

State of South Carolina

In The Supreme Court

Certiorari : to Chas. Co.

R. Markley Dennis, Jr. Cir. Judge

Dashaud Samel Luck,
petitioner

v.
State of South Carolina,

Respondent.
Appellate Case # 2014, 001762

Pro Se
Petition for Writ of Certiorari
*(Response to Petition By Counsel.)

Dashaud S. Luck
Petitioner, Pro Se

Index

Index	1
Issue Presented	2
Statement of facts	3-4
Argument	5
Conclusion	6

Issues Presented

I. Whether Appellant is Entitled To Be Tried By A Jury And Thus Challenge The States' Evidence or a Lack Thereof

II. Whether Trial Court Lacked Jurisdiction To Try Petitioner In His Absence, When Evidence Existed He Had Never Been Properly Served Notice of Court Appearances?

III. Whether Trial Court Erred In Trying Petitioner in His Absence When the Evidence In The Record pointed to Clear or "[Plain Error]" on the part of His Counsel in Failure to Inform Him of Court Appearance? (Counsel Admitted He Did.)

IV. Whether Petitioner's Conviction and Sentence Should be Reversed and Remanded?

* * * * *

Statement of Facts

Petitioner, Luck Respectfully Contended He Had Never Received Proper Notice of any Upcoming Court Appearances From His Attorney of Record. He was Tried in His Absence and sentenced to a Term of 10 (ten) years for the Crime or Offense(s) of: Armed Robbery and Possession of a Weapon dur. Commission of a Violent Crime.

His Counsel of Record was one; Mark Archer who "[said]" Specifically that He would Advise him of any and all upcoming Court Appearances. This is the Crux of Petitioner's Contentions that the Lower Court [Circuit Court] was without Jurisdiction to try him in his Absence when the Factual Evidence Demonstrates that a Genuine Issue of a Material Fact existed to Preclude the Sentence Which was Rendered, which Denied Petitioner the Right to Be Tried by a Jury of his Peers. It is the states sole position that Petitioner Forfeited said Right by his Failure to Appear, which is Incorrect as Afforementioned. Petitioner Contended He Should be entitled to Challenge the Sufficiency of the States Alleged Evidence

Petitioner, Luck would Respectfully contend that his Appellate Counsel of Record Filed a JOHNSON Petition to Be Relieved As Counsel after Submitting a Writ of Certiorari on his behalf to Appeal the ruling of the PCR Court at his April 16, 2014, Evidentiary Hearing before Judge Dennis. Said Attorney only alleged one Issue of which this Honorable Court has Ruled On. Appellate Counsel alleged Petitioners Appeal is Without Merit.

This Pro se Writ of Certiorari follows and would Demonstrate to this Honorable Court; It Does Have MERIT.

ARGUMENT
° (Law/Analysis) °

In State v. Ritch, South Carolina Supreme Court ruled that; the Trial Judge who sentenced the Defendant in His Absence Failed to Find before Convicting Him the He received [Notice] of Right to specifically be Present at Trial.

The Judge Did ~~Not~~ Give Notice of WARNING and that Defendant would be tried in his absence should he fail to appear.

The Defendants Conviction was Reversed (OverTurned).

See State v. Ritch, 292 S.C. 75, - 334 S.E. 2d 909

Also See State v. Jackson, 288 S.C., - 94, 341 S.E. 2d 376 and the case of State v. Fleming, 287 S.C. 261, - 335 S.E. 2d 814 (Ct. App. 85).

See Also the Matter of; State v. Roberson, 371 S.C. 334, 638 S.E. 2d - 93 (S.C. App 2006)

In criminal cases, the Appellate Court only reviews errors of Law and is clearly bound by the Trial Courts' factual [394 S.C. 499] findings unless the Finding are Clearly erroneous.

A defendant is entitled to a Directed verdict when the State fails to produce evidence of the Offenses Charged. See State v. Weston - 367 S.C. 279

Conclusion

For the Afforementioned Legal Contentions and Facts, Petitioner Respectfully Prays the Honorable Court Would Vacate, Reverse and/or Remand His Case.

Respectfully,

~~Dashaud Luck~~
Dashaud S. Luck
#351475, Petitioner

To: Hon. Daniel E. Shearouse
South Carolina Supreme Court
P.O. Box 11330, Columbia, S.C. 29211

Re: Lock v. State, Appellate # 2014-001762.

Dear Mr. Shearouse:

How Are you, sir?;

In a letter dated February 18, 2015, from this Honorable Court, I was directed to within 45 (forty-five) days of said date to file with the court my pro se Response to petition for writ of Certiorari filed by Attorney of Record, one;

Tiffany L. Butler, Appellate Defender who submitted a JOHNSON petition Briefing or arguing my case dated February 17, 2015. (Her petition).

Please forward your disposition in this matter or regard A.S.A.P.

Thank You,

✓ Dashaud S. Lock
Dashaud S. Lock, #351475

MacDougall Corr Inst.

1516 Old Gilliard Rd

Bridgeville SC 29472, Petitioner.

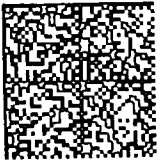
RECEIVED

MAR 31 2015

S.C. Supreme Court

Dashwood S. Luck #351475 C1B9B
MacDougall Corr. Inst.
1516 Old Gilliard Rd
Ridgeville SC 29472

To: Hon. Daniel E. Shearouse, Clerk of Court
South Carolina Supreme Court
P.O. Box 1330
Columbia, SC, 29211



UNITED STATES
FOREVER
PRIMEY BOWEN
02 1P \$ 000.200
0003167712 MAR 27 2015
MAILED FROM ZIP CODE 29472

© USPS 2013

THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT



The Department of Corrections has not
censored this item, therefore, the Department
does not assume responsibility for its
written contents - MacDougall Correctional
Institution.