

IN THE SOUTH CAROLINA SUPREME COURT

SUSAN HENDRICKS # 355210

VS.

THE STATE OF SOUTH CAROLINA

NOTICE OF INTENT TO

APPEAL PURSUANT TO

S.C.R.C.P. RULE 59

S.C.A.C.R. RULE 203

THE (APPELLANT) FILES THIS NOTICE AND MOTION TO APPEAL GUILTY PLEA SENTENCE BY JUDGE VERDAE. THE (APPELLANT) FILES THIS APPEAL BASED ON AFTER-DISCOVERED EVIDENCE AND DENIAL OF DUE PROCESS OF LAW TO APPEAL HER GUILTY PLEA CONVICTION.

ATTY. GEN P.O. BOX 11549, COLUMBIA, S.C. 29211

SOUTH CAROLINA SUPREME COURT, P.O. BOX 11330, COLUMBIA, S.C. 29211

PICKENS COUNTY CLERK OF COURT, P.O. BOX 215, PICKENS, SC 29671

Susan Hendricks 355210

April 10, 2014

SWORN TO AND SUBSCRIBE BEFORE

ME ON THIS (10th) DAY OF

(April) 2014. NOTARY OF PUBLIC

FOR THE STATE OF SOUTH CAROLINA.

Kathy R. Karner

MY COMMISSION EXPIRES: My Commission Expires August 12, 2015

RECEIVED

APR 23 2014

S.C. Supreme Court

IN THE SOUTH CAROLINA SUPREME COURT

SUSAN HENDRICKS #355210

INDICTMENT #'S 2012-65-

VS.

3900-521, 522, 523, 524

THE STATE OF SOUTH CAROLINA

PROOF OF SERVICE

I DECLARE UNDER PENALTY OF PERJURY THAT
A TRUE COPY OF THE NOTICE OF INTENT TO
APPEAL WAS SERVED ON OPPOSING COUNSEL. AT
HIS OFFICE THE ATTORNEY GENERAL. P.O. BOX 11549,
COLUMBIA, SC 29211

CC. PICKENS COUNTY CLERK OF COURT, P.O. BOX 215, PICKENS SC 29671
S.C. STATE SUPREME COURT, P.O. BOX 11330 COLUMBIA S.C. 29211

Susan Hendricks #355210
April 10, 2014

SWORN TO AND SUBSCRIBE BEFORE
ME ON THIS (10th) DAY OF
(April) 2014. NOTARY OF PUBLIC
FOR THE STATE OF SOUTH CAROLINA.

Kathy R. Barnes

MY COMMISSION EXPIRES:

My Commission Expires August 12, 2015

RECEIVED

APR 23 2014

S.C. Supreme Court

IN THE SOUTH CAROLINA SUPREME COURT

SUSAN HENRICKS #355210

VS.

THE STATE OF SOUTH CAROLINA

MOTION FOR A WRIT OF

CERTIORARI, UNDER

FEDERAL SCRPC RULE 59E

THE (APPELLANT) FILES THIS NOTICE AND MOTION FOR A WRIT OF CERTIORARI IN THE SUPREME COURT.

THE (APPELLANT) FILES THIS RELATED APPEAL BASED ON AFTER-DISCOVERED EVIDENCE.

THE (APPELLANT) PETITIONS THE COURT TO SET-ASIDE THE SENTENCE IMPOSED BASED ON PROCEDURAL IRREGULARITIES OR A STATE AND FEDERAL STATUTE VIOLATION OF CIVIL RIGHTS ACTS UNDER THE 14th AMENDMENTS U.S.C.A AND 6th AMENDMENT U.S.C.A.

Susan Hendricko #355210

April 10, 2014

SWORN TO AND SUBSCRIBE BEFORE ME ON THIS (10th) DAY OF (April) 2014.

NOTARY OF PUBLIC FOR THE STATE OF SOUTH CAROLINA

Henry R. Barnes

MY COMMISSION EXPIRES: My Commission Expires August 12, 2015

RECEIVED

APR 23 2014

S.C. Supreme Court

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM PICKENS COUNTY
JUDGE VERDAE CIRCUIT COURT JUDGE
2012-65-3900-521, 522, 523, 524

Susan Hendricks # 355210

RECEIVED
APPELLANT

VS.

APR 23 2014

THE STATE OF SOUTH CAROLINA

RESPONDENT
S.C. SUPREME COURT

CERTIFICATE OF SERVICE

THE APPELLANT HEREBY CERTIFIES UNDER PENALTY
OF PERJURY THAT A TRUE COPY OF THE NOTICE OF
INTENT TO APPEAL WAS SERVED UPON THE OPPOSING
COUNSEL. BY DELIVERING SAME ON THIS (10) DAY
OF (April) 2014. ADDRESSED AT:

SOUTH CAROLINA STATE SUPREME COURT

P. O. BOX 11330,

COLUMBIA, S.C. 29211

CC:

ATTORNEY GENERAL OF SOUTH
CAROLINA

PICKENS COUNTY, CLERK OF
COURT

SUSAN HENDRICKS # 355210

CGGCI BRD

4450 BROAD RIVER ROAD

COLUMBIA, S.C. 29210

RECEIVED

APR 23 2014

S.C. SUPREME COURT

Return Address:

SUSAN HENDRICKS

CGCI

Blue-Ridge D

4450 Broad River Road

Columbia, SC 29210

IN THE SOUTH CAROLINA SUPREME COURT

SUSAN HENDRICKS # 355210

VS.

THE STATE OF SOUTH CAROLINA

2012-65-3900-521,522,523,524

THE APPELLANT BRIEF

RECEIVED

APR 23 2014

THE APPELLANT WAS DEPRIVED OF STATE AND FEDERAL ^{SC. Supreme Court}

CONSTITUTIONAL RIGHTS WHICH IS GUARANTEED TO HER BY THE UNITED STATES CONSTITUTIONAL LAW. THE RIGHTS TO A FAIR AND IMPARTIAL JURY. A RIGHT TO EQUAL PROTECTION OF THE LAW. QUOTING CHERRY-V-STATE, 300, S.C. 115 (386 S.E. 2d. 624)

THE (APPELLANTS) GUILTY PLEA WAS THE DIRECT AND APPROXIMATE CAUSE OF DEFENSE COUNSEL'S GROSS NEGLIGENCE AND A DENIAL OF ADEQUATE REPRESENTATION IN THE PRESENTATION AND PREPARATION OF THE (APPELLANT'S) CASE, TRIAL COUNSEL'S INEFFECTIVENESS WAS BELOW THE REALM OF PROFESSIONAL CONDUCT. THE CONDUCT AND CHARACTER WAS THE DIRECT AND APPROXIMATE CAUSE OF A MISCARRIAGE OF JUSTICE.

GROUND 1

THE GUILTY PLEA WAS AND IS INVALID BECAUSE THE (APPELLANT'S) MENTAL STATE AS WELL AS THE (APPELLANTS) BEING ON PSYCHOTIC MEDICATIONS WEIGHS STRONGLY ON WHETHER THE (APPELLANT) WAS (COMPETENT) AT THE TIME (SHE) CONSENTED TO ENTER THE GUILTY PLEA, A WEEK BEFORE

TRIAL, ABSENT A PSYCHOLOGICAL EXAMINATION. DEFENSE COUNSEL'S FAILURE TO ACT (SUB-SPONTE) TO ENTER AN ORDER BEFORE THE COURT TO HAVE A COMPLETE PSYCHOLOGICAL EXAMINATION ON THE (APPELLANT.)

GROUND 2

TRIAL COUNSEL WAS INEFFECTIVE WHEN THEY FAILED TO OBTAIN A QUALIFIED EXPERT AND SCIENTIST AND CHEMIST TO GIVE A DETAILED DESCRIPTION OF THE SIDE EFFECTS AND USE OF THE PSYCHOTIC MEDICATION. THE (APPELLANT) WAS TAKING PRIOR TO COMMITTING THIS CRIME.

QUOTING CASE: LAW: STRICKLAND-V-WASHINGTON
466, U.S. 668, Id. a. 685 (1984)

S.C. CODE ANN LAW: (17-24-10) VOLUNTARY INTOXICANT STATUTE UNDER THE INFLUENCE OF DRUGS:

(PRESCRIPTION DRUGS), HEROIN, COCAINE, CRACK, MARIJUANA, COMBINED WITH ALCOHOL, THESE SUBSTANCES CAN RENDER THE PERSON'S JUDGEMENT TO BE IMPAIRED. MEANING THAT A PERSON CANNOT BE LEGALLY RESPONSIBLE FOR HIS ACTS BECAUSE HE WAS UNDER THE INFLUENCE. THE (APPELLANT) COULD NOT DISTINGUISH MORALLY RIGHT FROM MORALLY WRONG, BECAUSE OF THE EFFECT OR SIDE EFFECTS OF THE MEDICATION.

THIS WAS AN UNINTENTIONAL KILLING, A SPUR OF THE MOMENT. THE (APPELLANT) JUST

(SHUT-DOWN). THE EVIDENCE OF STRESS ALONG WITH THE ON-GOING USE OF PRESCRIPTION MEDICATION BROUGHT ABOUT THE DOWNFALL OF THE (APPELLANT)

QUOTING CASE LAW: DROPE VS. MISSOURI, 420. U.S. 162. (1975) THE SUPREME COURT HELD THAT A (DEFENDANT) MUST BE MENTALLY COMPETENT TO STAND TRIAL SO THAT THE (DEFENDANT) IS ABLE TO ASSIST COUNSEL IN HIS DEFENSE. IN DETERMINING IF COUNSEL IS INEFFECTIVE FOR FAILING TO REQUEST A COMPETENCY HEARING, AN (APPLICANT) MUST SHOW THAT A REASONABLE PROBABILITY EXISTS THAT HE WOULD BE FOUND (in-com-pe-tent) AT THE TIME OF HIS TRIAL AND PLEA. ADDITIONALLY, ALLOWING AN INCOMPETENT (DEFENDANT) TO PLEAD GUILTY WOULD BE CONSIDERED INEFFECTIVE ASSISTANCE.

QUOTING: BANNISTER-VS-STATE, 333. S.C. 298, 509, S.E. 2d. 807 (1995)

THE (APPELLANT) CAN SHOW THAT (SHE) WAS PREJUDICED BY TRIAL COUNSELS INEFFECTIVENESS FOR FAILING TO OBTAIN AN EXPERT OR SCIENTIST OR CHEMIST TO DEFINE THE USE AND SIDE-EFFECTS OF PSYCHOTIC MEDICATION WHICH IS THE (APPELLANTS) ONLY LEGAL (ALIBI) THAT

SHE HAS. QUOTING: FRASIER-V-STATE 306. S.C.158.410 S.E.2d.572(1991) DNA EVIDENCE THE (APPELLANTS) BLOOD AND TOXICOLOGICAL REPORT ALONG WITH THE USE OF PSYCHOTIC MEDICATION AND PHYSICIANS REPORTS IS ALSO MITIGATING EVIDENCE. WHEREAS AN EXPERT WAS NEEDED TO TESTIFY AS TO WHY THE (APPELLANT) WAS BEING TREATED AND THE OF THE MEDICATION AND ITS SIDE EFFECTS. IN FRASIER-V-STATE, THE SUPREME COURT HELD THAT TRIAL COUNSEL PRESENTED EVIDENCE AND THE STATE CROSS EXAMINATION AS WELL AS THE DEFENSES EXTENSIVE CROSS EXAMINATION OF THE EXPERT WITNESSES IN THE APPELLANTS CASE. TRIAL COUNSEL HAD A FORENSIC PSYCHOLOGIST PRESENT FOR THE SAKE STATING THAT THE (APPELLANT) WAS ON MEDICATION, YET, IN BANNISTER-V-STATE, 333.S.C.298.509.S.E.2d.807(1995) FAILURE TO CALL (ALIBI-WITNESSES) MEANS THAT THE CASE WILL FAIL. TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO CALL (ALIBI-WITNESSES) OR AN EXPERT IN FORENSIC SCIENCE AND A CHEMIST OF MEDICATION.

GROUND 3

TRIAL COUNSEL WAS INEFFECTIVE WHEN THEY FAILED TO HAVE THE (APPELLANTS) CASE TAKEN BEFORE A GRAND JURY TO DETERMINE WHETHER

THE (APPELLANT) WAS COMPETANT TO STAND TRIAL AND WHETHER THE (APPELLANT) WAS COMPETENT AT THE TIME OF HER TRIAL, AND WHETHER THE GUILTY PLEA WAS ACCEPTABLE.

GROUND 4

TRIAL COUNSEL WAS NEGLIGENT WHEN THEY FAILED TO FILE A NOTICE OF INTENT TO (APPEAL) THE GUILTY PLEA SENTENCE OF LIFE WITHOUT PAROLE. SHE COULD HAVE BEEN SENTENCED UNDER CRIMINAL DOMESTIC VIOLENCE ACT PURSUANT TO CHAPTER 13, TITLE 21 OF 24, AS WELL AS UNDER THE BATTERED WOMEN SYNDROME ACT WITH MENS REA. IF SHE HAD A JURY TRIAL, QUOTING: CHERRY-V-STATE, 300 S.C. 115, 119, 386 S.E. 2d, 35 (1974) SUPREME COURT RULED THAT (APPLICANT) WAS ENTITLED TO AN APPEAL OF HIS GUILTY PLEA, IF HE ASKED FOR AN APPEAL. QUOTING: WEATHERS-V-STATE, IF COUNSEL FAILS TO FILE AN APPEAL OF THE (APPLICANTS) GUILTY PLEA, THE (APPLICANT) IS ENTITLED TO A BELATED APPEAL OF HIS GUILTY PLEA. WEATHERS-V-STATE, 319. S.C. 59, 459, S.E. 2d, 838 (1995)

CLOSING ARGUMENT

WHY WOULD THE (APPELLANT) PLEAD GUILTY IF THE STATE WAS NOT GOING TO DROP SOME OF THE MURDER CHARGES. IF SHE ENTERED A PLEA

AGREEMENT THEN SOME OF THE MURDER CHARGES SHOULD HAVE BEEN DISMISSED AND THE CHARGES COULD HAVE BEEN REDUCED TO A LESSER INCLUDED OFFENSE. QUOTING: GIBSON-V-STATE, 334.S.C. 515.S.E. 2d.320 (1999) EXCULPATORY EVIDENCE WAS LIMINE OUT OF COURT BY TRIAL COUNSEL IN THIS CASE AT BAR.

TRIAL COUNSELS DELIBERATED LIMINE OUT OF COURT, THE (APPELLANTS) PSYCHOLOGICAL REPORTS AND C.B.C. REPORTS. NO PHYSICAL MEDICAL REPORTS WERE MADE ON THE (APPELLANT) ONCE SHE WAS ARREST FOR THIS CRIME. TRIAL COUNSEL USED THE STATES OFFICE AND POWER OF THE COURT TO DEPRIVE THE (APPELLANT) OF DUE PROCESS OF LAW. A GREAT AMOUNT OF PROCEDURAL ERRORS ARE FOUND IN THIS CASE. AND LEGAL TECHNICAL ERRORS AS TO ACTS OR BAD ACTS OF OMISSION AS TO WHAT THEY SHOULD HAVE DONE FOR THE (APPELLANTS) IN THIS CASE AT BAR.

Susan Hendricks

355210

Sworn to AND SUBSCRIBE BEFORE
ME ON THIS (10th) DAY OF
(April) 2014. NOTARY PUBLIC

April 10, 2014

FOR THE STATE OF SOUTH CAROLINA.

Kathy R. Barber

My Commission Expires August 12, 2015

IN THE SOUTH CAROLINA SUPREME COURT

SUSAN HENDRICKS #355210
VS.

2012-6S-3900-521,522,523,524

THE STATE OF SOUTH CAROLINA

STATEMENT OF THE CASE

THE (APPELLANT) HAS BEEN ON PSYCHOTIC
MEDICATION PRIOR TO THIS CRIME.

THE (APPELLANT) WAS A CLASS "A" MACHINIST
AT GENERAL ELECTRIC.

SHE HAS BEEN UNDER THE TREATMENT OF
PIEDMONT PSYCHIATRIC AND GREENVILLE PSYCHIATRY.

THE (APPELLANT) WAS PLACED ON MEDICATION WHICH
CAUSED HER TO HAVE SIDE EFFECTS SUCH AS
HALLUCINATIONS. FROM THE PRESCRIPTION DRUGS.
PROCEDURAL ERRORS OCCURRED BY THE PSYCHIATRIC
TREATMENT TEAM. IF THE TREATMENT TEAM WOULD
HAVE ACKNOWLEDGED THE DOSES AND EFFECTS OF THE
DRUGS, THE KILLINGS WOULD NOT HAVE OCCURRED.
THIS IS AN UNINTENTIONAL KILLING. NO-ONE
IN THEIR RIGHT STATE OF MIND WOULD HAVE
COMMITTED SUCH A IDEOUS CRIME.

FINAL CONCLUSION:

THE (APPELLANT) DID NOT FREELY, KNOWINGLY
OR VOLUNTARILY WAIVE HER RIGHTS TO
APPEAL HER GUILTY PLEA.

IN THE SUPREME COURT OF SOUTH CAROLINA

SUSAN HENRICKS #355210

VS.

THE STATE OF SOUTH CAROLINA

-3900-
2012-GS-521,522,523,524

STATEMENT OF FACT

THIS IS A (PRIMA FACIE CASE) WHICH IS THE DIRECT AND APPROXIMATE CAUSE OF MEDICAL TREATMENT AND USE OF PSYCHIATRIC DRUGS, CAUSATION RELATES TO THE PSYCHOLOGICAL STATE AND INGREDIENTS IN THE PRESCRIPTION DRUGS USED FOR TREATMENT OF MENTAL ILLNESS. A CHEMIST SHOULD HAVE BEEN SUBPOENAED TO TESTIFY ABOUT THE SIDE EFFECTS OF THE DRUGS.

THE (APPELLANT) HAS A LEGAL ALIBI, WHICH WILL MAKE HER TO BE NOT GUILTY OF THIS CRIME, PURSUANT TO S.C. CODE ANN LAW SECTION: (17-24-10) Voluntary INTOXICANT DEFENSE. THE (APPELLANT) SHOULD HAVE BEEN SENT TO A PSYCHIATRIC WARD TO DETERMINE HER MENS REA. THE (APPELLANT) WAS DEPRIVED OF DUE PROCESS OF LAW BY DEFENSE ATTORNEY'S WHO WERE BOTH APPOINTED FROM THE PUBLIC DEFENDERS DIVISION OF PICKENS COUNTY.

THE (APPELLANTS) GUILTY PLEA IS INVALID BECAUSE SHE WAS UNDER THE INFLUENCE OF PSYCHOTIC MEDICATION AND DID NOT KNOW THAT SHE WOULD NOT BE ABLE TO APPEAL HER CONVICTION.

THE (APPELLANT) DID NOT FREELY AND KNOWINGLY WAIVE HER RIGHTS TO APPEAL HER GUILTY PLEA.

TRIAL JUDGE VERDAE DENIED THE (APPELLANT) RIGHTS TO APPEAL AND DEFENSE COUNSEL DID NOT FILE AN APPEAL.

IN THE SUPREME COURT OF SOUTH CAROLINA

SUSAN HENDRICKS # 355210

2012-6S-3900-521, 522, 523, 524

VS.

THE STATE OF SOUTH CAROLINA

TABLE OF AUTHORITIES

5th AMENDMENT U.S.C.A.

6th AMENDMENT U.S.C.A.

14th AMENDMENT U.S.C.A.

S.C. CODE ANN LAW SECTION : 17-24-10 INTOXICANT
DEFENSE

GIBSON-V-STATE, 334, S.C. 515. S.E. 2d. 320 (1999)

STRICKLAND-V- WASHINGTON 466. U.S. 668. Id. a. 685 (1984)

BANNISTER-V-STATE 333. S.C. 298. 509. S.E. 2d. 807 (1995)

DROPE-V-MISSOURI 420. U.S. 162 (1975)

FRAISER -V-STATE 306. S.C. 158. 410. S.E. 2d. 572 (1991)

S.C. CODE ANN LAW : 16-25-90 / CHAPTER 13 TITLE 21 of 24.

BATTERED WOMEN SYNDROME

HAYDEN-V-STATE, 278, S.C. 610. 299. S.E. 2d. 854 (1983)

CHERRY-V-STATE, 300. S.C. 115. 386. S.E. 2d. 624 (1974)

IN THE SOUTH CAROLINA SUPREME COURT

SUSAN HENDRICKS #355210

2012-GS-3900-521,522,523,524

VS.

THE STATE OF SOUTH CAROLINA

ISSUE RAISE

DENIED DUE PROCESS OF LAW, 14th AMENDMENT,

U.S.C.A.

INEFFECTIVE COUNSEL, 6th AMENDMENT, U.S.C.A.

GUARANTEED BY UNITED STATES CONSTITUTION.

① WHETHER TRIAL COUNSELORS PREJUDICED THE
(APPELLANTS) RIGHT TO APPEAL GUILTY PLEA
SENTENCING.

Susan Hendricks #355210

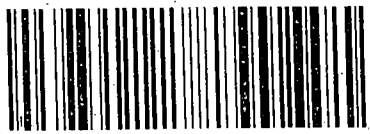
CG6CI

Blue Ridge D

4450 Broad River Road

Columbia, SC 29210

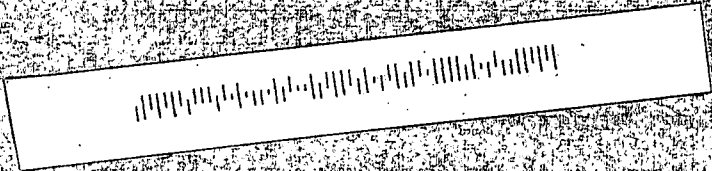
CERTIFIED MAIL



7099 3400 0011 0494 8489



UNITED STATES POSTAGE
600
161
EAGLE
FITNEY BOWES
02 1M \$07.61⁰
0008002496 APR 21 2014
MAILED FROM ZIP CODE 29210



SOUTH CAROLINA STATE

SUPREME COURT

P.O. BOX 11330

Columbia, SC 29211