

Willie M Anderson #170797

Applicant

-v-

State of South Carolina

Respondent

IN THE COURT OF COMMON PLEAS

FOR THE THIRD JUDICIAL CIRCUIT

No. 95.-CP-14-03

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JAN - 2 2014

BELATED APPEAL REVIEW

S.C. Supreme Court

The applicant, making its return to the application for Post-Conviction Relief dated Nov. 7, 1994. Respondent made its return on March 15, 1995. An evidentiary hearing into the matter was convened on Nov. 8, 1995, at the Sumter County Court House. Applicant was presented at the hearing and was represented by John Lund, IV, Esq. Respondent was represented by Barbara M. Tiffin of the Attorney General's Office. Applicant presenting Belated Appeal Review on February _____, 2012, would respectfully show this Court:

I.

The Applicant is presently confined at Allendale Correctional Institution of the South Carolina Department of Corrections, pursuant to order of commitment of the Clerk of Court for Clarendon County. The Applicant was indicted at the September, 1990 term of the Court of General Session, for Clarendon County, for Armed Robbery, Assault and Battery with Intent to Kill, and Possession of a Weapon during a Violent Crime. He was represented by Harold Detwiler, Esq. on September 27, 1990. A jury trial was held,

At the conclusion which the Applicant was found guilty of the charges. He was sentenced by the Honorable Anthony Harris to confinement for a period of twenty (20) years for assault and battery with intent to kill, twenty (20) years consecutive for armed robbery, and five (5) years for possession of a weapon during a violent crime. The Applicant did not appeal his conviction or sentence.

II.

In his belated appeal review, the Applicant alleges that he was denied by his counsel, of the right to appeal, after being found guilty by a jury.

III.

In this allegation, the Applicant will show that he was denied, by his counsel, of the right to appeal, and that he raised this allegation on a Application for Post-Conviction relief (95-CD-14-03), which was dismissed due to lack of Prima Facie showing which would entitle him, (Applicant) to relief before an evidentiary hearing, will be scheduled and held. Welch v. MacDougall, 246 sc 258, 143 se 2d 455 (1965). Blandshaw v. State, 245 sc 383, 140 se 2d 784 (1965). At the Post-Conviction relief hearing, the Respondent presented to the Court an alleged error that the Applicant pled guilty. At the time Applicant not being mindful of the Law failed to recognize and raise issue to correct errors made by counsel,

(1) when a finding has been made that an applicant was denied his right to direct appeal from trial, his application for Post-Conviction relief may be denied but he may be allowed a belated review of trial errors in conjunction with his appeal ruling on his post-conviction application, White v. State, 263 sc 110, 208 se 2d 35 (1974),

(2) From a trial, a defendant has the right to be informed of an appeal and the manner and method for taking the appeal. Frasier v. State 306 sc 158, 410 se 2d 572 (199)

(retained counsel) have express duty to assist their clients to properly perfect their appeals: Cherry v. State, 300 S.E. 115, 386 S.E. 624 (1984), Nelson v. Peyton, 415 F.2d 1154 (4th Circuit 1969), A defendant is constitutionally entitled to the effective assistance of counsel on direct appeal, Evitts v. Lucey, 469 U.S. 387, 105 S.Ct. 830, 83 L.Ed.2d 1821 (1985) Appellate Counsel was ineffective in failing to raise issue, preserved below, which would have entitled to reversal on appeal. Simpkins v. State, 303 S.E. 364, 401 S.E.2d 142 (1991). (8) Absent extraordinary circumstances the failure to be advised of the Applicant's right to an appeal from trial, results in a denial of the Applicant's due process rights. (Based on the fact that the Applicant did not plead guilty)... Young v. Cox, 323 F. Suppl. 412 D.C. Va. 1971.

IV

The Applicant did not plea guilty but was found guilty in a jury trial and retain the right to a direct appeal accordingly, Jones v. Barnes, 468 U.S. 745, 103 S.Ct. 3329, 77 L.Ed. 957 (1983). (Appellate Counsel's duty is to raise issues on appeal). Although the error was not raised to and ruled on by the PER Judge, the Applicant request that the order be vacated and this matter be remanded back to the Circuit Court to issue and order addressing its decision.

McCray v. State, 305 S.E. 329, 408 S.E.2d (1991) (order in PER proceedings shall address all properly at the hearing.

SWORN TO AND SUBSCRIBED BEFORE ME

Applicant

THIS _____ DAY OF _____ 2018

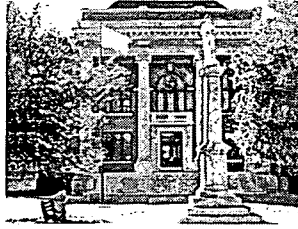
Notary Public For South Carolina

My Commission expires: _____

Dated this _____ day of _____ 2018

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Clarendon County Clerk of Court Office



BEULAH G. ROBERTS
CLERK OF COURT
POST OFFICE BOX 136
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PHONE: (803) 435-4443
FAX: (803) 435-4844

MARILYN WILSON
FAMILY COURT
POST OFFICE BOX 490
MANNING, SC 29102
PHONE: (803) 435-4210
FAX: (803) 433-8008

March 26, 2012

No 95-CP-14-03

RELATED Appeal Review

To: Willie M. Anderson

From: Office of Clerk of Court Clarendon County

FINAL ORDER

Re: Appeal 2010-CP-14-0672

Notice to Appeal

We received an appeal and filed it with your file, as we are to do. Any other action to be taken or places it needs to be filed is up to you.

Also, my name is Mrs. Beulah G. Roberts. Please address your correspondence to Mrs. Roberts.

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DEC 27 2013

SC Court of Appeals

The lovely women have a smart ear mouth

Beulah G. Roberts!! I dont see why she dont

Rule 204, Transfer of Case to the Court of Appeals,

all women need to be at Home taking

care of the kid, and being at

Home when they get home from

school, instead of working

Willie Moses Anderson # 176797

Lee Correctional Institution 2222

Cheslerfield South side Room 2233

990 Wisacky Highway

Bishopville, South Carolina 29010

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SC Court of Appeals

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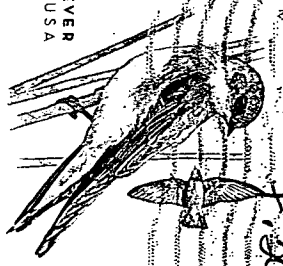
South Carolina Court of Appeals

Kenneth A. Richstad, Clerk

Post Office, Box 1169

Columbia, South Carolina 29211

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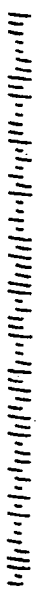
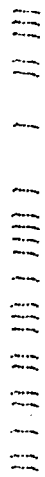
Bank Swallow

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SC DEPARTMENT OF CORRECTIONS

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