

In The South Carolina Supreme Court

Rayshana Lee Haerin #317294

v. s.

The State of South Carolina

IN RE) 2012 - CP - 43-1600

NOTICE OF INTENT TO APPEAL

Pursuant to S.C.A.C.R.

Rule 203; 227 S.C.A.C.R.

The appellant files this notice of intent to appeal Summary Judgment Order, and final order of dismissal of her P.C.R. claim, pursuant to S.C.A.C.R. Rule 203. This appeal is based on After-Discovered Evidence, which is of a Genuineness of fact and lays strongly of the elements of a MISFEASANCE OF JUSTICE, arising from the honorable R. Ferrell Cothran, Jr.; whom denied the appellants P.C.R. claim in violation of a State and Federal Statute. Cothran was her sentencing judge.

Rayshana Lee Haerin #317294
May 28, 2014

Sworn To And Subscribe Before Me
On This (28th) Day of (May) 2014

Notary Public For The State of South Carolina

My Commission Expires

My Commission Expires August 12, 2015

Kathy R Barnes

RECEIVED

MAY 29 2014

S.C. SUPREME COURT

In The South Carolina Supreme Court

Rayshana Lee Haerin #341294

v. s.

The State of South Carolina

IN RE) 2012-CP-43-1606

NOTION TO ALTER THE

ORDER OF JUDGEMENT

F.R.C.P. Rule 59 e

The appellant files this motion to alter the Order of Judgement, of her P.C.R. claim, pursuant to Federal Rule C.P. Rule 59 e, based on After-Discovered Evidence... Trial Judge, The Honorable R. Farrell Cothran, Jr. was her trial judge in the General Sessions Court; whom imposed the 20 year sentence on the appellant; and subsequently denied her P.C.R. claim on 12.4.2012 in a Conditional Order as well as on Summary Judgement of Dismissal.

Rayshana Lee Haerin #341294
May 28, 2014

Sworn To And Subscribe Before Me
On this (28th) Day of (May) 2014

Notary Public for The State of South Carolina

My Commission Expires

My Commission Expires August 12, 2015

Kathy R. Barnes

In The South Carolina Supreme Court

Rayshanae Lee Haem #347294

v.s.

The State of South Carolina

IN RE) 2012-CP-43-1406

Statement Of The Case

The appellant trier of fact presiding over her P.C.E. claim was her original trial judge in her guilty plea bench trial. Trial Judge R. Ferrell Cothran, JR was also presiding over her Conditional Order and Atty. General Megan E. Harrigan was fully aware of this. Yet she failed to have the case re-assigned to another judge, on merits of disqualification statute of Judge R. Ferrell Cothran, JR. which would constitute prejudice in favor of the appellant in violation with S.C.A.C.R. Rule 401, Rule S.C.A.C.R. 8.07, S.C.A.C.R. Rule 8.04. 8th Amendment U.S.C.A., 6th Amendment U.S.C.A. Article VI Clause 2. to the U.S.C.A.

In The South Carolina Supreme Court

Kayshana Reuben # 347294
v. S.

INRE) 2012-CP-43-1606

The State of South Carolina

Issues Raise For Review

14th Amendment U.S.C.A. Denied Due Process of Law

1. whether the appellant was prejudice by sentencing Judge presiding over her P.C.R. claim, and issuing a ruling to deny her P.C.R. claim in lieu of his failure to disqualify himself to execute judgement on her P.C.R. claim. He denied her P.C.R. claim to be received by the Supreme Court alleging statute of limitation had expired.

On The South Carolina Supreme Court

Rayshanae Ac Harris # 341294

INRE) 2012-CP-43-1600

The State of South Carolina

Table of Authorities

1. After Discovered Evidence
2. 6th Amendment U.S.C.A. Article VI Clause 2.
3. 8th Amendment U.S.C.A.
4. 14th Amendment U.S.C.A.
5. S.C.A.C.R. Rules 401 paragraph 8.1, 8.1
6. Disqualification: Statute
7. Subject-matter Jurisdiction over the claim
8. Obstructing Justice 18th U.S.C.A. Model Penal Code: 242.1. et. seq.
9. Article III Section 2. U.S. Const.
10. Federal R.C.P. Rule 46
11. S.C.A.C.R. Rule 71.1 @

1. Townsend - v - Townsend, 474 S.E. 2d. 424, 323. S.C. 309, In Townsend - v - Townsend the Supreme Court ruled that trial Judge should've disqualified himself in this case at bar.

In The South Carolina Supreme Court

Rayshana Lee Vaenn^{#347294}

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IN RE) 2012-CP-43-1606

The Appellant's Pro Se

Brief On The Merits Of
A Writ of Certiorari

The appellant files this Pro Se Brief for a Writ of Certiorari to reverse the lower courts order of dismissal of her P.C.R. Claim, based upon the facts.

1. The appellant was deprived of Due Process of Law. She (appellant) case is a Prima Facie case, which consists of both State and Federal legal technical errors. These violations are the results of Trial Judge and Atty Gen. agents presiding over her P.C.R. Claim. The evidence was discovered on March 10th 2014 after seeking advice on the Rule relating to the Statute of limitation in which was used to dismiss the P.C.R. Claim.

2. After-Discovered Evidence, is that Trial Judge R. Freeell Cothran, Jr. was also the presiding Judge in the Court of Common Pleas over her P.C.R. Claim. In fact he was the Chief Administrative Judge over the Court of Common Pleas presiding over her P.C.R. claim. Judge R. Freeell Cothran, Jr. should be disqualified himself whereas it was prejudice in favor of the appellant.

On The South Carolina Supreme Court

Rayshana Lee Haerin #371299

v.s.

INRE) 2012-CP-13-1600

The Appellant's Pro Se

The State of South Carolina Brief (Cont.)

3. The issue of subject-matter jurisdiction over the appellant's P.C.R. claim is also a serious and genuineness of a material fact, for the Supreme Court to reverse the lower courts finding and order of dismissal of her P.C.R. claim pursuant to Federal Rule C.P. Rule 46 Special exceptions / Challenge objections, South Carolina Supreme Court. The Decree of the Circuit Judge, upon the facts, is equivalent to the verdict of a jury, whereas, in the summary process jurisdiction he occupies the place of a jury. Quoting Ramey & Jaggert - v - McPride & Possey. 4 Strob 12. The appellant states that Judge R. Ferrell Cothran, JR. exercised the power of Court in violation of the S.C.R.C.P. which is also consistent with violations of S.C.A.C.R. Rules 401, paragraph 8.4 or 8.01 which is also applicable to 18 U.S.C.A. model penal code; 242.1. et. Seq. Pursuant to the 8th amendment deliberate indifference towards the appellants rights. Quoting Plussy - v - Ferguson, a 1929 case also Dred Scott - v - Ferguson. The Chief Judge, Roger B. Janner, JR. stated that no negro had any rights, that a white man needed to consider that case was a hallmark case of discrimination and prejudice. Denied due process of law. 14th Amendment U.S.C.A.

On The South Carolina Supreme Court

Rayshana Lee Martin # 347299

v. s.

The State of South Carolina

IN RE) 2012-CP-43-1000

The Appellant's PRO

Se Brief (Cont.)

The issue of the Statute of limitations, does not or should not be applicable to this case. at bar, based on the following principles:

1. The appellant's guilty plea contract agreement was never signed by the appellant trial counsel or the solicitor's in acting or acting over the case which makes the guilty plea to be invalid, plea was the approximate and direct element of attorney's advice to obtain a lesser sentence.

2. The appellant was under the influence of the time of her crime, she was entitled to the intoxicant defense, as well as, Post-Pardon Depression.

3. The appellant should've been sentenced under Ch. 13 21 of Title 24, to have a parole date after serving one fourth of her sentence. Pursuant to this statute S.C. Supreme Court ruled that any person convicted of or plead guilty to any crime against any household member shall be eligible for parole every year after serving $\frac{1}{4}$ of their sentence.

4. The appellant could've also been sentenced under the Youthful Offender's Act because of her age, under 21 years old. Criminal Domestic Violence was also applicable, case law, yet, Trial counsel did not ask for any of these

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The Appellant's Brief

The State of South Carolina

AFFIDAVIT OF SERVICE

laws or statutes to be applied to the appellant's case during the County plea deal or prior to accepting or entering the guilty plea and failure to ask for any of these statutes or laws, during closing arguments. Trial Judge failed to apply these laws during the sentencing process of the appellant. The key element in this case at bar is that Defense Atty. was ineffective for failing to submit and appeal. The Trial Judge Cochran failed to disqualify himself from deciding the P.C.R. claim. Quoting Townsend - v - Townsend

Rayshana Lee Harris #347291

May 28, 2014

Appear to And Subscribe Before Me

On this (28th) Day of (May) 2014

Notary Public For The State of South Carolina

My Commission Expires

My Commission Expires August 12, 2015

Kathy R. Barnes

The South Carolina Supreme Court

Rayshana Lee Haerin # 347294
v.s.

IN RE) 2012-CP-43-1400

The State of South Carolina)

PROOF OF SERVICE

I being duly sworn, certify under penalty of perjury that all parties have been served a photo copy of the NOTICE OF INTENT TO APPEAL on this () day of 2014.

1. Megan E. Harrigan Atty. Gen. P.O. Box 11549
Columbia, SC. 29211-1549

2. Sumter County Clerk of Court, James
C. Campbell 141 N. Main Sumter, SC. 29150

3. South Carolina Supreme Court P.O. Box
11330 Columbia, SC 29211

Rayshana Lee Haerin #347294
May 28, 2014

Sworn to and Subscribe Before Me
On this (28th) Day of (May) 2014

Notary Public For The State of South Carolina

My Commission Expires My Commission Expires August 12, 2015

Rayshana R. Barnes

CERTIFIED TRUE COPY
OF ORIGINAL FILE

Barbara Thayer
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA

County of Sumter

RECORDED

2012 AUG 13 PM 12: 32

JAMES C. CAMPBELL
CLERK OF COURT
In the Court of Common Pleas

2012-CP-43- 1604

APPLICATION FOR
POST-CONVICTION RELIEF

Rayshana Lee Dennis # 347294
Full name and prison number (if any) of Applicant,

vs.
The State of South Carolina
Name of Respondent.
Attorney General

INSTRUCTIONS — READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make it clear to which question any such continued answer refers.

Since every application must be sworn to under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken *in forma pauperis*, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which applicant was convicted.

1. Place of detention Camille, Graham, Inst.
4460 Broad River Rd. Columbia, SC 29210
2. Name and location of Court which imposed sentence Sumter County
General Sessions Court
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
 - (a) _____
 - (b) n/a
 - (c) n/a
4. The date upon which sentence was imposed and the terms of the sentence:
 - (a) 20 years
 - (b) n/a
 - (c) n/a

5. Check whether a finding of guilty was made

(a) after a plea of guilty ✓

(b) after a plea of not guilty na

(c) after a plea of nolo contendere na

6. Did you appeal from the judgment of conviction or the imposition of sentence?
na

7. If you answered "yes" to (6), list

(a) the name of each Court to which you appealed:

i. na

ii. na

iii. na

(b) the result in each such Court to which you appealed:

i. na

ii. na

iii. na

(c) the date of each such result:

i. na

ii. na

iii. na

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. na

ii. na

iii. na

8. If you answered "no" to (6), state your reasons for not so appealing:

(a) Atty. did not submit an appeal

(b) I did not know that I could appeal

(c) After discovered evidence

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) 4th Amendment U.S.A. Ineffective Assistance

(b) S.C. Code Ann Law (17-24-10) Voluntary Intoxicant

(c) S.C. Code Ann Law (16-25-90) C.D.V. - Post Partum Dep

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

(a) Failed to bring the case before the jury to determine / Facts

(b) under the influence of prescription drugs / medication

(c) Applicable defense / emotional breakdown battered w. S.

11. Prior to this application have you filed with respect to this conviction

- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petitions in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? NO
- (d) any other petitions, motions or applications in this or any other Court?
NO

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. NO
- ii. NO
- iii. NO
- iv. NO

(b) the name and location of the Court in which each was filed:

- i. NO
- ii. NO
- iii. NO
- iv. NO

(c) the disposition thereof:

- i. NO
- ii. NO
- iii. NO
- iv. NO

(d) the date of each such disposition:

- i. NO
- ii. NO
- iii. NO
- iv. NO

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. NO
- ii. NO
- iii. NO
- iv. NO

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

14. If you answered "yes" to (13), identify:

(a) which grounds have been presented:

i. na

ii. na

iii. na

(b) the proceedings in which each ground was raised:

i. na

ii. na

iii. na

15. If any ground set forth in (9) has not previously been presented to any Court, State or Federal, set forth the ground, and state concisely the reasons why such ground has not previously been presented:

(a) Atty. did not raise these defense (17-24-10)

(b) Atty. did not raise these defense (11-25-90)

(c) Atty failed to bring the case before the jury 6th Amendment U.S.C.A.

16. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? yes

(b) your trial, if any? na

(c) your sentencing? yes

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? na

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? na

17. If you answered "yes" to one or more parts of (16), list:

(a) the name and address of each attorney who represented you

i. Timothy Murphy Sumter County Public Defender

ii. na

na

iii. na

na

(b) the proceedings at which each such attorney represented you:

i. General Sessions Guilty Plea

ii. na

iii. na

18. State clearly the relief you seek in filing this application.

Granted a new trial sentence to be vacated and/or modified in part to a lesser included offense, and we granted time served.

19. Are you now under sentence from any other court that you have not challenged?

na

STATE OF SOUTH CAROLINA

County of Sumter

VERIFICATION

I, Rayshana Haerin, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Rayshana Haerin

SWORN to and subscribed before me this 9th

day of August, 2012

Kathy R. Barnes (L.S.)
Notary Public

My Commission Expires August 12, 2015

My Commission Expires: _____

APPLICATION TO PROCEED WITHOUT PREPAYMENT OF COSTS AND AFFIDAVIT IN SUPPORT THEREOF

I, Rayshana Haerin, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security therefor.

Rayshana Haerin
Applicant

SWORN or affirmed to and subscribed before me this

9th day of August, 2012

Kathy R. Barnes
Notary Public

My Commission Expires August 12, 2015

My Commission Expires _____

RECORDED

2012 AUG 13 PM 12:32

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

The State of South Carolina	The Court of Common Pleas
The County of Sumter	Indictment No: 2010-GS-43-0027
Rayshana Lee Haevin # 347294 V.S.	Motion To Supplement The Pleadings Under Fed. R.C.P. Rule 15 a, b...
The State of South Carolina	AFFIDAVIT OF SERVICE

The Above-Captioned "Defendant" files this motion under Federal Rule Civil Procedure Rule 15 a, b.. to Amend and /or Supplement the pleadings in the above-reference case based on the merits of her P.C.R. claim.

Rayshana Haevin
8/19/12

Swoon To and Subscribe before me.

On This (9th) Day of (August) 2012

Notary Public for The State of South Carolina

Kathy R. Barnes

My Commission Expires August 12, 2015

RECORDED

2012 AUG 13 PM 12:32

The State of South Carolina	The Court of Common Pleas
The County of Sumter	Indictment No. 2010-GS-43-0627
Rayshana Lee Haerin #347294 D.S.	Exhibit A
The State of South Carolina	The "Applicants" Brief In Support of her P.C.R. Claims Amended Action Under Federal R.C.P Rule 15 a, b...
IN RE)	

The "Applicant" Raises the Defence of Criminal Domestic Violence

For A First Defense: Criminal domestic violence was applicable case law in this case at bar. The S.C. Code Ann Law under Section (16-25-90)

For A Second Defense: Post-Partum Depression as a defense under S.C. Code Ann Law: Section: (17-24-70) @ S.C. Code Ann (Supp. 221)

For A Third Defense: Youthful Offender Act for first offense Ages 17-25 years old was applicable case law in this case at bar.

For A Fourth Defense: Battered women Syndrome Act of 1944, Section 40501 of the TV

Supporting Argument...

The "Applicant" States the following facts to be renewed by the courts. The "Defense Attorney" was ineffective in failing to pursue and properly advise the "Applicant" about available defenses and the likelihood of an (acquittal) if she stood trial. The "Applicant" possessed mitigating factors in her case and sentence. The "Applicant" is a victim of violence and sexual abuse. Yet she never once abused her children. The "Applicant" has birth (4) children since the age of 15-19. All children are from out of wedlock. The "Applicant" has her high school diploma and continued her studies to obtain her certification in medical assisting. The "Applicant" raised her children while the children's father was incarcerated (going to school's work to provide). The "Applicant's" age and accomplishment, as well as, the applicant's cooperation in taking her child to the hospital for medical treatment, should have been considered at her sentencing.

The State of South Carolina) The Court of Common Pleas

The County of Sumter

Indictment No. 2010-GS-43-0627

Rayshana Lee Marvin #347294 v.s. The State of South Carolina)

The "Defendant" presents the following issues of fact in lieu of the notice of intent to supplement the pleadings on the merits of the P.C.R. claim which I've submitted in conjunction with this brief.

Ground One:

Pursuant to S.C. Code Ann. Law: Section: (17-24-10) Voluntary Intoxicant is a legal defense; as defined under this statute. Under the influence of cocaine, alcohol, marijuana, prescription drugs that contained any form of substance such as cocaine, etc. Under this law which was enacted by the S.C. General Assembly and became a law (as amended under the 1986 Amendment). This law rendered that a "defendant" has a legal alibi, when it has been proven through blood test and other devices used to determine that the defendant was under the influence during the course of her crime, cannot be held legally responsible for her actions nor could she be prosecuted to the fullest extent of the law. Although this statute was made certain particular exceptions, as to the force of law and the course in which the law must be applied. However, as long as the "Defendant" can prove that her actions and/or conduct to conform at that particular time she was not capable to understand her actions. The issue of provisional judgement of competency was not applied to the "Applicants" case at bar. The "Applicant" was entitled to have a jury to determine the facts in her case. The "Applicants" case is without MALICE and she's entitled to have her sentence reduce or vacated as a whole.

RECORDED

2012 AUG 13 PM 12:33

JAMES D. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

The State of South Carolina The Court of Common Pleas

The County of Sumter Indictment No: 2010-GS-43-
01627

Rayshana Lee Naevin #347294 v.s. The State of South Carolina

Ground (2) ENTRAPMENT DEFENSE

The "Applicant" raises the issue of ENTRAPMENT because she did not willfully harm her child, she was under the influence when she dropped the baby on the bed.

Ground (3) Ineffective Assistance of Counsel

The "Applicant" states her attorney was deficient in his performance over her case. Attorney failed to have Psychological Exams, discovery of usage of drugs and drug test results from D.S.S. case file. which would be of mitigating circumstances, to show that the "Applicant" was addicted to marijuana and has attempted to come clean after being threatened by D.S.S. to remove her children from her. The "Applicant" was sentenced to arrest from the use and withdrawal of marijuana and other drugs such as alcohol and prescription drugs. In this case the "Applicant" simply just shut down as to say she just dropped the baby and went to sleep, unknown to her that the child was injured. The "Applicant" discovered the death of her child and sought immediate help. The "Applicant" did not see nor did she refuse to provide medical care and treatment for her baby. Therefore transferred intent was an applicable factor in this case at law.

Ground (4) Insanity Defense

Under the McNaughton rule, the defense attorney and the State should have presented this issue before the trial judge in the onset of the preliminary hearing. Fire an independent finding by the court that she was incompetent because of being under the influence at the time of the alleged crime.

The State of South Carolina	The Court of Common Pleas
The County of Sumter	Indictment No. 2010-GS-43-0427
Rayshana Lee Harvin #347294	Exhibit (B)
v.s.	
The State of South Carolina	AFFIDAVIT OF SERVICE

I, Rayshana Harvin #347294, certify under penalty of perjury, that I have submitted the following documents to be incorporated on record along with the P.C.R. claim.

I'm requesting a photo copy pursuant to Fed R.C.P. 77.79 within (5) business days of the clerk of courts office.

Rayshana Harvin

- 1, Exhibit A. Brief,
- 1, Exhibit B. Brief,
- 1 motion to Supplement the pleadings under F.R.C.P. Rule 15 a, b...
- 1 motion to enter judgement under F.R.C.P. 59 c, F.R.C.P. 60
- 1 P.C.R. Application
- 1 AFFIDAVIT OF SERVICE

Swoon To And Subscribe before me
 On This (9th) Day of (August) 2012
 Notary Public for the State of South Carolina
Kathy R. Barnes

My Commission Expires... My Commission Expires August 12, 2015

RECORDED

The State of South Carolina	The Court of Common Pleas
The County of Sumter	Indictment No: 2010-GS-43-0627
Rayshard Lee	Exhibit B
S.	The "Applicant" files this
The State of South	motion under Federal Rule
Carolina	Civil Procedure, Rule 15a, b to
	Amend & Supplement the
	Pleading on P.C.R claim

TABLE OF AUTHORITES AND CASE LAW...

- 5th Amendment U.S.C.A Self-Incarnation / Miranda Violation
- 6th Amendment U.S.C.A Ineffective Assistance of Counsel
- 14th Amendment U.S.C.A Denied Equal Protection of the Law
- S.C. Code Ann Law: Section: (17-24-10) Voluntary Intoxicant
- S.C. Code Ann Law: Section: (17-24-70a) Post-Partum Trauma
- S.C. Code Ann Law: Section: (17-25-90) Criminal Domestic Violence
- S.C. Code Ann Law: Section: 40507 OF TITLE IV Act of 1994

... Citing Case Laws of Precedent Value ...

- ① Strickland v. Washington, 466 U.S. 668, 104 S.Ct 2052, 2064, 80 LEd2d 674, 692 (1984) Case Law. The Supreme Court held that counsel was rendered ineffective which prejudiced the "Defendants" defense. Case was overturned.
- ② Under S.C. Code Ann Law: Section: (17-24-10) Voluntary Intoxication. The influence of alcohol, cocaine, marijuana, crime is a legal defense.
- ③ Richardson v. State, 310 S.C. 300, 426 S.E. 2d 795 (1998 case law) The S.C. Supreme Court held that a "Defendant" who pleads guilty upon advice of counsel may only attack the voluntariness and intelligent character of the plea by showing that advice of counsel was not in the range of competence demanded of an attorney in a criminal case. This court held that erroneous sentencing advice can constitute ineffective assistance of counsel.
- ④ Insanity defense temporarily insane, under the influence. Courts failure to act (Sua Sponte) to determine the "Defendants" mens rea at the time of her crime. The McNaughton Rule was not applied nor was it raised in the "Defendants" case at bar. Psychological exams was needed in this case but was deflected by the State.
- ⑤ S.C. Code Ann Law: Section: 17-24-70a) Post-Partum Trauma. The Supreme Court held that Post-Partum is a defense to murder, citing case: Brenda Baron 67 S.M.U. 1 Rev. 541 W.S. (1998) Case Law. The Supreme Court held that Brenda Baron, the murdering hands rock the cradle.

The State of South Carolina

The Court of Common Pleas

The County of Sumter

Indictment No: 2010-GS-43-
01627

Rayshana Lee Jaenic³⁴¹²⁹⁴
v.s.

Exhibit B

The State of South Carolina

The "Applicants" Motion to Amend
the Pleadings Under F.R.C.P.
Rule 15 a, b...

⑤ was an overview of American incoherent treatment of many infanticidal mothers. Brenda Barton was found Not-Guilty by reasons of Insanity, secondarily to Post Partum Trauma. Citing Case: Law: Mitchell v- Common Wealth, 781 S.W. 2d 510 511 (1989) The Supreme Court overturned Mitchell's case because there was no ~~any~~ evidence to prove that Mitchell inflicted any injury. The "Applicant" in this case at bar did not intend to inflict the (head injury) which caused the death of her baby.

⑥ Weathers v- The State 319 S.C. 69 459 S.E. 2d 838 (1995 case law) The Supreme Court held that Weathers' Supreme Court on appeal, a attorney had perfected an appeal for "Weathers" in addition with the Court's void waiver of her rights to appeal.

⑦ 5th Amendment U.S.C.A. Miranda violation and self-incrimination. Mitchell v- U.S. cited S.Ct. 1307 (1999 case) 526 U.S. 314, 143 LEd 2d 424 The U.S. Supreme Court held that "Guilty" plea nor her statement at plea colloquy, functioned as a waiver of her rights to remain silent at sentencing, U.S.C.A. Const. Amend 5 Fed. R.C.P. Rule 11.18 U.S.C.A. The "Applicant" in this case at bar was questioned by the (Trial Judge) to give a detail description of the elements of her crime, which is in violation of 6th Amendment. Miranda Rights violation during the

course of her guilty plea trial which is reversible error, which is consistent with self-incrimination in addition with ENTRAPMENT defense in Mitchell v- the State, the U.S. Supreme Court reversed and remanded Mitchell's case for a New trial.

The State of South Carolina	The Court of Common Pleas
The County of Sumter	Indictment No. 2010-GS-43-0427
Rayshana Lee Haerin #347294	Exhibit C. Applicants Brief
v.s.	In Support of P.C.R. Claim
The State of South Carolina	Pursuant to F.R.C.P. Rule 59 @ 60
	AFFIDAVIT OF SERVICE

The Above-Captioned "Applicant" hereby moves on her own accord petitioning the above courts to grant her a new trial under Federal Rule Civil Procedure Rule 59 e and Fed. R.C. Procedure Rule 60

Rayshana Haerin
8/9/12

Swear To And Subscribe before me.
 On this (9th) Day of (August) 2012
 Notary Public for The State of South Carolina
Kathy R. Barnes
 My Commission Expires August 12, 2015

The State of South Carolina | The Court of Common Pleas

The County of Sumter | Indictment NO: ^{2010-C15-} 43-0627

Raushana Felaen #347294 v.s. The State of South Carolina

Final Conclusion:

The "Applicant" did not freely and knowingly, voluntarily enter a plea of guilty in conjunction with the issue that the "Applicant" did not freely, voluntarily and knowingly waive her rights to appeal her guilty plea. The U.S. Supreme Court held that a guilty plea is rendered coercive if the "Defendant" was persuaded by counsel to plea guilty absent to any legal defense which could have caused the "Defendant" to go to trial, when the defense attorney fails to represent his client and use the "Bill of Rights" to protect his client, it does prejudiced the "Defendants" right to due process of law. When Defense Attorney fails to raise, and issue, and fail to persevere and issue for review on appeal, or to perfect and appeal for, the Defendant is considered ineffective assistance of counsel.

Raushana Felaen
8/9/12

Sworn To And Subscribe before me,

On this (9th) Day of (August) 2012

Notary Public, for The State of South Carolina

Kathy R. Barnes

My Commission Expires... My Commission Expires August 12, 2015

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER
IN THE COURT OF COMMON PLEAS

FORM 4
RECORDED

2013 MAR 21 AM 9:06

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2012CP4301606

Rayshana Lee Harvin

JAMES C. CAMPBELL
CLERK OF COURT South Carolina State of
SUMTER COUNTY, S.C.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Clerk of Court

Attorney for: Plaintiff Defendant
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRCP; Rule 41(a), SCRCP (Vol. Nonsuit);
 Rule 43(k), SCRCP (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRCP; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

See attached Order.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk:

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge	2143	3/21/2013
	Judge Code	Date

For Clerk of Court Office Use Only

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on , to attorneys of record or to parties (when appearing pro se) as follows:

Rayshana Lee #347294 Harvin Camille Graham Inst 4450
Broad River Rd Columbia, SC 29210

ATTORNEY(S) FOR THE PLAINTIFF(S)

Alan McCrory Wilson PO Box 11549 Columbia, SC
292111549

ATTORNEY(S) FOR THE DEFENDANT(S)

James C. Campbell

James C. Campbell - Clerk of Court

Court Reporter

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

Rayshana Lee Harvin, 347294,

Plaintiff

v.

State Of South Carolina

Defendant.

RECORDED

2013 MAR 20 PM 1:49

JAMES D. CAMPBELL

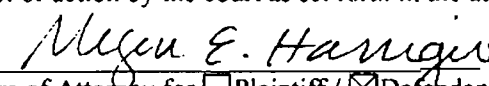
CLERK OF COURT

SUMTER COUNTY, S.C.

IN THE COURT OF COMMON PLEAS

CASE NO.
2012-CP-43-1606

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

Plaintiff's Attorney: Rayshana Lee Harvin, Bar No. Address: CGCI 4450 Broad River Road Columbia SC 29210 phone: fax: e-mail: other:	Defendant's Attorney: Megan E. Harrigan, Bar No. Address: Post Office Box 11549 Columbia SC 29211-1549 phone: (803) 734-3737 fax: (803) 734-4113 e-mail: other:
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: Estimated Time Needed: Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO	
SECTION II: Motion/Order Type	
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
 Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant	
Date submitted: <u>March 7, 2013</u>	
SECTION III: Motion Fee	
<input type="checkbox"/> PAID - AMOUNT: <input checked="" type="checkbox"/> EXEMPT:	
(check reason) <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input checked="" type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: <input type="checkbox"/> Other:	
JUDGE'S SECTION	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other:	_____ JUDGE CODE: _____ Date: _____
CLERK'S VERIFICATION	
Date Filed: _____ Collected by: _____	
<input type="checkbox"/> MOTION FEE COLLECTED: _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: _____	

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

RECORDED
2013 MAR 20 PM 1:49
IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Rayshana Lee Harvin, #347294,

JAMES D. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

Case No. 2012-CP-43-1606

Applicant,

v.

State of South Carolina,

Respondent.

FINAL ORDER OF DISMISSAL

This matter comes before the Court pursuant to an application for post-conviction relief filed August 13, 2012. The Respondent made its Return and Motion to Dismiss on December 4, 2012, requesting that the Application be summarily dismissed. Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal, signed January 4, 2013, and filed on January 10, 2013, provisionally denying and dismissing this action, while giving the Applicant twenty days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated January 24, 2013, serving the aforementioned Conditional Order of Dismissal on the Applicant.

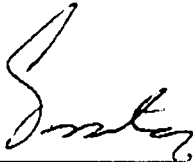
The Applicant made no response to the Conditional Order of Dismissal. This Court has reviewed the original pleadings and finds that a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal, the Application for post-conviction relief is hereby denied and dismissed with prejudice.

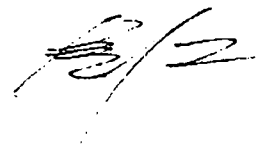
AND IT IS SO ORDERED this 11 day of March, 2013.



GEORGE C. JAMES, JR.
Chief Administrative Judge
Third Judicial Circuit Court



_____, South Carolina.



State of South Carolina

In The Supreme Court

Appeal From Sumter County

R. Ferrell Cochran, JR. Circuit Court Judge

IN RE) 2012-CP-43-1004

Rayshana Lee Harris #347299 → Appellant

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 the final order of dismissal from the Honorable R. Ferrell Cochran, JR. dated January 1st 2012 and Conditional order 12-4-2012. All parties have been served on this (28) day of May.

Rayshana Lee Harris #347299
May 28, 2014

Sworn to and Subscribed Before me
On this (28th) Day of (May) 2014

Notary Public For The State of South Carolina

My Commission Expires August 12, 2015

Kathy R. Barnes

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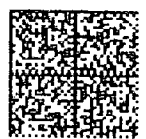
MAY 29 2014

S.C. SUPREME COURT

Kay Shaw-Jacobs # 341244
Camille Graham 11115-41
1450 Beard River Rd.
Columbia, SC 29210

SCDC
MAY 28 2014
MAIL ROOM

South Carolina Supreme Court
P.O. Box 11330
Columbia, SC 29211



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