

STATE OF SOUTH CAROLINA }
COUNTY OF HORRY

THE SUPREME COURT OF
SOUTH CAROLINA

Michêl A. Dukes, ^{SR.} #311176

Explanation required
by Rule 243(c)

V.
STATE,

Applicant
RECEIVED

RE: 2014-001535

JUL 28 2014
Respondent
S.C. SUPREME COURT

Date:
7-24-14

The arguable basis for asserting that the determination by the lower court was improper falls under: Austin v. State, 409 S.E. 2d 395 (S.C. 1991)
Criminal law key-1181.5 (3)

Petitioner expressed his desire to seek review of the denial of the PCR application (2008-CP-26-0489) pursuant to his state law rights as set forth in S.C. Code Ann. §17-27-100 and in Supreme Court rule 50(9).
Supreme Court rule 50(6) expressly provides for the appointment of Counsel to an indigent to seek appellate review of a denial of PCR. My opportunity to seek appellate review from a PCR denial; in which were (2) ~~issues~~ ^{issues} within (1) claim of ineffective assistance of Counsel at trial were not knowingly and intelligently waived. See Sikes v. State, 448 S.E. 2d 560 (S.C. 1994); State Statute 17-13-140; U.S. 4th Amendment; and South Carolina Constitution article I, Section 10 which have been violated and was raised at initial PCR but inadequately raised due to applicant having to go off trial record for the claim which to continue the applicant's imprisonment without review would amount to a gross miscarriage of justice. See Butler v. State, 397 S.E. 2d 87 (S.C. 1990). Also see McCleskey v. Zant, 499 U.S. 467, 468 (1991) where government interference or the reasonable unavailability of the factual basis of the claim impeded counsel's ability to raise the claim at applicant's contested trial. Also notice that both of the following cases fall under Supreme Court rule 50(3) to show that any new ground raised in a subsequent application could not have been raised by him in a previous application.

Petitioner's appellate Counsel failed to timely seek review of (2) issues that were addressed in (1) claim of ineffective assistance of trial Counsel at the first PCR hearing; in which makes her ineffective and merely as a method of enforcing rule 50(6) and of enforcing petitioner's entitlement to a PCR proceeding, complete with a petition for certiorari to this Court. I never received a full "bite" at the apple, as I was prevented from seeking full review of the denial of my PCR application. The petitioner is asking the honorable courts to provide him with a remedy in order to effectuate the purposes of the uniform Act and of the PCR rules 50(3) and 50(9)...

Sincerely, Michêl A. Dukes #311176

Date: 7-24-14

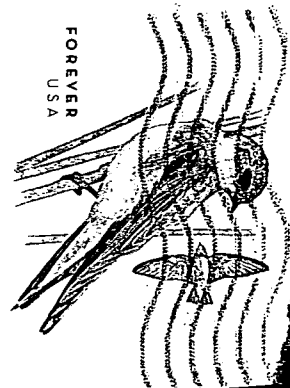
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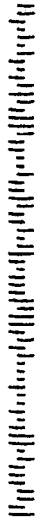
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