

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

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www.sccourts.org

May 31, 2012

The Honorable Cheryl L. Graham
Clerk of Court
5200 E Jim Bilton Blvd
St George SC 29477-8020

REMITTITUR

Re: Ronald Blanding v. The State
Lower Court Case No. 2006CP1801615
Appellate Case No. 2010-163648

Dear Ms. Graham:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

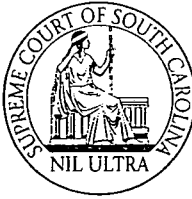
Very truly yours,



CLERK

Enclosure

cc: Mary Shannon Williams, Esquire
Robert M. Pachak, Esquire



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

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April 18, 2012

Appellate Defender Robert M. Pachak
South Carolina Commission on Indigent Defense
P O Box 11589
Columbia, SC 29211

Re: Blanding, Ronald v. The State

Dear Counsel:

Enclosed is the Order denying your Petition for Writ of Certiorari and granting your Petition to be Relieved as Counsel in the above entitled matter.

The remittitur will be sent to the lower court as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

Daniel E. Shearouse
DS

CLERK

DES/jj

cc: Ronald Blanding #283641
Assistant Attorney General Mary S. Williams

The Supreme Court of South Carolina

Ronald Blanding,

Petitioner,

v.

State of South Carolina,

Respondent.

ORDER

This matter is before the Court on a petition for a writ of certiorari following the denial of petitioner's application for post-conviction relief.

Petitioner's counsel asserts that the petition is without merit and requests permission to withdraw from further representation. Petitioner has filed a *pro se* petition.

After careful consideration of the entire record as required by *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988), we deny the petition and grant counsel's request to withdraw.



FOR THE COURT C. J.

Columbia, South Carolina

April 18, 2012

Daniel E. Shearouse
clerk of court

Post office Box 11330
Columbia, S.C. 29211

RECEIVED

APR 17 2012

S.C. SUPREME COURT

To whom it may concern,
I am writing you in regards
to Johnson petition for writ of Certiorari.
my court appointed counsel filed on September
23, 2010 I would appreciate it if I
could receive a (copy) of (Return) state
filed which state had (45) forty days
to file from the time counsel filed the
petition, which was filed over a year ago
if I don't hear from you within (7) seven
working days I will have an exact copy
of this letter fax to you to have for my
records, I would be patiently waiting
for your response.

Respectfully Submitted
Ronald Blanding

RONALD BLANDING
McCormick Court House
386 Redemption Way
McCormick, S.C. 29899
#283641

Dated:
April 15, 2012

Mailed
Copy
of RPA
4-18-12
(11)

Ronalds Blowers
McCormick Coll. Inst.
386 Reelington way
McCormick, D.C. 20899
283641

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David E. Shearnse
Clerk of Court
Post Office Box 11330
Columbus, D.C. 29211



 ORIGINAL

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

SEP 23 2010

CERTIORARI TO DORCHESTER COUNTY
EDGAR DICKSON, CIRCUIT COURT JUDGE

S.C. SUPREME COURT

RONALD BLANDING,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

JOHNSON PETITION FOR WRIT OF CERTIORARI

ROBERT M. PACHAK
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1343

ATTORNEY FOR PETITIONER.

INDEX

INDEX 1

ISSUE PRESENTED 2

STATEMENT 3

ARGUMENT.....4

CONCLUSION 5

PETITION TO BE RELIEVED AS COUNSEL.....6

ISSUE PRESENTED

Whether defense counsel was ineffective in failing to object to a bad malice charge?

STATEMENT

Petitioner was convicted of murder after a jury trial held before the Honorable Diane S. Goodstein on April 22-25, 2002 in Dorchester County. A life sentence was imposed. William N. Nettles, Esquire was trial counsel.

Petitioner appealed his conviction and it was affirmed by the Court of Appeals on December 22, 2004. State v. Blanding, Op. No. 2004-UP-653.

Petitioner filed an application for post-conviction relief on October 2, 2006. An evidentiary hearing was held on February 16, 2010, before the Honorable Edgar Dickson. Petitioner was present and was represented by Charles T. Brooks, III, Esquire. Respondent was represented by Mary S. Williams, Assistant Attorney General. Both petitioner and plea counsel testified at the hearing.

On May 28, 2010, Judge Dickson filed an order denying and dismissing petitioner's application for post-conviction relief.

This petition follows.

ARGUMENT

Defense counsel was ineffective in failing to object to a bad malice charge.

In post-conviction, a petitioner may be granted relief based on ineffective assistance of counsel if he shows: (1) that trial counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by counsel's ineffective performance. Strickland v. Washington, 466, U.S. 668, 104 S.Ct. 2052 (1984). To prove prejudice petitioner must show that there was a reasonable probability that but for counsel's errors, the result of proceeding would be different. Cherry v. State, 300 S.C. 386 S.E.2d 624 (1989). A "reasonable probability" is simply a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State 325 S.C. 182, 480 S.E.2d 733 (1997).

Petitioner raised the issue of a bad malice charge in his post-conviction relief attachment.

(App. p. 823 – p. 824) The charge the trial court gave on malice is as follows:

Malice may be inferred from conduct showing a total disregard for human life. Inferred malice may also arise when the deed is done with a deadly weapon. A deadly weapon is any artifice, instrument, or substance which is likely to cause death or great bodily harm.
(App. p. 742, lines 14-20)

Defense counsel did not object to the malice charge. At the evidentiary hearing he simply said, "If I'd had any problems with any of the jury instructions I would have raised them. (App. p. 1046, lines 13-14)

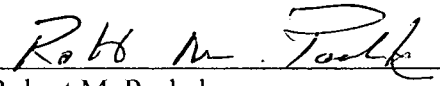
Our appellate courts, however, have made it clear that for an inference to be permissive the jury must be instructed that they are free to accept or reject it. State v. Peterson, 287 S.C. 244, 335 S.E.2d 800 (1985); State v. Adams, 291 S.C. 132, 352 S.E.2d 483 (1987); State v. Wilds, 355 S.C. 269, 584 S.E.2d 138 (S.C. App. 2003) The trial court in this case failed to specifically tell the jury

that they could reject the inference. The jury was told how they could convict appellant with this inference but not that they could reject the inference. This made the charge burden shifting in violation of due process. Sandstrom v. Montana, 442 U.S. 510 (1979)

CONCLUSION

Petitioner's writ should be granted and his conviction should be reversed.

Respectfully submitted,


Robert M. Pachak
Appellate Defender

ATTORNEY FOR PETITIONER

This 23rd day of September, 2010.

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO DORCHESTER COUNTY
EDGAR DICKSON, CIRCUIT COURT JUDGE

RONALD BLANDING,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

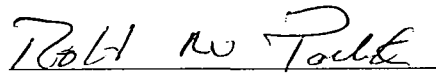
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Ronald Blanding states:

1. He is Appellate Defender for the South Carolina Office of Appellate Defense and was appointed to represent petitioner.
2. He has reviewed the records and transcript of petitioner's post-conviction relief hearing which was held on February 16, 2010. In his opinion seeking certiorari from the order of dismissal is without merit.
3. He has, pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988), briefed the one arguable legal issue which arose during the post-conviction relief process.

Therefore, counsel requests that the Court relieve him as counsel for Ronald Blanding.

Respectfully submitted,



Robert M. Pachak
Appellate Defender

ATTORNEY FOR PETITIONER

This 23rd day of September, 2010

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO DORCHESTER COUNTY
EDGAR DICKSON, CIRCUIT COURT JUDGE

RONALD BLANDING,

PETITIONER,

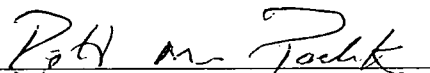
V.

STATE OF SOUTH CAROLINA,

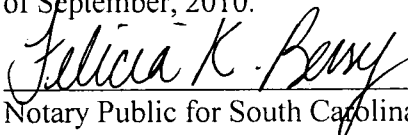
RESPONDENT

CERTIFICATE OF SERVICE

I certify that a true copy of the Johnson petition for writ of certiorari and a copy of the appendix in this case have been served on Mary S. Williams, Esquire, and Ronald Blanding, #283641, McCormick Correctional Institution, this 23rd day of September, 2010.


Robert M. Pachak
Appellate Defender
ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 23rd day
of September, 2010.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: June 21, 2020.



HENRY McMASTER
ATTORNEY GENERAL

September 28, 2010

RECEIVED
SEP 28 2010
S.C. SUPREME COURT

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: Ronald Blanding v. State of South Carolina
2006-CP-18-1615

Dear Mr. Shearouse:

I am in receipt of the Petition for Writ of Certiorari in the above-captioned case which has been filed pursuant to the procedure set forth in Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988). Please accept this letter in lieu of a formal return. The Respondent has no objection to the Petition of Robert M. Pachak, Esquire to be relieved as counsel.

If a formal return is required, the Respondent requests an opportunity to brief the issues as requested by the Court.

If there are any questions or comments, please feel free to contact me.

Sincerely,

Mary S. Williams
Assistant Attorney General

MSW/lm

cc: Robert M. Pachak, Esquire

Petition for writ of Certiorari to the
Court of Appeals (Appendix A, SCACR 26)

The State of South Carolina
vs the Supreme Court
Appeal from Dorchester County
Court of Common Pleas

Edger W. Dickson, Circuit Court Judge

Opinion no: (S.C. Ct. App. Filed May 7, 2010)

Mary S. Williams, AS Personal Representative of State

The State

Respondent

vs.

RONALD ISLANDING
Petitioner

Petition for a writ of Certiorari

Page (2) of (40)

(Table of Contents) (Page no:)

Certificate of Service	(1)
Table of Contents	(3)
Table of Authorities	
Statement of Case	(7)
Question Presented	(8)
Exhib. Evidence	(37-40)

(Table of Authorities)

Page no.

- | | | |
|------|---|---------|
| (1) | State v. Smith, 220 S.C. 164, 94 S.E. 2d 886 | (11) |
| (2) | Brady v. Maryland, 373 U.S. 83, 10 L. Ed. 2d 215, 83 S. Ct. 1194 (1963) | (11-14) |
| (3) | State v. Knuckles, 348 S.C. 593, 597 | (15-20) |
| (4) | United States v. Restino, 8 F.3d | (20-22) |
| (5) | U.S. v. Green, 202 F.3d 869 2000 | (22-25) |
| (6) | Fed. R. Crim. P. 5.1 a | (35-27) |
| (7) | U.S. v. Tropeano, 352 F.3d | (27-30) |
| (8) | Brown v. Myers, 137 F.3d 1154 | (31-32) |
| (9) | State v. Frasier | (32-33) |
| (10) | State v. Wosher, 276 S.C. 258, 277 | (34-36) |

(Introduction)

Applicant contends that he was convicted for murder solely upon circumstantial evidence that may rise to a level of suspicion but also refuted and consistent with his innocence. Too many speculations and far reaching possibilities were put forth by the state as conclusive facts. The state failed to meet its burden of proof on the allegations alleged in the indictment. Appellant argues that again in totality of circumstances he endured a fundamentally unfair trial much of which is due to the language and elements chosen by the solicitor to incorporate and present to the grand jury. The state did not prove the appellant committed any other criminal event other than there attempt proof that he committed murder even though the state alleged by circumstances that the appellant was a drug dealer.

Appellant argues action and omissions have been prejudicial and inadequate. Appellant argues the counsel's ineffectiveness caused serious prejudice or significantly contributed to a constitutional violation, which undermined the truth finding process. Appellant argues through counsel ineffective assistance of counsel for failing to pro-

test these issues Appellant Argues court cannot review the error as a "question of Law" but may review the error in the interest of Justice. Appellant Argues to preserve legal errors in the trial court for review on appeal his lawyer was required to protest these errors at trial when the error occurred or at trial.

Appellant Argues his custody violates the U.S. Constitution when prosecutor and judge acted (or failed to act) during his trial and sentencing. Appellant Argues prejudice from errors at his trial that work to his actual and substantial disadvantage, infecting his entire trial with error of constitutional dimension, which Appellant Argues any error that is not "harmless" caused prejudice. Appellant Argues an error occurred during trial that made his trial fundamentally unfair in violation of the 14th Amendment. Appellant Argues Civil Rights 13.5(b) where client alleged that state (of) public defender's conspired with state to deprive client of his constitutional rights by securing his conviction, complaint included adequate allegation on conduct "under color of state law."

(Statement of Case)

Petitioner was convicted of murder after a jury trial held before the Honorable Diane S. Goodstein on April 22-25, 2002 in Dutchess County. A life sentence was imposed with 15 years in the state prison. William W. Nettles, Esquire was trial counsel.

Petitioner appealed his conviction and it was affirmed by the Court of Appeals on December 22, 2004. State v. Blandin, Df. No. 2004-UP-653

Petitioner filed an application for post-conviction relief on October 2, 2006. An evidentiary hearing was held on February 16, 2010 before the Honorable Edgar Dickson. Petitioner was present and was represented by Charles T. Brooks III Esquire. Respondent was represented by Mary S. Williams Assistant Attorney General. Both petitioner and plea counsel testified at the hearing.

On May 28, 2010 Judge Dickson filed an order denying and dismissing petitioner's application for post-conviction relief.

This petition follows:

(Question presented)

(1) Did the Court err in holding that petitioner

had failed to prove ineffective assistance of counsel

on this trial lawyer and direct appeal lawyer on

the thirty (30) issues he presented in his post-

conviction application hearing on February 16, 2010?

Applicant argues state failed to give an

complete adjudication on the merits of his original

Application. Applicant contends the (P.C.A.) Court dismissed

Blansing's allegations of ineffective assistance of

counsel with (prejudice) without making findings of

fact on his thirty (30) issues on the specific alle-

gations raised in his (oral) (P.C.A.) application

attachment and failed to respond to any of the

motions Applicant attorney filed on his behalf.

Appellant argues the state failed

to answer (any) of the motions that his lawyer

filed on his behalf on the following: Are the

motions and dates when they were filed from

to the (P.C.A.) hearing.

(1) Motion for an order compelling discovery pro-

cess to Rule 37(a)(3) filed on February 17, 2009

(2) Motion on Applicant's brief on right to a speedy

trial in civil Art. 1 Section 9 Sixth Carolina

Constitution filed on March 19, 2009

page (8) of (40)

- (3) motion to move for sanction under rule 37(B)
Failure to produce or cooperate in discovery on
April 17, 2009
- (4) motion on After Discovered Evidence under rule
S.C.C.L. § 17-27-20(a)(4) and newly discovered
Evidence April 17, 2009
- (5) motion for an order compelling discovery pursuant
to rule 37(a)(2) filed on May 14, 2009
- (6) motion to move for sanction under rule 37(b)
Failure to produce fugitive or Governor warrant
from either state or co-operate in discovery filed
on July 24, 2009
- (7) motion for illegal search and seizure filed on
August 21, 2009
- (8) motion to suppress filed on August 24, 2009
- (9) motion to Quash indictment filed on August 27, 2009
- (10) motion to suppress on November 6, 2009
- (11) motion for discovery SCOT Rule 14-7-1700 pro-
duction of ministerial records of grand jury
filed on September 21, 2009
- (12) motion for abuse of discretion filed on November
13, 2009 and on November 20, 2009
- (13) motion to vacate warrant filed on November 20, 2009
and on November 20, 2009
- (14) motion for prosecutor misconduct filed on December
29, 2009

(15) motion for default filed on July 17, 2007

Issue no: (1) Face Accuser

Trial Lawyer was ineffective assistance of Counsel for failing to put Accuser on stand or Argue on record or make any type of motion for state to produce these several sworn Affidavits of witnesses stating Appellant chase, stabbed and asphyxiated the decedent in the warrant Affidavit and Appellant Argues the solicitor failed to produce or present to the jury the people who made accusation that he Asphyxiated decedent in the indictment. Appellant Argues the following (7) people are the only witnesses who testified in his trial which six (6) of these people were involved in crime and (None) of these people testify to statement in warrant Affidavit and indictment.

(1) Lawrence Jones: Trial Transcript p. 426 Line (20-25)

(2) Giselle Brathwaite: Trial Transcript p. 652 Line (1-6)

(3) Charles Guyer: Trial Transcript p. 587 Line (21-23)

(4) June Guyer: never testify to statement in warrant or indictment

(5) Beverly McKinnon: never testify to statement in warrant Affidavit or indictment

(6) Sarah Jordan: never testify to statement in warrant Affidavit or indictment.

(7) Larry Gilliam: Testified that he and two people committed crime. Tr. 527, 11, 22-25

Page (105) of (40)

(Annotation and citation)

Appellant Argues in A Criminal proceeding the accused has A right to Confront with the witness Against him. This Sixth Amendment right consists of the Act of setting A witness face to face with the accused in order that the latter may take any objection he has to the witness. Appellant Argues A defendant Cannot be Deined the right to Cross-examine the witness Against him, personal presence of A witness is required so the Accused my Cross-examine him. Affidavits and Depositions are inadmissible in Evidence in Criminal Case. Appellant Argues section (Co26 1962^s 17-306) restates the Constitutional right of A defendant to be Confronted by the witness Against him. State v. Smith, 230 S.C. 164, 94 S.E. 2d 886. Appellant Argues rule 17-23-60 Accused right for Counsel to produce witness and proof and to Confront witness.

Issue no: (2) (Brady Violation)

Applicant Argues His trial Lawyer failed to give him his complete file on his case dealing with numerous issues under the brady violation, which he presented in his (220) page (P.C.R.) attachment to his Application and had amended on three different occasions, which violated his Constitutional rights. Appellant Argues Lawyer failed to give him the D.V.A. report, and all his co-defendants plea bargain Agreement they had

made with the solicitor prior to his trial and statements from several witnesses who made accusations in the warrant affidavit and indictment and failed to make motion to suppress evidence solicitor present in trial when witness testify to appellant shooting victim, when the warrant affidavit or indictment or autopsy report states anything about victim being shot, nor did witness Charles Guyer or Lawrence Jones make these accusations in their written statements. Appellant argues numerous issues under Brady violation in his (P.C.R.) Application complete in exhibit evidence see P.(13-30) (P.C.R.) Attachment filed on October 2, 2006.

(Annotation and Citation)

The Applicant argues that Mr. Nettles gave him only part of his discovery and withheld majority of information under Brady rule, yet he did (not) file motion to suppress evidence during the trial when Charles Guyer and Lawrence Jones testify they did (not) mention that appellant told them he shot victim in their written statements. There was (no) reference in the discovery material to Applicant shooting victim, yet Mr. Nettles did (not) object at trial to the introduction of this testimony. Appellant argues the damage caused by Mr. Nettles failure to attempt to suppress evidence, a hearing would serve as a preview of the witness testimony outside of the jury's

presence their pre-trial testimony about the applicant shooting victim would probably have resulted in the witness being precluded from referring to the shooting which was never mentioned in the incident report even if the shooting was found to be admissible over Mr. Nettles objection the defendant would have been accorded time to show there was no record of witness stating where the Attorney's efficiency was questioned because he objected to the introduction of non-disclosed evidence but failed to go further and request an in camera hearing. Appellant argues he had no way of knowing about videotape confession and that the court did not conduct an in camera inspection and examination of said evidence. Appellant argues that Lawyer never attempted to copy or produce any of the videotape evidence which the court determines to be favorable to defendant as to question of guilt or punishment or the purpose of impeaching witness to be called by the prosecution.

Appellant argues the chain of events which occurred during and immediately following the trial lead to the inescapable conclusion that at most a promise was made to the witness or at least there was absence of adversariness and the solicitor's decision not to prosecute his key witness for murder. Appellant argues Mr. Gilliam testified he was arrested and charged with murder.

and reduce to Accessory to murder and that he was (not) promised nothing in return for his testimony and that he did not go to trial in response to questioning by the solicitor for his testimony against appellant, He again confirmed this under cross-examination by appellant counsel in closing argument the solicitor attempt to bolster the credibility of Mr. Gilliam by suggesting he willingly testify despite pending charges against him the solicitor in his closing argue emphasized the testimony of witness Gilliam and emphatically denied the existence of any agreement concerning immunity, leniency, or promise made to him.

Appellant argues the state disclosed nothing regarding a promise of immunity with prosecution witness Larry Gilliam. The solicitor's denial of any agreement in several instances and his perfunctory dismissal of the charges in the next instance cannot be rationalized or tolerated in the judicial process, appellant argues it does not clearly show a promise the record reflects the solicitor unilateral decision (not) to prosecute the time the decision was made and Mr. Gilliam knowledge of the decision, if any are left to speculation. Appellant argues he cannot go solely to trial on this accusation without the production of said and the absence of the production of such evidence defendant will be denied due process of law.

Issue no. (3) (Subject Matter Jurisdiction)

Applicant argues the indictment omitted essential elements of the offense. Appellant argues the indictment and warrant Affidavit does (not) state anyone involved in crime other than himself nor does it state anything about Appellant ordering anyone to kill decedent. Appellant argues the only alleged direct witness Larry Gilliam testified that he and two (2) people committed crime. Tr. 527, 11.22-25 "Gilliam maintain that Larry and 'G' killed the decedent."

Appellant argues assuming Arguendo that indictment which stated that defendant committed crime of murder, the indictment was deficient as would render trial court with jurisdiction. Appellant argues trial court lack jurisdiction to indict Appellant for murder on grounds the indictment was insufficient on basis that indictment failed to contain necessary elements to charged offense and whether it sufficiently apprises the defendant of what he must be prepared to meet. Appellant argues court cannot be affirmed where the Court had (no) right to act absence and Judgment of the Court in the absence of subject matter jurisdiction are void. Appellant argues the indictment failed to allege false representation with sufficient specificity to provide him adequate notice, that Detective Tom Marshall referred only to general false information

information and documents. Appellant claims the indictment returned by the grand jury were invalid because they did not identify persons in charging portion of the indictment was a fatal defect in addition he was not accorded a preliminary hearing. Appellant argues where demand for preliminary hearing following arrest warrant issue by magistrate was made (10) days before convening of next court general, such a hearing was (not) held after indictment was submitted to grand jury and true bill returned, the court was without jurisdiction of the court. ("nothing that the requirement of substantial preliminary showing is not lightly met") the defendant was necessary to finding probable cause or that alleged (omission) would have made it impossible to find probable cause.

Appellant argues regardless of how the Appellant attempts to explain this issue, what the court did was grant the solicitor the ability to convict without having to prove (ones) of the elements he accepted the burden of proving by incorporating it within the indictment returned by grand jury. Appellant argues the indictment failed to sufficiently state the offense and the trial court lack subject matter jurisdiction to try the case. Appellant argues the body of the indictment does (not) allege there was anyone else involved in the crime other than appellant. Appellant argues that for this offense.

Appellant Argues the caption of the indictment cannot be used to expand or contract the allegations, because it is not a part of the findings by the grand jury. State v. Knuckler, 348 S.C. 593, 597-98, 560 S.E. 2d 426, 429-30 (Ct. App. 2002) Appellant Argues as to Respondents Alluding to U.S. v. Cotton as support to defect my subject matter Jurisdiction Allegations, I'm aware of the Enigma Decision Op. No. 25949, 2005 WL 524013 as the Court has also held that challenge to the sufficiency of an indictment must do so in the context of ineffective assistance of counsel, which is my legal position that counsel failed to move to quash in accordance with S.C. Code Ann. § 17-19-90

Appellant Argues U.S. v. Loery, 107 F.3d 257 (4th Cir. 1997) If indictment does (not) contain every essential element of offense it is invalid and bill of particulars cannot cure the defect to be legally sufficient, indictment must contain elements of offense charged fairly inform defendant of charge. Appellant Argues U.S. v. Razonio-Diez, 202 F.3d 54 (1st Cir. 2000) If a court permits a jury to convict a defendant on evidence of a crime (not) included in the indictment, the constitutional right to a grand jury is violated.

Appellant Argues Detective Tom Marshall Conduct deprived Appellant of right, privileges and immunities guaranteed by the Constitution and the Law of the

United States, when he testified in the grand jury proceeding. Appellant argues the detective's truthful statement that Appellant had asphyxiated decedent, he argues should not be able to take a legitimate argument concerning absence of evidence and twist it around. Appellant argues detective's false statement under oath or equivalent affirmation or swears or affirms the truth of such statement previously made when he does not believe the statement to be true. Appellant argues detective testifying in grand jury proceeding influenced jury with evidence not in record. Appellant argues knowledge and acquiescence, the detective knew of violations of his right and was in a position to correct them and failed to do so, in this type of situation "personal involvement" is shown by the official's knowledge of the problem or evidence that proves they should have known about. Appellant argues actual presence or participation in acts or failure to act that violated constitutional rights. Appellant argues illegal conduct committed by state official who is using or abusing his power which he possesses by virtue of state law and made possible only because the official is clothed with the authority of state law. Federal Rule Evid 602
State vs. Anderson, 422 S.E. 2d 161 (Ct. App. 1992)
State vs. Capps, 276 S.C. 359, 275 S.E. 2d 872 (1981)
State vs. Dawkins, 297 S.C. 386, 377 S.E. 2d 298 (1989)

Appellant Argues state failed to file indictment within (180) days after his arrest on April 21, 2000 in New York from an arrest warrant put on him on March 31, 2000. Appellant Argues state failed to file indictment within (180) days after his arrest, as this case (180) days from the date of the defendant's arrest and thence from no written court order was forthwith is a fact. See p. 39-40 Copy of indictment Appellant Argues this indeed Jurisdictional in the 5th Circuit court of appeals specifically and unequivocally with clarity and particularity stated verbatim Jurisdiction is conferred upon "trial court" by filing of an indictment not its reading which invest the trial court with Jurisdiction, because there is (no) written court order from the circuit to continue the Appellant's case beyond (180) days the circuit court of Dorchester county lack subject matter Jurisdiction to extend the Appellant case and sentence him... Hence, Pursuant to the South Carolina Constitution section 23, All provisions of the South Carolina Constitution are mandatory.

Appellant Argues his indictment was never stamped and filed with the Clerk of court. See p. 39-40 Copy of indictment. Appellant Argues there is (no) date or time showing when it was stamped and filed with the Clerk of court.

Appellant Argues The Court stated in Hae
verfa "The Filing of A valid indictment is A prerequisite to the Court's Jurisdiction Rule 3(c) SCrimP
Also the Courts Jurisdiction Rule 3(c) SCrimP Also
mandates the indictment be Filed and they are not,
thus the Court lack Jurisdiction and the act of A
Court without Jurisdiction are "void" Appellant Argues
indictment were never Filed with South Carolina's office
of Court administration where A clerk of Court after
A decree rendered is given to him to be disposed
of according to Law marked it "Filed" but neglects
to enroll, Enter or index and put it in drawer pur-
suant to paragraph (A)(3). Appellant Argues indictment
prepared by the solicitor "shall" be Filed with the
clerk of Court and "bear" the "Seal" of Confir-
mation to be forever identified as legal and binding
documentation that bears (no) notation of authority
is (not) valid and cannot be held as a legal docu-
ment as such does not confer Jurisdiction in the Court.
Issue no: (4) (Amendment of indictment)

~ Trial Lawyer and Direct Appeal
Lawyer was ineffective assistance of counsel for
Failing to Argue on record or make any motion in
Appellant defense, when Jury instruction broadens the
scope of indictment by permitting conviction for an
uncharged offense. Appellant Argues his due process
rights was violated when impermissible

Amendment because defendant convicted of "wanton" murder but indicted for intentional murder. Appellant argues the evidence presented at trial proves a crime different from that charged. Appellant argues the indictment omitted essential elements of the offense. Appellant argues the indictment or warrant affidavit does (not) state anyone involved in crime other than himself nor does it state anything about appellant ordering anyone to kill decedent. Appellant argues Larry Gilliam alleged that he and two (2) other people committed crime and appellant order him to commit crime. Tr. 526, 1.21-527, 1.8. "Gilliam said appellant was in kitchen at the time and did not participated in the killing the decedent. Tr. 527, 11.22-25" Gilliam maintained that Larry and "G" killed the decedent.

(Annotation and Citation)

Appellant argues in case at bar, the trial judge altered the terms of the indictment by omitting a conjunctive element of fact that was material to the offense that by the court clearly broaden the basis by which the state could obtain conviction for it literally remove the of proof upon that element and essentially directed a verdict in favor of the state, in the case at bar, the conviction for capital murder was allowed to be based on

Page (21) of (40)

Facts distinctly different from those set forth in the indictment. *United States v. Restivo*, 8 F.3d 278, 279 (5th Cir. 1993) A constructive amendment occurs when the jury is permitted to convict the defendant upon a factual basis that effectively modifies an essential element of the offense charged. *United State v. Holly*, 23 F.3d 902, 912 (5th Cir. 1994) If an instruction constructively amends the indictment we must reverse the conviction.

Issue no. (5) (Double Jeopardy)

Appellant argues Trial Lawyer and Direct Appeal Lawyer was ineffective assistance of Counsel for failing to bring up or argue on Record or make any motion in Appellant defense on Double Jeopardy that sentence constituted cruel and unusual punishment and violated the prohibition when Applicant convicted of crime separated from alleged indictment when evidence presented at trial proves crime different than charged in indictment or when jury instructions broaden the scope of indictment or when jury instructions broaden the scope of indictment by permitting conviction for an unchanged offense. Appellant argues the indictment omitted essential elements of the offense. Appellant argues the indictment and warrant does not state anyone involved in crime other than himself nor does it state anything about Appellant ordering anyone

to kill Decedent, T.R. 526, 1, 21-527, i.e. "Gilliam said Appellant was in kitchen at the time and did not participated in killing the decedent. T.R. 527, 11, 22-25 Gilliam maintained that Larry and "G" killed the decedent.

Applicant argues Rule Key (55) when Criminal defendant argues material variance in context of bill of particulars, he must demonstrate that various prejudiced substantial rights and that variance took him by surprise or placed him at risk of double jeopardy. U.S. v. Green, 202 P.3d 869, 5000 Fed. App. 34 P.C.A. 10 COKLE (1996) Applicant argues variance between (indictment) and (evidence) at trial can be so great as to violate defendant's right against double jeopardy because conviction based on indictment would not bar subsequent prosecution for same offense... U.S.C.A. Const. 5 - U.S. Stoner 98 P.3d 527, insufficiency of evidence.

Applicant argues trial lawyer was ineffective counsel when he failed to put up any type of defense argue on record for instruction for lesser included offense. Appellant argues when a lesser included offense is submitted to the jury, a jury which returns a verdict of guilty on the greater offense necessarily weighed evidence relating to the lesser offense in order to reach a verdict on

the greater offense, in such cases "it can be said with some degree of certainty that a (Sentencing Remand) is but effecting will of the fact finder within the limitation imposed by law, and that the appellate court is simply passing on the sufficiency of the implied verdict when however (no) instruction at all has been offered on the (lesser) offense, second the jury becomes far more speculative.

Appellant Argues when the jury could have explicitly returned a verdict on the lesser offense, the defendant is well aware of his potential liability for a lesser offense and usually will not be prejudicial by the modification of the judgement from the greater to the lesser offense. Appellant Argues adopting a practice of remanding for sentencing on a lesser included offense when that offense has not been submitted to the jury may prompt the state to avoid requesting or agreeing to submit a lesser included offense to the jury as recognized by the United States Supreme Court, One Reason a defendant is entitled an instruction on a lesser included offense when supported by the evidence is to present a jury... when the defendant plainly

Page (24) of (40)

is guilty of some offense, from finding the defendant guilty of the greater offense because the only alternative is to let him walk free.

Applicant argues if state did (not) request or receive instruction on lesser included offense at first trial, it is deemed to have abandoned lesser included offense and may (not) try defendant again if state request or received such instruction it may re-prosecute on lesser included offense U.S.C.A. Const. Amend. 16 (Key) 164 Ruling on greater as to bar prosecution for lesser offense.

Issue no: (6) (no probable cause)

Trial Lawyer was ineffective assistance of counsel when he did not inform the Appellant of the Law in relation to the facts that the 4th Amendment requires Probable Cause supported by oath and or Affirmation and how the 4th Amendment was relevant to this case. The Applicant trial counsel also had (no) defense for the 4th Amendment requisites to U.S. Const. not being met for the arrest warrant being issue because there was (no) oath or Affirmation from a person who had personal knowledge of the facts. Appellant contends that there was not one witness who testified in his trial to him chasing, stabbing and asphyxiated decedent. Applicant argues warrant affidavit states there was several sworn written statements

which state never produce these witnesses to these accusations made in the warrant more over there was no probable cause from the information provided for the warrant to be issued. I would aver that applicant trial counsel was inept and ineffective for failing to investigate the 4th Amendment requisite to the United States Constitution for the proper arrest warrant to be issued in this case subsequently appellant argues lawyer was ineffective when he failed to argue on record or make any motion for probable cause hearing and procedural step in the criminal process at which the judge or magistrate decides whether a complaint should be bound to a grand jury on showing of probable cause Fed. R. Crim. P. 5.1(a)

Appellant argues Fiction of Law, Fictions having the character of a fiction (not) real false genuine and non-existent arbitrarily invented and set up to accomplish an ulterior object. Appellant argues the Ratio legis for this promise is the Appellant arrest warrant does not disclose cause supported by oath or affirmation for a judicial to issue the warrant in conformity with the 4th Amendment Jurisprudence.

First The warrant in relevant part states etia Haec verba

Page(26) of (40)

(A) Defective states they had several sworn state-
ments that appellant chase and stabbed and app-
hyxated docket.

(B) Likewise under the 4th Amendment Jurisprudence this
language being conveyed to the Judicial does not sy-
Office for and arrest warrant to be issued.

no warrant shall but upon supported by
both or Affirmation U.S. Const. Amend. 4 C12

It is perceptive that the Judicial officer was
(not) inform that the several witnesses had no oath of
Affirmation to support what they had seen and on that
basis fact it is axiomatic that the warrant shall "not"
been issued.

Issue no. (7) (abuse of discretion)

Appellant argues that trial lawyer was in-
effective assistance of counsel, when he failed to argue
or put on record or make any motion in Appellate de-
cision on abuse of discretion on the following issues:

(Inadmissible evidence)

(A) Trial Transcript Volume (2) P. 470 Line (18-19) P. 471
Line (23) P. 478 Line (5) P. 434 Line (8-9) P. 418 Line (5)
P. 435 Line (15-17) P. 437 Line (5-6) P. 354 Line (14-17)
P. 664 Line (8-11) P. 516 Line (14-17) P. 524 Line (11-12)
P. 530 Line (11) P. 542 Line (2-8) P. 405 Line (12-17)

(Law / Analysis)

U.S. v. Tropeano, 252 F.3d 659 (2d Cir. 2001) Confrontation clause violated when court admitted co-defendant's statement that "more than one person was involved in crime" because although the statement did not attempt to deflect blame it may have carried favor. U.S. v. Spinner, 152 F.3d 950, 960-62 (D.C. Cir. 1998) Prosecutor's question of defendant's girlfriend regarding letter sent him indicating prior bad acts was improper because intended solely to impugn defendant character.

(Leading Questions)

Trial Transcript: P. 528 Line (12-19) P. 529 Line (13-25) P. 600 Line (19-25) P. 521 Line (23-24) P. 361 Line (15-25) P. 363 Line (3-8)

Appellant argues a leading question is one which suggests to the witness the desired answer in order to require reversal for such a question an appellant must show an abuse of discretion by the trial court in allowing the question which resulted in prejudice. Criminal Law (Key) - 1153(4)

Applicant argues the Judge breached his authority by sentencing defendant to a sentence that is in violation of state and federal law. State and federal statutory law prohibits the use of a suspended or probationary sentence. State v. Hazel, 317 S.C. 368, 453 S.E. 2d 879 (1995) This court held that a trial judge abuses his discretion in sentencing when he

Considers the fact defendant exercise his right to a trial by Jury. Boone v. Peelerick, 541 F.2d 447, 451 (4th Cir. 1976) A promise to recommend leniency without Assurance of it may be interpreted by the promise as contingent upon the quality of the evidence produced the more uncertain the greater the motive to make the testimony pleasing to the promiser. Criminal Law (Key) 973 (C.A. 4) (S.C. 2001) A defendant has the burden of proving by a preponderance of the evidence that he is entitled to mitigating role adjustment 18 U.S.C.A. v.s. v. Pratt 239 F.3d 640 moreover defendant and was charged with the same identical charges while appellant received a life sentence without parole, his co-defendant Larry Gilliam received the lesser based on the illegal sentence Criminal Law (Key) (S.C. App. 2000) A reviewing court should grant substantial deference to the broad authority that legislatures necessarily possess in determining the types and limits of punishment for crimes. State v. Brennan, 533 S.E. 2d 345, 341 S.C. 271 Appellant argues that all witnesses been before same judge prior to his trial and made plea bargains, which state never produce this information

Judge send jury to jury room, then allowed solicitor and lawyer to direct witness to mislead the jury during his testimony

Appellant Argues the Judge stated she had a matter of Law she wanted to discuss outside there presence. Appellant Argues matter of Law is whatever is to be ascertained or decided by the application of statutory Rules on the principles and determinations of the Law as distinguished from the investigation of particular facts. Appellant Argues the Judge allowed the solicitor and Lawyer to direct witness to mislead jury about alleged conversation in Jail instead of stating the facts.

Appellant Argues Lawyer was ineffective when he help solicitor direct witness to "refer" to conversation witness alleged to have with Appellant in A County Jail and told witness to testify when ask about that conversation just say it took place in new York. Trial Transcript: P. 401 Line (6-13) The Court: Ladies and gentlemen, I'm going to ask you to step to jury room, there's a matter of Law which I must take up outside your presence... P. 405 Line (1-2) P. 406 Line (12-21) P. 406 Line (23-25) P. 407 Line (6-15) P. 407 Line (20-24)

Appellant Argues to point, Allude, direct or make reference to... Appellant Argues the purpose of directing the jury attention to the conversation in County Jail to another place is said to "refer" him to such other connection.

Issue no: (8) (A.i.b. witness)

Appellant argues trial counsel was not acting as the right to effective assistance clause of the 6th Amendment as sufficient and this deprived Applicant of due process in that he did not receive the benefit of effective assistance under the 6th Amendment, where there is a reasonable probability that absent counsel's error, the result of the trial would have been different. Appellant argues during the time proceeding Applicant trial counsel was duly advised of Appellant family and friends and people he work for of there prospective testimony of Appellant being in the state of new york and work at a church shelter on the alleged time and date of incident. See p. (40) Copy of notice a.i.b. witness Solomon Kemp and Mary Starks Lawyer submitted to the courts. Appellant argues the crux of this issue is that trial counsel's failure to raise an a.i.b. defense, when one surely exist renders counsel conduct deficient performance. This furthermore broke down his defense valid as well as viable defense accorded, which is equivalent to a break down of the adversarial testing process, the basis of "equal and fair" opportunity to not be subjected to suffering the Honors of conviction when Applicant had an affirmative defense. There is a reasonable probability

Page (31) of (40)

The jury would've thoroughly reviewed the evidence from "Both" sides equal fair and probability is a probability sufficient to undermine confidence in the outcome. Appellant Argues in His (P.C.R.) Hearing Append. X transcript trial Attorney lied when he testified to knowing about his A.I.B. witness (P.C.R.) Transcript p. 1044 line (1-12)

(A) Mathews v. Albemarle, 92 F. Supp. 2d (E.D. Mich. 2000)

(B) Brown v. Myers, 137 F.3d 1154 (9th Cir. 1998)

Issue no: (9) (Directed verdict)

Appellant Argues Trial Lawyer failed to motion for direct verdict, when states evidence of testimony given by an accomplice or joint participant in the commission of a crime tending to criminate or convict the other and given under actual or implied promise of immunity or lesser sentence for himself. Appellant Argues a conviction cannot be had upon testimony of an accomplice unless it is corroborated by other evidence which tends to connect the defendant with commission of offense. Appellant Argues He was entitled to a direct verdict when the state fails to produce evidence of the offense charge. Appellant Argues There was (no) evidence present to jury in his trial that Appellant choked and stabbed and asphyxiated the decedent, which was stated in the

Warrant Affidavit, Appellant Argues there was "no" testimony from any witness stating Appellant asphyxiated Decedent, which was stated in the indictment. Appellant Argues in this case, the state failed to meet the any substantial evidence standard for reasons not appearing in the record the state choose to charge the defendant only as principal by indicating him (only for murder) and (not) also indicating him for conspiracy. The state assumed the burden of proving that defendant were at scene of crime when it happen and he committed the criminal act.

Appellant Argues Trial Lawyer failed to make motion for direct verdict when states evidence of testimony given an accomplice or joint participant in the commission of a crime tending to criminate or convict the other and given under actual or implied promise. Appellant Argues the accomplices were discredited witnesses as they were involved with crime and (all) were charged and there was (no) indication that any of them would do any prison time. They were biased witnesses and had the motivation to lie against Appellant. There is a total failure of competent evidence on which to connect Appellant even though case of State v. Frazier holds that the trial court is concerned with the existence of evidence and not it's weight

Page 335 of 405

Issue no. 10 (Hears of one hears of all)

Appellant argues grand that the instru

ctions informed the jury that only the perpetrators
and not the actors and observers had to harbor hate
Appellant argues that the aiding and abetting murder

instructions violated Federal and state constitution

of guarantees of due process and trial by jury.

Appellant argues with regards to murder

der he argues that these instructions seem that

guilty verdicts on the basis of finding of aiding

and abetting someone who committed murder without

requiring notice of anyone but the perpetrator.

Appellant argues that instructions on aiding and

abetting was the functional equivalent of instructing

even on aiding murder ordinarily a person is

held criminally responsible for his or her own

actions.

Appellant argues the underscored

language of the second paragraph the killing

was natural and probable consequence of which

ever act of appellant was an occurrence to armed

robbery or robbery. This charge is adequate under

the reasonable jury standard, also the prose-

ction failed to properly allege or prove a con-

spiracy or accessory theory under which both

defendants could be found guilty of murder

had the

Page 345 of 445

State charge defendant with conspiracy it could have pursued conviction against both defendants under the "Hands of one Hand of all" theory. Under this theory one who joins with another to accomplish an illegal purpose is liable for everything done by his confederate incidental to the execution of the common design and purpose, State v. Womer, 276 S.C. 258 277 S.E. 2nd 696 (1981) To admit evidence under this theory, the existence of the common design and participation of the accused against whom the evidence is offered should first be shown, however the state did not charge the defendants with conspiracy so this approach was unavailable at trial. At the time of the murder and shown a conspiracy between the two defendants then it would not be necessary to show which defendant actually killed victim. Even if the state's evidence could place both defendant in the house during a period of time in which the murder may have taken place the state offered "no" evidence that each or either defendant participated in the asphyxiation of the victim without any further evidence, the state could not show more than the mere presence of each defendant.

(Summary and Conclusion)

Appellant Argues The United States Supreme Court Held That a convicted Defendant claim that counsel assistance was so defective as to require a reversal of a conviction that the deficient performance prejudiced the defense so as to deprive the defendant of a fair trial issues and arguments of grave concerns. Appellant contends that clearly throughout his trial the absence of counsel "not" objecting to many major violations to preserve such for Appellate Review or inform the Court as to violation show "clearly and bluntly" as well as which clearly when counsel does (not) object to issues as to allow the higher courts to make a fact finding and conclusion of Law, as to each and every issue preserved for appellate review is most definitely as a matter of Law "bluntly" ineffective assistance of counsel. Appellant Argues Access to a Reasonably competent Attorney is necessary in order for an accused who has (not) knowledge of the Law and the rules of Evidence to have ample opportunity to defend himself.

ARREST WARRANT

G-448323

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
DORCHESTER

 THE STATE
against

BLANDING, (BLACK), RONALD

 Address: 241 JUDITH DRIVE
SUMMERVILLE SC 29483-0000

 Phone: _____ SSN: _____
 M Race: B Height: 5-07 Weight: 160
 DL State: SC DL #: 007884161
 DOB: 12/13/1962 Agency ORI #: 1800
 Prosecuting Agency: DCSD
 Prosecuting Officer: MARSHALL, CPL. T.M.
 Offense: ~~ATTEMPTED~~ MURDER

 Offense Code: _____
 Code/Ordinance Sec. 16-3-10

 This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

 The accused
 is to be arrested and brought before me to be
 dealt with according to law.

 _____ (L.S.)
 Signature of Judge

RETURN

 A copy of this arrest warrant was delivered to
 defendant Ronald Blanding
 on 11/23/2000

 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
DORCHESTER

AFFIDAVIT

 Personally appeared before me the affiant MARSHALL, CPL. T.M. who
 being duly sworn deposes and says that defendant BLANDING, (BLACK), RONALD
 did within this county and state on 3/06/2000 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
 in the following particulars: VIOLATION SECTION 16-3-10 OF SC CODE OF LAWS
 DESCRIPTION OF OFFENSE: ~~ATTEMPTED~~ MURDER

 I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:

SEE ATTACHED AFFIDAVIT

 ALL OF WHICH IS AGAINST THE PEACE AND DIGNITY OF THE STATE
 OF SOUTH CAROLINA AND WILL BE MORE FULLY DESCRIBED IN THE 1976
 CODE OF LAW

 Sworn to and subscribed before me
 on March 31, 2000
 _____ (L.S.)
 Signature of Issuing Judge

Signature of Affiant

Affiant's Address

Affiant's Telephone

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
DORCHESTER

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
 on 3/06/2000 defendant BLANDING, (BLACK), RONALD
 did violate the criminal laws of the State of South Carolina (or ordinance of _____)

☐ County/ ☐ Municipality of _____ as set forth below:

DESCRIPTION OF OFFENSE:

VIOLATION SECTION 16-3-10 OF SC CODE OF LAWS

~~ATTEMPTED~~ MURDER
 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
 me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
 defendant at the time of its execution, or as soon thereafter as is practicable.

 _____ (L.S.)
 Signature of Issuing Judge
 Judge Code: 961

Judge's Address

SUMMERVILLE SC 29483-0000

Judge's Telephone

(803) 832-0370

Issuing Court:

☐

Magistrate

☐

Municipal

☐

Circuit

ORIGINAL

page (37) of (40)

WITNESSES

DET. MARSHALL, DCSD

ARREST WARRANT NUMBER

G448323

Arrested: Nov 23, 2000

ACTION OF GRAND JURY

TRUE BILL

By: *[Signature]*

Date 1/23/01

oreperson of Grand Jury
ate: January 22, 2001

VERDICT

oreperson of Petit Jury
ate:

DOCKET NO. 2001GS18-0085

The State of South Carolina

County of

DORCHESTER

COURT OF GENERAL SESSIONS

January 22, 2001 TERM

THE STATE
vs.

Ronald Blanding

Indictment for

MURDER

SC Code: 16-03-10 / 16-03-20

CDR Code: 0116

Class: FEL-EXM

After being fully advised as to my legal rights, I
hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person and
plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

[Handwritten signature]
Page 38 of 40

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

INDICTMENT
2001GS18-0085

At a Court of General Sessions, convened on January 22, 2001 the Grand
Jurors of Dorchester County present upon their oath:

MURDER

That Ronald Blanding, did in Dorchester County, on or about March 6, 2000, with
malice aforethought, kill one Van Allen Heffner by means of asphyxiation, and the said
victim did die as a proximate result thereof.

Against the peace and dignity of the State, and contrary to the statute in such
case made and provided.

Walter Bailey
Walter Bailey SOLICITOR (RDR)

~~Page 10 of 12~~
Page 95 of 405

STATE OF SOUTH CAROLINA) IN GENERAL SESSIONS COURT
COUNTY OF Dorchester) FIRST JUDICIAL CIRCUIT
State of South Carolina) WARRANT NO: G-448323
v.)
Ronald Blanding,)
Defendant)

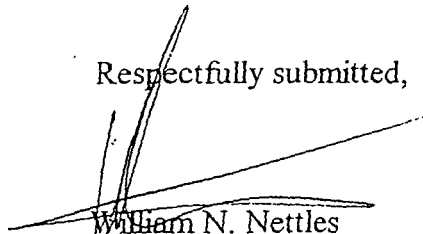
NOTICE OF ALIBI

Defense Counsel lists the following as possible alibi witnesses:

Mr. Solomon Kemp
Caring Communities
826 Madison St.
Brooklyn, NY 11221-3537
Relationship: Employer

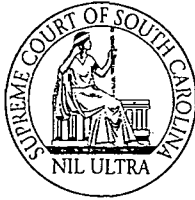
Mary Sterks
826 Madison Street
Brooklyn, NY 11221
Relationship: Acquaintance

Respectfully submitted,


William N. Nettles
Attorney for Defendant

This 25th day of March 2002.
Columbia, South Carolina

Page (40) of (40)
~~CONFIDENTIAL~~



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

March 22, 2012

Ronald Blanding #283641
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

Re: Blanding, Ronald v. The State

Dear Mr. Blanding:

This responds to your letter of March 20, 2012.

The petition for writ of certiorari filed by your counsel and your *pro se* response to that petition are currently awaiting consideration by the Court. Due to the volume of pending cases, it is impossible for me provide you with any indication of when the Court may act on this matter.

Very truly yours,

CLERK

DES/jj

cc: Appellate Defender Robert M. Pachak
Assistant Attorney General Mary S. Williams

Daniel E. Slearance
Clerk of Court
Post office Box 11330
Columbus, S.C. 29211

S.C. SUPREME COURT

MAR 9 2012

RECEIVED

To Whom it may Concern
I am writing you in regards to
Writ of Certiorari. My Counsel filed and
my pro-se Writ of Certiorari. I filed on
October 14, 2010, which is well over an
year I would like to know if my
appeal was granted or denied so I
would be able to proceed with filing
in the Federal Court, if I do not
hear from you with the following week
I will assume you have not received
this letter and I will fax and exact
copy so I can have for my records.
I will be patiently waiting for your
response.

RONALD BLOWING
McCORMICK COLL. Inst
386 Reclamation Way
McCormick, S.C. 29899
283641

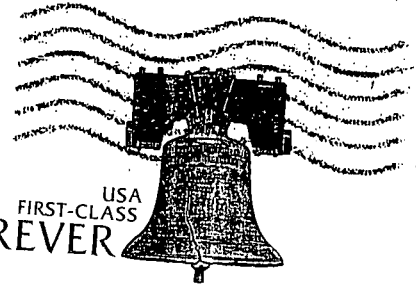
Respectfully Submitted
Paul Blunt
RONALD BLOWING
#283641

Date March 20, 2012

RONALD BLANDING
McCormick Coll. Inst.
386 Reclamation way
McCormick, S.C 29899
#283641

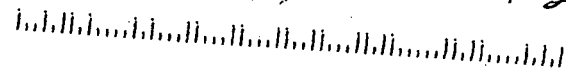
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21 MAR 2012 PM 1 T

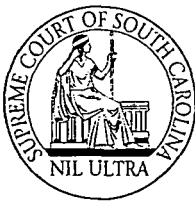
USA
FIRST-CLASS
FOREVER



Daniel E. Shearnse
Clerk of Court
Post office Box 11330
Columbia, S.C 29211

25211\$1330





The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

December 6, 2011

Ronald Blanding #283641
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

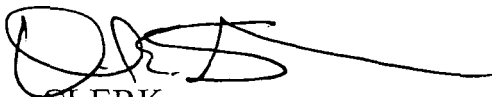
Re: Blanding, Ronald v. The State

Dear Mr. Blanding:

This responds to your undated letter received December 5, 2011 via fax.

The petition for writ of certiorari filed by your counsel and your *pro se* response to that petition are currently awaiting consideration by the Court. Due to the volume of pending cases, it is impossible for me provide you with any indication of when the Court may act on this matter.

Very truly yours,



CLERK

DES/jj

cc: Appellate Defender Robert M. Pachak
Assistant Attorney General Mary S. Williams

Daniel E. Shearouse
Clerk of Court

Post office Box 11320

Columbia, S.C. 29211

Fax (803) 734-1499

RECEIVED

DEC 8 2011

S.C. SUPREME COURT

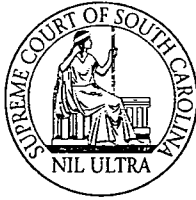
To whom it may concern,
I am writing you in regards
to writ of certiorari my Counsel filed
and my pro-se writ of certiorari. I filed
on October 14, 2010, which is well over
an year I would like to know if my
Appeal was granted or denied so I
would be able to proceed with filing in
the Federal court I'm faxing you this
letter to have for my record; I would
be patiently waiting for your response.

Respectfully Submitted
Ronald Blanding

RONALD BLANDING

#283641

RONALD BLANDING
McCormick Corr. Inst.
386 Reclamation way
McCormick, S.C. 29899
#283641



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

September 6, 2011

Ronald Blanding #283641
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

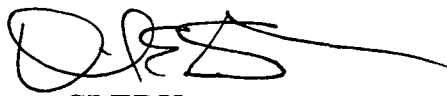
Re: Blanding, Ronald v. The State

Dear Mr. Blanding:

This responds to your undated letter received by fax on September 2, 2011.

Your assertion that you have gotten no response to your multiple inquiries is simply untrue. I am enclosing copies of our response to each of the last three requests you have made to this office. This Court issued an order on December 6, 2010 in response to your *pro se* filing to have documents transferred to this Court and for a speedy resolution to the matter. We responded on February 14, 2011 in response to your motion to quash indictments, motion to vacate warrant and motion to produce. You were notified in that letter that no action would be taken on your October 2010 motion for relief from judgment or order under Rule 60, and a copy of the motion was sent to you. Finally, on April 27, 2011, we responded to your inquiry of April 25, 2011 notifying you that no decision has been rendered on your appeal.

Very truly yours,



CLERK

DES/jj

cc: Appellate Defender Robert M. Pachak
Assistant Attorney General Mary S. Williams

Daniel E. Stearns

Clerk of Court

Post Office Box 11330

Columbia, S.C. 29211

Fax (803) 734-1499

RECEIVED

SEP 02 2011

S.C. SUPREME COURT

To whom it may concern:

I am writing you in regards to my Rule (60) motion and pro-se writ of Certiorari which was filed on October 14, 2010, I would appreciate it if I can receive an copy of the Rule (60) showing it was stamped as filed, which I have wrote you on numerous occasions asking for an copy showing when it was filed and I would like to know was there a decision made on my pro-se writ of Certiorari. I'm faxing this letter so I could have record showing I asked for this information, which I wrote you on several occasions and got no response I would be patiently waiting for your response.

Ronald Blanding

McCormick Court Blvd

386 Redemption way

McCormick, S.C. 29899

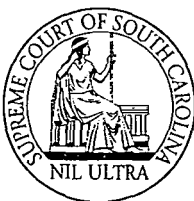
#283641

Respectfully Submitted

~~Therese~~ Blanding

Ronald Blanding

#283641



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

April 27, 2011

Ronald Blanding #283641
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

Re: Blanding, Ronald v. The State

Dear Mr. Blanding:

This responds to your letter of April 25, 2011.

The petition for writ of certiorari filed by your counsel and your *pro se* response to that petition are currently awaiting consideration by the Court. Due to the volume of pending cases, it is impossible for me provide you with any indication of when the Court may act on this matter.

Very truly yours,

Daniel E. Shearouse
DS

CLERK

DES/jj

cc: Appellate Defender Robert M. Pachak
Assistant Attorney General Mary S. Williams

To whom it may concern;

I'm writing in regards to an Johnson petition my Attorney filed on September 23, 2010 and the Pro-se writ of Certiorari I filed on October 14, 2010. I have (not) received an copy of Return the Attorney General filed Against the Johnson petition, If there was one filed and I have (not) received (no) Confirmation on whether my pro-se writ of Certiorari was denied, which was filed Six (6) months ago so I will be able to file with Federal Courts, I would be patiently waiting for your response.

RECEIVED

APR 27 2011

S.C. SUPREME COURT

283641

RONALD BLANDING

MCCORMICK CORP. et al.

Case no: 2006-CP-18-1615

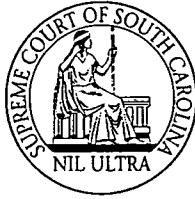
Ind. Inert no: 2001GS18-0085

Respectfully submitted
Ronald Blanding

RONALD BLANDING

283641

April 25, 2011



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

February 14, 2011

Mr. Ronald Blanding #283641
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

Re: Blanding, Ronald v. The State, 2006-CP-18-1615

Dear Mr. Blanding:

This responds to your motion to quash indictment, motion to vacate warrant, and motion to produce. Since you are represented by counsel in this matter, no action will be taken on this pro se motions. Miller v. State, 388 S.C. 347, 697 S.E.2d 527 (2010); Jones v. State, 348 S.C. 13, 558 S.E.2d 517 (2002); State v. Stuckey, 333 S.C. 56, 508 S.E.2d 564 (1998); Foster v. State, 298 S.C. 306, 379 S.E.2d 907 (1989).

Additionally, we did receive your motion for relief from judgment or order under Rule 60 in October 2010. No action will be taken on this pro se motion for the same reason given above.

Finally, as to your request for copies, I have enclosed a copy of your motion for relief from judgment or order. The State has not filed, and is not required to file, a response to your pro se petition for a writ of certiorari. You will be advised as soon as the Court determines if it will issue a writ of certiorari in this matter.

Very truly yours,



CLERK

Enclosure

cc: Appellate Defender Robert M. Pachak
Assistant Attorney General Mary S. Williams

To whom it may concern;

I'm writing you in regards to the pro-se writ of certiorari and Rule (60) motion which was received by you on October 14, 2010. I would like a copy of the Rule (60) motion and a copy of Return the Attorney General filed against my pro-se brief and Rule (60) motion and I would like a copy showing when these three (3) motions were stamped and filed. If I don't hear from you within (5) working days I will assume you are not going to file this information. I will fax an exact copy of this letter so I would have a record showing I ask for this information, I would be patiently waiting for your response - - - -

RECEIVED

FEB 16 2011

S.C. SUPREME COURT

Respectfully Submitted

Ronald D. Davis

x
RONALD DAVIS

#283641

State of south Carolina
County of Durham

Supreme Court

RONALD BLANKING, 283641
Applicant

Case no: 2006-CP-18-1615

Indictment no: 2001GS-18-0085

RECEIVED
FEB 10 2004

S.C. SUPREME COURT

VS.

State of south Carolina
Respondent

Motion: for state to produce
fugitive warrant and Governor
warrant and information supported
by an Affiant in the state
Having Jurisdiction of the Crime

The Applicant undersigned counsel asserts He was extradited illegally and is held unlawfully because state failed to produce a fugitive warrant or governor warrant by either state of south Carolina or new York state. Applicant Argues state failed to produce affiant stating time and place where crime was committed nor did state produce an indictment during his extradition proceeding in the state of new York. Applicant Argues the state of south Carolina told new York authorities He was wanted for the death penalty in the state of south Carolina. Appellant Argues He was Held for seven and one half (7½) months and was never presented with a notice stating He was wanted for the death penalty. Applicant contends He was extradited taken across state lines without any U.S. Marshall involvement or being presented with an indictment.

Appellant contends the warrant affiants the detective made stated they had several sworn affiants that appellant told several people he committed crime. Appellant argues there was no written statement from any witness stating time and place where crime occurred and the appellant chased and stabbed and asphyxiated decedent nor was any of these mysterious people present in his trial. Appellant argues the state violated his Sixth Amendment right to confront the witnesses against him.

Appellant argues rule § 570.06 demand form, no demand for the extradition of a person charged with a crime in another state shall be recognized by the Governor unless in writing alleging that the accused was present in the demanding state at the time of the commission of the alleged crime and that thereafter he fled from the state, except in cases under section 570.14 or 570.16 and accompanied by a copy of an indictment found or by information supported by an affiant in the state having jurisdiction of the crime or by a copy of an affiant made before a magistrate there together with a copy of any warrant which was issued thereon or by a copy of judgment of conviction or of a sentence imposed in execution thereof.

Applicant argues rules § 520.18, issuance of warrant of arrest by Governor recites therein if the Governor decides that the demand should be complied with he shall sign a warrant of arrest, which shall be sealed with the state seal and be directed to any police officer or other person whom he may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

Page (4) of (4)

State of South Carolina
County of Dorchester

SUPREME COURT

RONALD BLANDING, 283641
Applicant

Case no: 2006-CP-18-1615
Indictment no: 2006-CP-18-0085

RECEIVED

vs.

State of South Carolina
Respondent

Motion to VACATE Warrant

FEB 10 2011
S.C. SUPREME COURT

Please take notice the above name
RONALD BLANDING, 283641 move before this Court and
Respectfully Request that Hearing be Held at
such time and date as the Court deems so that
this motion to vacate warrant may be heard and
adjudicated on in support of this motion.

Applicant Argues the Fourth (4th) Amend-
ment Requires Probable Cause supported by oath and
or Affirmation and how the Fourth (4th) Amend-
ment was Relevant to this case. Applicant Argues
State had no defense for the 4th Amendment to
U.S. Const. (not) being met for the arrest warrant
being issue because there was (no) oath or Affir-
mation from a person who had personal knowledge
of the facts. Applicant Argues Detective Thomas A.
Marshall and Terrance van Doran stated in warrant
Affidavit on March 31, 2000 that he had several
written statements stating appellant told them he

Chased, stabbed and Asphyxiated Decedent.

Appellant Argues that there was (not) one witness who testified in his trial to him chasing and stabbing and Asphyxiated Decedent Appellant Argues there was only (3) Two non-accomplice witnesses who testified at his trial and provided (no) corroborative Evidence. Trial P. (464-480) and D. (462-464) Beverly McKinnon and Robert Harris. Appellant Argues Detective Tom M. Marshall and Terrance van Doren questioned Beverly McKinnon on March 29, 2060 and ask her did Appellant told her about crime in her first (1) statement at 4:30 p.m. so she stated (no) seven (7) hours later in her second statement at 11:30 p.m. she stated Appellant told her about crime. The detectives specifically ask did Appellant told her how he committed crime she stated (no). Appellant Argues there was only one (1) direct witness Larry G. Ham who stated he and two (2) other people committed crime. Appellant Argues these Detective Tom M. Marshall and Terrance van Doren made up this story in the warrant Affidavit, because these mysterious witnesses who made accusation were never presented in his trial.

Appellant Argues fiction of Law, and Assumption of Law that something which is or maybe

False is true or that a statement of facts exists which has never really taken place as an assumption for purpose of justice of a fact does not it may not exist a state of law which assumes as true and will not allow to be disproved something which is false but not impossible appellant argues facts having the characters of a fiction not real, false genuine and non-existent arbitrarily invented and set up to accomplish an ulterior object. Appellant argues counsel failed to mention for probable cause hearing and procedural step in the criminal process at which the judge or magistrate decides whether a complaint should be bound to a grand jury on showing of probable cause Fed. R. Crim. P. 5.1 (a) Appellant argues the radio logs for this premise is the appellant arrest warrant does not) disclose cause supported by oath or affirmation for a subpoenaed to issue the warrant in conformity with the 4th Amendment Appellant argues Appellant is a voluntary ex parte statement reduced to writing and sworn to by officer before some person legal authorized to administer an oath or affirmation. Appellant argues Appellant's section (1) differs from an oath in that an affidavit consists of a statement of fact which is sworn to as the truth while an oath is a pledge. Fed. Section (2), 58 Am. Jur (2d) Oath and affirmation

section(s) while a sworn statement maybe sufficient to satisfy the Constitutional for oath or affirmation it does (not) satisfy the statutory requirement for an Affidavit.

Appellant argues affirmation of fact a statement concerning a subject matter of a transaction which might otherwise be only an expression of opinion but which is affirmed as an existing fact material to the transaction and reasonably induces the other party to consider and rely upon it as a fact.

First The warrant in relevant part states in haec verba

(A) Defectine states they had several sworn statements that Appellant Chase and Stebbel and Asphyxiated decedent.

(B) Like wise under the 4th Amendment Jurisprudence this language being conveyed to the Judicial officer does not suffice and arrest warrant to be issued

no warrant shall but supported by oath or affirmation v.s. Amend. 4 Cl. 2

It is perspicuous that the Judicial officer was (not) informed that the several witnesses had (no) oath or affirmation to support what they had seen and on this ipso facto it is Axiomatic that the warrant should not been issued.

State of South Carolina
County of Dorchester

Supreme Court

RONALD BLANDING, 283641
Applicant

Case no: 2006-CP-18-1615

Indictment no: 2001 GS18-0085

vs.

State of South Carolina
Respondent

Motion TO Quash Indictment

The defendant moves before the Court of an order quashing the indictment because the Judicial Solicitor systematically employs practices discouraged by the South Carolina Supreme Court.

The memorandum of Law supports this motion. Applicant argues Detective Tom Marshall's conduct deprived appellant of right privilege and immunities guaranteed by the Constitution and the Law of the United States, when he testified in the grand jury proceeding. Appellant argues the Detective untruthful statement that appellant had asphyxiated Decedent. He argues should not be able to take a legitimate argument concerning absence of evidence and twist it around. Appellant argues Detective's false statement under oath or equivalent affirmation or swears or affirms the truth of such statement previously made when he does not believe the statement to be true. Appellant Argues Detective

testifying in grand jury proceeding influenced jury with evidence not on records.

Appellant argues detective testifying in grand jury influenced jury with evidence not in record. Appellant argues knowledge and acquiescence the detective knew of violations of his right and was in position to correct them and failed to do so. In this type of situation "personal involvement" is shown by the officials knowledge of the problem or evidence that proves they should have known about. Appellant argues actual presence or participation in acts or failure to act that violated constitutional rights.

The solicitor uses a longstanding system where each police agency designates a court officer. The court officer testifies before the grand jury except in rare cases when the court officer also participated in the investigation. The defendant is informed and believes that the court officer merely provides summaries of the evidence in the form of oral hearsay, often times spending less than three minutes per case. In almost every case the court officer is the only witness called before the grand jury. In the above stated matter it is under when and if the investigating officer in this matter.

The court should quash the indictment because the solicitor systematically employs procedures discouraged by the South Carolina Supreme Court because these practices could lead to abuses of the grand jury system, specifically the solicitor uses court officers from each police agency to be the sole witness before the grand jury. Hearsay summary of evidence in each case presented to the grand jury as will be discussed below. The South Supreme Court does not approve of this practice.

In order to predict how the South Carolina Supreme Court would treat this motion, it is necessary to review the evolution on the case law regarding this issue. First it is necessary to review the warning issued by the South Carolina Supreme Court regarding an officer of the state appearing as the sole witness before the grand jury to provide hearsay testimony. Second, it is necessary to review the Supreme Court's eventual prohibition of solicitor being sole witness before the grand jury and finally using this information it will be possible to predict how the Supreme Court will address this motion. Applicant argues the South Carolina Supreme Court warned in State v. Capps, 276 S.C. 59, 62, 275 S.E. 2d 872, 873 (1981) that solicitor or other officers of the state should not be the sole witness arguing that the practice should

be abandoned altogether. In State v. Capps 276 S.E. 2d 872, 873 (1981), the South Carolina Supreme court declined to quash an indictment when the solicitor was the sole witness presenting testimony to the grand jury. The court, however warned the practice of using a solicitor or other officer of the state as the sole witness before the grand jury to provide only a summary of the evidence could be abused and we strongly suggest it be abandoned unless no alternative is available. Although the court did not ban the practice, the court explained the reason for the warning.

Appellant argues the Supreme court re-emphasized the warning from Capps in State v. Dawkins 297 S.C. 386, 377, S.E. 2d 298 (1989). In Dawkins the court once again declined to prohibit the practice of a solicitor being the sole grand jury witness. The Supreme court however found four cases specific factors significant. First the challenged indictment was a re-indictment and the actual investigative officer had testified before the grand jury to obtain the first indictment. Second the investigating officer had provided specific vivid details of the alleged crime that grand jurors were likely to remember. Third, the re-indictment was sought from same grand jury as the original indictment and the two indictments were separated by only several months.

indicating the grand jurors remembered the original testimony. Fourth assistant solicitor spent twenty minutes before the grand jury further ensuring that the grand jury testimony.

Appellant argues the Supreme Court next addressed the issue State v. Anderson, 313 S.C. 185, 439 S.E. 2d 835 (1993). The state admitted using a systematic practice contrary to the Supreme Court's admonition in Capps. The state essentially admitted the questionable practice would continue until the Supreme Court prohibited the solicitor. Appellant argues the holding in Anderson, however, did not end the uncertainty and confusion. After all Capps warned the practice of using a solicitor or other officer of the state as the sole witness before the grand jury to provide only a summary of the evidence could be abused, Capps 276 S.C. at 62, 275 S.E. 2d at 873 (emphasis added). The solicitor in effect is having another officer of the state do something that the solicitor is prohibited from doing. The holding in Anderson should be extended to forbid the practice of a police officer or other officer of the state who did not participate in the investigation from being the sole witness before the grand jury and merely a summary of the evidence in the case. This extension of Anderson is necessary to guarantee the public

Confidence in the grand jury proceeding.

Appellant argues the routine acquisition of an indictment based solely on hearsay evidence requires the indictment be dismissed. Therefore even assuming the assistant solicitor could act as a witness, the motion should have been granted. Appellant argues the routine practice to have an individual appearing before the proceeding to give his third hand capsule version of facts which he has no direct knowledge without some other competent evidence is insufficient.

Appellant argues the court should quash the indictment and require the state to call witnesses with personal knowledge of the facts to testify at the grand jury. Appellant argues Evans v. State 363 S.C. 495, 611 S.E. 2d 510 (2005) grand jury impanelment documents may be released to a defendant prior to trial upon timely request or to an applicant in a (P.C.N.) proceeding and State v. Thrift, 312 S.C. 282, 441 S.E. 2d 341 (1994) although supreme court does not ordinarily inquire into a nature of sufficiency of evidence before grand jury. Exception exist where defendant makes colorable claim of prosecutorial misconduct and because the state grand jury was involved there was complete availability for review.

~~CONFIDENTIAL~~

(Certificate of Service)

Attention:

Daniel E. Shearouse
Clerk of Court

P.O. Box 11330

Columbia, S.C. 29211

I, RONALD BLANDING, do hereby submit
motion to Quash indictment with McCormick, C.I.
mainroom clerk of court with sufficient class
Postage as follows.....

x. WN

RONALD BLANDING
#283641

sworn before me this 08

day of Feb 2011

Franklin

Notary Public of South Carolina

My Commission Exp: 12-16-2019

Page (1) of ~~(4)~~ (7)

(Certificate of Service)

Attention:

Daniel E. Shearouse

Clerk of Court

P.O. Box 11338

Columbia, S.C. 29211

I, RONALD BLANDING, do hereby submit
motion to vacate warrant with McCormick C.I.
mailroom clerk of court with sufficient class
postage as follows -

x MM
RONALD BLANDING
#283641

Signed before me this 08
day of Feb 2011

QC Franklin
Notary Public of South Carolina

My Commission Exp: 12.16.2017

(Certificate of Service)

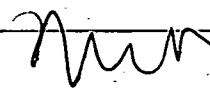
Attention:

Daniel E. Shearouse
Clerk of Court

P.O. Box 11330

Columbia, S.C. 29211

I, RONALD BLANDING, do hereby submit
motion for state to produce fugitive warrant or
governor warrant with McCormick C.I. mailroom
Clerk of Court with sufficient class postage as
follows ---


RONALD BLANDING
#583641

sworn before me this 08

day of feb 2011

J. C. Blanding
Notary Public of South Carolina

my Commission Exp: 12-10-2019

State of South Carolina

In the Supreme Court
Certiorari to Dorchester County
Court of Common Pleas

Honorable Edgar W. Siskin Circuit Court Judge

Case no: 2006-CP-18-1615

The State,
Respondent

vs.

RECEIVED

RONALD BLANDING

OCT 14 2010

Petitioner

S.C. SUPREME COURT

Certificate of Service

I, certify a true copy of the petition
for pro-se writ of certiorari and motion for Rule
(60) and copy of appendix in this case have been served.

Sworn and subscribed

x per Dr

before me this 13 day of

RONALD BLANDING

Oct. 2010

#283641

Joyce R Young
Notary Public South Carolina

My Commission Expires 8/28/2011

Page(s) of (40)

(Certificate of Service)

Attention: Daniel E. Shegrouse

Clerk of court

Post office Box 11330

Columbia, South Carolina 29211

I, RONALD BLAUBING, do hereby submit
A pro-se writ of Certiorari with Rule 60 motion with
McCormick C.I. mailroom clerk of court with suffi-
cient class postage as follows...

x for
RONALD BLAUBING
#283641

sworn before me this

13 day of Oct. 2010

Joseph L. Young
Notary Public of South Carolina

my commission expires 8/28/2011

(Certificate of Service)

Attention: Daniel E. Shearouse

Clerk of Court

Post Office Box 11330

Columbia, South Carolina 29211

I, RONALD BLANDING, do hereby submit
A pro-se writ of Certiorari with Rule (60) motion
with McCormick C.I. Mailroom Clerk of Court with
sufficient class postage as follows --

x

Ronald Blanding

#283641

Sworn before me this

____ day of _____, 2010

Notary Public of South Carolina

My Commission Expires: _____

(Certificate of Service)

I, RONALD BLANDING, declare under
the penalty of U.S.C.A. § 1746 (Perjury) That on below
said date I did deposit and exact copy of my...

Daniel E. Shearouse

clerk of court

Post Office Box 11330

Columbia, South Carolina 29211

I, RONALD BLANDING, do hereby submit
Pro-se Rule (60) motion with McCormick C.I. courtroom
clerk of court with sufficient class postage as follows...

sworn before me this 13
day of OCT 2010

x Ronald Blanding
RONALD BLANDING
283641

Joyce R Young
Notary Public of South Carolina

My Commission Expires 8/28/2011

State of South Carolina }
County of Berkeley }

Ronald Blalock, Jr. 253641
Applicant

vs.

State of South Carolina
Respondent

Writ: For Relief from
Judgment or Order under
Rule 605

Case No: 2006-CP-18-1615

Please take notice the above named parties

Blalock, 253641 have before this Court and Request.

Relief Request relief from Judgment or Order,

which state Relief to give an complete satisfaction

on the merits of his original Application. Applicant

contends the (C.A.) Court's dismissed Blalock's alle-

gations of ineffective assistance of Counsel with

(prejudice) what making findings of fact on his thing

(30) issues on the specific allegations raised and

Relief to Request to any of the motions Applicant

Attorney filed on his behalf. Applicant argues on motion

and used such terms as are just the Court may believe

e party or his legal representative from a finding

Judgment order or proceeding for the following

Reasons, make inference, surprise or excuseable

neglect, newly discovered evidence, which by due

Diligence could not have been discovered in time to move for a new trial under Rule 59(b) or misrepresentation or other misconduct of an adverse party: A pretrial agreement is the preferred practice. Appellant argues state failed to "make specific findings of fact and state expressly its conclusion of law relating to each of his thirty (30) issues he presented in his (220) page (P.C.R.) Attachment to his application filed on October 2, 2006 and it was amended on three (3) different occasions on December 15, 2008 April 28, 2009 and September 18, 2009.

Appellant argues S.C. Code Ann § 17-27-80 requires the (P.C.R.) Court to "make specific findings of fact and state expressly its conclusion of law relating to each issue.

Applicant contends the motion should be made within (not) more than (1) one year after the judgment order or proceeding was entered or taken. Applicant argues clerical mistakes in judgment orders or other parts of the record and errors therein arising from oversight may be corrected by the Court at any time of its own initiative or on the motion of any party and after such notice, if any as the Court orders...

Attention to:

Daniel E. Shearouse
Clerk of Court

To whom it may concern;
I would appreciate it if I could
receive a copy showing my pro-se writ of
Certiorari and motion for Rule 60D was stamped,
clock and filed, I would be patiently waiting
for your response...

x Ronald Blasing
RONALD BLASING
#283641

The Supreme Court of South Carolina

Ronald Blanding,

Petitioner,

v.

State of South Carolina,

Respondent.

ORDER

Counsel for petitioner has filed a petition for a writ of certiorari, pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988), from the denial of petitioner's application for post-conviction relief. Petitioner filed a pro se response to the petition. Petitioner has now filed a pro se motion to have the lower court record transferred to this Court. Specifically, petitioner seeks to have all documents, proceedings and records filed between October 2, 2006, and January 2010 transferred to this Court, including the complete trial transcript, the trial exhibits and all pretrial motions filed between the aforementioned dates. Because it appears that all of these documents are in the appendix filed by petitioner's counsel, with the exception of the trial exhibits,¹ the motion is denied.

¹ The exhibits will not be transferred from the lower court unless this Court determines they are necessary for resolution of this matter.

Petitioner has also filed a motion for a speedy resolution of this matter. We decline to give the petition in this matter priority over other petitions for a writ of certiorari pending before this Court. Accordingly, that motion is also denied.

IT IS SO ORDERED.


C. J.
FOR THE COURT

Columbia, South Carolina

December 6, 2010

cc: Appellate Defender Robert M. Pachak
Ronald Blanding #283641
Assistant Attorney General Mary S. Williams

Certificate of service

Attention:

Daniel E. Stearns
clerk of court

P.O. Box 11330

Columbia, S.C. 29211

RECEIVED

NOV 8 2010

S.C. SUPREME COURT

I, Ronald Blasing, do hereby
submit motion to have Lower court Records
transferred to court of Appeals with McCormick
C.I. mailroom clerk of court with sufficient
class postage as follows -

Sworn before me this

23 day of Nov. 2010

x M M
Ronald Blasing
#283641

J. Frankly
Notary Public of South Carolina

my Commission Exp. 12-16-2019

Page (15 of 35)

State of South Carolina
County of Dorchester

RONALD BLANDING #283641
Appellant

vs..

State of South Carolina
Respondent

in the State of South Carolina
Court of Appeals

Indictment no: 2001 GS18-0085

Tracking Case no: 2006-CP-18-1615

Motion: to Have Lower
Court Record transferred
to Court of Appeals:

The Above Appellant comes before the
S.C. Court of Appeal concerning the Above indictment
and Case Requesting that this Court have sent up
from the trial court, being the Judicial Circuit
Court of general session Dorchester County All Records
and proceeding pertaining to the Above listed indictment
and Tracking Case no. Appellant specifically Request
that all documents and proceedings and Records on
file with General session Court of Dorchester County
be sent to the S.C. office of Court of Appeals filed
from October 2, 2006 to January of 2010 such
as the complete trial transcript and Defendants
Exhibits introduce into Evidence and (All) pretrial
motions filed between October 2, 2006 and
January of 2010 and orders, dispositions of those
motions. Petitioner seeks Certiorari from the denial
of Post-Conviction Relief (P.C.R.), Alleging that the

P.C.R. Court failed to make the Required Findings of fact concerning his claims of ineffective assistance of Counsel.

Petitioner Argues S.C. Code Ann. §17-27-80 (1976) requires the (P.C.R.) Court to "make specific Finding of fact and state expressly its Conclusion of Law, relating to each issue presented.

page(3) of (35)

Certificate of service

Attention:

Daniel E. Shearouse
clerk of court

P.O. Box 11330

Columbia, S.C. 29211

I, RONALD BLANDING, do hereby
submit motion on right to a speedy remedy,
with MCCORMICK C.I. mailroom clerk of court
with sufficient class postage as follows....

x RM
RONALD BLANDING
#283641

sworn before me this 23
day of NOV 2010

J. Frankley
notary public of South Carolina

my Commission Exp: 12.16.2019

state of south Carolina
county of Dorchester

in the state of south Carolina
Court of Appeals

RONALD BLANDING #283641
Applicant

Docket no. 2006-CP-18-1615

vs.

state of south Carolina
Respondent

Applicant's motion on Right to
A speedy Remedy in Civil
ART. I section (9) south Carolina
Constitution.

Applicant Ask the Court of Appeal to Address
his pro-se writ of Certiorari and Rule (60) motion in a
timely fashion. Appellant received an order of dismissal
on may 17, 2010. Appellant (P.C.R.) counsel Charles T.
Brooks filed Appeal on June of 2010. Appellant Argues
state Appointed counsel Robert M. Pachak informed him he
submitted an Johnson brief for writ of Certiorari on
September 24, 2010 indicating it is his belief there is
(no) merit on my Appeal. Appellant states the clerk of
court stated in a letter he have (45) days to submit a
pro-se Response, which Appellant filed his pro-se Response
on October 13, 2010 with a motion for rule (60).

Appellant gives a break down on the
stages it took for him to have his case Heard since
his trial conviction on April 21, 2002 on the
following...

- (1) Direct Appeal filed on April of 2002
- (2) Direct Appeal denied on December 30, 2004
- (3) Rehearing denied on March 18, 2005
- (4) writ of Certiorari filed on June of 2005
- (5) writ of certiorari denied on September 7, 2006
- (6) (P.C.R.) filed on September 27, 2006
- (7) (P.C.R.) Hearing on February of 2010
- (8) (P.C.R.) denied on May 17, 2010

Applicant Argues it took (32) months on direct Appeal decision (90) days for decision on Re-hearing (15) months for decision on writ of Certiorari (41) months to receive an (P.C.R.) Hearing and (70) days for a decision. Applicant Argues Remedily simply denotes means by which a wrong is redressed in a civil proceeding section secures to residents access to state courts. It is very manifest that the object of this section was not to extend the Jurisdiction of the courts of this state to throw open their doors to any person from any quarter of the globe to demand redress injuries received anywhere but simply to secure the inhabitants of the state to whom the Constitution was made access to the courts for redress of any wrongs which they may have received. All courts shall be public and every person shall have speedily Remedily, includes the right to a speedy Appeal.

Mayer v. Mayer (S.C. 1982) 278 S.C. 377, 296 S.E. 2d

533

To: Daniel Shear-se
Clerk of Court

Post office Box 11330

Columbia, South Carolina 29211

FAX (803) 734-1499

RECEIVED

NOV 15 2010

S.C. SUPREME COURT

To whom it may concern,
I'm writing you in regards to my petition
for writ of Certiorari and Rule (60) motion I
want to be filed, I would appreciate it if I
can receive a copy showing my petition for
writ of Certiorari and Rule (60) motion was
stamped and filed, which I had (45) days to
file my petition for writ of Certiorari, which I
had from when I received my letter on
September 24, 2010 and I mailed you this
information on October 13, 2010 which I had
signed and notarized and I have (not) receive
and copy or heard from the clerk of court
I'm having this letter fax to you so I would
have a record stating I ask for this information
and showing I made the (45) day deadline I
would be patiently waiting for your response...

ROBERT BLANDING

McCormick Court Clerk

386 Resurrection way

McCormick, S.C. 29899

#283641

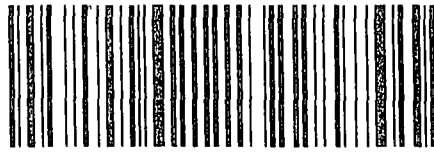
Robert Blanding

ROBERT BLANDING

#283641

Ack'd 2 copy of
pro se cover 11/15/10.

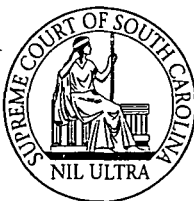
Corr. Inst.
redemption way
- S.C. 29899
1



7007 2680 0000 6131 0939



Daniel E. Shearouse
Clerk of Court
Post office Box 11330
Columbia, S.C. 29211



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

September 24, 2010

Ronald Blanding #283641
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

Re: Blanding, Ronald v. The State

Dear Mr. Blanding:

Your counsel has submitted a Petition for Writ of Certiorari indicating that this appeal is without merit and moves to be relieved as your counsel. Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988). The records of this Court reflect that counsel served you with a copy of the Petition & Appendix on September 23, 2010.

You may, within forty-five (45) days of the date of this letter, file with this Court a pro se response to the Petition filed by your counsel. In this response, you may raise and argue any issues you believe the Court should consider in this appeal. Upon receipt of your pro se response or the expiration of forty-five (45) days, the matter will be submitted to the Court for its consideration.

If you do decide to file a pro se response, the response must be either typewritten or legibly hand printed, and must have at least a one inch margin on all sides. Further, you will need to only submit one copy of your response, and this copy should not be stapled or bound in any manner.

Very truly yours,



CLERK

DES/jj

cc: Appellate Defender Robert M. Pachak
Assistant Attorney General Mary S. Williams



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1343
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender
Joseph L. Savitz, III, Senior Appellate Defender

RECEIVED

JUL 28 2010

S.C. SUPREME COURT

July 28, 2010

The Honorable Daniel E. Shearouse
Clerk, S.C. Supreme Court
Post Office Box 11330
Columbia, SC 29211

Dear Mr. Shearouse:

The following case falls under the 60 day rule for appeals, and the date we received the transcript is listed to the side.

Ronald Blanding v. State of South Carolina

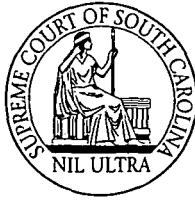
7/28/2010

I would appreciate you beginning our time limits from the above date, and if you need additional information, or have any questions please contact me.

Thank you for your assistance in this matter.

Sincerely,

Loriene French
Legal Services Coordinator



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

July 8, 2010

Ronald Blanding #283641
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

Re: Blanding, Ronald v. The State

Dear Mr. Blanding:

This responds to your Motion for Relief from Judgment dated June 29, 2010. Since you are represented by counsel in this matter, no action will be taken on your pro se motion. Jones v. State, 348 S.C. 13, 558 S.E.2d 517 (2002); State v. Stuckey, 333 S.C. 56, 508 S.E.2d 564 (1998); Foster v. State, 298 S.C. 306, 379 S.E.2d 907 (1989).

Any concerns you have about this matter should be raised to the Division of Appellate Defense. The address for that Office is P.O. Box 11589, Columbia, SC 29211, and their phone number is 803-734-1343.

Very truly yours,



CLERK

DES/jj

cc: Appellate Defense
Assistant Attorney General Mary S. Williams

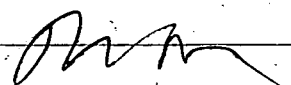
Attention to: Kenneth A. Richstead
Clerk of Court
Post office Box 11629
1015 Sumter
Columbia, S.C. 29211

RECEIVED

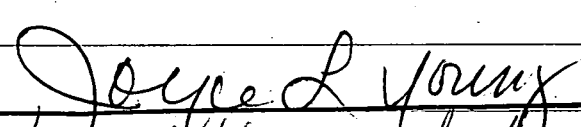
JUL 01 2010

SC Court of Appeals

To whom it may Concern;
I'm writing you in regards to my
Pro-se motion for Relief from Judgment or order
under Rule (60), which I presently do (not) have (no)
Attorney representing me and I would like to file
this motion Pro-se, if I do not hear from you
within (14) working I will assume you are (not) going
to file this information and will have to file with
the Federal Clerk of Court


RONALD BLANDING
#283641

sworn before me this 29 day
of June 2010


Joyce L. Young
Notary Public of South Carolina

RECEIVED

JUL 02 2010

S.C. SUPREME COURT

My Commission Exp. 8-28-2011

RECEIVED

Court of Appeals

S.C. SUPREME COURT

Case no. 2006-CR-18-1615

Motion: For Relief From

Judgment or Order

Under Rule (6a)

RECEIVED

JUL 01 2010

PLEASE notice that the above SC Court of Appeals

Ronalds Blasing, 283641 more before this Court and

Respectfully Request Relief from Judgment or Order,

which state failed to give an complete adjudication

on the merits of his original application, applicant

contends the U.C.A.'s Court's dismissal of Blasing's alle-

gations of ineffective assistance of counsel with (prejudice)

without making findings of fact on his thirty (30)

issues on the specific allegations raised and failed

to respond to any of the motions applicant attorney

filed on his behalf. Applicant argues on motion and

upon such terms as are just the Court may believe

is party or his legal Representative from a final

Judgment order or proceeding for the following

Reasons mistakes, inadvertence, surprise or excusable

Neglect, newly discovered evidence, which by due diligence

Counsel (not) have been discovered in time to move for

a new trial under Rule 59(b)

Page 25 of 55

or misrepresentation or other misconduct of an adverse party; Agreement is the preferred practice. Appellant Argues state failed to "make specific finding of fact and state expressly it's conclusion of Law relating to each of his thirty(30) issues He presented in his (220) page (e.c.r.) attachment to his Application filed on October 2, 2006 and it was Amended on three(3) different occasions on December 15, 2008 - April 28, 2009 - September 18, 2009

Applicant Argues His state appointed Attorney filed numerous motion on his behalf on the following issues, which state failed to answer any of the motions.

- (1) motion for an order compelling discovery pursuant to rule 37(a)(2) filed February 17, 2009
- (2) motion Applicant's brief on right to a speedy remedy in Civil action Art. I section 9 South Carolina Constitution filed March 19, 2009
- (3) motion to move for sanction under rule 37(b) failure to produce or cooperate in discovery April 17, 2009
- (4) motion on after discovered evidence under Rule S.C.C.L. §17-27-20(a)(4) and newly discovered evidence April 17, 2009
- (5) motion for an order compelling discovery pursuant to rule 37(a)(2) filed May 14, 2009
- (6) motion to move for sanction under rule 37(b) failure to produce fugitive or Governor

warrants from either state or Co-operate in
Discovery Pled on July 24, 2009.

- (7) Motion for illegal search and seizure Pled on August 21, 2009
- (8) Motion to suppress Pled on August 24, 2009
- (9) Motion to Quash indictment Pled on August 27, 2009
- (10) Motion to suppress on November 6, 2009
- (11) Motion for Discovery, SCR P Rule 14-7-1700 production of ministerial Records of grand Jury Pled on September 21, 2009
- (12) Motion for abuse of discretion Pled on November 13, 2009
- (13) Motion to vacate warrant Pled on November 30, 2009
and on November 20, 2009
- (14) Motion for prosecutor misconduct Pled on December 29, 2009

Appellant Argues Criminal Law (Key)
998(18), 1181, 5(2) Remand was required on appeal from
denial of post-conviction relief where post-conviction
court dismissed movent's ineffective assistance of
counsel allegations without making findings of fact
on spec. fic allegations raised violating statute and
precluding appellate review. Code 1976 § 17-27-80
U.S.C.A. Const. Amend. 6.

Appellant Argues J.C. Code Ann. § ~~17-27-80~~
§ 17-27-80 Requires the (P.C.R.) Court to "make specific
findings of fact and state expressly its conclusions
of law relating to each issue...

Applicant contends the motion shall be made within (not) more than (1) one year after the judgment order or proceeding was entered or taken. Applicant argues clerical mistakes in judgments orders or other parts of the record and errors therein arising from oversight maybe corrected by the court at any time of it's own initiative or on the motion of any party and after such notice, if any as the court orders...

Page (5) of (5)

(Certificate of Service)

Attention: Kenneth A. Richstad

Clerk of Court

Post office Box 11629

1015 Sumter

Columbia, S.C. 29211

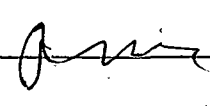
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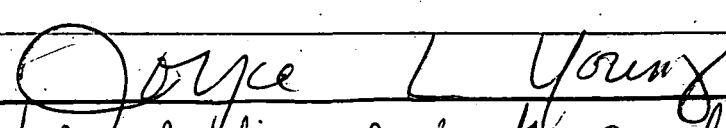
JUL 01 2010

SC Court of Appeals

I, RONALD BLANDING, do hereby submit
A pro-se motion for Relief from Judgement or
Order under Rule (60) with McCormick C.I.
Mail Room Clerk of Court with sufficient class
Postage as follows ...

sworn before me
this 29 day of June 2010

x 
RONALD BLANDING
#283641


Notary Public of South Carolina

RECEIVED

JUL 02 2010

S.C. SUPREME COURT

My Commission exp: 8 28 2011



Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender
Joseph L. Savitz, III, Senior Appellate Defender

July 6, 2010

RECEIVED

JUL 06 2010

S.C. SUPREME COURT

Ms. Harry A. Walker
Circuit Court Reporter
P O Box 127
Rowesville, SC 29133-9133

Dear Ms. Walker:

Our office has been requested to perfect the appeal arising out of:

Ronald Blanding v. State of South Carolina Case #: 06-CP-18-01615.

County: Dorchester Date of Trial: February 16, 2010

Presiding Judge: Edgar Dickson

It is my understanding that you were the court reporter at this time. That being the case, I request that you send this office the original trial transcript along with your bill. If you send a copy to this office, please bill us accordingly. To ensure prompt payment of this bill, please prepare it on the enclosed CID FORM 3500 (Substitution for SCCA DI-4) and include the original criminal case number (Indictment number) where the space is provided.

We request that the lines on the paper be numbered from 1-25, and that you include in the transcript any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments. We have found that even if there are no objections, we need to review both opening and closing arguments for appeal.

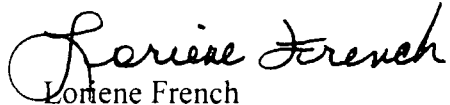
If you are aware of the existence of co-defendants not listed in the prior captioned case, please contact us prior to transcribing the transcript. In this manner, we can consult our records to ensure that in ordering a transcript, a duplication has not occurred. In addition, if the Attorney General's Office has already requested an original transcript, please notify us.

Ms. Harry A. Walker
July 6, 2010
Page Two

I am sorry for any inconvenience this may cause, but I appreciate your assistance in this matter. If you have any questions, or problems, please contact me.

Thank you for your kind cooperation in this matter.

Sincerely,


Lorlene French
Legal Services Coordinator

cc: S.C Supreme Court
Attorney General's Office

The Brooks Law Offices, LLC

Charles T. Brooks, III
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
Post Office Box 291226, Columbia, SC 29229
OFFICE: (803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

Irma R. Brooks
Attorney

June 3, 2010



South Carolina Supreme Court
PO Box 11330
Columbia, SC 29211

RE: Ronald Blanding v State of South Carolina
Case No. 2006-CP-18-1615

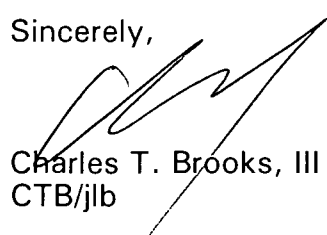
Dear Sir or Madam:

Enclosed herewith you will find the **Notice of Appeal, Order of Dismissal**, along with a **Proof of Service** in reference to the above named Applicant.

If you have any questions or concerns, please contact my office at the number stated above.

With kind regards, I am

Sincerely,



Charles T. Brooks, III
CTB/jlb

Enclosed as stated

Cc: Mary S. Williams, Office of Attorney's General
South Carolina Office of Appellate Defense
Ronald Blanding, 283641

RECEIVED

JUN 09 2010

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Honorable Edgar W. Dickson Circuit Court Judge

Case No: 2006-CP-18-1615

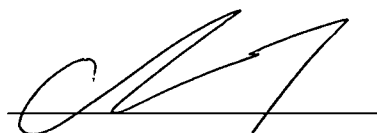
Ronald Blanding.....Appellant
S.C.D.C.283641

v.

The State Respondent

NOTICE OF APPEAL

Ronald Blanding, appeals his Denial for Post Conviction Relief in this case. The order of Dismissal was imposed and signed by the Honorable Edgar W. Dickson, May 17, 2010, which I, Charles T. Brooks, III, received on June 3, 2010.



Charles T. Brooks, III
309 Broad Street
Post Office Box 3512
Sumter, South Carolina, 29151
(803) 418-5708
Attorney for Appellant

Other Counsel on Record:
Mary S. Williams, Esquire
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-3970

RECEIVED

JUN 09 2010

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM DORCHESTER COUNTY

Court of Common Pleas
Honorable Edgar W. Dickson Circuit Court Judge

Case No: 2006-CP-18-1615

Ronald Blanding.....Appellant

S.C.D.C. 283641

v.

The State.....Respondent

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 3rd day of June, 2010, I served the foregoing Notice of Appeal, Order of Dismissal, as well as Certificate of Service in this matter by depositing a true copy of it in the United States Mail, postage prepaid, on June 3, 2010, addressed to the following as indicated below:

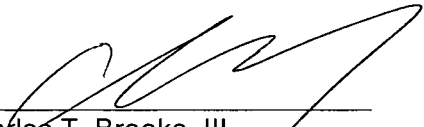
South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

South Carolina Office of Appellate Defense
1330 Lady Street, Suite 401
PO Box 11589
Columbia, SC 29211-1589

Office of Attorney's General
Attn: Mary S. Williams, Esquire
Post Office Box 11549
Columbia, South Carolina 29211-1549

Ronald Blanding, 283641
McCormick Correctional Institution
386 Redemption Way
McCormick, South Carolina, 29899

Dated: June 3, 2010


Charles T. Brooks, III
Attorney for the Appellant
309 Broad Street
Sumter, South Carolina 29150
(803) 418-5708

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

JUDGMENT IN A CIVIL CASE
CASE NO: 2006CP1801615

Ronald #283641 Blanding vs. South carolina state of

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), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other:
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ 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; ☐ Statement of Judgment by the Court:

Dated at St. George, South Carolina, this 26th day of May, 2010.

Court Reporter:

Cheryl Graham

- Cheryl Graham, Clerk of Court, By: Carolyn Ayer, Deputy

This judgment was entered on the 26th day of May, 2010, and a copy mailed first class this 26th day of May 2010, to attorneys of record or to parties (when appearing pro se) as follows:

Ronald Blanding
Charles Thomas Brooks Law Office of Charles
T. Brooks, III 309 Broad St. Sumter, SC 29150

Mary S Williams Assistant Attorney General P
O Box 11549 Columbia, SC 292111549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

Ronald Blanding, #283641,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS

2006-CP-18-1615

ORDER OF DISMISSAL

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CLERK OF COURT
DORCHESTER COUNTY

This matter comes before the Court by way of an Application for Post-Conviction Relief filed October 2, 2006. The Respondent made its Return on or about October 24, 2007. An evidentiary hearing into the matter was convened on February 16, 2010, at the Orangeburg County Courthouse. The Applicant was present at the hearing and was represented by Charles T. Brooks, III, Esquire. The Respondent was represented by Mary S. Williams of the South Carolina Attorney General's Office.

At the hearing, the Applicant testified on his own behalf. Also testifying was William N. Nettles, Esquire ("Counsel"). This Court had before it the records of the Dorchester County Clerk of Court, the trial transcript, the appellate records, and the Applicant's records from the South Carolina Department of Corrections.

PROCEDURAL HISTORY

The records before this Court indicate that The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to orders of commitment of the Dorchester County Clerk of Court. The Dorchester County Grand Jury indicted the Applicant for Murder (2001-GS-18-

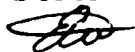


0085). William N. Nettles, Esquire, represented the Applicant. On April 22-25, 2002, Applicant proceeded to a jury trial before the Honorable Diane S. Goodstein. The jury found him guilty, and Applicant was sentenced to life imprisonment.

A timely Notice of Appeal was filed on Applicant's behalf and an appeal was perfected. The South Carolina Court of Appeals affirmed. State v. Blanding, Op. No. 2004-UP-653 (S.C. Ct. App. filed December 22, 2004). A Petition for Rehearing was filed, and the Petition was denied on March 18, 2005. A Petition for Writ of Certiorari was filed in the South Carolina Supreme Court. The Petition was denied on September 7, 2006. The Remittitur was sent on September 11, 2006.

In his application for post-conviction relief (PCR), Applicant alleges that he is being held in custody unlawfully for numerous reasons. At hearing, Applicant presented the following allegations, asserted as ineffective assistance of counsel claims:

1. Failed to put accuser on the stand. Person who did the warrant should have testified.
2. Attorney did not give Applicant all discovery materials.
3. Court lacked subject matter jurisdiction because indictment did not state how the victim was killed.
4. Indictment said I killed the decedent but someone else did it.
5. Double jeopardy because I was convicted of a murder that someone else did.
6. No probable cause for a murder warrant.
7. Abuse of discretion because (1) Applicant was portrayed as a drug dealer and (2) Counsel made a remark which Applicant interprets as racial.
8. Illegal search.
9. Attorney did not ask for a directed verdict.
10. I did not see the videotape of Larry Gilliam.
11. Attorney advised me not to testify.
12. Attorney did not give me background or records of witnesses.
13. Alibi witnesses could have placed me in New York. I was in a shelter volunteering.
14. Attorney did not defend me on malice. I could not have the requisite malice where a co-defendant actually killed the victim.
15. Attorney did not argue mere presence.
16. Failed to request jury instruction on co-defendant testimony.
17. Witnesses failed polygraph examination.
18. Counsel could have argued that L.A. Jones could not give consent for search of the house when I was out of state.



19. Counsel failed to request a jury during sentencing.
20. Counsel should have objected to hand of one – hand of all charge.
21. There was no twenty-four hour waiting period before I was sentenced.
22. Counsel did not challenge chain of custody on DNA evidence.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80.

Allegations Not Cognizable at PCR

Respondent submits that certain allegations should be summarily dismissed for failure to state a claim cognizable under the Post-Conviction Procedure Act, S.C. Code Ann. § 17-27-10 to -

160. An Applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy; may institute, without paying a filing fee, a proceeding under this chapter to secure relief.



Provided, however, that this section shall not be construed to permit collateral attack on the ground that the evidence was insufficient to support a conviction.

[Emphasis supplied.] S.C. Code Ann. § 17-27-20 (1976).

Allegations 1, 5, 7 & 17 involve the sufficiency of the evidence to convict. In allegation 7, Applicant also took exception to his attorney's statement regarding the length of a statement made by his co-defendant; Counsel stated in camera during a discussion about the statements, "It's like a drive to Charleston listening to most of them." (App. p. 498, lines 4-5.) Applicant interprets the statement as racial. This allegation is not an allegation cognizable at PCR. Therefore, these allegations are summarily dismissed for failure to state a claim cognizable at PCR.

Ineffective Assistance of Counsel

The Applicant alleges he received ineffective assistance of counsel. In a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing Rule 71.1(e), SCRPC). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, Id. The Applicant must overcome this presumption to receive relief. Cherry v. State, 300

S.C. 115, 386 S.E.2d 624 (1989).

First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland, *supra*). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland).

Summary of Trial Testimony

Applicant drove to South Carolina from New York. Accompanying him were: Sarah Jordan ("Jordan"), who acted as babysitter for Applicant's infant daughter; Jordan's boyfriend Larry Gilliam ("Gilliam"); and two other men identified only as Michael and "G." Lawrence "LA" Jones ("Jones") maintained Applicant's home in Summerville. Jones received a phone call from Applicant expressing anger that Jones and Van Allen "V" Heffner ("Victim") were selling drugs from the home as they might be "trying to take over the business." (Tr. p. 393, lines 22-23.) Jones recalled that Applicant said "[he] had something for [them]," which Jones interpreted as a threat. (Tr. p. 396, lines 7-8.) Jordan and Gilliam testified that Applicant, Michael, and "G" discussed killing Victim during the drive to Summerville.

Jordan and Gilliam testified that at some point during the visit Applicant, Michael, G, and Victim went to the back bedroom. Both overheard a gunshot and Victim begging for his life. Gilliam testified that Applicant came out of the back bedroom and ordered him to the back of the house



while Applicant remained in the kitchen. Gilliam recounted that Victim was on the floor, taped, tied, and gagged. Gilliam stated that Victim "wasn't moving when [he] went back there to hold his feet." (Tr. p. 527, lines 9-12.) Gilliam testified that he held Victim's feet while G "stood on [Victim's] chest and put his foot on his throat." (Tr. p. 526, lines 23-25.) According to Gilliam, Victim was then smothered with a pillow. Gilliam testified that Applicant directed them in how to dispose of the body, to clean, and to repaint and remodel any areas of the house where evidence could be found. Applicant also directed Charles Guyer ("Guyer") to bring his truck to the house. At Applicant's direction, the body was placed in the truck and dumped in a secluded location.

Applicant returned to New York. Applicant contacted Jones when a news article indicated that Victim's body had been found. Jones testified that Applicant had also later claimed that an argument with Victim "went bad" and that Michael, G, and Gilliam had eventually subdued Victim by putting a plastic bag over his head. A girlfriend of Applicant's, Beverly McKinnon ("McKinnon"), claimed that she saw Applicant around this time with red spots on his boots, which Applicant told her came from a chemical explosion. McKinnon testified that Applicant later confessed to killing Applicant and threatened to kill her if she told.

Police also investigated the home. Jones allowed them in on one occasion, and warrants were obtained thereafter. Police found that the house was undergoing extensive remodeling. Cleaning supplies and trash bags were found. In spite of the remodeling efforts, bloodstains were still detected in the bedroom and hallway. DNA evidence of Victim's blood was developed from a doorframe.

The defense theory of the case was that Victim had indeed been killed in the house, but Applicant was not present and did not participate. The defense theorized that the various witnesses had provided their statements against Applicant in order to broker beneficial plea arrangements for

themselves and emphasized the various statements given by the witnesses and the criminal consequences they faced.

Allegations 2, 10, 12, & 13 : Investigation

In allegations 2, 10, 12 & 13, Applicant asserts that Counsel failed to procure and/or share various items of evidence with him. Applicant also asserts that Counsel failed to investigate alibi witnesses who could have testified that he was in New York at the time. Counsel testified that he did receive discovery materials, including witness statements, crime scene information, pictures, DNA, and the video of Larry Gilliam. Counsel testified that he met with Applicant at the jail. Counsel testified that he brought discovery materials to Applicant in binders for review but noted that Applicant would not have been permitted to keep these materials in prison. Counsel had no recollection Applicant requesting that he locate additional witnesses. I find Counsel's testimony to be credible. I find Counsel's performance to be reasonable in this regard. Moreover, Applicant has failed to demonstrate prejudice in this regard. See Moorehead v. State, 329 S.C. 329, 496 S.E.2d 415 (1998) (no prejudice where claim of failure to investigate is supported only by mere speculation as to the result). Applicant has failed to produce testimony of additional witnesses or facts which additional investigation could have yielded. Applicant has also failed to demonstrate how any alleged deficiency in reviewing evidence with him affected his trial. I therefore find that Applicant has failed to demonstrate prejudice.

Allegations 3 & 4: Subject Matter Jurisdiction and Indictment

Applicant asserts that the trial court lacked subject matter jurisdiction because the indictment did not say how the victim was killed. Applicant also asserts that the indictment was flawed because

it says that he killed the decedent but someone else actually killed Victim.¹ The indictment reads:

That [Applicant], did in Dorchester County, on or about March 6, 2000, with malice aforethought, kill one Van Allen Heffner by means of asphyxiation, and the said victim did die as a proximate result thereof.

Even if there were a defect, defects in the indictment do not affect subject matter jurisdiction. See State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005); See also U.S. v. Cotton, 535 U.S. 625, 122 S.Ct. 1781 (2002). The indictment is a notice document, and any challenges to its sufficiency must be made in accordance with S.C. Code Ann. § 17-19-90 (2003). See also S.C. Code § 17-19-20 (2003). Subject matter jurisdiction is the power of a court to hear a particular class of cases, and it has nothing to do with the indictment document. See Gentry, 363 S.C. 93, 610 S.E.2d 494; Dove v. Gold Kist, Inc., 314 S.C. 235, 442 S.E.2d 598 (1994).

Applicant was tried under a theory of “hand of one, hand of all.” As stated in State v. Thompson, 374 S.C. 257, 261-262, 647 S.E.2d 702, 705 (Ct. App. 2007):

“Under the ‘hand of one is the hand of all’ theory [of accomplice liability], one who joins with another to accomplish an illegal purpose is liable criminally for everything done by his confederate incidental to the execution of the common design and purpose.” State v. Condrey, 349 S.C. 184, 194, 562 S.E.2d 320, 324 (Ct.App.2002). “*A defendant may be convicted on a theory of accomplice liability pursuant to an indictment charging him only with the principal offense.*” Id. at 194, 562 S.E.2d at 325. [Emphasis supplied.]

Based on the foregoing, I find that the court had subject matter jurisdiction. Further, Applicant has failed to demonstrate that Counsel’s failure to challenge the indictment was deficient in this case.

¹ Applicant was tried under the theory of “hand of one, hand of all.”

Allegation 6: Probable Cause

Applicant asserts that there was no probable cause to issue a warrant for his arrest for murder. Applicant insists that he was not the person who strangled the victim and therefore cannot be charged with murder. Applicant was tried under a theory of "hand of one, hand of all." The arrest warrant and affidavit are part of the record in this case. Based on a review of these documents, I find that Applicant has failed to carry his burden of demonstrating that Counsel was deficient in this regard and has failed to demonstrate prejudice from any purported deficiency.

Allegations 8 & 18: Illegal Search

Applicant further asserts that an illegal search of the home was conducted because Jones could not consent to the search.² Testimony at trial was that Applicant owned the home, and Jones lived in the home. Applicant was not at the home when the police first arrived, and Jones gave consent to search. Jones informed police and testified at trial that he lived at the residence. "Third party consent may be given by one who has common authority over or some other sufficient relationship to the premises or effects being searched. Common authority does not require common ownership, but merely 'mutual use of the property by persons generally having joint access or control for most purposes, so that it is reasonable' for the searching officers to believe that the person granting consent had the authority to do so.'" [Internal citations omitted.] State v. Flowers, 360 S.C. 1, 5, 598 S.E.2d 725, 728 (Ct.App. 2004). In the present case, Counsel stated that he considered the issue and believed that Jones could consent to the search of the premises because he lived at the residence. Counsel stated that the remaining searches were conducted pursuant to search warrants. I find that Applicant has failed to demonstrate that Counsel's failure to challenge Jones'

² Jones gave permission to search on March 21, 2000. Subsequent searches were conducted pursuant to search

consent under these circumstances was not unreasonable under professional norms. Moreover, Applicant has failed to demonstrate that such a challenge would have been successful.

Allegation 9: Failure to Seek Directed Verdict

Applicant next argues that Counsel should have made a motion for a directed verdict. Counsel moved for a directed verdict at the close of the State's case, arguing that there was evidence of a murder at the home but insufficient evidence to convict Applicant. (Tr. p. 677-678.) Applicant has not set forth any additional argument for directed verdict. Therefore, I find no error in this regard.

Allegation 10: Advice not to Testify

Applicant argues that Counsel was deficient in advising him not to testify. Applicant was advised by the trial court regarding his right to testify. (Tr. p. 678-684.) Counsel testified that the decision whether to testify was Applicant's. Counsel testified that he advised Applicant against testifying because, unless Applicant had beneficial testimony that was not already before the jury, Counsel did not believe that Applicant would be a very likeable witness. The trial court instructed the jury that they could not consider the Applicant's silence in their deliberations. (Tr. p. 740.) I find that Applicant has failed to carry his burden of demonstrating that Counsel's performance was deficient in this regard. Applicant has also failed to demonstrate prejudice; Applicant has provided no additional testimony that would have changed the outcome of the trial.

Allegations 14, 15, 16 & 20: Argument and Instructions

Applicant takes exception to Counsel's performance with regard to jury instructions and arguments on mere presence, malice, testimony of his co-defendants and "hand of one, hand of all."

warrants.



The trial court did instruct the jury that they could consider the credibility of witnesses. (Tr. pp. 735-737.) The trial court also instructed the jury on malice. (Tr. pp. 741-743.) The trial court also instructed the jury on mere presence. (Tr. p. 745.) Intent was also charged. (Tr. p. 745-747.) The charges appear to be correct charges on the law at the time given. Counsel thoroughly argued that Applicant had not perpetrated the crime and that the State had presented evidence that other co-defendants were guilty. Based on the foregoing, I find no error by Counsel in failing to object to these charges and no deficiency in his presentation of the defense theory of the case through closing argument. Applicant has further failed to demonstrate any prejudice in this regard.

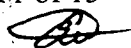
Applicant asserts that Counsel should have objected to an instruction on "hand of one, hand of all" being given. (See Tr. p.p. 743-745.)

The law to be charged is determined from the evidence presented at trial. A trial court has a duty to give a requested instruction that correctly states the law applicable to the issues and which is supported by the evidence. If any evidence exists to support a charge, it should be given.

State v. Condrey, 349 S.C. 184, 194, 562 S.E.2d 320, 325 (Ct. App. 2002). [Internal citations omitted.] Evidence supported the "hand of one, hand of all" charge. The evidence presented at trial was that Applicant had made threats to Victim, actively participated in attacking him, directed the others to kill him while remaining in the home, and oversaw and participated in the disposal of the body and cleanup. Based on this evidence, the charge was properly submitted to the jury, and Counsel was not ineffective in failing to object.

Allegations 19& 20: Sentencing

Applicant asserts that Counsel should have requested a jury during sentencing and should have objected when there was no twenty-four hour waiting period before sentencing. Applicant refers



to S.C. Code §16-3-20(B), a provision applicable when the State seeks the death penalty. The death penalty was not sought in this case. Therefore, Counsel's performance was not deficient in this regard.

Allegation 25: Chain of Custody for DNA Evidence

Applicant argues that Counsel's failure to challenge the chain of custody of DNA evidence constitutes ineffective assistance of counsel. Counsel testified that he reviewed the chain of custody and found no basis for a challenge. Counsel stated that after this review, he stipulated to the chain of custody. Applicant has failed to demonstrate that, under the circumstances, Counsel's conduct was unreasonable in this regard. Even if Counsel's conduct were deficient, Applicant would still have to demonstrate prejudice from any error. Applicant has provided no evidence which would support a potential challenge to the chain of custody.

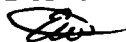
Other Allegations

No other allegations were raised at the PCR hearing. Therefore, any additional allegations are deemed waived because no evidence was presented.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

This Court advises Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order to secure the appropriate appellate review. His attention is also

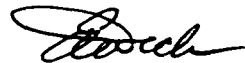


directed to Rule 243, SCACR,³ for appropriate procedures after notice has been timely filed.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be DENIED AND DISMISSED WITH PREJUDICE; and
2. The Applicant must be remanded to the custody of the Respondent.

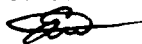
AND IT IS SO ORDERED this 17th day of May, 2010.



EDGAR W. DICKSON
Presiding Judge
First Judicial Circuit

Orangeburg, South Carolina.

³ Formerly Rule 227, SCACR. Rules 224 through 230, SCACR, were renumbered as Rules 240 through 246, SCACR, by order of the South Carolina Supreme Court dated April 29, 2009.



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