

Wanda H. Carter, Esq.
S. C. Comm. of Indigent Defense
Post Office Box 11589
Columbia S. C. 29211-1589

April 21, 2014

Re: Motion To Remand, Shannie K. Jones vs. State
Case No. 2013-001888

Dear Ms. Carter,

In response to the order by Chief Justice Toal, after a careful review of her order and a brief review of my record, I have decided to request that you file a motion to the Supreme Court to remand my appeal back to the Lower Court to have the issues ruled upon just as Robert M. Pachak did in Puritt v. State, 423 S.E.2d 127 (1992). This motion Mr. Pachak filed to the Supreme Court was filed after a Petition for Writ of Certiorari was filed from the denial of a PCR.

It is clear, that the issues I would like to be reviewed on Certiorari was not addressed in Judge R. Terrell Cochran, Sr., order of dismissal dated August 19, 2013. I have enclosed a letter from my PCR Counsel admitting that he had my amendments to my PCR which is at the center of this conflict of interest. Therefore, I am requesting that you this matter to the Court, so my issues that was not ruled upon won't be deem abandon. Thank you in advance for your cooperation, I am,

Sincerely,

cc:

S.C. Supreme Court
S.C. Attorney General

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APR 28 2014

S.C. SUPREME COURT

Shannie K. Jones
Shannie K. Jones #340271
Lieber Corr. Inst.
Post Office Box 205
Ridgeway, S. C. 29472

The Brooks Law Offices, LLC

CHARLES T. BROOKS, III,
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
OFFICE: (803) 418-5708
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Email: cbrooks@ctbrooks.com

IRMA R. BROOKS
Attorney

July 9, 2013

Office of the Attorney General
Attn: Daniel Gourley
PO Box 11549
Columbia, SC 29211-1549

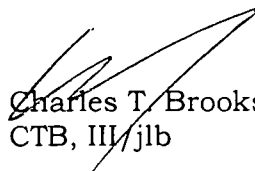
RE: Johnnie Lee Jones v State of S. C.

Dear Mr. Gourley

Please find enclosed a copy of Mr. Jones' Amendment to PCR for your files.
This was received and filed just a short time prior to his PCR hearing.

With kind regards, I am,

Sincerely,


Charles T. Brooks, III
CTB, III/jlb

cc: Johnnie Lee Jones, 340271

STATE OF SOUTH CAROLINA,)
)
COUNTY OF BAMBERG.)

CERTIFICATE OF MAILING

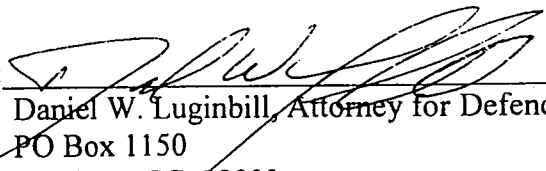
I, Daniel W. Luginbill, attorney for the defendant, in the matter of State v. Johnnie Jones, Warrant Nos: J400446, J400447, J400448, do hereby certify that I have served the foregoing Motion to be Relieved as Counsel by mailing a copy US Mail, postage prepaid to the attorney(s) or persons(s) at the address(es) indicated as follows:

Lauren Maurice, Assistant Solicitor
PO Box 845
Barnwell, SC 29812

March 31, 2010

Bamberg, SC

By:


Daniel W. Luginbill, Attorney for Defendant
PO Box 1150
Bamberg, SC 29003
Telephone: (803)245-7799

JAMES D. HILLS
CLERK OF COURT
BAMBERG, SC

2010 MAR 31 PM 3:37

FILED
BAMBERG COUNTY

✓
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The Supreme Court of South Carolina

Johnnie L. Jones, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-001888

ORDER

By order dated February 7, 2014, we denied petitioner's motion to relieve Wanda Carter, of the Commission on Indigent Defense, Division of Appellate Defense, as his counsel in this matter and to have counsel outside the Division of Appellate Defense appointed in Ms. Carter's place. Ms. Carter has now filed a motion for the appointment of outside counsel in which she raises the same alleged conflict of interest set forth in petitioner's earlier motion - the fact that petitioner alleged in his application for post-conviction relief (PCR) that Ms. Carter was ineffective in her representation of petitioner on direct appeal. However, as Ms. Carter acknowledges in her petition, that issue was not ruled upon by the PCR judge. Accordingly, it is not reviewable by this Court. *Pruitt v. State*, 310 S.C. 254, 423 S.E.2d 127 (1992) (issue must have been raised to *and ruled upon* by the PCR judge to be preserved for this Court's review). We therefore find there is no conflict of interest necessitating the appointment of outside counsel. Ms. Carter's motion is denied.


C.J.
FOR THE COURT

Columbia, South Carolina

April 3, 2014

cc:

Daniel Francis Gourley, II, Esquire

Wanda H. Carter, Esquire

Johnnie L. Jones #340271

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APR 3 2014

SC OFFICE OF
APPELLATE DEFENSE

Johnnie K. Jones #340271
Lieber Con Inst #B82
Post Office Box 205
Kilboville, S.C. 29472

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APR 24 2014

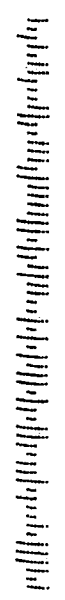
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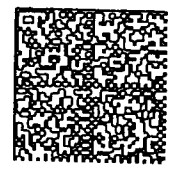
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MISSISSIPPI DEPARTMENT OF CORRECTIONS
MISSISSIPPI CORRECTIONAL INSTITUTION

THE DEPARTMENT OF CORRECTIONS HAS NOT
INSPECTED THIS ITEM; THEREFORE,
THE DEPARTMENT ASSUMES RESPONSIBILITY
FOR ITS CONTENTS.