

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Certiorari to Jasper County
D. Craig Brown, Circuit Court Judge

MAY 15 2013

S.C. SUPREME COURT

ALFRED REDWINE,

PETITIONER,

V.

STATE OF South Carolina,

RESPONDENT

APPELLATE CASE NO. 2012-212300

PRO-SE PETITION

ALFRED REDWINE # 291230
Mc Cormick Corr. Inst.
386 Redemption way
Mc Cormick SC, 29899

PRO-SE PETITIONER

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ISSUE Presented

Did the PCR Court err in failing to grant a motion to continue for obtaining the transcript from Schmerber hearing, which offered disputing evidence that prompted petitioner's guilty plea unknowingly and involuntarily.

2

STATEMENT

ON August 31, 2009 Petitioner filed an application for post-conviction relief (PCR) ON April 20, 2011 before the Honorable D. Craig Brown Petitioner was represented by Diane Piazza Dewitt and the State was represented by Matthew J. Friedman.

ON April 20, 2011 PCR Council Dewitt Filed a motion for continuance for obtaining the Schmerber hearing transcript from Court Reporter, which offered disputing evidence that prompted petitioner's guilty plea. Never the less Judge Brown denied the continuance with prejudice knowing the PCR Council and Petitioner weren't prepared adequately for PCR Hearing.

Petitioner filed a notice of Appeal.
This Pro-SE petition follows.

Argument

The PCR Court erred in failing to grant a Motion to Continue, so that PCR Counsel could obtain transcript from Schmerber hearing, which offered disputing evidence that prompted petitioner's guilty plea.

PCR Counsel requested continuance Trp. 4 Line 14, further more PCR Counsel testified due to mis communication, Plea Counsel failed to turn over case file for PCR Counsel to review.

PCR Counsel testified the relevant facts surrounding the requested transcript, Trp. 6- lines 21-25. PCR Counsel informs court Plea Counsel didn't turn over complete rule 5. Petitioner contends the Schmerber hearing transcript was vital to his PCR hearing and he informed PCR Counsel concerning the transcript. PCR Counsel contacted Court Reporter for the Schmerber hearing and Court

Reporter did acknowledge error's
Made in original transcript and affirmed She
would correct error's, Tr P. lines 10-13. Never
the less PCR court denied request for
Continuance knowing the PCR Counsel and
Petitioner weren't adequately prepared.

Tr p. 26 line 14, Plea Counsel admits that
he didn't know what report attached to Schmerber
hearing said, because he didn't have it, all
he had was Schmerber motion. Meaning he
never had complete rule 5 and was never
adequately prepared for trial or plea.

5

Conclusion

Based on the above, Petitioner humbly Prays this court remands case to PCR to prove petitioner's guilty plea unknowingly and involuntarily entered.

Respectfully Submitted

Alfred Redwine

Alfred Redwine,
Petitioner

Pro-SE Petitioner

This 8th day of May 2013

(6)

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D. CRAIG BROWN, Circuit Court Judge S.C. SUPREME COURT

ALFRED REDWINE,

PETITIONER

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE No. 2012-212306
CERTIFICATE OF SERVICE

I certify that a true copy of the Pro. SE Petition
in the above case No, have been served on the
Clerk of the South Carolina Supreme Court.

Date 5-8-13

James R. Young
Notary Public for South Carolina

Alfred Redwine

Alfred Redwine,
Pro-SE Petitioner

10112021

Alfred Redwine 291230
MCI F2A162
386 Redemption way
McCormick SC, 29899

The Department of Corrections has
not contacted the prison for the
department's responsibility for the
return of the mail.

RECEIVED

MAY 8 2013

MCCI
MAIL ROOM

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