

July 22, 2014

**RECEIVED**

Morris C. Harris

JUL 30 2014

STATE  
South Carolina v.

**S.C. SUPREME COURT**

APPELLATE CASE NO. 2013-002757

RE: The Supreme Court of South Carolina

Pro se response to the petition filed  
By Counsel. HARRIS vs. STATE 252 S.C. 2d 226

Att. Ms. Daniel, this response is in reference  
to the letter that you sent petitioner dated  
June 23, 2014. PLEASE NOTIFY PETITIONER AS TO  
YOUR RECEIPT OF THIS RESPONSE IN REFERENCE  
TO THE FORTY-FIVE (45) DAYS.

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SC OFFICE OF  
APPELLATE DEFENSE

PETITIONER CONTENDS oral waiver of indictment failed to comply with statutory requirements thus rendering the Circuit court without jurisdiction to hear his plea to ~~the~~ voluntary Manslaughter.

PETITIONER NEVER waived his right to Grand Jury. Nor did PETITIONER sign waiver to presentment to Grand Jury. SEE App 84

Criminal law Key 273(4.1)

oral waiver to indictment failed to comply with statutory requirements with respect to non-indicted offense to which PETITIONER ENTERED PLEA; rather because that offense was not presented to Jury Grand Jury, written waiver of indictment was required prior to entry of PLEA. Code 1976 §§ 17-23-139, 17-23-140

Criminal law Key 273(4.1)

South Carolina criminal codes require A PETITIONER to sign A written waiver of indictment before pleading to an indictment not presented to the grand Jury. Code 1976 §§ 17-23-130, 17-23-140

As to sentencing.

DID JUDGE ERR ALLOWING STATEMENT AS AN EXHIBIT?

THE STATEMENT ENTERED TO JUDGE GOOD WAS DATED April 2006. THE AFFIDAVIT IS FOR 2007.

THE STATE DID NOT AFFORD VIDEO OR RECORDING TO DISPUTE DATE OTHER THAN THE ONE THAT WAS SHOWN THAT OF April 2006.

APP. IF THE COURT. DO YOU UNDERSTAND THAT YOU HAVE THE RIGHT TO APPEAL PLEA AND THE SENTENCE OF THE COURT. AND THAT YOU AND YOUR ATTORNEY MUST DO SO WITHIN 10 DAYS.

AFTER THE CLIENT IS CONVICTED AND SENTENCE, COUNSEL IN ALL CASES HAS A DUTY TO MAKE CERTAIN THAT PETITIONER IS FULLY AWARE OF THE RIGHT TO APPEAL, AND IF PETITIONER IS INDIGENT, ASSIST THE PETITIONER IN FILING AN APPEAL.

IN RE ANONYMOUS MEMBER OF THE BAR  
303 S.C. 306, 307, 400 S.E. 2d 483 (1991)  
Andres v. California, 386 U.S. 738, 87 S.Ct. 1936, 18 L.Ed. 2d 493 (1967)

FAILURE TO DO PREJUDICE PETITIONER FROM RECEIVING A TIMELY APPEAL.

White v. State  
Leiti Austin

A lawyer shall not without just cause to the detriment of his client, willfully abandon or disregard a legal matter which has been entrusted to him.

Johnson v. State 326 S.E. 182, 186, 480 S.E. 2d 733, 735 (1997) Letinski Strickland

Had Mr. Trick put this on record as asked by petitioner. Probably outcome of trial may have been different.

As you can see at Jackson v. Denno hearing in the middle of testimony, petitioner told counsel that Detective offered petitioner 10 to 15. They told petitioner his case was similar to Johnny Twitty.

A statement is made involuntary when induced by a promise of leniency. State v. Peake 291 S.C. 133, 352 S.E. 2d 457

Officer Asl. Petitioner why was he throwing his life away. Officer obtained evidence by over bearing will of accused (Colorado v. Connelly).

Petitioner does not have right to represent himself and be represented by counsel. Id. App. 67 line 7-9

The construction must square with common sense and sound reasoning. Lett. Tutten v. City of Brunswick

Counsel should have subpoena video and recording of alleged statement.

Counsel told petitioner he face 40 years when in actuality petitioner was facing life. App 03 line 8-9

Robertson v. State, ineffective assistance counsel. Counsel told petitioner he face 40 years when he face 60 years.

PETITIONER WAS COERCED INTO PIER. App  
7 line 6-10

APP 16 line 20-25

APP 17 line 1 - 1973 TO SENTENCING

STATE FAILED TO GIVE PETITIONER  
LESSER-INCLUDED OFFENSE OF VOLUNTARY  
MANSLAUGHTER STRAIGHT-UP WITHOUT  
RECOMMENDATION OR NEGOTIATION.

APP 84

APP 23 LINE 9-11 APP 23

PETITIONER WOULD HAVE BEEN FORCED TO  
GO TO TRIAL WITH ATTORNEY WHOM PER-  
FORMANCE WOULD HAVE BEEN DEFICIENT.  
FOR FEAR OF RECEIVING LIFE, PETITIONER  
WAS FORCED INTO INVOLUNTARY PIER.

N.C. v. AITFORD

COUNSEL FAILURE TO INFORM PETITIONER  
PRIOR TO PIER, THAT STATEMENT MAY  
BE INVOLUNTARY, AND IT SO WOULD BE  
INADMISSIBLE. Shirley v. State  
411 S.E. 2d 215

As To Plea

The Judge Ask Petitioner in App - 16  
line 22 - App-17 line 1,2,3 Did Petitioner  
Agree with Mr. Barfield? At this  
Point and time Counsel spoke for Petitioner  
to Judge Coercing Petitioner.

App - line 22 Petitioner was ~~Ans~~  
Responding to the fact that he was  
indeed Morris Calvin Harris.  
Petitioner was not evaluated for  
07-65-29-0891.

App-11 The court Do you understand  
that you have the right to Appeal  
the Plea and the sentence of the  
court and that you and **YOUR** Attorney  
must do so within 10 days.

Petitioner Did invoke that right. And  
counsel Refuse to do so, which pre-  
judiced Petitioner from RE-  
ceiving A timely Appeal.

White v. State (1983) Austin

Did Judge Err in Accepting Petitioner's  
Plea pursuant to N.C. v. Alford?

Did Judge have jurisdiction to Accept  
Plea?

PETITIONER ASK TO VACATE SENTENCE.

PETITIONER SEEK 700 SEVEN-HUNDRED  
DOLLARS, A DAY FOR EVERYDAY HE IS HELD  
UNLAWFULLY.

PETITIONER ASK TO BE RELEASE FROM  
SOUTH CAROLINA DEPARTMENT OF  
CORRECTIONS.

RESPECTFULLY  
SUBMITTED,

Mr. Morris C.  
Harris

SWORN TO BEFORE ME this 22<sup>nd</sup> Day  
of July, 2014.

Penny G. Minton (LS)  
Notary Public For South Carolina

My Commission Expires Feb 28, 2018

Mr. Morris C. Harris