

EXHIBIT 3

STATE OF SOUTH CAROLINA)	
)	COURT OF COMMON PLEAS
COUNTY OF CHARLESTON)	
Theodore Cobbs,)	
)	
)	
v.)	Case No. 12-CP-10-0684
)	
State of South Carolina,)	
)	
Defendant)	

TRANSCRIPT OF HEARING

The within Hearing in the above-captioned matter was held on May 20, 2013, before The Honorable Deadra Jefferson, in Courtroom 3B of the Charleston County Courthouse, 100 Broad Street, Charleston, South Carolina; attended by counsel as follows:

APPEARANCES:

Ashleigh R. Wilson, Esq.
 Karen Rataigan, Esq.
 OFFICE OF ATTORNEY GENERAL
 Appearing for State

Charles Brooks, Esq.
 P O Box 3512
 Sumter, South Carolina 29150
 ...Appearing for Applicant

Deborah Garrison
Circuit Court Reporter – 9th Judicial Circuit
 P O Box 901
 Johns Island, South Carolina 29457
dgarrison@sccourts.org

1 at the time to preserve the record. So I
2 can discern no ineffective assistance in that
3 regard. They did what they are required to
4 do, which is to file the Motions and preserve
5 the record. Again, they have no control over
6 how the court is going to rule regarding the
7 issues. They can just preserve it for
8 appellate review.

9 I think that covers everything that
10 was raised regarding this application for
11 post-conviction relief. Based on the court's
12 articulation of the basis, the application is
13 denied. Ms. Wilson will provide the Court
14 with a proposed Order within fifteen dates
15 from today, which she will copy Mr. Brooks on
16 in the event that he wants to add anything or
17 have any input in that Order. The Court
18 reserves its right to make any further
19 findings of fact or conclusions of law that
20 are consistent with the record.

21 MS. WILSON: Your Honor, you
22 skipped one allegation.

23 THE COURT: I did?

24 MS. WILSON: Yes.

25 THE COURT: I knew that there was

EXHIBIT 4

State of South Carolina
County of Charleston

Theodore E. Cobbs,
Applicant,

v.
State of South Carolina,
Respondent.

In The Court of Common Pleas
for the Ninth Judicial Circuit

C/A. No.: 2012-CP-10-0684

Notice of motion and Motion
for Reconsideration
Rehearing

FILED
MAY 30 AM 10:15
JULIE J. ARMSTRONG
CLERK OF COURT

Now comes the above Applicant ("Theodore E. Cobbs") moving this honorable Court to reconsider its verbal denial of the Applicant's Post Conviction Relief Application. Wherein such denial was made on May 20, 2013. Applicant prays that his motion also cover any and all written orders of denial of his PCR Application and this honorable Court grant a rehearing, Pursuant to the South Carolina Rules of Civil Procedure, rule 59(E) and all other applicable laws and rules of South Carolina, based on the following.

Facts And Reasons of Support

Applicant forwarded his Post-Conviction Relief Application to the Charleston County Clerk of Court on or about January 2012. By order dated-filed February 27, 2012, Attorney Joshua P. Cantwell was appointed. Shortly thereafter some how a lawyer named Charles T. Brooks, III, was brought into the case and Attorney Cantwell moved off the case. On or about May 2012 Mr. Brooks informed me he would be handling my PCR Application.

Attorney Brooks has been on my PCR since May 2012. Applicant has never been able to contract (sic) contact Mr. Brooks by phone and Mr. Brooks never came to visit Applicant to discuss his PCR in over a year.

Applicant wrote MR. Brooks a letter dated August 27, 2012 asking him what issues he planned on amending to the PCR Application. MR. Brooks never responded or did any amendments to the PCR A. January 28, 2013 Applicant wrote MR. Brooks a second letter with a proposed memorandum of law in support of the PCR (prepared pro se). Applicant asked MR. Brooks to subpoena certain people to my PCR; asked him to obtain an expert witness to assist with my allegations; and I requested he help me get important medical records that SCDC had to assist in the PCR.

If MR. Brooks would have assisted in subpoenaing certain people to support Applicant's PCR, he would have discovered these charges arose out of Berkeley County South Carolina and the records and statement, medical reports, plea offers would have been pertinent to prove my PCR worthy of relief. Berkeley County decided these allegations were not worthy of belief and there was not enough evidence to convict me of the same. I was offered five (5) years for all charges and probation if I would have pled guilty. I refused the offer because I did not commit these allegations.

Without medical records and expert testimony being submitted at Applicant's PCR hearing, it was unfair and unconstitutional to have an evidentiary hearing. The original victim's medical history showed her hymen was still in tact and that she had contracted herpes from somewhere, which is a transmittable disease that "Applicant" did not have. There were also more medical records that needed to be offered. Applicant had contracted a transmittable disease called Trig-A-my-nosis and Pelvic inflammatory from the original victim's mother, which was during the time of these allegations. The medical records of the mother & Applicant's would have (1995-1996).

Revealed this.

Thereby creating a reasonable doubt about the veracity of all these allegations. If Applicant did not have herpes and none of the other victims had herpes and if the victims did not have the disease contracted through the mother, it's very reasonable to believe these facts would have created a reasonable doubt. Along with expert testimony.

But Applicant never had the opportunity to present any of this evidence because Mr. Brooks felt Applicant was guilty and did not deserve proper representation at a PCR. Applicant did manage to file a complaint against Mr. Brooks with the South Carolina Disciplinary Board and a affidavit with the Court (asking that Mr. Brooks be removed from his PCR application). On May 20, 2013 Applicant went to his evidentiary hearing and appeared before the honorable Jefferson. Said Judge was asked to remove herself off Applicant's case for her previous involvement in the case (2007 / she ordered my arrest / bracelet removed & ordered a speed trial) and a continuance was requested by Applicant and denied. Hon. Jefferson acknowledge in open court she had all of Applicant's complaints about Mr. Brooks, but never did the Judge discuss these issues or record with Applicant. The Judge ignored Applicant's request to remove herself and to remove Attorney Brooks.

Applicant even told the Judge he had never even saw Mr. Brooks or talked to him before today in court. The Judge ignored this also and forced Applicant into a hearing and then denied the PCR as if a Constitutional PCR hearing had just taken place.

South Carolina's Post-Conviction Relief Act And

South Carolina Constitutional Protections of Due process of Law

Based on how Applicant has been treated, by Attorney Brooks and Judge Jefferson. It appears he is being denied due process of law

because of the allegations against him.

The South Carolina Post-Carrier Relief Act is suppose to give a Applicant "the opportunity to collaterally challenge his Conviction". See Case v. NEBRASKA, 381 U.S. 336 (1964) and its progeny.

South Carolina has chosen to afford Applicant's this opportunity through several avenues. See 17-27-10 - 17-27-160 (Supp. 2013) incorporated with parts of the South Carolina Rules of Civil Procedure. And SCRCiv.P., rule 71(i)(d) affords Applicant's the assistance of PCR Counsel, with the fact that PCR Counsel will amend such PCR Applications and under the necessary legal obligations to constitutionally challenge the Applicant's conviction.

With any appointment of a PCR lawyer comes a lawyer obligation to go visit his client, open up phone contact to his client, ascertain exactly what needs to be done in order to assist his client. In MR. Brooks case he did absolutely nothing to assist Applicant in challenging his conviction. So in essence Applicant has yet to receive a PCR lawyer within the meaning of the PCR Act or has Applicant been afforded the "opportunity to collaterally challenge his conviction".

IF Honorable Jefferson would have at a minimum inquired into Applicant's reasons for wanting MR. Brooks removed off his PCR Application she would have discovered the above and then been able to make a informed decision.

IF the above PCR ruling is allowed to stand without consideration of these facts all the above laws and rules are simply far show and not for actual application. IF MR. Brooks actions and Hon. Jefferson's actions are allowed to go unchecked and this is the standard of treatment for PCR Applicant's because of the allegations against them, PCR might as well be done away with

The PCR Act in our state allows applicant's to challenge his conviction and sentence by pointing out how his/her constitutional rights were violated. If a person's charges can undermine if these constitutional rights will be upheld, the only way one will get any true collateral challenge to a unconstitutional conviction is by filing a lawsuit against the State and the PCR lawyers the assing assign to assist applicant's.

What Mr. Brooks did is the normal practice of PCR lawyer's appointed in are state. To do absolut (sic) absolutely the least amount as possible and then submit vouchers to get paid for doing nothing.

In the interest of justice Applicant should be afforded another PCR lawyer who will take Applicant's constitutional issues seriously as well as South Carolina's PCR Act; reconsideration should cause the Judge to withdraw her denial of the PCR writ after a rehearing is had with appointment of new PCR counsel.

Conclusion

For the foregoing reasons these request should be granted.

Dated: May 24 2013

5/ Theodore Cobb
Theodore E. Cobb, #330717

ORIGINAL

State of South Carolina
County of Charleston

Theodore E. Cobbs,
Applicant,

v.
State of South Carolina,
Respondent.

) IN The Court of Common Pleas FOR
) The Ninth Judicial Circuit
)
) C/A. No.: 2012-CP-10-0684
)

PROOF OF SERVICE

I Theodore E. Cobbs (Applicant) Certify that I have this day Served Applicant's Notice of Motion and Motion for Reconsideration and Rehearing; Upon the Charleston County Clerk of Court; by depositing one (1) original and one (1) copy of the same in the U.S. mail (by and through the Perry Correctional Institutional legal mail system).

The above was served at the below addresses:

1) Hon. Julie J. Armstrong
Clerk of Court
100 Broad Street
Charleston, S.C. 29401-2258

2) Honorable Deandra L. Jefferson
100 Broad St., Suite 336
Charleston, S.C. 29401-2283

3) Office of the Attorney General
Post Office Box 11549
Columbia, S.C. 29211-1549

4) Charles T. Brooks, III
Attorney at Law
P.O. Box 3512
Sumter, S.C. 29151

5) Chief Justice Toal
The Supreme Court of South Carolina
P.O. Box 11330
Columbia, S.C. 29211

2013 MAY 30 AM 10:15
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

FILED

SWORN TO AND Subscribed before me
This 24th day of May, 2013
NOTARY: Stewart M. Mearns
EXP: November 7, 2016

Sl Theodore Cobbs
Theodore E. Cobbs, # 330717
Perry Correctional Institution
Q1-B-205
430 OAKLAWN Rd.
Pelzer, S.C. 29669

EXHIBIT 5

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Theodore Cobbs, #330717,

Applicant,

vs.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS

) NINTH JUDICIAL CIRCUIT

) CASE NO.: 2012-CP-10-0684

ORDER

BY _____

JULIE J. ARMSTRONG
CLERK OF COURT

2013 JUL 11 AM 9:31

FILED

Presiding Judge:

Applicant's Attorney:

Respondent's Attorney:

Trial Counsel:

Date of Hearing:

Court Reporter:

Hon. Deadra L. Jefferson

Charles T. Brooks, III, Esq.

Ashleigh Wilson, Esq.

Carl B. Grant, Esq.

Eduardo K. Curry, Esq.

May 20, 2013

Deborah Garrison

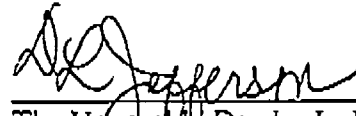
THIS MATTER comes before the Court by way of the Applicant's *pro se* Motion pursuant to Rule 59(e), SCRCPP, dated May 24, 2003, in which he asks the Court to alter or amend its Final Order dismissing his application for post-conviction relief filed January 30, 2012.


The Applicant's Motion is untimely, as a Final Order has not yet been issued by the Court. It is premature for the Court to consider the merits of the Applicant's Motion until a Final Order is issued. Having fully considered the Plaintiff's Motion for Reconsideration filed May 24, 2013, as well as the untimeliness of the Motion, the Plaintiff Theodore Cobbs' Motion for Reconsideration is hereby dismissed as premature.

IT IS SO ORDERED.

1 of 2
[Handwritten signature]

7/10, 2013
Charleston, South Carolina


The Honorable Deadra L. Jefferson
Presiding Judge, Ninth Judicial Circuit

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P. & GS.
By 
DEPUTY CLERK

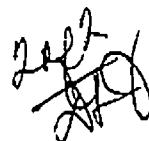


EXHIBIT 6

Keep for self

The State of South Carolina
IN the Supreme Court

Appeal From Charleston County
Court of Common Pleas

Honorable Deadra L. Jefferson, Circuit Court Judge

Case No: 2012-CP-10-0684

Theodore Cobbs, Appellant,
S.C.D.C. No.: 330717

VS.

The State Respondent.

Notice of Appeal

Theodore Cobbs, hereby appeals the denial of his 59(e) motion, by order dated July 10, 2013 and filed July 11, 2013. The same was received on July 31, 2013.

August 1, 2013

Other Counsel of Record:
Ashleigh R. Wilson, Esquire
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211-1549

Theodore Cobbs
Theodore Cobbs, #330717
Perry Correctional Inst.
Q-1-B-205
430 OAKLAWN RD.
Petzer, S.C. 29669

The State of South Carolina
IN the Supreme Court

Appeal From Charleston County
Court of Common Pleas

HONORABLE Deandra L. JEFFERSON, Circuit Court Judge

Case No: 2012-CP-10-0684

Theodore Cobbs, Appellant,

VS.

The State, Respondent.

PROOF OF SERVICE

I Theodore Cobbs, hereby certify that I have this day served Appellant's Notice of Appeal concerning denial of 59(e) Motion; upon the Supreme Court of South Carolina; by depositing one (1) original and one (1) copy of the same in the United States mail (by and through the Perry Correctional Institutions Legal mail system).

The below parties have been served at the below addresses:

1) Hon. Daniel E. Shearouse, Clerk,
The Supreme Court of South Carolina
P.O. Box 11330
Columbia, South Carolina 29211

2) Ashleigh R. Wilson
Assistant Attorney General
P.O. Box 11549
Columbia, S.C. 29211-1549

Sworn To and Subscribed before me
This 2nd day of August, 2013
Notary: Stacey Mulvaney
Exp: January 7, 2016

St Theodore Cobbs
Theodore Cobbs #370717
Perry Correctional Inst.
Q-1-B-205
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