

IN The South Carolina Supreme Court

Virginia Burgess 266452

2006-C.P.-1486 C086

VS

Proof of Service

The State

I Certify under Penaty of Per Jury That all Parties
have been Service a clocks copy of The notice of
Intent to Appeal This Day of 2014 cc Atty Cif

Lance S Booter ESQ P. O Bo 11549

Columbia S. C. 29211

RECEIVED

APR 07 2014

Virginia Burgess

S.C. SUPREME COURT

266452

Sworn to And Subscribe before me

ON This Day of ~~2014~~ April 3, 2014

Notary Public For State of South Carolina

Kathy A Barnes

MY Commission Expires

My Commission Expires August 12, 2015

STATE OF South Carolina

IN The Supreme Court

Crifton Newman Chief Administrative Judge

Appeal From Clarendon County

2006-C.P-14-086

Virginia Burgess 266452 Appellant

.vs.

The State of South Carolina Respondent

Certificate of Service

The Appellant hereby certifies under Penalty of Perjury that, A True COPY of the Notice of Intent to Appeal, has been served upon opposing Counsel, by delivering same on This Day 2014 at his office of Atty. Lance S. Booter Gen. P. O., Box 11549, Columbia, S.C. 29211

Virginia Burgess

266452

4-3-14

State Of South Carolina

IN The Supreme Court

Appeal From Clardon County

Crifton Newman Chief Administrative Judge

2006-C.P.-14-086

VIRGINIA Burgess → Appellant
266452

• V S.

• The State of South Carolina → Respondent

Certificate of Service

The (Appellant) hereby certifies under penalty of perjury
that, A True copy of the Notice of Intent To Appeal,
has been served upon opposing counsel, by delivering
same on this Day of ~2014 at his office of Atty.
Gen. P. O. 1159, Columbia S.C. 29211

x Virginia Burgess

x 266452

X 4-3-14

IN THE SOUTH Carolina Supreme Court

Virginia Burgess 266452
VS.

2006-CP-14-086
Notice of Intent TO
APPEAL. S. C. R. A. P. Rule

THE State of South Carolina 203. S. C. A. C. R. Rule
227(G) C S C. R. C. P. 71. 1(G)

The (APPELLANT) file This notice of Intent to APPEAL.
Pursuant to S. C. R. A. P. (203) Pursuant to Rule S. C. A. C. R.
Rule 227(G); pursuant to Rule S. C. R. C. P. Rule 71. 1(G). final
order of dismissal of her PCR. Claim. Dated August 30 2007.
order is by Chief Administrative Judge Honorable
Cristion Newman. Clarendon County Courts Common Pleas

Virginia Burgess
266452

Sworn to and Subscribed before me
ON THIS DAY of ~~2014~~ April 3, 2014

Notary Public For The State of South Carolina
Kathy A Barnes

MY Commission expires

My Commission Expires August 12, 2015

I N THE South Carolina

Virginia Burgess 266482

VS

200 C. P. - 14 - 086

Motion to Alter The Judgment

Federal R. P Rule 59 (e)

The State of South Carolina

The State of South Carolina

The Appellant files this motion to Alter The

Judgment Pursuant to Federal R. C. P. Rule 59 (e).

Virginia Burgess

266482

Sworn to subscribe before me

On This Day of ~~2014~~ April 3, 2014

Notary Public For The State of South Carolina

Kathy R. Berner

MY COMMISSION EXPRESS

My Commission Expires August 12, 2015

In The Supreme Court of South Carolina

V. Burgess → Appellant 2006-CP-14-086
vs → Respondent
The State Table of Authorities

11th Amendment U.S.C.A.

14th Amendment U.S.C.A.

South Carolina Code Ann Law Section: 17-24-10
Chapter 13 Title 21 of 24

Gibson-V- State, 334 S.C. 515, 514, SE 2d 320. (1999)

Odom-V- State, 337 S.C. 256, 523 SE 2d. 753. (1999)

S.C. AC. R. Rule 227 (G)

S.C. AC. R. Rule 71.1 (G)

Bannister-V- State 333, S.C. 298, 509, SE., 2d, 807 (1998)

Fraiser-V- State, 306 S.C. 158. 410, SE 2d, 572 (1991)

Cherry-V- State 300 S.C. 115, 119, 386, SE. 2d 624, 626)

S.C. Code Ann; Section (17-25-100) 1985

Hypnosis Defense

The State, V. Felix Cheesebora (1998)

IN THE CAROLINA SUPREME COURT

V Burger APPELLANT 2006-CP-14-086

VS

Respondent STATEMENT of The Case

THE STATE

The (Appellant) filed P.C.R. Claim in (2006) & the (Appellant) claim was defective. P.C.R. Counsel failed to perfect the P.C.R. Claim and proceeded with the Evidentiary Hearing. P.C.R. Counsel raised the issue at 16-25-90, and called Expert Witness, who testified that (Appellant) has been abused by the (deceased) & stated she had been to the (Appellant's) home on numerous occasions, in attempt to prevent any further abuse. Expert did testify that she observed the bruises on the (Appellant) which did qualify (her) to receive the (Battered Women Syndrome). The (Appellant) was an alcoholic during the event of the crime. The (Appellant) and (deceased) were intoxicated. Mr. (Appellant) when she realised the deceased had expired. The Appellant was also entitled to have (Intoxicated Defence) S.C. Code Ann. Law section: (17-24-10) The (Appellant) should've also been examined under the M'Naghten Rule of psychiatric examination to determine whether the (Appellant) was competent at the time of her crime.

X
X

IN THE SUPREME COURT OF SOUTH CAROLINA

V. Burger

APPELLANT

2006-CF-14-086

VS

RESPONDENT

ISSUE RAISE FOR REVIEW

THE STATE

Whether: P. C. R. Counsel erred when he failed to file a Notice of Intent to Appeal the order of dismissal of the Appellant's claim. Pursuant to 6th 14th USCA Atty. deprived the (Appellant) of Due Process of Law, granted to her by the United State Const. Trial (P.C.R. Atty.) could be used Hypnotic: Hypnosis memory for the Appellant. to recap or for Reconstruction of the crime, base on the fact of the (Appellant's) Allergic (she) had blank out and or pass out after the physical Assault with the deceased. S. C. Supreme Court Rule that (Hypnosis) Testimony could be use in a Criminal case to help the defendant re-const his memory of a crime and as for any defendant who suffers from memory loss. ... getting case law Felix Cheeseboro vs State of South Carolina 1998 Richland County case law involving a shop out in five points Barber shop where two year dead one was injured. Victim was represented by Jack Seniering of Richland County.

IN THE SUPREME COURT OF SOUTH CAROLINA

V Burgess 266452 APPELLANT

2006-CP-14086.. SCRC P 71 @

VS

Respondant

NOTICE OF INTENT TO APPEAL

Appellant's Brief

THE STATE

She (APPELLANT) did not knowingly intelligently waived (her) right to appeal her P.C.R. Claim Therefore, The APPELLANT

is entitled to be later appeal of her (first P.C.R. claim)

The (APPELLANT) was denied the opportunity For (APPELLANT

was denied the opportunity Review of her C.P.C. R. claim:

denied the opportunity Review of her C.P.C. R. claim: quotations,

Oden - VS - The State, 337 S.C. 256, 523, 9 E. 2d, 753 (1999

Outsliendy S.C.A.C. R Rule 71. @ P.C.R. attorney, deprived

The APPELLANT of her right to appeal P.C.R. claim, whereas P.C.R

Judge granted in part and denied the (APPELLANT) motion for self-

Defence; C.P.C. R Judge accepted a like testimony for C.C.

P. V. 16-25-90) yet trial Judge refused to reduced the charge,

and fail to order psychiatric Examination of the (APPELLANT) based

on the fact order that the (APPELLANT) stated she doesn't remember

committing the act of murder because she blacked out after she

drank with the (deceased) They were both intoxicated which

did qualified the (APPELLANT) for the (voluntary intoxicant

Defense S.C. Code Ann Law section: 17-2410 which is

also ALLEGAI b I. (ALIBI)

IN THE SUPREME COURT OF SOUTH CAROLINA

V Burgess 266452 APPELLANT 2006-14-086.. S.C.R.C.P.

VS

Respondant

71.10 S.C.A.C.P. RULE 203.

NOTICE of INTENT to APPEAL

APPELLANTS Brief

THE STATE

2A

Substance to combine with alcohol, will render her
 Judgment impaired. (Appellant) used alcohol with
 the (Deceased). The (Appellant) trial counsel
 should've charged the Jury on (Intoxication
 Defense) the (Appellant) Atty. was culpable negligent
 when he failed to acquire expert testimony, failed to
 charge the Jury to bring back a Verdict of not guilty
 by reason of insanity based on the fact that the (Appellant)
 was under the influence of (Alcohol) at the time of the
 incident, which resulted in the Death of the Deceased.
 The (Trial Counsel) was also in error, when he failed
 (Trial Counsel) was also in error, when he failed to charge
 The (Jury on Battered Women Syndrome. The (Appellant) was
 deprived of Due Process of Law by trial-counsel failure to
 have Jury charged on these and these issues (Intoxicant
 Defences) (2) Battered Woman Syndrome Chapter 13 title 21
 of 24-14 time Poole (3) Recklessness unintentionally killing
 by reason of Insanity with Intoxicant Defense. Not guilty
 of murder. 4. Counsel failed to file an Appeal. S.C.R.C.P. 71.10

.S.S.

IN THE SUPREME COURT OF SOUTH CAROLINA

V Burgess 266452

Appellant

2006 C.P. -14-086 S.C.R. c. 910

VS

Respondant

S.C.A.C.P. Rule 203(71) (c)

Appellants Brief

THE STATE

Claim: Which deprived the (Appellant) of Due Process of Law. The (Appellant) did not know that an appeal could've been filed until that an appeal could've been filed March of 2014. Based on after Deceased Evidence. Quoting: S.C. Code ANN 17-24-100 (1985). The Supreme Court Ruled that an (Applicant) is entitled to seek (Appellant) L. Review by way of a Petition for writ of Certiorari with Supreme Court. Quoting: Cherry-V- State, 300 S.C. 115 119, 386, SE 2d. 624-26. see also Weathers-V- State, 319, S.C. 59459, SE. 2d 838. The (Appellant) P. C. Counsel failed to have expert witness of psychofore examination of the (Appellants) state of mind, concealed evidence of the (Deceased's) C. B. C. J. J. Lagy report and complete medical data Denial the Discovery evidence which would've have been of Mitigating evidence to exonerate the (Appellant) on the charge of murder. The State concealed DNA evidence to prevent the (Appellant) from being not guilty of the murder of the Deceased.

Frauser-V- State

IN THE South Carolina Supreme Court

Virginia Burgess 266432

2006-CP-14-086

VS

Destination of matter

PROOF OF

THE STATE OF South Carolina SE R. V. I. E

These Documents are Include in Package For Appellant Review, I.P.C.R. Application; (1) Instruction read Carefully, (1) Motion order Relieving Counsel, (1) Consent order of Continuance, (1) order of Appointment of Counsel (3 pages) (1) Incorporated Battered Women Project = 12-02-02 (1) Letter From, Beatrice Loe Estrade, 12-12-2002 (1) Letter From Beatrice Lande St Cade (1) 1-21-2002 (3) Letter From = R: CC: Lond Welch - (11-14-06) (2-26-07) (9-7-07) (1) Letter From; Beulah C. Roberts - 4-11-2006. (1) Return motion 9-11-2006 (1) order of Dismissal - 8-30-07 (1) Psychologist Re Port From Glenn AYers PhD, 22 Pages of Psychologist Re Port (1) notice of Intent to APPEAR (1) Letter From Carrey Addison

Sworn to and subscribe before me

on this () Day 2014

Notary Public For The State of South Carolina

My Commission Expires

In The South Carolina Supreme Court

Virginia Burgess 266452

2006-CP-14-086

vs

Destination of Matter
PROOF OF

The State Of South Carolina

S. E. R. V. I. C. F

These Documents are Include in Package for Appellant Review,

- 1 P.C.R. Application: (1) Instruction Read Carefully, (1) Motion Oder Relicamy
- Counsel, (1) consent Order of continuance, (1) Order of Appointment of
- Counsel (3 pages) (1) Incarcerated Battered Women Project = 12-02-02 (1) Letter
- From: Beatrice Lane Estrade. 12-12-2002 (1) Letter From Beatrice Lane Estrade
- 11-21-2002 (3) Letters From = Ricc: bond Welch - (11-14-06) (2-26-07) (9-7-07)
- (1) Letter from: Beulah C. Roberts - 4-11-2006. (1) Return Motion - 9-11-2006 (1)
- Order of Dismissal - 8-30-07 (1) Psychologist Report from: Glenn Ayers
- PHD, 22 Pages of Psychologist Report. (1) Notice of Intent to Appear
- (1) Letter from Carrey Addonizio

X

X

Sworn To And Subscribed before me

On this () Day of 2014

Notary Public for The State of South Carolina

My Commission Expires

In The South Carolina Supreme Court

Virginia Burgess 266452

vs.

The State

2006-CP-14-86 (086)

Proof of Service

I certify under penalty of perjury that all parties
has been service a clock copy of the notice of
Intent to Appeal on this _____ Day of _____ 2014

cc

South Carolina Supreme Court

Daniel E. Sharous

P.O. Box 11330, Columbia, SC. 29211

Sworn To And Subscribe before me

On This _____ Day of _____ 2014

Notary Public for The State of South Carolina

my Commission Expires _____

In The South Carolina Supreme Court

Virginia Burgess 266452

VS

2006-cp-14-86 (086)

Proof of Service

The State

I certify under penalty of perjury that all parties

has been service a clock copy of the Notice of

Intent to Appeal on this _____ Day of _____ 2014

CC

Clarendon County Clerk OF Court

Beulah G. Roberts

P.O. Box 136 Manning, S.C. 29102

Sworn To And Subscribe before me

On This _____ Day of _____ 2014

Notary Public for The State of South Carolina

My Commission Expires