

State of South Carolina
In the Supreme Court

Pro Se to the Supreme Court

MARQUES ANTHONY DURANT,

PETITIONER

v.

STATE OF SOUTH CAROLINA

RESPONDENT

APPELLATE CASE NO. 2012-212964

PRO SE RESPONSE

RECEIVED

JUN 05 2013

S.C. SUPREME COURT

Marques A. Durant #319613
McCormick C.I. SMC B7
386 Redemption way
McCormick S.C. 29899

petitioner

INDEX _____ 1

ISSUE PRESENTED _____ 2

STATEMENT _____ 3-4

ARGUMENT _____ 3-4

CONCLUSION _____ 5

ISSUE PRESENTED

Trial Counsel erred in failing to advise petitioner of the expiration dates attached to the states plea offers because this meant that petitioner plead guilty without understanding Sentencing Consequences in the Case.

Ineffective assistance of Counsel:

- A. My Lawyer (MR. Sullivan) didnt tell me my right to appeal and he also told me that It was a 20 cap on my Sentence but I got over the Cap.
- B. He (MR. Sullivan) waived my preliminary hearing without my Consent.
- C. He (MR. Sullivan) made "insufficient contact" with me about my case and did not properly Counsel Applicant.

Statement & ARGUMENT

My Lawyer didnt investorgate this case as needed to, and Lead me to pleading to a lesser charge which was suppose to had a cap on it. He (Mr. Sullivan) stated that in october 2009 the solicitor's office sent him a plea for 22 years with a cap and he stated I turned down both of the plea's, the one in Dec 2009. I never received a plea in october 2009 and he did not send one through mail nor bring on down to the detention center. I would like the courts to check the greenville County Attorney Logbook for visitation and it will show that Mr. Sullivan on seen me 2 times in 16 months. Mr. Sullivan stated that he seen me four or five times. Thats a lie. He only seen me when he came and told me that he waived my preliminary hearing and the second time is when he came in Dec 2009 to Lead me to sign that plea which he stated more than one time that I will not get nomore than 20 years but do to the fact they (Solicitor's office) know that my blow wasn't the killing blow, he would ask for 10 years. So I never ever seen that first plea offer. by him bringing it to me nor by mail. if the courts already know that my blow wasn't the killing blow why would any Lawyer still advise someone to still plea... The victim left the club and came back and knew what was on his mind to prove a point, The Solicitor say he didnt (Mr. Duckett) instigate the situation but he did, There's statements from the victim's cousin and my cousin that took the victim home, stating that he should not go back to the club and the statement from his cousin shows that at 1:10am he called him with malice on his mind. He didnt state "Lets go to the bar and get more drinks" He (The Victim) stated I was show these dudes what time it is... The whole incident lasted under 1 min so how can that be Voluntary Manslaughter if anything its involuntary Manslaughter. I never meet for this victim to lose his life. It was a bad bar fight and it happened. Mr. Sullivan stated he waived my preliminary hearing cause of my Confession (App pg 50) Mr. Sullivan stated to me it's a cap on this plea, you can't get nomore than 20 years, at PCR Mr. Head ask him did I know this he stated yes, because we discussed we could take the twenty and "I thought". (App pg 48, 49) any lawyer taking anycase.. should not have "thought" any and everything must count. How can you not be sure what you said as a professional Lawyer practicing Law. ALSO Mr. Sullivan did not appeal nothing or Let me even

Know about my right to appeal my case and it is his general practice to do so. App pg 54 (Also case from 2012 Martinez v Ryan), if you look back at the PCR hearing. Mr. Sullivan always stated below the "Twenty" Cause that's what he told me I could get at the most and that's why I signed that plea, other than that I would've gone to trial by a Jury. He also stated (Mr. Sullivan) "and then I tried to talk Judge Miller down below the "Twenty." he lead me to understand that I wasn't going to get no more than 20 years. He also told me the run down on how Judge Miller going to ask me this and that but he say that's all apart of the plea hearing. Mr. Sullivan stated that he brought my motion to me, That's a lie. Some woman from there office brought it to me and that's the only lady that came to see me on my attorney list of visitation. Mr. Sullivan stated he brought it to me and we went over the whole motion of discover. No we didn't I never seen him and went over nothing but the preliminary hearing (early 2009) and Dec 2009 about the plea. it may have been late 2008 when he came about the preliminary hearing matter fact it was. Mr. Sullivan stated that me and him went over the whole motion of discover but he don't remember the patient care summary report by the EMS. Counsel's advice was not in range of competence demanded of attorneys in Criminal Cases, so Counsel performance was deficient, if it wasn't for Mr. Sullivan errors I Marques Anthony Durant would not have plead guilty.

CONCLUSION

Based on the foregoing argument, I am requesting that the Court grant the petition and allow full briefing on the issues.

Respectfully Submitted,



MARQUES A. DURANT
petitioner