

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

2014-002688

RECEIVED

JAN 20 2015

Albert C. Burgess, Jr.]	APPEAL FROM ANDERSON COUNTY
Appellant]	S.C. SUPREME COURT
]	
vs.]	COMPLIANCE WITH ORDER OF
]	THE CLERK-RULE 243 (c)
The State of South Carolina]	
<u>Appellee</u>]	

TO: The Clerk of Court

First and foremost, the Appellant, a Federal Inmate has absolutely NO ACCESS TO EITHER THE INTERNET OR TO THE CODE OF LAWS OF SOUTH CAROLINA OR THE RULES OF THIS COURT. NONE!!

The Clerk asked for the grounds for Appeal and why the Circuit Court erred in its ruling.

This is the case:

1. This Appellant was arrested based on a search warrant that included references to expunged and illegally obtained convictions. And, the Investigator for the Anderson Solicitor's Office KNEW as much.

2. The Appellant's search warrant was then attached to a search warrant that allowed the police to arrest and search William N. Clinkscales, Jr.

3. This Appellant presented this issue in a PCR filed in

1987. The PCR was heard by a Judge who told the Appellant's attorney, during the Evidentiary Hearing, "Damn you and your objections." This is on the record.

4. The Appellant was denied relief and this was affirmed all the way to the Fourth Circuit.

5. THEREAFTER, Clinkscales filed his PCR, worded it properly and it was heard by an impartial judge.

6. Clinkscales was GRANTED relief on the exact same issue that this Appellant WAS DENIED RELIEF.

7. This Court AFFIRMED the Order of the PCR Judge in the Clinkscales matter and he was released from prison.

8. At that time, the Appellant tried to challenge his own convictions based on the LATEST RULING OF THIS COURT. No attorney would take the case saying the Petitioner had no standing. Also, the Petitioner had a previous conviction in 1971 which would have kept him on the Sex Offender Registry regardless.

9. In 2008, the Appellant was arrested again and again the Federal Government agents used the illegally obtained convictions to create probable cause and to enhance his sentence.

10. By Federal law, the Appellant had ONE YEAR to file any challenge to the convictions, the 1985 Anderson County ones. And this PCR, filed in 2011 followed. It took the Anderson Circuit Court over 3½ years to issue a denial. There was no appointment of counsel and no hearing about the allegations.

11. The thrust of the matter is that the LATEST RULING OF

THIS COURT is the one which has authority. That the 2000 ruling of this Court overruled the 1988 or 1989 rulings of this Court.

12. But, that any approach, the use of the UNCONSTITUTIONALLY OBTAINED AND EXPUNGED CONVICTIONS against the Appellant were just as illegal when they were used against Clinkscapes.

13. The Lower Court ignored all these arguments and merely ignored the facts and law and insisted the PCR Application was untimely and successive. However, under Federal Law, the Appellant has ONE year following his conviction in Federal Court to challenge the illegal convictions in STATE Court. The Appellant Court's decision in the 2000 ruling on Clinkscapes, must apply to the Appellant. It would be unfair and contrary to law to say that the use of the illegal convictions to arrest the Appellant was legal but illegal when used to arrest Clinkscapes. Remember that the search warrant of this Appellant was attached to the search warrant to arrest Clinkscapes.

If this Court needs to see copies of the Orders in the Clinkscapes case, the Appellant may produce them.

14. The legal problem with this entire matter is that this Appellant has NO legal counsel and NO access to South Carolina Law. Considering this, the Lower Court erred in not appointing him counsel, rather allowing the Attorney General to steam roll another PCR through the Court, this time very slowly.

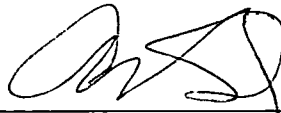
15. The Appellant moves this Court to allow the Appellate Defender to represent him and to be allowed to more fully brief these issues.

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16. This Appellant is still suffering from the expunged convictions used against him in 1985 and is suffering from the 1985 convictions, which THIS COURT HAS RULED WERE ILLEGALLY OBTAINED when the Police lied to obtain a search warrant against this Appellant.

Wherefore for cause shown, the Appellant prays the Court will appoint him counsel to represent him in this matter now pending before this Court.

Respectfully submitted this the 15th of January, 2015.



Albert C. Burgess, Jr.

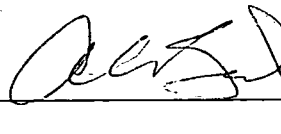
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CERTIFICATE OF SERVICE

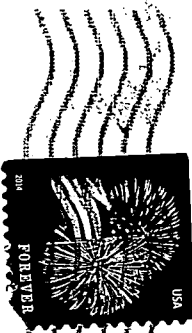
I do certify that a true copy of this pleading was sent by first class mail to the Attorney General of South Carolina, POB 11549, Columbia, S. C. 29211 on this the 15th of January, 2015.



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