

Dear Clerk,

10/29/2014

RE: 2014-000406

**RECEIVED**

NOV 05 2014

**S.C. SUPREME COURT**

enclosed please find a 3 page sur-reply  
pro se response. The deadline is 10/31/2014  
I'm sending this motion out on 10/29/2014.

Eddie Pilcher # 303616

Lee Co. ASU 8

990 W. Sackly Hwy

Greenville, SC 29010

State of South Carolina  
In The Supreme Court

RECEIVED

NOV 11 - 2014

Eddie J. Pitcher JR,

S.C. SUPREME COURT  
PETITIONER

✓

State of South Carolina,

Respondent.

Appellate Case No. 2014-000106

"Sur-reply" Pro se response

The Purpose of this sur-reply Pro se response is to further Expose Plea Attorney James Cheek lies under oath AND Petitioner Conflict of Interest Claim in which James Cheek knew of the Conflict despite his testimony at the P.C.R. hearing. Plea Counsel testified that he told Petitioner that Cross was thinking about a Plea but he was not sure he would be representing him because Cross not comfortable.

I think that Mr. Hall or somebody was going to enter that Plea but after I represented Mr. Pitcher (sic). And after the outcome of Mr. Pitcher's sentencing Mr. Cross decided he'd go ahead and enter a Plea. So I took some time and prepared him for his Plea.

App. 10/11 Lives 10/11. Plea Counsel James Cheek testimony at Petitioner's P.C.R. hearing was falsified and nothing more than hearsay.

(Petitioner and his Co-defendant Plead guilty before Judge Rosa L. Caudin on June 21st, 2011.

(2) Solicitor Hunter Called the Roll on June 21<sup>st</sup> 2011  
"in which Pettigrew and his Co-defendant Cross,  
was present at the same time." "nobody left  
The Courtroom until after they were sentenced."  
APP. 125 Lines 10-25, and 126, Lines 1-25, and 127,  
Lines 1-12.

This alone goes to show that James Check  
knew that he was going to be representing  
Pettigrew and Cross, because he is the guilty  
Plea Attorney, and nobody left the Courtroom.

(3) During Cross's Guilty Plea Solicitor Balsa told the  
Judge that:

This is the Co-defendant to Mr. Peltier. He  
also has restitution that he's agreed to Peltier should  
it be appropriate. Represented by Mr. Check as well."

APP. 133 Lines 22-25. This further goes to show that  
Check lied under oath. The Solicitor already knew  
that Check was representing [US]. Nobody still didn't  
leave the Courtroom to speak with no lawyers.  
"Siblings of Cross and attorney Check".

(4) The Court asked Mr. Co-defendant Cross:

Now you're here ~~with~~ today with Mr. Check. Does  
he represent you on both charges? Yes, Sir.  
Are you satisfied with what he's done? Yes, Your  
Honor.

APP. 134, Lines 20-24 nobody objected nor did they state  
we're waiting on somebody else to enter this  
Plea.

(5) The Court asked Mr. Check: I would assume that  
among the many things you would discuss with Mr. Cross  
you would discuss the nature of the charges and the  
elements of the crimes. The potential penalties that are in-  
volved and defenses that they might have. That he might be  
to these charges, as well as the limited possibility of a Parole

in these cases. Also of his rights under the Code. Is that a correct statement, Mr. Check? Mr. Check: Yes. Similar. Honor, we spent a "considerable" amount of time talking about coercion, and then, etc.

APP. 135, Lines 11-25, and APP. 136, Lines 1-2. This is directly to the contrary to what Plea Counsel testified to at P.C.R. hearings. Also if you'd read APP. 140, Lines 17-25 and APP. 141, Lines 1-17. Plea Counsel was handling Pettineros and Cross at the same time. These are not just words I'm speaking, but the record "entire record" shows that Check was handling the cases and lied to the P.C.R. Judge further his scheme, if you will. All I'm asking for is a fair shake. Please review the record from P.C.R. hearings and Jonathan Cross's guilty plea transcript, regarding the conflict of interest claim.

Proc. 3027-28  
MATT. 7.7

Eddie Pletcher #30366  
Lee C.I. ASU 8  
990 W. Sackville Hwy  
Richmond, SC 29100

Date: 10/29/2014

(3) of (3)

Eddie Pilcher #303016

Lee Cir. ASU 8

910 W. Sackety Hwy

Bishopville, SC 29010

The Supreme Court of South Carolina

Daniel S. Shearouse, Clerk of Court

Post Office Box 11330

Columbia, SC 29211

LEGAL MAIL ONLY