exception to either the statute of limitation, or the prohibition against successive PCR application, and those facts are not conclusively refuted by the

record before the PCR court, a question of fact is raised which can only be resolved by a hearing.

Juror Maggie Singletary had two chances to show that she was biased, and prejudiced, once during Appellant's voir dire stage, when the Trial Judge asked all juror's did anyone have any bias, or prejudice against the defendant, and second when Juror Singletary was interviewed at her home concerning this matter. The misconduct by Juror Maggie Singletary has been proven to be intentional, would have supported a challenge for cause or would have been a material factor in the use of the party's peremptory challenges. See, Delaney v. State, 269 S.C. 555, 556, 238 S.E.2d 679 (1977). The misconduct by Juror Maggie Singletary violated Appellants right to a fair trial.

The facts and finding presented by appellant has proven, that an arguable basis for asserting that the determination by the lower court was improper. Appellant should be granted, warranty, a new trial.

Respectfully submitted by,



Mr. Samuel Dinkins #293951

Kershaw Corr. Inst. HD-142

4848 Goldmine Hwy.

Kershaw, SC 29067

October 27, 2013

Exhibit A

STATE OF SOUTH CAROLINA  
COUNTY OF Lee  
STATE OF SOUTH CAROLINA

Ticket or Warrant No.: Y374480, Y374481, Y374482  
IN THE ( ) COURT OF GENERAL SESSIONS  
(X) MAGISTRATE'S COURT Y374482  
( ) MUNICIPAL COURT OF \_\_\_\_\_

Samuel Z. Dinkins  
Name of Defendant

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE  
(Bail Proceeding Form 2)

Offense Charged: D.T. Viol ABC Law, Viol Seat Belt + Simple Poss of Marijuana  
At a bail proceeding conducted by undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
  - The release of the defendant on recognizance will result in an unreasonable danger to the community.
- This determination was based upon the following findings of fact:

[Considerations: Nature and circumstances of the offense charged, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows (check one):

CASH IN LIEU OF BOND

- The defendant, acknowledging himself to be indebted to the State of South Carolina, deposits \$ \_\_\_\_\_ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

- The defendant acknowledges himself to be indebted to the State of South Carolina in the sum of \$ \_\_\_\_\_, his release to be obtained by payment to the court of \_\_\_\_\_ ( % ) of this bond in cash, this amount being \$ \_\_\_\_\_. The defendant will be obligated to the State in the full amount of \$ \_\_\_\_\_, such sum to be levied on his real and personal property for the use of the State, should he fail to perform the conditions of this Order.

APPEARANCE RECOGNIZANCE WITH SURETY

- The defendant will provide good and sufficient surety approved in the court, in the form set forth on the reverse side, acknowledging an indebtedness to the State in the amount of \$ 1250.00

3. That the defendant shall appear at (check one):

- the term of the court of general sessions beginning on [Date:] \_\_\_\_\_ at [Time:] \_\_\_\_\_ o'clock, \_\_ M., at [Place:] \_\_\_\_\_ and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.
- the session of (magistrate/municipal (circle one) court) beginning on [Date:] Dec 11, 2000 at [Time:] 3:00 o'clock, P. M., at [Place:] Central Court, 115 Craig St, Bishopville, SC. If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Initials of Defendant SD

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described on the reverse side, which are marked.

Arthur... 11/30/2000  
Signature of Judge Date

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, including any conditions included on the reverse side of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, an additional criminal charge will be instituted against me. If the failure to appear is in connection with a felony charge, or while awaiting sentence, or pending appeal or certiorari after conviction, the penalty is a fine of not more than \$5,000 or imprisonment for not more than five years, or both; if I fail to appear in connection with a misdemeanor charge, the penalty is a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

I acknowledge the receipt of a copy of this Order and understand the conditions of my release and the penalties applicable to me in the event I violate any condition of the Order or fail to appear as required.

636 Miller Road  
Address  
Sumter, SC 29150  
City/State/Zip  
250-21-9283 938-9681  
Social Security Number/Telephone No.

[Signature]  
Signature of Defendant  
11/30/2000  
Date

Attorney Representing Accused (If known)

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED.

Original copy for the Trial Court - Copy for the Defendant

Samuel Z Dinkins  
Name of Defendant

4374480, 4374481, 4374482, 4374483  
Warrant/Ticket Nos.

County/Municipality of Lee

Charges: OWT Viol ABC Law Trial Court:  General Sessions  
Viol Seat Belt  Magistrate  
Simple Pass of Marijuana  Municipal Court

CHECKLIST FOR MAGISTRATES AND MUNICIPAL JUDGES

DIRECTIONS: Magistrates and municipal court judges must use this checklist for ALL GENERAL SESSIONS CASES and for ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND HAS BEEN SET BY A JUDGE. The judge should attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections.

BAIL PROCEEDING  
 FIRST APPEARANCE (Non-Bailable Offenses)

1. Form used at bail proceeding
  - a. Bond Form I (personal recognizance)
  - b. Bond Form II (surety cash, percentage)
  - c. None (Non-Bailable Offense)
  
2. For cases in which bond is set, defendant was informed:
  - a. Warrant for arrest will be issued for violation of any condition of bail bond order.
  - b. His right and obligation to be present at trial and that trial will proceed in his absence if he fails to attend.
  - c. Failure to appear in court as required will result in institution of additional criminal charges. For failure to appear in connection with a felony, additional charge has penalty of fine of not more than \$5,000 or imprisonment for not more than five (5) years, or both. For failure to appear in connection with a misdemeanor, additional charge has penalty of fine of not more than \$1,000 or imprisonment for not more than one (1) year, or both.
  
3. For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days:
  - a. Orally
  - b. In writing

[NOTE: Defendant must be informed of right both orally and in writing]
  
4. Defendant was informed of the right to trial by jury.
  
5. In all general sessions cases and in all magistrate or municipal cases in which a prison sentence is likely to be imposed, defendant was informed of the following:
  - a. Charges against defendant and nature of the charges.
  - b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel
  - c. [(Optional: Local procedures may require judge to refer defendants to indigency screener. If so, note referral here) Required to appear before \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_ for appointment of counsel.]

Appearance or Hearing Date: Nov 30, 2000

[Signature]  
Judge's Signature

SPECIAL CONDITIONS OF RELEASE

a.  Placement in custody. The defendant is placed in the custody of: \_\_\_\_\_  
Name of person or organization

\_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ State/Zip \_\_\_\_\_ Telephone \_\_\_\_\_

who agrees (1) to supervise the defendant in accordance with conditions set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

\_\_\_\_\_ Signature of Custodian (If Appointed) \_\_\_\_\_ Date

b.  Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c.  Part-time Release. The defendant will be released from custody from \_\_\_\_\_ o'clock, \_\_\_\_\_ M. to \_\_\_\_\_ o'clock, \_\_\_\_\_ M. on \_\_\_\_\_ at \_\_\_\_\_ on condition that he return to the custody of \_\_\_\_\_ as designated.

d.  Other Conditions. The defendant will comply with the following other conditions of release:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPEARANCE RECOGNIZANCE WITH SURETY

On the 30<sup>th</sup> day of NOVEMBER, 2000, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of \$ 1282.00 such sum to be levied on his real and personal property for the use of the State, if the within named defendant shall fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

Sunshine Bank  
Name of Surety (Printed or Typed)

\_\_\_\_\_  
Address of Surety

\_\_\_\_\_  
City/State/Zip

[Signature]  
Signature of Surety

[Signature]  
Signature of Judge

11/30/2000  
Date

Exhibit A

STATE OF SOUTH CAROLINA  
COUNTY OF Lee  
STATE OF SOUTH CAROLINA

Ticket or Warrant No.: Y402058 Y402059  
IN THE ( ) COURT OF GENERAL SESSIONS  
(X) MAGISTRATE'S COURT 940206  
( ) MUNICIPAL COURT OF \_\_\_\_\_

Shawntel Nicole Singletary  
Name of Defendant

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE  
(Bail Proceeding Form 2)

Offense Charged: Simple Poss of Marijuana, ABC Law + Viol Seat Belt  
At a bail proceeding conducted by undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
- The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Considerations: Nature and circumstances of the offense charged, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows (check one):

CASH IN LIEU OF BOND

The defendant, acknowledging himself to be indebted to the State of South Carolina, deposits \$ \_\_\_\_\_ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

The defendant acknowledges himself to be indebted to the State of South Carolina in the sum of \$ \_\_\_\_\_, his release to be obtained by payment to the court of \_\_\_\_\_ ( %) of this bond in cash, this amount being \$ \_\_\_\_\_. The defendant will be obligated to the State in the full amount of \$ \_\_\_\_\_, such sum to be levied on his real and personal property for the use of the State, should he fail to perform the conditions of this Order.

APPEARANCE RECOGNIZANCE WITH SURETY

The defendant will provide good and sufficient surety approved in the court, in the form set forth on the reverse side, acknowledging an indebtedness to the State in the amount of \$ 645.

3. That the defendant shall appear at (check one):

the term of the court of general sessions beginning on [Date: \_\_\_\_\_] at [Time: \_\_\_\_\_] o'clock, \_\_\_\_\_ M., at [Place: \_\_\_\_\_] and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

the session of magistrate/municipal (circle one) court beginning on [Date: Dec 17, 2000] at [Time: 10:00] o'clock, \_\_\_\_\_ M., at [Place: Central Court, 115 Grey St, Bishopville, SC]. If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Initials of Defendant XX

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described on the reverse side, which are marked.

[Signature] \_\_\_\_\_ 11/30/2000  
Signature of Judge Date

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, including any conditions included on the reverse side of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, an additional criminal charge will be instituted against me. If the failure to appear is in connection with a felony charge, or while awaiting sentence, or pending appeal or certiorari after conviction, the penalty is a fine of not more than \$5,000 or imprisonment for not more than five years, or both; if I fail to appear in connection with a misdemeanor charge, the penalty is a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

I acknowledge the receipt of a copy of this Order and understand the conditions of my release and the penalties applicable to me in the event I violate any condition of the Order or fail to appear as required.

236 Crestwood Dr.  
Address  
Sumter, SC 29154  
City/State/Zip

Shawntel Singletary  
Signature of Defendant  
11/30/2000  
Date

248-61-6099, 773-6313  
Social Security Number/Telephone No.

Attorney Representing Accused (If known)

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED.

Shawn Tel Nicole Singletary  
Name of Defendant

9402058, 9402059 +  
Warrant/Ticket Nos.

Lee  
County/Municipality of

Charges: Simple Poss of  
Maryland ABC Viol.  
& Seat Belt Viol.

Trial Court: [ ] General Sessions  
[x] Magistrate  
[ ] Municipal Court

CHECKLIST FOR MAGISTRATES AND MUNICIPAL JUDGES

DIRECTIONS: Magistrates and municipal court judges must use this checklist for ALL GENERAL SESSIONS CASES and for ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND HAS BEEN SET BY A JUDGE. The judge should attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections.

[x] BAIL PROCEEDING  
[ ] FIRST APPEARANCE (Non-Bailable Offenses)

1. Form used at bail proceeding
  - a. Bond Form I (personal recognizance)
  - [x] b. Bond Form II (surety, cash, percentage)
  - c. None (Non-Bailable Offense)
  
2. For cases in which bond is set, defendant was informed:
  - [x] a. Warrant for arrest will be issued for violation of any condition of bail bond order.
  - [x] b. His right and obligation to be present at trial and that trial will proceed in his absence if he fails to attend.
  - [x] c. Failure to appear in court as required will result in institution of additional criminal charges. For failure to appear in connection with a felony, additional charge has penalty of fine of not more than \$5,000 or imprisonment for not more than five (5) years, or both. For failure to appear in connection with a misdemeanor, additional charge has penalty of fine of not more than \$1,000 or imprisonment for not more than one (1) year, or both.
  
3. For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days:
  - a. Orally
  - b. In writing[NOTE: Defendant must be informed of right both orally and in writing]
  
- [x] 4. Defendant was informed of the right to trial by jury.
  
5. In all general sessions cases and in all magistrate or municipal cases in which a prison sentence is likely to be imposed, defendant was informed of the following:
  - a. Charges against defendant and nature of the charges.
  - b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel
  - c. [(Optional: Local procedures may require judge to refer defendants to indigency screener. If so, note referral here) Required to appear before \_\_\_\_\_ on \_\_\_\_\_, 20\_\_ for appointment of counsel.]

Appearance or Hearing Date: Nov 30, 2000

[Signature]  
Judge's Signature

SPECIAL CONDITIONS OF RELEASE

a.  Placement in custody. The defendant is placed in the custody of: \_\_\_\_\_  
Name of person or organization

\_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ State/Zip \_\_\_\_\_ Telephone \_\_\_\_\_  
who agrees (1) to supervise the defendant in accordance with conditions set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

\_\_\_\_\_ Signature of Custodian (If Appointed) \_\_\_\_\_ Date

b.  Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c.  Part-time Release. The defendant will be released from custody from \_\_\_\_\_ o'clock, \_\_\_\_\_ M. to \_\_\_\_\_ o'clock, \_\_\_\_\_ M. on \_\_\_\_\_ on condition that he return to the custody of \_\_\_\_\_ at \_\_\_\_\_ as designated.

d.  Other Conditions. The defendant will comply with the following other conditions of release:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPEARANCE RECOGNIZANCE WITH SURETY

On the 30<sup>th</sup> day of NOVEMBER, 2000, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of \$ 10,450, such sum to be levied on his real and personal property for the use of the State, if the within named defendant shall fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

Sunshine Bonding  
Name of Surety (Printed or Typed)

\_\_\_\_\_  
Address of Surety

\_\_\_\_\_  
City/State/Zip

[Signature]  
Signature of Surety

[Signature]  
Signature of Judge

11/30/2000  
Date

EXHIBIT B

## Law Office of Charles T. Brooks, III

---

CHARLES T. BROOKS, III, ATTORNEY AT LAW  
309 BROAD STREET - SUMTER, SOUTH CAROLINA 29150  
POST OFFICE BOX 3512 - SUMTER, SOUTH CAROLINA 29151  
(803) 418-5708  
FAX: (803) 934-9618 TOLL FREE: (877) 770-5792

January 24, 2006

Samuel Dinkins, #293951  
Murr, Rm. 254 B.R.C.I  
4460 Broad River Road  
Columbia, SC 29210

RE: Samuel Dinkins, #293951

Dear Mr. Dinkins,

Please be advised that I have an investigator, investigating the information you have given me concerning the female juror. The investigator has verified that Ms. Maggie D. Singletary served as a juror on your case. The case was tried in The Court of General Sessions in Sumter, South Carolina on June 12, 2003. Ms. Singletary was seated in seat #5 and Juror # 102.

Ms. Singletary was interviewed at her home on January 17, 2006 by the investigator concerning your case. She recalls your trial and states that she did not know you from any prior incident nor does she recall ever witnessing you being arrested. Ms. Singletary also stated that if there were anything that she was aware of at the time of the trial, she would have made the courts aware of whatever she knew at that time. She stated that in the case in question, she went by the evidence that was presented by the State to reach the verdict.

If she was presented at your Post-Conviction Relief hearing, she would have helped the Attorney General's office by this testimony.

If you have any questions or need further assistance, please do not hesitate to contact me by via mail at the address stated above.

With kind regards, I am,  
Sincerely,


  
Charles T. Brooks, III  
CTB/sc

Exhibit C



State of South Carolina  
The Circuit Court of the Third Judicial Circuit

THOMAS W. COOPER, JR.  
JUDGE

16 SOUTH BROOKS STREET  
POST OFFICE DRAWER 699  
MANNING, SOUTH CAROLINA 29102-0699  
TELEPHONE: (803) 435-2450  
FAX: (803) 435-2461  
E-MAIL: tcooperj@scjd.state.sc.us

December 28, 2005

Mr. Samuel Dinkins, #293951  
BRCI - 4460 Broad River Road  
Columbia, South Carolina 29210

Re: Samuel Dinkins vs. State  
Case No.: 04-CP-43-1257

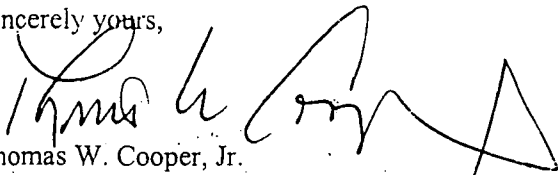
Dear Mr. Dinkins:

I am enclosing a copy of a portion of a letter that I sent out recently to all lawyers who were involved in the Post Conviction Relief term in Sumter. As you can see, I dismissed your case for failure to carry your burden of proof. As the Applicant, you have the burden of proving by the greater weight of the evidence that you are entitled to the relief which you are seeking in your application. At your initial hearing, I gave each side thirty days additional time in which to investigate the issue of the possible juror conflict and send me any case law for my consideration. Both sides, you and the State, had the equal opportunity to investigate that portion of your complaint involving the possible relationship of the juror. The State had no obligation to initiate the investigation, but had the right to conduct its own investigation to respond to anything that your investigation may have found.

Since you are the one who raised the possible conflict and knew of the identity of the juror in question, the burden rested with you to investigate that if you chose to do so.

Since I received no information from either side at the end of the thirty-day period, I dismissed your application. Of course, you have the perfect right to appeal this dismissal through the appellate process. Your time to appeal will begin to run with the service of the final Order.

Sincerely yours,

  
Thomas W. Cooper, Jr.

gb

Enclosures

cc: Paula S. Magargle, Assistant Attorney General  
Charles Brooks, Esq.  
James C. Campbell, Clerk of Court

Mr. Samuel Dinkins # 293951 ..  
Kershaw Corr. Inst. HD-142  
4848 Goldmine Hwy.  
Kershaw, SC 29067

To: Daniel E. Shearouse,  
Clerk of The Supreme  
Court of South Carolina  
PO Box 11330  
Columbia, SC 29211