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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM OCONEE COUNTY
COURT OF COMMON PLEAS

R. LAWTON, MC CIRCUIT COURT JUDGE

CASE NO 2014-001965

Roderick McRae Petitioner

VS

State of South Carolina Respondent

NOTICE WRITTEN EXPLANATION

To Respondent:

This matter comes by way pursuant to Appellate Court Rules & Rule 203(d)(4)(B)(VI) S.C.A.C.R. Notice written explanation, Pro, se Petitioner made a final attempt to file a Petition Writ of Habeas Corpus pursuant to S.C. Code of Law Ann 17-17-10, within the Circuit court which is not allow and must be file within the Supreme court of South Carolina. original Jurisdiction.

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SC Court of Appeals

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Facts

Pursuant to S.C.A.C.R. Rule 203(d)(1)(B)
(V) Written Explanation.

The pro, se petitioner stated that he has exhausted all state court remedies in the lower court and does not have any other inadequate remedies available with the lower state court on post-conviction Relief Application.

Although the South Carolina Supreme Court's old Rule 229 (under South Carolina Appellate Court Rules ("S.C.A.C.R.") (effective April 29, 2009), allowed 'extraordinary writs' to be brought before the Supreme Court, they have clarified that their original jurisdiction is reserved for extraordinary reason which question "significant public interest or an emergency" - see Key V Currie, 305 S.C. 115, 406 SE2d 356 (S.C., 1991) - and that all other matters may be brought in the lower circuit courts.

ISSUE: ONE

Petitioner alleges that A Fundamental MISCARRIGE of justice occur during Jury instruction when court failed to instruct jury that state had burden of proving beyond Reasonable doubt the defendant committed the underlying trafficking in cocaine possession of A pistol by A convicted Felon, and Possession of MARIJUANA stand upon 'Insufficient Evidence, despite the decisional law of the united states supreme court holding that Sufficient Proof' is required to support A criminal conviction.

Applicant conviction reversed for FIREARM in relation to trafficking when court failed to instruct jury that state had burden of proving beyond reasonable doubt that defendant committed the underlying drug offense. cite At U.S. V Perez 43 F3d 1131, 1139-40 (7th Cir 1994).

In the petitioner case Respondent could not prove that Petitioner was trafficking in cocaine possession of a pistol by a convicted felon, and possession of marijuana, and the state could not prove that the petitioner had constructive possession over drug and weapon that was not found in the petitioner possession at the time of the arrest made by Respondent, and the respondent fabricate evidence against the petitioner by discovered evidence of a black bag discovered by Respondent near a "bush" with drug inside of the bag and this evidence was not test for prints and the Respondent testify At trial transcript Pg(84) Line 9-12 For instance; state's witness Highway Patrolman Carl Long testified about what had occurred on dated of alleged crime (Tr. Pg 83, in 22 to Pg 85, in 25) and he specifically stated that when he initially saw Petitioner that "he had nothing in his hands" (Tr, Pg 84 Line 9-12.

see cite at Muhammed SE2d 637 338 S.C. 22 Rehearing denied And certiorari denied controlled Sub s 28 S.C. App 1979 To Prove "Constructive Possession" the state must show a defendant had dominion and control.

Conclusion

Wherefore this written explanation should be granted.

Granted or Denied

Date _____ 2014

S/ _____
Jemy ABBOTT Kitchings
clerk

S/ _____
V; Claire Allen
Deputy clerk

THE STATE OF SOUTH CAROLINA
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COURT OF COMMON PLEAS

R. Lawton, M., Circuit Court Judge
CASE NO# 2014-001965

Roderick McRae, Petitioner

VS

State of South Carolina Respondent

PROOF OF SERVICE

I certify that Roderick McRae 236188
serve a true copy of Notice Written Expla-
nation Rule 203(d)(1)(B)(vi), S.C.A.C.P., By placing
A true copy in the United States mail
address to list below:

(1) VCLAIRE ALLEN
Deputy Clerk
South Carolina Court of Appeals
Post office Box 11629
Columbia S.C. 29211

S. Roderick McRae
386 Redemption Way
McGinnick, SC, 29909

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SC Court of Appeals

Sworn before me this
Day 10 of Oct 2014
Notary J. Frankles
Expires 12-16-2019

Roderick McPae 236188
386 Redemption way
McCormick, S. C. 29899

Date ~~10-10-14~~ 2014

2014-001965

cover sheet

Dear Honorable Deputy Clerk V. Claire
Allen:

Enclosed Please Find A copy of the
original copies of my Notice written
Explanation, along with proof of service
requesting for your appraisal.

Respectfully Submitted
S. Roderick McPae

C.C. D. C. V. C.
C.C. R. M.

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SC Court of Appeals

Roderick McRaet #286188
McCIE FZB 224
386 Redemption Way
McCormick, S.C. 29809

Legal mail

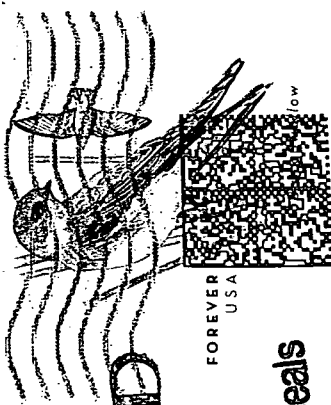
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