

DEC 01 2014

S.C. SUPREME COURT

Plea counsel deficient performance prejudiced my defense because she
 allowed me to plead guilty to the crime when I have a 5th amend-
 ment right that assures that no person shall be compelled in any
 criminal case to be a witness against himself. Had plea counsel
 would have conducted her own investigation and reviewed all evidence
 she would have seen that Sgt Eddie Williams never read me my
 Miranda rights before, during or after questioning me of the alleged
 crime on video. Plea counsel should have asked trial to have a
 Jackson v. Denno hearing to the use of the confession and to
 have a fair hearing and reliable determination of the issue of
 voluntariness of the statement. If the hearing trial court judge
 would have ruled that the confession would have held that a defen-
 dant's constitutional rights were violated, once the court would
 have ruled that the confession could not be admitted into the evi-
 dence or the confessions used because of counsel's motion to suppress of
 the statement and the evidence stated within, then the state would
 have no evidence at all to prove its case to the jury beyond a
 reasonable doubt (B.P.R.D) in order for the jury to return a guilty
 verdict in favor of the state. The state would not have been able to
 prove malice aforethought or intent to the jury which are the elem-
 ents that are required for murder and attempted murder. Nor will
 the trial judge be able to charge the jury with these elements for
 the jury to go into the jury room to deliberate in order to return a
 guilty verdict in favor of the state. There would be no evidence
 for the state to prove its case. The state would have put the
 victims on the stand to try to prove its case to the jury beyond a

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reasonable doubt but the language of the statute of the crime shows that the individual that committed the crime was a masked man. There for the victims would not have been able to give a 100% exact identification. There is no other evidence to prove guilt that the state law provide to the jury beyond a reasonable doubt to render a guilty verdict. If plea counsel error is set to the side is there any evidence to prove guilt beyond a reasonable doubt? The answer is NO. There for I would not have elected to plead guilty. I would have elected to plead not guilty as I am and elected trial to be dropped in my incompetence as I am and let that presumption of incompetence be charged to the jury to place the state to its burden of proof that it could not uphold.

Plea counsel deprived me of my 5th 6th and 14th amendments of a fair trial. by apprising me that if I neglected to plead guilty I'd receive the death penalty when in all actuality there was never a notice of intent to seek the death penalty.

The 5th amendment requirement of proof beyond a reasonable doubt and 6th requirement of a jury verdict (Right to trial by jury)

I ask that this court acknowledge the fact that (P.G.R) court erred in finding trial counsel provided effective assistance of counsel because there is a reasonable probability that, but for (trial) counsel's professional errors, the result of the proceeding would have been different. And grant me my fair trial as the law assures me of.

Petitioner,

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