

The Supreme Ct. of S.C.

Daniel E. Shearouse

P.O. Box 11330

Columbia, SC 29211

Re # 2014-000557

Date: 11-26-14

Dear Hon. Clerk Shearouse

Please find enclosed for filing
my pro-se brief.

Would you be so kind as to
return me back a filed copy.

Thanking you in advance, I am

cc: personal lde

Sincerely
Thomas Porter

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County
J. Derham Cole, Circuit Court Judge
2014-000551

THOMAS EDWARD PORTER

Petitioner

VS

THE STATE OF SOUTH CAROLINA

Respondent

PETITIONER'S PRO-SE BRIEF FOR
WRIT OF CERTIORARI

Mr. Thomas E. Porter #318227

McCormick Corr. Inst.

Unit 4 Rm 192-A

386 Redemption Way

McCormick, SC 29899

ATTORNEY FOR PETITIONER

Kathrine H. Hudgins

INDEX

INDEX	1
ISSUE PRESENTED	2
STATEMENT	3
ARGUMENT	4-6
CONCLUSION	6

ISSUE PRESENTED

Whether the PCR court erred in ruling that counsel was not ineffective in failing to investigate Petitioner's case... and inform the court of Petitioner's jail time credits of 15 months

STATEMENT

For the record of this brief the
Petitioner agrees with his Appellate
Defender's statement upon her
Johnson petition for writ of certiorari.

ARGUMENT

Petitioner argue that the PCR court erred in ruling that counsel was not ineffective in failing to investigate his case.... when counsel failed to inform the court of his jail time credits of 15 months

SEE: App. p 59 L1 - L18.

Here, it is clear that the Petitioner was in fact arrested on April 1, 2008 for attempted armed robbery and possession of a firearm during a violent crime. SEE:

App. p 11 L23 - L24 And, Petitioner was also subsequently cited for violating

probation SEE: App. p 15 L 18 - p 19

Petitioner further argue that since his probation violation was an administer process, not a criminal one. He was still entitled to the time on the actual Charges he was arrested on, regardless the fact that he had to go back to the DOC on the parole violation first.

In the case at bar counsel never even mention Petitioner's jail time or jail time credits to the court SEE: App. p 27 - p 30.

Petitioner argues that its too clear that counsel did not have any clear sound reasons, why he did not tell the plea court of Petitioner's jail time

Credits. Which during Petitioner's PCR hearing, it's clear that counsel was very confused upon this issue, and did not give any clear sound reasons why he did not bring up Petitioner's jail time credits to the judge SEE App-p 120 L14 - p 103 - L15. Also see Allen v State 529 SE2d 541 and Blakeney v State 529 SE2d 9. But counsel agreed he was entitled to his jail time. See App 95 44 - 67

CONCLUSION

Based on the foregoing argument, counsel's motion to be relieve as Petitioner's counsel should be denied. And counsel ordered to fully brief her issue and Petitioner's, where he is entitled to 15 months of jail time credits.

Respectfully submitted

Date: 11-26-14

Thomas E. Porter

Petitioner

PROOF OF SERVICE

I Thomas Porter certify that I have served my pro-se brief/writ of certiorari upon the below Hon. Clerk of Ct. By placing the above said into the McCormick Inst. mail room on this 26th day of November to be placed in the U.S. mail with postage prepaid

the Supreme Ct. Clerk
Daniel E. Shearouse
P.O. Box 11330
Colo SC 29211

SWORN to before me
this 26 day of Nov. 2014 of Thomas Porter

J. Ninkles

Notary Public

my Commission Expires 12-16-2019

Thomas Porter #318797
F-4-192 -A-side
McCormick Correctional Institute
386 Redemption Way
McCormick, SC 29899

The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
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