

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

Certiorari to Union County  
Edgar W. Dickson, Circuit Court Judge

RECEIVED

JAN - 6 2014

S.C. Supreme Court

TiJuan Peake,

v.

State of South Carolina,

Respondent.

Appellate Case Number 2013-001271

PROOF OF SERVICE

I, TiJuan Peake (Petitioner), hereby certify that I have this day served a Letter of Complaint/Motion upon the South-Carolina Supreme Court; by depositing one (1) original & one (1) copy of the same in the United States mail (by and through the Perry Correctional Institution's Legal Mail system).

The above has been served at the addresses below:

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

Lanelle C. Durant  
South Carolina  
Appellate Defense  
P.O. Box 11589  
Columbia, SC 29211-1589

SWORN TO AND SUBSCRIBED before me  
This 2nd day of January, 2014

/s/ TiJuan Peake  
Mr. TiJuan Peake, #307699  
Perry Correctional Inst.  
Q1-B-208  
430 Oaklawn Road  
Pelzer, SC 29669

NOTARY: Nancy C. Murchant

My Commission Expires: 1-23-2023

Mr. TiJuan Peake, #307699  
Perry Correctional Institution  
Q1-B-208  
430 Oaklawn Road  
Pelzer, SC 29669

January 2, 2014

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

RE: TiJuan Peake V. State of South Carolina  
C/A No.: 2011-CP-44-489

Dear Hon. Shearouse:

My Appellate Attorney, Lanelle Cantey Durant, of the South Carolina Commission On Indigent Defense, recently filed a Petition For Writ of Certiorari on my behalf concerning my Post-Conviction Relief Application being denied. Attorney Durant failed to brief all my Meritorious Issues. This is my formal complaint to the honorable Court that I want all my issues briefed, as I have a right to have them briefed.

According to this honorable Court's Authority:

"PCR cases require that Appellate Counsel brief all available issues despite Counsel's belief that the [issues] are frivolous. See: Bray V. State, 620 S.E. 2d 743 (S.C. 2005), citing Wade V. State, 559 S.E. 2d 843, 846-847 (S.C. 2002) and; Sutton V. State, 606 S.E. 2d 779-781 (S.C. 2004).

The following issues were a part of Petitioner's original PCR Application (i.e., Memorandum of Law In Support of Application for Post-Conviction Relief) and were raised to the PCR Court & ruled on by the PCR Court in its written Order of Dismissal:

- A). Counsel's failure to object to the trial judge's improper comments on the facts;
- B). Counsel conceded guilt [or] made improper comments that [were] damaging to Applicant;
- C). Counsel elicited ... testimony that bolstered the witness' testimony and credibility;
- D). Subject Matter Jurisdiction & Prosecutorial Misconduct (the trial Court was not presented indictments on Applicant's drug distribution & drug proximity offense for trial of these offenses under its Criminal Jurisdiction and Solicitor Anthony knew he was participating in an ex parte Grand Jury proceeding which was not being held at a Court of General Sessions in accordance with law..."

Petitioner believes the authorities that he has cited represent not only a Constitutional right of "Procedural Due Process; but also a Constitutional right of Due Process of Law under South Carolina's Constitutions," on this honorable Court's "inherent authority" to create binding law(s) that protect (sic) the Citizen (Petitioner).

If the Appellate defense could merely ignore the unique Precedents quoted that require it to brief Petitioner's issues, Petitioner believes he would suffer not only his Due Process rights being violated, but forfeit (sic) his opportunity to exhaust these claims for a possible Federal Habeas Corpus challenge, by absolutely no fault of his own.

CONCLUSION

For the foregoing reasons Petitioner's issues should be briefed by his Appellate Counsel or Petitioner should be given the opportunity to brief these issues himself and have them submitted along with his Petition for Certiorari.

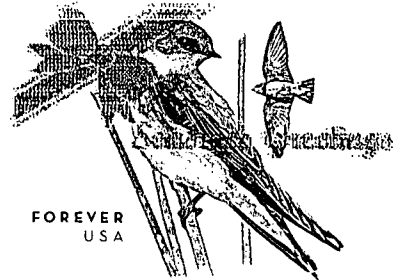
Dated: January 2, 2014

/s/ TiJuan Peake  
TiJuan Peake, #307699

Tijuan Peake #307699  
P.C.I. Q1B-208  
430 OAKLAWN Rd  
Pelzer S.C. 29669

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P.C.I. MAILROOM

Supreme Court of S.C.  
Hon Daniel E. Shearouse, Clerk  
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Columbia, S.C. 29211

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