

STATE OF SOUTH CAROLINA  
ANDERSON COUNTY

IN THE CIRCUIT COURT  
COURT OF COMMON PLEAS

2011-CP-04-1329

**RECEIVED**

DEC 12 2014

Albert C. Burgess, Jr., ]

Petitioner ]

]

vs. ]

]

NOTICE OF APPEAL-REQUEST

FOR APPELLATE DEFENDER

State of South Carolina, ]

Respondent ]

**S.C. SUPREME COURT**

The Petitioner, Pro SE, gives NOTICE OF APPEAL to the Final Order of this Court, after nearly FOUR YEARS OF WAITING. The Final Order was dated December 4, 2014. This Notice of Appeal was placed in the prison Mail Box on December 9, 2014.

NOTICE OF APPEAL

The Order of the Court, prepared for and written ex-parte by the Attorney General, who is in fact the Judge on all PCR's in South Carolina, is given notice that the Petitioner APPEALS THIS ORDER.

REQUEST FOR APPELLATE DEFENDER

The Petitioner moves to be appointed the Appellate Defender for the following reasons:

1. The LATEST ruling of this Court and the South Carolina Supreme Court should be in the ruling LAW that this Court applies. There is no STATUTE OF LIMITATIONS Codified in South Carolina law. The

latest ruling of the Supreme Court has to apply to the Petitioner. This Ruling was made after a non-biased Judge, a judge who did not curse counsel for the Petitioner during the PCR hearing and a Judge who fairly applied the law, as did the South Carolina Supreme Court.

In summary, the latest ruling of the Supreme Court, affirming the lower court, WAS NOT PREPARED NOR DICTATED BY THE ATTORNEY GENERAL, much to his chagrin.

2. ~~The Principles of law, contained in the Instant PCR show~~ that this Petitioner is still suffering consequences of the illegal conviction he suffered in Anderson County in 1985. The Police LIED to a magistrate judge to obtain a search warrant to search the Petitioner. They were held accountable for this LIE by this Court when Clinkscales was ordered released. Now, the same illegal actions have been used to enhance the Petitioner's FEDERAL SENTENCE. By LAW, the Petitioner has one year to contest this illegal sentence and it was TIMELY DONE. Now, this Court, has allowed the Attorney General to dictate the proceedings and to dictate the order that the court so willingly signed, without counsel or any sort of protection for the Petitioner.

3. The Order written by the Attorney General, who stalled the case for nearly four years, is legally insufficient. The Petitioner is still suffering consequences, unlawfully, for the 1985 convictions. The Petitioner is entitled to representation by counsel in this appeal and so moves the South Carolina Supreme Court to appoint the Appellate Defender to represent him in this

4. The 2000 ruling of the South Carolina Supreme Court almost completely ended an injustice committed by nefarious people working as police officers and Investigators for the Anderson County Solicitor. The LAW was ignored by these people and the Petitioner has paid the price.

5. The bottom line is that the Petitioner's arrest and search of his home were illegal as the police HAD LIED TO THE MAGISTRATE JUDGE TO OBTAIN THE SEARCH WARRANT.

6. ~~There is no statute of limitations on justice and the fact that the Petitioner is STILL suffering under the illegally obtained 1985 convictions, is in FACT a COGNIZABLE JUSTIFICATION~~ for filing an untimely PCR.

7. Let this Court remember that both the Attorney General and the Law Clerk for Judge Maddox CLAIMED THERE WAS NO PCR EVEN PENDING. JUSTICE IS NOT BLIND IN THIS CASE.

Wherefore for cause shown, the Petitioner moves for appointment of the Appellate Defender as he is a pauper and is entitled to counsel.

This the 9th of December, 2014.

  
Albert C. Burgess, Jr.

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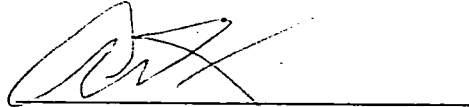
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CERTIFICATE OF SERVICE

I do certify that a true copy of this pleading was sent to  
the Judge/Attorney General, POB 11549, Columbia, S. C. 29211  
on this the 9th of December, 2014.



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Albert C. Burgess, Jr.

Name: ACB Number: 88539-011  
Low Security Correctional Institution  
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