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DEC 16 2013

S.C. SUPREME COURT

Explanation for

to show cause

Related Appeal

(1991)-GS-42-3059

(1)

LONNIE GETER #288401
P.C.T. Q-3 B-201
430 OAKLAWN ROAD
PELZER, S.C. 29669

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DEC 16 2013

S.C. SUPREME COURT

DECEMBER 11 2013

APPELLATE CASE NO. 2013-002215

DEAR HONORABLE DANIEL E. SHEAROUSE

ENCLOSED PLEASE FIND AN ORIGINAL COPY
OF MY EXPLANATION TO SHOW CAUSE ALONG
WITH A PROOF OF SERVICE AND AFFIDAVIT
BY LONNIE GETER

C:C:L.G

C:C:D.E.S: S:C: S.C.

RESPECTFULLY
SUBMITTED

s/ Lonnie Geter

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

RECEIVED

DEC 16 2013

S.C. SUPREME COURT

Lonnie Geter #288401..... Appellate

VS

State of South Carolina - - - - Respondent

Affidavit By Lonnie Geter

- (1) This Affidavit By Lonnie 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 prosector.

(1)

The State of South Carolina

In The Supreme Court

Appeal From Spartanburg County
Court of Common Pleas

RECEIVED

DEC 16 2013

S.C. SUPREME COURT

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 Perry corr. 2nd st, mail box.

Sworn Before me

This Day 11 of December 2013

Notary Tamara Conwell

Expires September 25, 2023

My Commission Expires
September 25, 2023

S Lonnie Geter

Lonnie Geter #288401
P.O. Box 3 B-201
430 Oaklawn Road
Pelzer, S.C. 29669

Present the applicant First Degree Burglary Indictment ~~NO#~~ 2002-4634 to grand jury and use the Applicant two prior convictions, indictments NO# 98-GS-42-2304 & 91-GS-42-0359; Third Degree Burglary Nonviolent for enhancement to his 2002-4634 indictment.

(3) In the Applicant indictment 2002-4634 it does list that the applicant has prior conviction for Burglary charges; and the prosecutor use these prior seeks Life without parole.

This Affidavit is true and correct given by Lonnie Geter upon oath,

Sworn before me this

Day 11 of December 2013

Notary Tamara Conwell

Expires

My Commission Expires
September 25, 2023

S Lonnie Geter
Lonnie Geter #288401
P.C.I., Q-3 B-201
430 OAKLAWN ROAD
PEIZER, S.C. 29669

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM SPARTANBURG COUNTY
COURT OF COMMON PLEAS

RECEIVED

ROGER L. COUCH ADMINISTRATIVE JUDGE
COMMON PLEAS SEVENTH JUDICIAL CIRCUIT

DEC 16 2013
S.C. SUPREME COURT

APPELLATE CASE NO. 2013-002215

LONNIE GETER #288401 APPELLATE

VS.

STATE OF SOUTH CAROLINA RESPONDENT

EXPLANATION SHOW CAUSE
BEHIND APPEAL

THIS MATTER COMES BEFORE THE SOUTH CAROLINA SUPREME COURT
DANIEL E. SHEAROUSE, EXPLANATION TO SHOW CAUSE.

THE APPELLANT LONNIE GETER IS SERVING A LIFE SENTENCE FOR BURGLARY FIRST DEGREE.

THE APPELLANT ATTACKS TWO SEPARATE CONVICTIONS IN THIS APPLICATION. THE APPLICANT
LONNIE GETER WAS INDICTED AT THE AUGUST 1991, TERM OF THE COURT OF GENERAL
SESSIONS FOR SPARTANBURG FOR ONE COUNT OF BURGLARY THIRD DEGREE (1991)-GS-42-3059.

(1)

APPLICANT WAS REPRESENTED BY BILLY HAYS, ESQUIRE, FOR THE 1991 INDICTMENT ON JULY 12, 1993 THE APPLICANT PLEA GUILTY TO THIRD DEGREE BURGLARY (1991-3059) 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.

((THE RECORDS INDICATE THAT COUNSEL FOR THE APPLICANT DID NOT APPEAL THE PLEA OR SENTENCE NOR DID HE ADVISE APPLICANT OF HIS RIGHT TO APPEAL.))

APPELLANT CAN PUT FORTH EXPLANATION TO SHOW CAUSE AND PREJUDICE EFFECT WHICH HARM THE APPELLANT 6TH AMENDMENT RIGHT INEFFECTIVE ASSISTANCE OF COUNSEL, FAILURE TO FILE A TIMELY NOTICE OF APPEAL TO CHALLENGE HIS GUILTY PLEA OR SENTENCE CITE WHITE V. STATE.

PETITIONERS CLAIMING DENIAL OF EFFECTIVE COUNSEL IN THAT COUNSEL FAILED TO ADVISE HIM OF HIS RIGHT TO APPEAL. PATTERSON V. LEEKE (S.C.) 1977) 556 F.2D 1168 UNDER POST-CONVICTION RELIEF STATUTE, PETITIONERS WOULD RECEIVE FULL CONSIDERATION OF ALL ASSERTED TRIAL ERRORS SHOULD THEY ESTABLISH THAT THEY WERE NOT INFORMED BY COUNSEL OF THEIR RIGHT TO APPEAL, SINCE SOUTH CAROLINA SUPREME COURT WOULD RECOGNIZE INAPPLICABILITY OF GENERAL POLICY OF NOT CONSIDERING QUESTIONS UNDER POST-CONVICTION RELIEF WHICH COULD HAVE BEEN RAISED ON APPEAL. PATTERSON V. LEEKE (C.A.4 (S.C.) 1977) 556 F.2D 1168, CERTIORARI DENIED 98 S.Ct. 414, 434 U.S. 929

PETITIONERS MAY ALLEGE CONSTITUTIONAL VIOLATIONS IN POST-CONVICTION RELIEF PROCEEDINGS UNLESS ISSUE COULD HAVE BEEN RAISED BY DIRECT APPEAL GIBSON V. STATE (S.C.) 1998) 329 S.C. 37, 495 S.E.2D 426.

IN THE APPLICANT CASE PRESENT BEFORE THE SUPREME COURT, COUNSEL WAS REQUIRED TO FILE A TIMELY NOTICE OF APPEAL. TO CHALLENGE HIS JUDGEMENT CONVICTION ON RECORD OF APPEAL FOR A BELATED APPEAL PURSUANT TO WHITE V. STATE 263 S.C. 110 208 S.E. 2d 35 (1974).

DECISIONAL LAW PROVIDING THE RIGHT TO A BELATED APPEAL, WHEN AN APPLICANT FOR POST-CONVICTION RELIEF DID NOT KNOWINGLY AND INTELLIGENTLY WAIVE HIS RIGHT TO A APPEAL, DID NOT APPLY TO PERMIT POST-CONVICTION COURT'S CONSIDERATION OF WHETHER APPELLATE COUNSEL WAS INEFFECTIVE, LEGGE V. STATE (S.C. 2002) 349 S.C. 568 S.E. 2d 618 REHEARING DENIED, CRIMINAL LAW 1440(1),

APPLICANT LONNIE GETER BEFORE THE CIRCUIT COURT OF GENERAL SESSIONS DID NOT KNOWINGLY AND INTELLIGENTLY WAIVE HIS RIGHTS TO APPEAL, CITE STRICKLAND V. WASHINGTON, 466 U.S. 668, 688, 104 S.Ct. 2052 (1984),

ONE YEAR LIMITATIONS PERIOD IN WHICH TO FILE A PETITION FOR POST-CONVICTION RELIEF DID NOT APPLY WHERE THE DEFENDANT WAS DENIED A DIRECT APPEAL OF HIS CONVICTION DUE TO INEFFECTIVE ASSISTANCE OF COUNSEL WILSON V. STATE (S.C. 2002) 348 S.C. 215, 559 S.E. 2d 581, CRIMINAL LAW 1586.

CERTIORARI GRANTED TO PETITIONER WHO ALLEGED THAT HE HAD NOT KNOWINGLY AND INTELLIGENTLY WAIVED HIS RIGHTS TO A DIRECT APPEAL, DAVIS V. STATE 342 S.E. 2d 60 MILLER V. STATE (S.C.) 1977 236 S.E. 2d 422

APPLICANT HAS STANDING TO PETITION FOR POST-CONVICTION RELIEF IF HE IS IN CUSTODY OR RESULT OF HIS PRIOR CONVICTION STILL PERISIST. CITE JACKSON V. STATE S.C. (1997) 33 S.C. 486 489 S.E. 2d 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 FIRST DEGREE BURGLARY, AND THE STATE D'ID USE THIS
PRIOR CONVICTION FOR ENHANCEMENT IN HIS INDICTMENT PRESENT
BEFORE THE SPARTANBURG COUNTY GRAND JURY, SEE ATTACH
DOCUMENTS WITH THIS EXPLANATION.

CONCLUSION

THEREFORE THE SOUTH CAROLINA SUPREME COURT SHALL
VACATE THE SENTENCE AND CONVICTION OR GIVE APPLICANT
A BEATED APPEAL.

DATE DECEMBER 16 2013

S/ Lonnie Geter
Lonnie Geter #288401
P.C.I. Q-3 B-201
430 OAKLAWN ROAD
PEIZER, S.C. 29669

ATTACHMENTS

- (1) APPLICATION FOR POST-CONVICTION RELIEF
PAGE 2 LINE 9. (A) AND (B)
PAGE 5 16 (A) (B) (C)
- (2) RETURN AND MOTION TO DISMISS
TOP OF PAGE (2)
- (3) CONDITIONAL ORDER OF DISMISS
TOP OF PAGE (2)
- (4) THE SUPREME COURT OF SOUTH CAROLINA
SECOND PAGE ASKING THAT I PROVIDE (2)
EXPLANATION
- (5) PRIOR CONVICTION INDICTMENT 98-GS-42-3059 - 98-GS-42-2304
- (6) FIRST BURGLARY
DEGREE INDICTMENT - 02-GS-42-4634

75W

FORM 5

STATE OF SOUTH CAROLINA)
)
 County of Spartanburg)
)
Lonnia Peter # 288401)
)
 Full name and prison number (if any) of Applicant)
)
 v.)
)
 State of South Carolina)
)
)
)
)

IN THE COURT OF COMMON PLEAS

2011-03-42-2095

APPLICATION FOR
POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Perry Correctional Institution
430 Oaklawn Road, Pelzer, S.C. 29669
2. Name and location of Court which imposed sentence Spartanburg County
Courthouse
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 91-GS-42-3059 Burglary 3rd
 - (b) 93-GS-42-2304 Burglary 3rd

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 CLERK OF COURT
 SPARTANBURG COUNTY
 2011 JUN 21 AM 9:14
 M. HOPE BLACKLEY

✓

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 7-12-93 5 years
- (b) 3-24-93 10 years
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty Yes
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere Yes
7. Did you appeal from the judgment of conviction or the imposition of sentence?
N/A
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. N/A
- ii. N/A
- iii. N/A
- (b) the result in each such Court to which you appealed:
- i. N/A
- ii. N/A
- iii. N/A
- (c) the date of each such result:
- i. N/A
- ii. N/A
- iii. N/A
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. N/A
- ii. N/A
- iii. N/A
9. If you answered "no" to (7), state your reasons for not so appealing:
- X (a) Didn't know that I could appeal
- X (b) Didn't know that I could appeal

M. HOPE BLACKLEY

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CLERK OF COURT
SPARTANBURG COUNTY

(c) the disposition thereof:

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

(d) the date of each such disposition:

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. N/A
- ii. N/A
- iii. N/A

(b) the proceedings in which each ground was raised:

- i. N/A
- ii. N/A
- iii. N/A

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 CLERK OF COURT
 SPARTANBURG COUNTY
 2011 JUN 21 AM 9:14
 M. HOPE BLACKLEY

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- * (a) Didn't know I could appeal
- * (b) Didn't know I could appeal
- * (c) Didn't know I could appeal

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? Yes
- (b) your trial, if any? Yes
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
N/A

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. Billy Hahn Esq.
Public Defenders Office, Spartanburg, South Carolina
 - ii. John Abdalla Esq.
Public Defenders Office, Spartanburg, South Carolina
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. Trial and Sentencing
 - ii. Trial and Sentencing
 - iii. _____

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CLERK OF COURT
SPARTANBURG COUNTY
2011 JUN 21 AM 9:14
M. HOPE BLACKLEY

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 Applicant did not appeal either guilty plea or sentence.

II.

In his current application for post conviction relief the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel; in that,
 - a. "My attorney failed to devote himself to my cause,"
 - b. "My attorney failed to give me his complete loyalty,"
 - c. "My attorney failed to serve my cause in good faith,"
 - d. "My attorney neglected the necessary investigation and preparation of my cause,"
 - e. "My attorney did not do the necessary factual investigation on my behalf."
2. Lack of subject matter jurisdiction because of a sham legal process,
3. Violation of 5th, 6th, and 14th Amendment rights,
- ✓ 4. Perjury and Prosecutorial Misconduct, and
- ✓ 5. "Applicant contend[s] that his prior convictions and sentences were in violation of the Constitution of the U.S. and laws of this State."
6. Newly discovered evidence of unconstitutional grand jury proceedings.

For the purpose of this Return, Respondent incorporates the records of the Spartanburg County Clerk of Court regarding the subject convictions and the Applicant's records from the South Carolina Department of Corrections. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

III.

The Respondent submits that this Application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §17-27-10 to -160.

S.C. Code Ann. §17-27-45(a) reads as follows:

period of ten (10) years suspended upon the service of four (4) years to three (3) years probation. The Applicant did not appeal either guilty plea or sentence.

Applicant's Current PCR Application

In his current application for post conviction relief the Applicant alleges that he is being held in custody unlawfully for the following reasons:

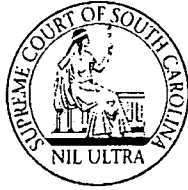
1. Ineffective assistance of counsel; in that.
 - a. "My attorney failed to devote himself to my cause,"
 - b. "My attorney failed to give me his complete loyalty,"
 - c. "My attorney failed to serve my cause in good faith,"
 - d. "My attorney neglected the necessary investigation and preparation of my cause,"
 - e. "My attorney did not do the necessary factual investigation on my behalf."
2. Lack of subject matter jurisdiction because of a sham legal process,
3. Violation of 5th, 6th, and 14th Amendment rights,
- ④ Perjury and Prosecutorial Misconduct, and
- ⑤ "Applicant contend[s] that his prior convictions and sentences were in violation of the Constitution of the U.S. and laws of this State."
6. Newly discovered evidence of unconstitutional grand jury proceedings.

Before this Court are the records of the Spartanburg County Clerk of Court regarding the subject convictions, the records of the South Carolina Department of Corrections, Applicant's PCR application, and Respondent's Return and Motion to Dismiss.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Statute of Limitations

This Court finds that the current application for post-conviction relief must be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160 (2003). S.C. Code Ann. §17-27-45(a) reads as follows:



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

TELEPHONE: (803) 734-1080

FAX: (803) 734-1499

www.sccourts.org

November 14, 2013

Mr. Lonnie Geter, 288401
Perry Correctional Institution
430 Oaklawn Road
Pelzer SC 29669

Re: Lonnie Geter v. State
Appellate Case No. 2013-002215.

Dear Mr. Geter:

This Court has received your explanation under Rule 243(c) of the South Carolina Appellate Court Rules (SCACR). In this explanation, you assert, in part, that you are entitled to a belated direct appeal from your guilty plea in 1991-GS-42-03059 and from your plea of nolo contendere in 1998-GS-42-02304 under *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974). Such a claim is not subject to the post-conviction relief statute of limitations. *Wilson v. State*, 348 S.C. 215, 559 S.E.2d 581 (2002).

I do not, however, see where this issue was ruled on by the PCR judge in either the conditional order of dismissal or the final order. Therefore, I ask that you please provide this Court with a copy of the documents showing that this issue was both raised to and ruled on by the PCR judge.

Further, in an appeal from a guilty plea or nolo plea, you would have to "provide an explanation showing that there is an issue which can be reviewed on appeal. This explanation should identify the issue(s) to be raised on appeal and the factual

basis for the issue(s) including how the issue(s) was raised below and the ruling of the lower court on that issue(s). If an issue was not raised to and ruled on by the lower court, the explanation shall include argument and citation to legal authority showing how this issue can be reviewed on appeal.” Rule 203(d)(1)(B), SCACR (explanation required when an appeal is taken from a guilty plea, *Alford* plea, or plea of nolo contendere).

* Therefore, I ask that you please provide an explanation for an appeal from your guilty plea and an explanation for an appeal from your plea of nolo contendere. Please provide a separate explanation for each plea.

The requested documents and explanations should be provided to this Court within twenty (20) days of the date of this letter.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

cc: Suzanne H. White, Esquire

98-42-2304

WITNESSES

ATY. M. McCullough

Spartanburg City Police Dept.
NO. DW 11749

Spartanburg, SC 29304

1. SENTENCE MADE

2. REPORT ENDED

3. CARD PULLED

4. INDEXED

5. CHECKED FOR WARRANTS

ARRESTED PERSONS

7. ASSESSMENT AND FINE CARD MADE

8. TRAFFIC VIOLATIONS COPY

Computer

ACTION OF GRAND JURY

Debra Sid

Foreman of Grand Jury

Michelle M. Morgan

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 98-GS-42-2304
The State of South Carolina,

County of Spartanburg (05)

01/25/98

COURT OF GENERAL SESSIONS

MAY 04 1998 TERM

THE STATE

vs.

Lonnie Geter

Indictment for Burglary
(Building)

Holman C. Gossett

Lonnie Geter

I hereby appear in my own proper person and plead

guilty to Burglary 3rd (second floor)

On the within indictment.

Witness:

Lonnie Geter
Michelle Hammer

Clerk of Court

No to counter

10-10 years
John Gossett

WITNESSES

T. GARNER

SPTLEG. CO. SHERIFF'S DEPT.

DOCKET NO. 02-95-42 4634

The State of South Carolina

County of Spartanburg

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

OCT 07 2002

TERM

ARREST WARRANT NUMBER

H-296553

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: 10/3/02

VERDICT

BURGLARY, FIRST DEGREE
(Dwelling)

Indictment for

LONNIE GETER

THE STATE
vs.

SC Code: 16-11-0311
CDR Code: 0079
Class: FEL/EXM (V)

12/6/02 This indictment was sent to Grand Jury during the October 7, 2002 term.

A subsequent indictment (with some # 02-4634) was resubmitted to Grand Jury during the November 7, 2002 term with a change to the language of the body of the indictment. That indictment was prosecuted on 12/4/02 and resulted in guilty verdict. Robert Coler

ASST. SOLICITOR.

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on OCT 03 2002 , the Grand Jurors of Spartanburg County present upon their oath:

BURGLARY, FIRST DEGREE

(DWELLING)

That Lonnie Geter did in Spartanburg County on or about September 23, 2002, wilfully and intentionally enter the dwelling belonging to Myrle Miller at 7632 Lone Oak Road, Spartanburg, SC, without consent and with the intent to commit a crime therein, and while in the dwelling, he did cause physical injuries to Myrle Miller, in violation of Section 16-11-0311 of *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended.)

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ASSISTANT SOLICITOR

WITNESSES

Taylor Gardner

Spartanburg Co. Sheriff's Office

POB 771

- 2. REPORT ENDED

Computer

Spartanburg, SC 29304-0771

- 3. GAND PUNISH

- 5. CHECKED WARRANT

- 6. CHECKED WARRANT

- 7. ASSESSMENT AND

ARREST WARRANT NUMBER

H296553

DOCKET NO. D2-BS-42-4634

The State of South Carolina

County of Spartanburg

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

NOV 11 2002 TERM

THE STATE VS.

Lonnie Geter

ACTION OF GRAND JURY

Foreperson of Grand Jury
 Date: 11-29-02

VERDICT

Indictment for BURGLARY, FIRST DEGREE (Dwelling)

SC Code: 16-11-0311
 CDR Code: 0079
 Class: FEL/EXM (V)

Foreperson of Petit Jury

Date: 12/6/2002

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

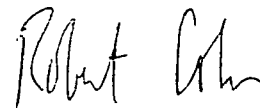
At a Court of General Sessions, convened on NOV 07 2002, the Grand Jurors of Spartanburg County present upon their oath:

BURGLARY, FIRST DEGREE

(DWELLING)

The Defendant, Lonnie Geter, did in Spartanburg County, on or about September 23, 2002, wilfully and unlawfully enter the dwelling of Myrle Miller located at 7632 Lone Oak, Rd, Spartanburg, South Carolina without consent and with the intent to commit a crime therein, and when, in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime either displays what appears to be a knife or pistol, revolver, rifle, shotgun or other firearm, and/or uses or threatens the use of a dangerous instrument and/or is armed with a deadly weapon or explosive; and/or the entering or remaining occurs in the nighttime; and/or causes physical injury to a person who is not a participant in the crime; and/or the defendant has (2) two or more prior convictions for Burglary and/or housebreaking in violation of Section 16-11-311, Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ASSISTANT SOLICITOR

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

EXPLANATION SHOW CAUSE

This matter comes before the South Carolina
Supreme Court Daniel E. Shearouse. Explanation show cause:
The Appellant Lonnie Geter is serving a life sentence
for Burglary first degree.

The Appellant attacks two separate conviction
in this application. The applicant — Lonnie

Geter Pled guilty to indictment Nat# 91-GS-42-0359, Non-Violent offense; which is not consider AS most serious offense upon South Carolina Code Law 17-25-45 (A) The prosecutor Committee perjury and prosecutorial misconduct, and "Applicant contend [S] that his prior conviction and sentences were in violation of the constitution of the U.S, laws of this state. The Applicant Lonnie Geter does not have NO prior conviction because A Third Degree Burglary would be list AS Non-violent; which Lonnie Geter Pled guilty to indictment Nat# 91-GS-42-0359, S.C. Code Law: Ann 17-25-45(A) consider this section, A person must be sentenced to a term of imprisonment for life without the possibility of parole if that person has one or more prior convictions for: (1) A most serious offense, "Record

Indicate that Lonnie Geter only has
Nonviolent offense, therefore the pro-
secutor should not present exhibit
during direct examination by Mr. Coler
at transcript pg 164

Line (9) Mr Coler; further the state would move
what's been

Line (10) premarked as state's exhibit Number
Nineteen, an indictment,

Line (11) this is indictment Number 91-GS-42-
3059, that's a burglary

Line (12) indictment indicating Mr. Geter has
A burglary conviction

Line (13) From August the 5th of 1991,

Line (14) Mr. Johnson: again without objection,
Your Honor.

"counsel prejudice the defendant by
failure to object to the prior convic-
tion that was a nonviolent offense a
third degree burglary that is so prej-
udice that counsel did not object and

Informed the Court of General Sessions
that ~~his~~ client does not have any or
Now most serious offense to Burglary
conviction. Strickland standard 6th Amend-
ment.

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

The prosecutor committed Perjury and
Prosecutorial misconduct by use
the Third Degree Burglary which is
NONViolent offense; and the pros-
ecutor is hence the Applicant by
enhancement his sentence ^(to) life
without parole for Burglary First
degree, and the prosecutor did use
this 91-GS-42-3059 NONViolent Third
Degree Burglary for enhancement in the
Applicant First Degree Burglary that

Applicant is served A Life sentence
in the Department of corrections at
Perry Corr Inst, Life without Parole,
Indictment No 2002-4684.

conclusion

Applicant Lonnie Geter has show
cause explanation that his conviction
should be set aside; and vacate his
conviction and sentence Life without
parole.

Date December 11, 2013

Lonnie Geter
Lonnie Geter #288401
4300 Oaklawn Rd
Pelzer, S.C. 29669

0880897

WITNESSES

George Blodch
Spartanburg City Police Dept.
145 Broad St.
Spartanburg, SC 29301

~~1. RECEIVED FROM~~

~~2. REPORT MADE~~

~~3. CHARGE FILED~~

ARREST WARRANT

~~6. CHARGE STATE NUMBER~~

~~7. ARREST MADE~~

~~A. TRAFFIC VIOLATIONS COPY~~

ACTION OF GRAND JURY

Area B'ld

Office of Grand Jury

[Signature]

6. GRAND JUROR VERDICT

7. JURY

8. CHECKED WARRANTS

9. CHECKED SIGNATURES

10. ASSESS FINE AND

11. FINE CHARGE

12. TRAFFIC VIOLATIONS COPY

Date:

J-110 - 42 - 3059
DOCKET NO.

The State of South Carolina,

County of Spartanburg (06)
11/04/90

COURT OF GENERAL SESSIONS

AUG 05 1991

TERM

THE STATE

vs.

Lonnie Geter

ETA - Bu issued +
advise 6/15/92 MW

Computer

Indictment for Burglary
(Building)

Holman C. Gossett, Jr.

I Lonnie (NMN) Geter

hereby appear in my own proper person and plead guilty to Burglary 3rd (Area B'ld)

On the within indictment.

Witness: X Lonnie Geter

[Signature]

Clerk of Court

STATE OF SOUTH CAROLINA)
)
COUNTY OF Spartanburg)

INDICTMENT FOR BURGLARY
(BUILDING)

AUG 01 1991

At a Court of General Sessions, convened on _____,
the Grand Jurors of Spartanburg County present upon their oath:

**COUNT ONE — BURGLARY IN THE SECOND DEGREE
(BUILDING)**

That Lonnie Geter

did in Spartanburg County on or about November 3, 1990,
willfully and unlawfully enter without consent and with the intent to commit a crime therein, a building,
to wit: Battery Specialists

and the defendant did enter the Battery Specialists in the nighttime.

**COUNT TWO — BURGLARY IN THE THIRD DEGREE
(BUILDING)**

That _____

did in _____ County on or about _____,
willfully and unlawfully enter without consent and with intent to commit a crime therein a building,
to wit: _____

Against the peace and dignity of the State, and contrary to the statute in such case made and
provided.

Robin C. Dale
SOLICITOR