

EXPLANATION PURSUANT TO SCACR 243(c)

Now comes the Appellant pursuant to the South Carolina Appellant Court Rules 243(c), providing an explanation why the Ruling/Order was improper.

1. Appellant would show this Honorable Court that the PCR Court erred in dismissing his application as successive. See S.C. Code Ann. 1976 §17-27-90; Tilly v. State, 334 S.C. 24, 511 S.E.2d. 689(1991) In order to be entitled to a Successive Post-Conviction Relief Application, the Applicant must establish that the grounds raised in the subsequent application could not have been raised in the previous application, and see Final Order of Dismissal.

2. The PCR Court determined Appellant had the opportunity to address all issues at his first PCR Application on May 1, 2001. Appellant asserts that no State Court has addressed the issue of ineffective assistance of Plea and PCR Counsel. The PCR Court ruled that Martinez is limited to Federal Habeas Corpus Review and is not applicable to State Post-Conviction Relief Actions. Appellant asserts until the Martinez decision of 2012, he had no prior knowledge he could address the issues at either stage. Appellant has not had this issue addressed and could not raise in Habeas Corpus without first raising the issue in the State Court of South Carolina. Further, Appellant's claims have not been addressed or specifically ruled upon. See S.C. Code Ann. §17-27-80; Pruitt v. State, __S.C.__, 423 S.E.2d. 127(1992), PCR Application and all Supporting Documents.

3. Appellant would show this Honorable Court by the preponderance of the evidence that Counsel's Affidavit is ambiguous. Appellant presented a copy of the Plea Transcript. The Court as evidenced accepted Appellant's plea to multiple charges as one charge. The Record does not support Plea Counsel's offered Affidavit that he did not say Appellant would be Parole eligible nor does the record reflect that he was sentenced or counseled that he had no Parole or would be Parole ineligible. See Bordeaux v. State, S.E.2d. 2014WL54630543.

4. Appellant asserts that the issue of noncompliance of Rule 3(c), SCRCRimp were grounds for Default, violation of due process and prejudicial to the Appellant in that he may not have ever been indicted and charged to begin with. The reasoning that the Rule of Law does not have to be followed is unsound as well as fundamentally unfair to the Appellant. See Evans v. State, 363 S.C. 495, 611 S.E.2d. 510(S.C.2005).

Respectfully Submitted,

/s/ Roger Dale Navy
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