

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
L. Casey Manning, Circuit Court Judge

RECEIVED

OCT 22 2014

SC Court of Appeals

Case No. 2009-CP-40-04129

LAHBORN ALLAH,

Appellant,

v.

State of South Carolina,

Respondent.

NOTICE OF APPEAL

LAHBORN ALLAH ("ALLAH") appeals the September 8, 2014 Final Order of Dismissal of the Honorable L. Casey Manning, which ALLAH received through Service by Mail on September 23, 2014; a Written Explanation of Improper Determination is conjoined hereto for filing as required by SCACR 203(d)(1)(B)(v), and thereby timely consistent with SCACR 262(a)(2).

October 19, 2014

1/31 LAHBORN ALLAH

LAHBORN ALLAH

Other Counsel of Record:

Prisoner I.D. No.: 276542

Brian T. Petrano, Esq.

McC.I. - F.2-196-A

Asst. Atty. Gen., S.C.

P.O. Box 11549

386 Redemption Way

Columbia, SC 29211

McCormick, SC 29899

- Attorney for Respondent

- Appellant Pro. Se.

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Appellant,

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WRITTEN EXPLANATION
OF
IMPROPER DETERMINATION

LAHBORN ALLAH

Prisoner I.D. No. 276542

Other Counsel of Record:

M.C.I. F.2-196-A

Brian T. Petrano, Esq.

386 Redemption Way

Asst. Atty. Gen., S.C.

McCormick, SC 29899

P.O. Box 11549

- Appellant Pro. Se.

Columbia, SC 29211

- Attorney for Respondent

EXPLANATIONS OF IMPROPER DETERMINATION

As all directives, SCACR 243(c) requires "... sufficient facts, argument and citation to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper." ; ALLAH, thus, submits that :

D- Judge Manning's September 8, 2014 Order cannot align with McCoy v. State, 401 S.C. 363, 737 S.E.2d 623 (S.C. 2013) where ALLAH haphazardly filed numerous documents to develop an adequate record of ALLAH's claims before Judge Manning, and Judge Manning's September 8 Order contains no facts contending ALLAH's basis for filing another PCR - especially when ALLAH has been seeking to invoke the SCRCP in order to adequately develop those premises facilitating the action sub-judice, but was prevented from fully doing so by Judge Manning's above-noted Order. < see McCoy, 401 S.C. at 370, 737 S.E.2d at 627 ("... the PCR judge erred in granting the State's motion for summary dismissal because genuine issues of material fact exist

as to whether [Petitioner's] PCR claim is successive or untimely.") (quoted in relevant part) > .

CONCLUSION

• ALLAH can only invoke the Rules of Procedure as they are written ; Judge Manning's Order should be reviewed for Abuse of Discretion in light of McCoy, supra.

Respectfully Submitted,

/s/ LAHBORN ALLAH

LAHBORN ALLAH

• Prisoner I.D. No.: 276542

M.C.I. F.2-196-A

386 Redemption Way

McCormick, SC 29899

10 - 20 - 14
DATE

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LAHBORN ALLAH,

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SC Court of Appeals

PROOF OF SERVICE

I, LAHBORN ALLAH ("ALLAH") declare in the presence of below-signed Notary Public that I did deposit an Original draft of my 'Notice of Appeal' documents into the custody of the M^C.I. Mail Room Clerk (below-signed Notary Public) for a set of aforesaid documents to be immediately forwarded into the U.S. Mail System by sufficient Postage to Richland County Clerk of Common Pleas Court, Brian T. Petrano, Esq. (Asst. Atty. Gen., S.C., P.O. Box 11549, Columbia, SC 29211), on same date documents were so forwarded into the S.C. Court of Appeals for Filing.

Sworn and Subscribed to
before me this 20

day of October, 2014

1/s/ J. Franklin
Notary Public, South Carolina

* My Commission Expires: 12-16-2019

1/s/ LAHBORN ALLAH
LAHBORN ALLAH

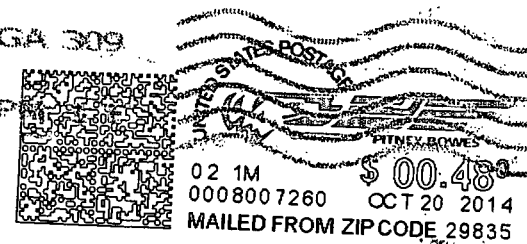
Prisoner I.D. No.: 276542
M^C.I. F.2-196-A

386 Redemption Way
McCormick, SC 29899

AHBORN ALLAN
Prisoner I.D. No.: 276542
M.C.I. F.2-196-A
386 Redemption Way
Cormick, SC 29849

AUGUSTA GA 309

20 OCT 2014 PM



Attn: - South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
Post Office Box 11629
Columbia, SC 29211

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SC Court of Appeals

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MAIL

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