

In The South Carolina
Court of Appeals

Appeal From Oconee County
Court of Common Pleas

R. Lawton McIntosh, Presiding Judge
Appellate case NO# 2014-001965

Roderick McRae, 236188

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NOV 03 2014

SC Court of Appeals

Petitioner

x

State of South Carolina

Respondent

Notice Written Explanation

Now comes the petitioner hereby moves before the South Carolina Court of Appeals pursuant to Notice Written Explanation that the petitioner does NOT have any other Remedies or Petition to seeks relief in the state court's and the petitioner has exhausted all state available Post-conviction Relief Remedies; see following grounds below Requesting Relief.

(1) sufficient evidence (proof to support convictions,

a Petitioner submits that since the stated failed to establish a Nexus between Petitioner and the bag by sufficient evidence, he is entitled to relief,

(2) solicitor (prosecutor) misconduct, a petitioner submits that the solicitor's act of introducing irrelevant evidence of guilt within it being exclusively supported by perjury-type.

(3). Judicial misconduct,

a. Petitioner submits that the trial Judge's decision to enter exhibits which were irrelevant to showing Petitioner's guilt, was a decision amounting to misconduct, in light of ultimate evidence entered which would support this court's grant of Demanded Relief.

Findings of Facts and conclusion of Law

Petitioner is seek A Habeas corpus Petition For Relief." Petitioner has exhausted state Court Remedies on PCR and does not have any other inadequate remedies because the Petitioner has exhausted his PCR Remedies and this Petition is succession Petition For writ of Habeas corpus that was filed in the circuit court but; It belong in the original Jurisdiction of S.C. Supreme court.

(4) Grand one

In sufficient Evidence (Proof) To support convictions.

Petitioner alleges that his current convictions of trafficking in cocaine, possession of a Pistol by a convicted Felon, and possession of marijuana stand upon sufficient evidence despite the decisional law of the United States Supreme Court holding that sufficient proof is required to support a criminal conviction - see Jackson v. Virginia, 443 U.S. 807, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979) - where the state hasn't established a sufficient evi-

dence despite the decisional law of the United States Supreme Court holding that sufficient proof is required to support a criminal conviction— see Jackson v. Virginia, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979) — where the state hasn't established a sufficient nexus between petitioner and the bag, in light of change purse found in bag, which any reasonable juror could've concluded as belonging to state's

witness Frazier instead of petitioner. [For an exhaustive 'prima facie showing' of this ground, mem of facts and law"]

pp. —, under "Ground one."]
procedurally, claims challenging the sufficiency of evidence cannot be raised in an application for post-conviction relief due to the proviso within § 17-27-20(a)(6), South Carolina Code of Law (1996), as amended; therefore, for exhaustion purposes relative to § 17-17-10 et seq., this action is proper for a review of petitioner's 'insufficient evidence' claim. see Simpson v. State, 329 S.C. 43, 495 S.E.2d 429 (S.C. 1998).

(ii) Grand Two:
solicitor (Prosecutor)
Misconduct.

Petitioner alleges that where the solicitor introduced evidence which was irrelevant to prove guilt (possession of bag), and also vouched for the credibility of witness Frazier, the solicitor committed misconduct calculated to deprive petitioner of a fair

trial. [For an exhaustive 'Prima Facie' showing of this ground, see "mem of Facts and Law", pp. —, under "

Ground Two, ..."]

Procedurally, the claim of solicitor (Prosecutor) misconduct raises an essentially proper Direct Appeal issue that has been declared 'barred' in an Application For Post-Conviction Relief under § 17-27-20(b) (1996, AS Amended) — accord Simmons v State 264 S.C. 417, 215 S.E2d 883 (1974). For exhaustion purposes, the instant action is proper for review of Petitioner's solicitor (Prosecutor) misconduct claim. Simpson, supra.

(iii) GROUND THREE:

Judicial Misconduct.

Petitioner alleges that the trial Judge committed an abuse of Discretion by allowing the irrelevant evidence to be presented to jury in support of state's case(s) against Petitioner despite the existence of facts in record which Judge could've excluded evidence from trial under provision of South Carolina Rules of Evidence 403. [For an exhaustive

As Petitioner's access to legal resources are severely limited, there is on judicial holding which defined a 'nexus' in factual points within the case itself.

Conclusion

Therefore Petitioner issues of Law can't be address in PCR and the Petitioner has submit Notice written Explanation asking the South Carolina Court of Appeals for "GRACE" and "MERCY" to set aside my life sentence and to granted the petitioner relief for a second chance Newtrial.

Granted or Denied

Dated _____ 2014 . s/ _____

V. CLAIR Allen
Deputy clerk

In The South CAROLINA
COURT OF APPEALS

Appeal From oconee county
COURT OF COMMON PLEAS

R. Lawton McIntosh, Presiding Judge
Appellate Case No. 2014-001965

Roderick, McRae, 236188.

Petitioner

VS

State of South CAROLINA

Respondent

Proof of Service

I certify that I Roderick, McRae, 236188
Hereby serving a true copy of the original
Notice written explanation upon the South Carolina
Court of Appeals v. Claire Allen Deputy Clerk
Post office Box 11629 Columbia, SC, 29211 by
Placing a true copy of original Notice
written explanation in the United States
mail.

SWORN before me this
Day 31 of OCT, 2014
Notary J. Franklin
Expires 12-16-2019

Attorney General office
John Walter Whitmire
ESS
Post office Box 11549
Columbia, SC, 29211-549

Roderick McRae
Roderick McRae 236188
386 Redemption way
McCormick, SC, 29899

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SC Court of Appeals

Roderick, McRae, 286188
386 Redemption Way
McCormick, S.C. 29599

Dated 10-31-14 2014

Appellate case No# 2014-001965

Dear Honorable V. Claire Allen Deputy
Clerk of Court of Appeals:

enclosed once again is the
original copy of Notice written explain-
ation, along with proof of service
which has been service upon the
Respondent's Attorney General office
Mr. John Walter Whitmire.

It would be a great honor if
you will returned to me a clocked-
dated stamped copy.

Respectfully Submitted
Matthew McRae

C.C. R. M.

C.C. H. V. C. A. D. C. C. A.

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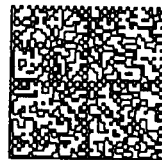
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SC Court of Appeals

Roderick, McRae, 236188
McCormick, Correctional Inst
386 Redemption way
McCormick, S.C. 29019

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SC Court of Appeals

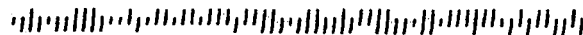
South Carolina Court of Appeals
Vicki Allen Deputy Clerk
Post office Box 11629
Columbia, S.C. 29211

Legal mail

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THE DEPARTMENT OF CORRECTIONS HAS NOT
INSPECTED OR CENSORED THIS ITEM; THEREFORE,
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY
FOR ITS CONTENTS.

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S.O. DEPARTMENT OF CORRECTIONS

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OCT 31 2014

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