

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

appellate No;2014-000737

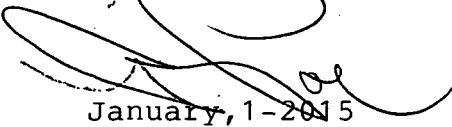
Cover Letter,

Dear Mr,Shearouse:

Please find inclosed (1) clarification to
ex parte motion with exhibits to be amended to orginial motion.

Thank You,

Signature,

A handwritten signature in black ink, appearing to be "J. Lee", written over the printed text "Signature," and "January, 1-2015".

January, 1-2015

RECEIVED

JAN 02 2015

S.C. Supreme Court

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Richard Keith Poe,259297

APPELLATE No;2014-000737

VS.

Certificate of,
Service

State of South Carolina

As of this Day of,January 2-2015.I have placed in US regular
Mail upon the Supreme Court Clerk for filing (1) clarification
Amendment to Ex Parte motion,with exhibits.York County Clerk
served same.

Richard k. Poe,259297
Evans Correctional
610 Hwy 9 West
Bennettsville SC,29512

Signature,


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JAN 02 2015

S.C. Supreme Court

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Richard Keith Poe,
Petitioner

VS.

State of South Carolina
Respondent

Appellate No;2014-000737

"Clarification Amendment
to,
Ex Parte Motion

Now Comes, Richard Keith Poe petitioner in above matter filing clarification regarding "EX PARTE MOTION" Dated January, 2-2015.

FACTS

(1) Petitioner, was sentenced on June, 4th of 2013. There is a transcript of record of events before this Honorable Courts review in case mentioned above.

(2) Petitioner's Post Conviction relief hearing was conducted on January, 22-2014. There is a transcript of record available before this Honorable Courts review in case mentioned above.

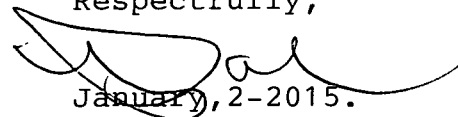
(3) Petitioner underwent a hearing conducted on April, 1-2013 in the Sixteenth Judicial Circuit in front of the Honorable Lee S. Alford, and Solicitor Misty Shelton, in which is not part of the record "transcript" missing from the record. Preventing appellate review altogether of facts therein. "See, exhibits; app, 154(7-9) also, App, 161(7-24), App, 162(1-25).

Petitioner's motion for expenditure of funds should be granted.

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JAN 02 2015

Respectfully,


January, 2-2015.

S.C. Supreme Court

Richard Poe - Redirect by Mr. Hemlepp

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1 heard about that offer of five years?

2 A I heard of that offer when Miss Shelton during my
3 sentencing from Judge Hayes and she says if I can remember that
4 there was even an offer of five years. I was never offered a
5 five-year sentence. Mr. Cronin never mentioned it because
6 considering the circumstances I would have taken it.

7 Q In April of 2013 was there a hearing held in this
8 courthouse with you and Mr. Cronin?

9 A Yes, sir.

10 Q Before you continue, what was the nature of the
11 hearing?

12 A I am not really -- no, I am sorry. I was brought
13 upstairs and placed in holding cell hear. I was brought in to
14 hear. Mr. Anyone was hear before Judge Lee Alford, Miss Shelton
15 was in here. They had pretty much told the judge that think had
16 loss the Court Order several months prior to ordering me to be
17 evaluated and I guess they were re-asking for the Court to
18 re-issue another Order and at that time Judge Alford should have
19 had my motion that I -- or my letter I wrote directly to him
20 concerning Mr. Cronin representing me. And I asked for him to
21 remove him. If I can remember Judge Alford's very words to Mr.
22 Cronin was, Mr. Cronin all this gentlemen is asking of you is
23 when you are here at this facility is go down to the jail and
24 see him.

25 Q Now, I will stop you at this time. There was a

1 hearing?

2 A Yes.

3 Q In front of Judge Alford regarding the competency
4 evaluation?

5 A Yes.

6 Q And at that time Judge Alford also heard your request
7 for having new counsel?

8 A He never addressed that directly because he never
9 addressed my letter I write to him, but he did address Mr.
10 Cronin.

11 Q There was no ruling on your letter?

12 A No, sir. He told them to re-issue and get the
13 paperwork asap to send to Columbia to wherever they need to go
14 and he did look at Shawn and he said Mr. Cronin all this
15 gentlemen is asking of you is when you are here at that facility
16 is to go down to the jail and see him and discuss this case.

17 Q Thank you, Mr. Poe.

18 A And it should be on record.

19 MR. HEMLEPP: Answer any questions that the
20 Attorney General may have.

21 THE COURT: Is there recross?

22 MR. JOHNSON: No.

23 THE COURT: Sir, you may step down.

24

25 MR. HEMLEPP: Petitioner would rest.

1 Q And that is not actually before the Court right now.
2 However the procedural matter that he had written to ask that
3 you be relieved, and you just testified that you were going to
4 seek to have a hearing on that. Was a hearing conducted?

5 A No, because we patched pit up and he wanted me to
6 continue as counsel.

7 Q Were there any hearings in front of Judge Alford in
8 this case?

9 A I don't recall.

10 Q Okay. Now, you testified that at your initial
11 discussion with Mr. Poe that he had brought up the issue about
12 being mischarged?

13 A Uh-huh.

14 Q And you had seen --

15 MR. HEMLEPP: May I, Your Honor?

16 THE COURT: You may.

17 Q You had seen in the Discovery the copy of the warrants
18 in this case?

19 MR. JOHNSON: Which warrant is this, Mike?

20 MR. HEMLEPP: Burglary first, the one that was
21 admitted into evidence as Petitioner's one.

22 MR. JOHNSON: All right. Thanks.

23 A What was the question?

24 Q You got that as part of Discovery?

25 A I believe so, yes.

Shawn Cronin - Cross by Mr. Hemlepp

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1 Q What was your rationale for that?

2 A I didn't see where it would benefit the defense.

3 Q Okay.

4 A Because the things that he wanted me to investigate
5 were collateral matters to this. They had to do with other
6 crimes committed by other witnesses.

7 Q Okay. Okay. Mr. Poe when he testified testified that
8 you always -- the conversations that you had, that your
9 relationship was difficult from the beginning. Would you agree
10 with that?

11 A No. I mean, it was difficult to make sure that he was
12 understanding me. As far as a bad relationship, there was one.
13 He had written a letter to me asking me to apply to be removed
14 from his case. I said we can apply to do that. We will go
15 ahead and do that and he kept calling, calling, calling, and I
16 was going to get him before the judge so I can be relieved of
17 counsel and go on and there was one conversation where he was
18 shouting at me and I believe I raised my voice at him and I
19 said, fine, if you want a new lawyer get a new damn lawyer.
20 Something like that. And I admit that was a -- you know, I
21 shouldn't have done that. Then I went to go see him. We
22 patched things up and he agreed to go on with the defense and he
23 wanted to keep me as his lawyer so I agreed.

24 Q And of course in criminal cases feelings run high?

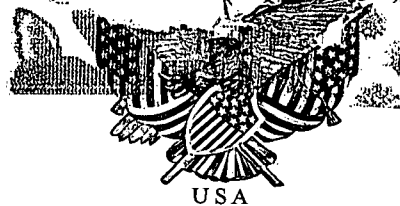
25 A Right.

Richard K. Poe, #259297
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610, Hwy 9 West
Bennettsville Sc, 29512

COLUMBIA SC 290

31 DEC 2014 PM 4 L

DEC 31 2014



Supreme Court
Mr, Shearouse
PO, BOX#11330
Columbia SC, 29211

Legal

29211133030

