

THE SUPREME COURT OF SOUTH CAROLINA

MARION D. DODD, #236658

DANIEL E. SHEAROUSE, CLERK OF COURT

WATERGATE CORR. INST.

POST OFFICE BOX 11330

P. O. BOX 189

COLUMBIA, S.C. 29211

REMBERT, S.C. 29128

JUNE 13th, 2014

RE: PRO SE RESPONSE MAY 21, 2014 JOHNSON PETITION

DEAR MR. SHEAROUSE:

ENCLOSED WITHIN FOR FILING PLEASE FIND ONE (1) COPY OF THE ABOVE NAMED PRO SE PETITIONER'S PRO SE RESPONSE TO APPELLATE COUNSEL'S MAY 21, 2014 JOHNSON PETITION FOR CERTIORARI. PLEASE FORWARD ONE TIME-STAMPED COPY OF THE RESPONSE TO THE PETITIONER AT THE MAILING ADDRESS ABOVE WHEN FILED. THANK YOU.

SINCERELY YOURS

Marion D. Dodd

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JUN 16 2014

S.C. SUPREME COURT

cc: FILE

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

RECEIVED

CERTIORARI TO GREENVILLE COUNTY

D. GARRISON HILL, CIRCUIT COURT JUDGE JUN 16 2014

S.C. SUPREME COURT

MARION JAMES DODD,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2013-001866

PRO SE RESPONSE TO JOHNSON PETITION FOR CERTIORARI

MARION JAMES DODD, # 236658

PRO SE PETITIONER

WATEREE RIVER CORR. INST.

P.O. Box 189

REMBERT, S.C. 29128

STATEMENT

DURING THE OCTOBER 2010 TERM OF THE GREENVILLE COUNTY COURT OF GENERAL SESSIONS THE GREENVILLE COUNTY GRAND JURY INDICTED THE PETITIONER FOR POSSESSION WITH INTENT TO DISTRIBUTE (PWID) COCAINE BASE (2010-GS-23-8007), TRAFFICKING COCAINE (2010-GS-23-8008), AND POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME (2010-GS-23-8008). THE PETITIONER PLED GUILTY TO ONE COUNT OF POSSESSION WITH INTENT TO DISTRIBUTE COCAINE BASE, SECOND OFFENSE, AND ONE COUNT OF TRAFFICKING IN COCAINE, SECOND OFFENSE, DURING THE MAY 2011 TERM OF THE GREENVILLE COUNTY COURT OF GENERAL SESSIONS. JUDGE G. EDWARD WELMAKER WAS THE PRESIDING COURT JUDGE. THE PETITIONER WAS SENTENCED TO AN EIGHT-YEAR SENTENCE ON EACH CHARGE. THE SENTENCES WERE TO RUN CONCURRENTLY. THE PETITIONER DID NOT APPEAL THE CONVICTIONS OR THE SENTENCES.

ON AUGUST 1, 2011 THE PETITIONER FILED AN APPLICATION FOR POST-CONVICTION RELIEF (PCR CASE NO. 2011-CP-23-5107) IN THE GREENVILLE COUNTY COURT OF COMMON PLEAS. THE RESPONDENT FILED A RETURN DATED DECEMBER 30, 2011 IN WHICH THE RESPONDENT REQUESTED THAT A HEARING BE HELD IN THE CASE. A HEARING WAS CONVENED BY THE COURT ON JUNE 18, 2013. JUDGE D. GARRISON HILL WAS THE PRESIDING COURT JUDGE. THE PETITIONER WAS PRESENT AT THE JUNE 18, 2013 PCR HEARING. THE PETITIONER WAS REPRESENTED BY CAROLINE M. HORLBECK, ASSISTANT ATTORNEY GENERAL KAREN C. RATIGAN APPEARED ON BEHALF OF THE STATE.

ON AUGUST 1, 2013 JUDGE HILL ISSUED AN ORDER OF DISMISSAL DISMISSING THE PETITIONER'S APPLICATION FOR POST-CONVICTION RELIEF, WITH PREJUDICE, BECAUSE "THE APPLICANT HAS NOT ESTABLISHED ANY CONSTITUTIONAL VIOLATIONS OR DEPRIVATIONS." THE PETITIONER APPEALED.

ON MAY 21, 2014, THE PETITIONER'S COURT-APPOINTED APPELLATE ATTORNEY, FILED A JOHNSON PETITION FOR WRIT OF CERTIORARI WITH THE COURT.

THIS PRO SE RESPONSE TO APPELLATE COUNSEL'S JOHNSON PETITION FOLLOWS.

ARGUMENT

THE PETITIONER FILED THE APPLICATION FOR POST-CONVICTION RELIEF, (PCR CASE NO. 2011-CP-23-5107), THAT IS THE SUBJECT OF THE PRESENT PETITION FOR CERTIORARI, WITH THE COURT ON AUGUST 1, 2011. THE APPLICATION THAT THE PETITIONER FILED WITH THE COURT IN PCR CASE NO. 2011-CP-23-5107 ON AUGUST 1, 2011 WAS NOT PROPERLY PREPARED. SEE APPLICATION FOR POST-CONVICTION RELIEF PCR CASE NO. 2011-CP-23-5107 DATED AUGUST 1, 2011.

WHEN THE PETITIONER FILED THE APPLICATION FOR POST-CONVICTION RELIEF THAT HE FILED WITH THE COURT IN PCR CASE NO. 2011-CP-23-5107 ON AUGUST 1, 2011, SECTION 17-27-90. OF THE SOUTH CAROLINA CODE OF LAWS, WAS THE STATUTE / LAW THAT SET FORTH BY LAW THE LEGAL REQUIREMENTS FOR THE CONTENTS OF AN APPLICATION FOR POST-

CONVICTION RELIEF UNDER SOUTH CAROLINA LAW. AT THE TIME THAT THE PETITIONER FILED THE APPLICATION FOR POST-CONVICTION RELIEF THAT HE FILED WITH THE COURT IN PCR CASE NO. 2011-CP-23-5107, SECTION 17-27-90 OF THE SOUTH CAROLINA CODE OF LAWS REQUIRED, IN PERTINENT PART, . . . "[ALL] GROUNDS FOR RELIEF AVAILABLE TO AN APPLICANT UNDER THIS CHAPTER [MUST] BE RAISED IN HIS ORIGINAL, SUPPLEMENTAL OR AMENDED APPLICATION." THE PETITIONER'S AUGUST 1, 2011 APPLICATION DID NOT MEET AND/OR COMPLY WITH THAT LEGAL REQUIREMENT. ALL OF THE GROUNDS THAT WERE AVAILABLE FOR RELIEF UNDER THE UNIFORM POST-CONVICTION PROCEDURE ACT WERE NOT IN THE PETITIONER'S ORIGINAL AUGUST 1, 2011 APPLICATION FOR POST-CONVICTION RELIEF AS WAS REQUIRED BY LAW ON AUGUST 1, 2011 BY SECTION 17-27-90 OF THE SOUTH CAROLINA CODE OF LAWS.

THE COURT APPOINTED CAROLINE M. HORLBECK TO REPRESENT THE PETITIONER IN PCR CASE NO. 2011-CP-23-5107 IN JANUARY OF 2012. A HEARING IN THE MATTER OF PCR CASE NO. 2011-CP-23-5107 WAS CONVENED ON JUNE 18, 2013. THE PETITIONER MET CAROLINE HORLBECK ON JUNE 18, 2013. THE JUNE 18, 2013 MEETING THAT TOOK PLACE THE DAY THAT THE EVIDENTIARY HEARING WAS CONVENED WAS THE ONLY MEETING THAT THE PETITIONER EVER HAD WITH MS. HORLBECK.

THE PETITIONER FILED AN IMPROPERLY PREPARED APPLICATION FOR POST-CONVICTION RELIEF WITH THE COURT ON AUGUST 1, 2011. THE COURT APPOINTED CAROLINE HORLBECK TO REPRESENT THE PETITIONER IN JANUARY OF 2012. NOT ONE TIME DURING THE PERIOD OF TIME BETWEEN THE TIME THAT SHE WAS APPOINTED IN JANUARY OF 2012 AND THE DAY THAT THE EVIDENTIARY HEARING WAS CONVENED BY THE COURT ON JUNE 18, 2013 DID MS. HORLBECK EVER

MAKE ANY ATTEMPT TO MEET WITH THE PETITIONER.

MS. HOLLBECK NEVER MET WITH THE PETITIONER AT ANY TIME PRIOR TO THE DAY THAT THE JUNE 18, 2013 EVIDENTIARY HEARING WAS CONVENED BY THE COURT.

MS. HOLLBECK NEVER MADE ANY ATTEMPT TO DISCUSS THE PETITIONER'S CASE WITH HIM AT ANY TIME PRIOR TO THE DAY THAT THE JUNE 18, 2013 EVIDENTIARY HEARING WAS CONVENED BY THE COURT. MS. HOLLBECK NEVER MADE ANY ATTEMPT TO PROPERLY INTERVIEW THE PETITIONER ABOUT HIS CASE AT ANY TIME PRIOR TO THE DAY THAT THE JUNE 18, 2013 EVIDENTIARY HEARING WAS CONVENED BY THE COURT. MS. HOLLBECK NEVER MADE ANY ATTEMPT TO DO ANY OF THE WORK THAT WOULD HAVE BEEN NECESSARY TO PROPERLY PREPARE THE PETITIONER'S CASE FOR THE EVIDENTIARY HEARING AT ANY TIME PRIOR TO THE DAY THAT THE JUNE 18, 2013 EVIDENTIARY HEARING WAS CONVENED BY THE COURT.

MS. HOLLBECK NEVER TOOK THE PETITIONER AND/OR HIS POST-CONVICTION RELIEF CASE SERIOUSLY. MS. HOLLBECK NEVER MADE ANY ATTEMPT TO HANDLE THE PETITIONER'S POST-CONVICTION RELIEF CASE THE SAME WAY THAT SHE WOULD HAVE HANDLED ANY OTHER KIND OF CIVIL CASE. MS. HOLLBECK TOOK THE PETITIONER'S POST-CONVICTION RELIEF CASE LIKE IT WAS HIS DOGS.

MS. HOLLBECK NEVER PROPERLY REVIEWED THE PETITIONER'S AUGUST 1, 2011 APPLICATION FOR POST-CONVICTION RELIEF. MS. HOLLBECK NEVER MADE ANY ATTEMPT TO PROPERLY DETERMINE WHETHER OR NOT ALL OF THE GROUNDS THAT WERE AVAILABLE FOR RELIEF WERE ALREADY IN THE PETITIONER'S AUGUST 1, 2011 APPLICATION FOR POST-CONVICTION RELIEF. MS. HOLLBECK NEVER PROPERLY REVIEWED AND/OR EVER MADE ANY ATTEMPT TO PROPERLY REVIEW

ANY OF THE PREVIOUS PLEADINGS ALREADY ON FILE IN THE PETITIONER'S CASE.

MS. HORLBECK NEVER MADE ANY ATTEMPT TO IN ANY WAY INVESTIGATE AND/OR REINVESTIGATE THE PETITIONER'S CASE. MS. HORLBECK NEVER TALKED TO ANY OF THE WITNESSES IN THE PETITIONER'S CASE. MS. HORLBECK NEVER TALKED TO ANY OF THE POTENTIAL WITNESSES IN THE PETITIONER'S CASE.

MS. HORLBECK NEVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW ANY OF THE WITNESSES IN THE PETITIONER'S CASE. MS. HORLBECK NEVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW ANY OF THE POTENTIAL WITNESSES IN THE PETITIONER'S CASE.

MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW OFFICER KEVIN J. AZZARA.

MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW OFFICER DAVID RAY STEWART.

MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW OFFICER P. A. CURIALE.

MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW JUDGE O'BRIEN.

MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY

INTERVIEW THE OFFICER THAT SIGNED OFF ON THE SEARCH WARRANT RETURN

AS THE OFFICER THAT EXECUTED THE SEARCH WARRANT ON JUNE 10, 2010.

MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW OFFICER BRAD MCALISTER.

MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW OFFICER WILLIAM MEMURER.

MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW OFFICER MARCUS DAYENPORT.

MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW OFFICER R. R. LAVIGNE.

MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW LT. M. A. PETERSON.

MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW ANY OTHER POLICE OFFICER THAT WORKED FOR THE GREENVILLE

COUNTY SHERIFF'S DEPARTMENT THAT MAY HAVE HAD SOME KNOWLEDGE OF AND/OR INVOLVEMENT IN THE PETITIONER'S CASE.

MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY

INTERVIEW THE OFFICER AND/OR THE CHEMIST THAT CONDUCTED ANY OF THE VARIOUS

DRUG ANALYSIS FOR THE GREENVILLE COUNTY SHERIFF'S DEPARTMENT.

MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW JEREMY WAYNE SHERBERT.

MS. HORLBECK NEVER MADE ANY ATTEMPT TO DETERMINE WHO LARRY WILSON WAS. MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW LARRY WILSON AT ANY TIME PRIOR TO THE DATE THAT THE JUNE 18, 2013 EVIDENTIARY HEARING WAS CONVENED BY THE COURT.

MS. HORLBECK NEVER CONTACTED THE PETITIONER'S GUILTY PLEA ATTORNEY. MS. HORLBECK NEVER CONTACTED LARRY COOKE AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW LARRY COOKE AT ANY TIME PRIOR TO THE DATE THAT THE JUNE 18, 2013 EVIDENTIARY HEARING WAS CONVENED BY THE COURT.

MS. HORLBECK NEVER CONTACTED ASSISTANT SOLICITOR HOWARD STEINBERG. MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW HOWARD STEINBERG AT ANY TIME PRIOR TO THE DATE THAT THE JUNE 18, 2013 EVIDENTIARY HEARING WAS CONVENED BY THE COURT.

MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW ROBERT ARIALL.

MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY

INTERVIEW WALTER WILKINS.

MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW APRIL P. HERKON. MS. HERKON WAS THE CIRCUIT COURT REPORTER WHO RECORDED FOR THE COURT AT THE PETITIONER'S MAY 24, 2011 GUILTY PLEA HEARING.

MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW DESIRAE ALLEN WITH THE SOUTH CAROLINA SUPREME COURT'S OFFICE OF COURT ADMINISTRATION.

MS. HORLBECK NEVER CONTACTED AND/OR EVER MADE ANY ATTEMPT TO CONTACT, TO LOCATE, TO TALK TO, AND/OR TO IN ANY OTHER WAY PROPERLY INTERVIEW TIFFANY RICHARDSON AND/OR WILLIAM CAMPBELL WITH THE SUPREME COURT'S OFFICE OF DISCIPLINARY COUNSEL.

MS. HORLBECK NEVER MADE ANY ATTEMPT TO IN ANY WAY PROPERLY EXAMINE AND/OR OBTAIN A COPY OF THE GREENVILLE COUNTY CLERK OF COURT'S FILES IN THE PETITIONER'S CASE AT ANY TIME PRIOR TO THE DATE THAT THE JUNE 18, 2013 EVIDENTIARY HEARING WAS CONVENED BY THE COURT.

MS. HORLBECK NEVER MADE ANY ATTEMPT TO IN ANY WAY PROPERLY EXAMINE AND/OR OBTAIN A COPY OF ^{ANY OF} THE GREENVILLE COUNTY SHERIFF'S DEPARTMENT'S FILES IN THE PETITIONER'S CASE AT ANY TIME PRIOR TO THE DATE THAT THE JUNE 18, 2013 EVIDENTIARY HEARING WAS CONVENED BY THE COURT.

MS. HORLBECK NEVER MADE ANY ATTEMPT TO IN ANY WAY PROPERLY EXAMINE AND/OR OBTAIN ANY COPIES OF ANY OF THE GREENVILLE COUNTY

SOLICITOR'S FILES IN THE PETITIONER'S CASE AT ANY TIME PRIOR TO THE DATE THAT THE JUNE 18, 2013 EVIDENTIARY HEARING WAS CONVENED BY THE COURT.

MS. HORLBECK NEVER MADE ANY ATTEMPT TO IN ANY WAY PROPERLY EXAMINE AND/OR OBTAIN ANY COPIES OF ANY OF LARRY COOKE'S FILES IN THE PETITIONER'S CASE AT ANY TIME PRIOR TO THE DATE THAT THE JUNE 18, 2013 EVIDENTIARY HEARING WAS CONVENED BY THE COURT.

MS. HORLBECK NEVER MADE ANY ATTEMPT TO IN ANY WAY EXAMINE AND/OR OBTAIN ANY COPIES OF ANY OF APRIL HEARON'S FILES IN THE PETITIONER'S CASE AT ANY TIME PRIOR TO THE DATE THAT THE JUNE 18, 2013 EVIDENTIARY HEARING WAS CONVENED BY THE COURT.

MS. HORLBECK NEVER MADE ANY ATTEMPT TO IN ANY WAY EXAMINE AND/OR OBTAIN ANY COPIES OF ANY OF DESIREE ALLEN'S FILES IN THE PETITIONER'S CASE AT ANY TIME PRIOR TO THE DATE THAT THE JUNE 18, 2013 EVIDENTIARY HEARING WAS CONVENED BY THE COURT.

MS. HORLBECK NEVER MADE ANY ATTEMPT TO IN ANY WAY EXAMINE AND/OR OBTAIN ANY COPIES OF ANY OF TIFFANY RICHARDSON'S AND/OR WILLIAM CAMPBELL'S FILES IN THE PETITIONER'S CASE AT ANY TIME PRIOR TO THE DATE THAT THE JUNE 18, 2013 EVIDENTIARY HEARING WAS CONVENED BY THE COURT.

MS. HORLBECK NEVER MADE ANY ATTEMPT TO PROPERLY USE AND/OR PROPERLY UTILIZE THE CIVIL PROCESS AND/OR CIVIL PROCEDURE FOR THE PETITIONER'S BENEFIT.

MS. HORLBECK NEVER SCHEDULED AND/OR CONDUCTED AND/OR EVER MADE ANY ATTEMPT TO SCHEDULE AND/OR CONDUCT ANY DEPOSITIONS.

MS. HORLBECK NEVER OBTAINED AND/OR EVER MADE ANY ATTEMPT TO OBTAIN ANY AFFIDAVITS FROM ANY OF THE WITNESSES IN THE CASE. MS. HORLBECK NEVER PREPARED AND/OR EVER MADE ANY ATTEMPT TO PROPERLY PREPARE AND/OR TIMELY FILE ANY OF THE NECESSARY AND OR ANY OF THE APPROPRIATE MOTIONS WITH THE COURT. MS. HORLBECK NEVER PREPARED AND/OR EVER MADE ANY ATTEMPT TO PROPERLY PREPARE AND/OR TIMELY FILE ANY SUBPOENAS WITH THE COURT. MS. HORLBECK NEVER PREPARED AND/OR FILED ANY BRIEF AND/OR ANY BRIEFS IN SUPPORT OF THE PETITIONER'S APPLICATION WITH THE COURT. MS. HORLBECK NEVER MOVED FOR ANY DISCOVERY. MS. HORLBECK NEVER MADE ANY ATTEMPT TO IN ANY WAY UTILIZE THE DISCOVERY PROCESS FOR THE PETITIONER'S BENEFIT. MS. HORLBECK NEVER MADE ANY ATTEMPT TO PRODUCE ONE WITNESS AND/OR ONE PIECE OF EVIDENCE THAT COULD HAVE BEEN USED TO HELP ESTABLISH PREJUDICE IN THE PETITIONER'S CASE. MS. HORLBECK NEVER MADE ANY ATTEMPT TO OBTAIN OR PRODUCE ONE WITNESS AND/OR ONE PIECE OF EVIDENCE THAT COULD HAVE BEEN USED TO HELP ESTABLISH THE CONSTITUTIONAL VIOLATIONS AND DEPRIVATIONS THAT OCCURRED DURING THE COURSE OF THE PETITIONER'S CASE. MS. HORLBECK NEVER MADE ANY ATTEMPT TO PROPERLY DRAW THE COURT'S ATTENTION TO ANY OF THE NUMEROUS CONSTITUTIONAL VIOLATIONS AND DEPRIVATIONS THAT OCCURRED AND THAT THE PETITIONER WAS SUBJECTED TO DURING THE COURSE OF THE PETITIONER'S CASE. MS. HORLBECK NEVER MADE ANY ATTEMPT TO OBTAIN AND/OR PRODUCE ONE WITNESS AND/OR ONE PIECE OF EVIDENCE THAT COULD HAVE BEEN USED TO SHED ANY LIGHT ON THE PETITIONER'S FOR CASE.

MS. HORLBECK NEVER MADE ANY ATTEMPT TO PROPERLY DRAW THE COURT'S

ATTENTION TO ANY OF THE RELEVANT CONSTITUTIONAL VIOLATIONS AND/OR DEPRIVATIONS. MS. HORLBECK NEVER MADE ANY ATTEMPT TO PROPERLY DRAW THE COURT'S ATTENTION TO ANY RELEVANT CASE LAW. MS. HORLBECK FAILED TO PROPERLY PREPARE AND/OR TIMELY FILE AN AMENDED APPLICATION FOR POST-CONVICTION RELIEF WITH THE COURT.

MS. HORLBECK FAILED TO PROPERLY ARGUE AND/OR MAKE ANY ATTEMPT TO PROPERLY ARGUE THE PETITIONER'S CASE ON POINT DURING THE JUNE 18, 2013 EVIDENTIARY HEARING. MS. HORLBECK NEVER MADE ANY ATTEMPT TO FULLY DEVELOPE THE RECORD ON ANY OF THE RELEVANT ISSUES. MS. HORLBECK NEVER MADE ANY ATTEMPT TO PROTECT THE RECORD ON ANY OF THE ISSUES. MS. HORLBECK NEVER MADE ANY ATTEMPT TO PROPERLY PRESENT ANY OF THE RELEVANT ISSUES FOR APPELLATE REVIEW. MS. HORLBECK DELIBERATELY OVERLOOKED AND IGNORED ALL OF THE RELEVANT CONSTITUTIONAL ISSUES DURING THE JUNE 18, 2013 EVIDENTIARY HEARING. MS. HORLBECK FAILED TO MOVE FOR SUMMARY JUDGMENT. MS. HORLBECK NEVER PROPERLY PREPARED AND/OR TIMELY FILED A MOTION FOR SUMMARY JUDGMENT WITH THE COURT.

MS. HORLBECK WAS AT ALL TIMES DURING THE COURSE OF HER LEGAL REPRESENTATION WORKING DIRECTLY AGAINST THE PETITIONER'S INTERESTS. AT THE JUNE 18, 2013 EVIDENTIARY HEARING MS. HORLBECK HELPED THE ASSISTANT ATTORNEY GENERAL, THE ASSISTANT SOLICITOR, THE PETITIONER'S GUILTY PLEA ATTORNEY, AND THE HEARING COURT JUDGE PLAY A GAME ON THE PETITIONS. THE GAME WAS CALLED - - -
" LETS PASTEND TO RECONSTRUCT THE RECORD OF THE MAY 24, 2011

GUILTY PLEA HEARING."

THE PROBLEM WITH THE GAME THAT MS. HORLBECK, THE ASSISTANT ATTORNEY GENERAL, THE ASSISTANT SOLICITOR, THE PETITIONER'S GUILTY PLEA ATTORNEY, AND THE HEARING COURT JUDGE PLAYED ON THE PETITIONER AT THE JUNE 18, 2013 EVIDENTIARY HEARING WAS THAT WHEN THE PROCESS OF PRETENDING TO RECONSTRUCT THE RECORD OF THE MAY 24, 2011 GUILTY PLEA HEARING WAS FINISHED THE RECORD OF THE MAY 24, 2011 GUILTY PLEA HEARING HAD STILL NOT BEEN . . . RECONSTRUCTED. IT WAS IN-FACT IMPOSSIBLE FOR MS. HORLBECK, THE ASSISTANT ATTORNEY GENERAL, THE ASSISTANT SOLICITOR, THE PETITIONER'S GUILTY PLEA ATTORNEY, AND/OR THE HEARING COURT JUDGE TO RECONSTRUCT THE RECORD OF THE MAY 24, 2011 GUILTY PLEA HEARING AS THE RECORD OF THE MAY 24, 2011 GUILTY PLEA HEARING HAD IN-FACT NEVER BEEN CONSTRUCTED. THERE NEVER WAS A TRANSCRIPT OF THE MAY 24, 2011 GUILTY PLEA HEARING. THE RECORD OF THE MAY 24, 2011 GUILTY PLEA HEARING WAS NOT RECONSTRUCTED AT THE JUNE 18, 2013 EVIDENTIARY HEARING. THE PROCESS THAT MS. HORLBECK, THE ASSISTANT ATTORNEY GENERAL, THE ASSISTANT SOLICITOR, THE PETITIONER'S GUILTY PLEA ATTORNEY, AND THE HEARING COURT JUDGE USED TO PRETEND TO RECONSTRUCT THE RECORD OF THE MAY 24, 2011 GUILTY PLEA HEARING WAS A LEGALLY FLAWED PROCESS. THE RECORD WAS NOT RECONSTRUCTED. SEE THE TRANSCRIPT OF THE JUNE 18, 2013 POST-CONVICTION RELIEF HEARING IN PCR CASE NO. 2011-CP-23-5107; CIRCUIT COURT RESPECTER APRIL P. HERRON'S FEBRUARY 23, 2012 LETTER TO JUDY A. C. CAREY AT THE ATTORNEY GENERAL'S OFFICE RE: EQUIPMENT MALFUNCTION IN 2010-GS-23-8007; 8008; AND DESIREE ALLEN'S

FILE AND CORRESPONDENCE IN THE MATTER OF THE EQUIPMENT

MALFUNCTION IN 2010-GS-23-8007; 8008.

WHEN MS. HORLBECK PARTICIPATED IN THE PROCESS OF PASTENDING TO RECONSTRUCT THE RECORD OF THE MAY 24, 2011 GUILTY PLEA HEARING THAT SHE PARTICIPATED IN DURING THE JUNE 18, 2013 EVIDENTIARY HEARING, WHAT MS. HORLBECK WAS ACTUALLY DOING WAS WORKING AGAINST THE PETITIONER'S INTERESTS, AND HELPING THE ASSISTANT ATTORNEY GENERAL, THE ASSISTANT SOLICITOR, THE PETITIONER'S GUILTY PLEA ATTORNEY, AND THE HEARING COURT JUDGE TAKE ADVANTAGE OF THE PETITIONER'S LACK OF LEGAL KNOWLEDGE.

WHEN THE PETITIONER FILED THE APPLICATION FOR POST-CONVICTION RELIEF THAT HE FILED WITH THE COURT IN PCR CASE NO. 2011-CP-23-5107 ON AUGUST 1, 2011 SOUTH CAROLINA RULES OF CIVIL PROCEDURE (S.C. R.C.P.) RULE 71.1 (d) REQUIRED, IN PERTINENT PART, THAT
" COUNSEL [SHALL] INSURE THAT [ALL] AVAILABLE GROUNDS FOR RELIEF [ARE] INCLUDED IN THE APPLICATION AND [SHALL] AMEND THE APPLICATION [IF] NECESSARY."

THE PETITIONER'S COURT-APPOINTED PCR ATTORNEY, CAROLINE HORLBECK, FAILED TO CONDUCT HER REPRESENTATION IN COMPLIANCE WITH THE LEGAL REQUIREMENTS FOR REPRESENTATION AS WERE SET FORTH BY LAW AT S.C.R.C.P. RULE 71.1 (d). FIRST, MS. HORLBECK FAILED TO MAKE ANY ATTEMPT TO INSURE THAT ALL OF THE GROUNDS THAT WERE AVAILABLE FOR RELIEF WERE INCLUDED IN THE PETITIONER'S APPLICATION AS WAS REQUIRED BY LAW AT S.C.R.C.P. RULE 71.1 (d) AND THEN MS. HORLBECK FAILED TO AMEND THE PETITIONER'S APPLICATION

TO INCLUDE ALL OF THE GROUNDS THAT WERE AVAILABLE FOR RELIEF THAT WERE NOT ALREADY INCLUDED IN THE PETITIONER'S APPLICATION. IT WAS NECESSARY TO AMEND THE PETITIONER'S AUGUST 1, 2011 APPLICATION. NO AMENDED APPLICATION WAS EVER FILED IN THE PETITIONER'S CASE. SEE PCR CASE FILE PER CASE NO. 2011-CP-23-5107.

AS A DIRECT RESULT OF THE FACT THAT MS. HORNBECK FAILED TO CONDUCT HER REPRESENTATION IN COMPLIANCE WITH THE LEGAL REQUIREMENTS FOR REPRESENTATION IN PCR ACTIONS AS WERE SET FORTH, DESCRIBED AND ARTICULATED BY RULE AT S.C.R.C.P. 71.1 (d), THE PETITIONER WAS UNCONSTITUTIONALLY DENIED AND DEPRIVED OF THE LEGAL RIGHT UNDER SOUTH CAROLINA LAW TO APPLY TO THE COURT FOR POST-CONVICTION RELIEF.

AS A DIRECT RESULT OF THE FACT THAT MS. HORNBECK FAILED TO CONDUCT HER REPRESENTATION IN COMPLIANCE WITH THE LEGAL REQUIREMENTS FOR THE CONTENTS OF AN APPLICATION FOR POST-CONVICTION RELIEF AS WERE SET FORTH BY LAW, AND DESCRIBED, AND ARTICULATED BY LAW AT SECTION 17-27-90. OF THE SOUTH CAROLINA CODE OF LAWS, THE PETITIONER WAS AGAIN UNCONSTITUTIONALLY DENIED AND DEPRIVED OF THE LEGAL RIGHT UNDER SOUTH CAROLINA LAW TO APPLY TO THE COURT FOR POST-CONVICTION RELIEF.

THE UNIFORM POST-CONVICTION PROCEDURE ACT (UPCPA) AND ITS VARIOUS LEGAL REQUIREMENTS ARE CODIFIED BY LAW AT S.C. CODE ANN. §§ 17-27-10. TO-120. (LAW. CO-OP. 1985), S.C. APP. CT. RULE 227, AND S.C.R.C.P. RULE 71.1. WITH THE ENACTMENT OF THE UPCPA THE LEGAL RIGHT UNDER SOUTH CAROLINA LAW TO APPLY

TO THE COURT FOR POST-CONVICTION RELIEF WAS EXTENDED TO ANY PERSON WHO HAS BEEN CONVICTED OR SENTENCED FOR THE COMMISSION OF A CRIME. THE LEGAL PURPOSE OF THE SOUTH CAROLINA POST-CONVICTION PROCEDURE PROCESS IS SUPPOSED TO BE TO PROVIDE CONVICTED PERSONS WITH A COMPREHENSIVE LEGAL MECHANISM TO BRING TO THE STATE COURT'S ATTENTION ANY UNRESOLVED AND PREVIOUSLY NOT MENTIONED QUESTIONS OF FACT OR LAW RELEVANT TO THEIR CONVICTIONS OR SENTENCES. THE UPCPA WAS SUPPOSED TO BE A SAFEGUARD AGAINST UNJUST, UNCONSTITUTIONAL, AND ERRONEOUS CONFINEMENTS. THE UNIFORM ACT'S HISTORY STATES THAT IT WAS DESIGNED AND INTENDED TO MEET "THE MINIMUM STANDARDS OF JUSTICE". THE MINIMUM STANDARDS OF JUSTICE WERE NOT MET IN THE PETITIONER'S CASE.

BECAUSE OF HIS RACE, AND BECAUSE OF HIS LACK OF LEGAL KNOWLEDGE, THE PETITIONER WAS ILLEGALLY AND UNCONSTITUTIONALLY SUBJECTED TO A SELECTIVE AND DISCRIMINATORY APPLICATION AND ENFORCEMENT OF THE LAW DURING PCR PROCESS THAT WAS PROVIDED FOR HIM BY THE STATE, IN PCR CASE NO. 2011-CP-23-5107, THIS WAS A VIOLATION OF SOUTH CAROLINA LAW, AND A VIOLATION OF THE FIRST AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION, OF THE UNITED STATES.

THE PCR PROCESS THAT THE STATE PROVIDED THE APPLICANT IN PCR CASE NO. 2011-CP-23-5107 WAS NOTHING MORE THAN A FARSE AND A MOCKERY OF JUSTICE. THE PETITIONER NEVER HAD THE FULL HEARING ON THE MERITS OF THE CASE THAT HE WAS LEGALLY ENTITLED

TO UNDER SOUTH CAROLINA LAW, THE RECORD SPEAKS FOR ITSELF.

THE PETITIONER WAS UNCONSTITUTIONALLY DENIED AND DEPRIVED OF THE RIGHT TO PETITION THE GOVERNMENT FOR A REDRESS OF HIS GRIEVANCES DURING THE PCR PROCESS THAT WAS PROVIDED FOR HIM BY THE STATE. THE PETITIONER WAS DENIED AND DEPRIVED OF THE RIGHT TO HAVE ACCESS TO THE COURTS. THE PETITIONER WAS DENIED AND DEPRIVED OF THE RIGHT TO BE PROVIDED WITH AN OPPORTUNITY TO PROPERLY PRESENT HIS CLAIMS FOR POST-CONVICTION RELIEF TO THE COURT.

THE PETITIONER WAS DENIED AND DEPRIVED OF THE RIGHT TO HAVE A FULL HEARING ON THE MERITS OF HIS CASE. THE PETITIONER WAS DENIED AND DEPRIVED OF THE RIGHT TO DUE-PROCESS. THE PETITIONER WAS DENIED AND DEPRIVED OF THE RIGHT TO HAVE THE EQUAL-PROTECTION OF THE LAW. THE PETITIONER WAS ALSO DENIED AND DEPRIVED OF HIS LEGAL AND CONSTITUTIONAL RIGHT TO HAVE COMPETENT LEGAL REPRESENTATION DURING THE PCR PROCESS THAT WAS PROVIDED FOR HIM BY THE STATE.

AGAIN, THE RECORD SPEAKS FOR ITSELF. SEE PCR CASE FILE PCR CASE NO. 2011-CP-23-5107.

AS A DIRECT RESULT OF, AND BECAUSE OF ALL OF THE LEGAL, THE PROCEDURAL, AND THE CONSTITUTIONAL VIOLATIONS REFERENCED AND DESCRIBED ABOVE HEREIN, THE PETITIONER IS LEGALLY ENTITLED TO THE FULL HEARING ON THE MERITS OF HIS CASE THAT HE HAS NOT HAD. THE PETITIONER NEVER GOT THE "ONE BIT" OF THE APPLE THAT HE WAS / AND IS ENTITLED TO.

THE PETITIONER'S COURT-APPOINTED APPELLATE COUNSEL
FAILED IN HER DUTY TO PROPERLY BRIEF THE PETITIONER'S
PETITION FOR CERTIORARI. APPELLATE COUNSEL SHOULD HAVE
PROPERLY BRIEFED THE CASE AND PROPERLY DRAWN THE COURT'S
ATTENTION TO ALL OF THE NUMEROUS LEGAL, PROCEDURAL, AND
CONSTITUTIONAL VIOLATIONS REFERENCED AND DESCRIBED
HEREIN THIS PRO SE RESPONSE TO APPELLATE COUNSEL'S MAY 21,
2014 JOHNSON PETITION FOR CERTIORARI.

CONCLUSION

FOR THE FOREGOING REASONS, THE PETITIONER'S PCR
CASE (PCR CASE NO. 2011-CP-23-5107) SHOULD BE
REMANDED FOR A FULL EVIDENTIARY HEARING ON THE
MERITS.

RESPECTFULLY SUBMITTED

Marion Q. Dadel

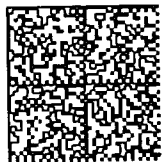
PETITIONER, PRO SE

THIS 13th DAY OF JUNE 2014

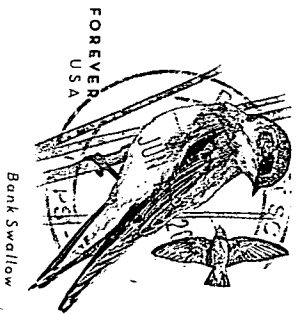
REMBERT, SOUTH CAROLINA

Marion Q. Dodd # 236658
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Newbert, S.C. 29128

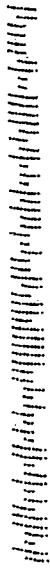
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