

State of South Carolina
County of Williamsburg

Renwick Mose, #271319
Applicant,

V

State of South Carolina,
Respondent.

In The Court of Common Pleas
For The Third Judicial Circuit

Appellate Case NO. 2015-000609

S.C.A.C.R. Rule 243(C)
Certiorari To Review Post Conviction
Relief Actions

RECEIVED

APR 14 2015

S.C. Supreme Court

Pursuant to S.C.A.C.R. Rule 243(C): Certiorari To Review Post Conviction
Relief Actions.

Argument

Applicant asserts first and foremost, that he filed his P.C.R. Application in a timely manner by personally placing it in the hands of the mail room staff, Ms. Mischa Michel, on February 18th 2014. Which is also on the day it was notarized by the Notary Public. (See P.C.R. Application Page 8 for proof.) And it was deemed to be sent out on that same exact day, which is a standard procedure ^{at} the mail room here at Lee. C. I.

As the courts have ruled under Houston v. Lack 108 S. Ct. 2379 (1988) Also see Lewis v. Richmond City Police Dept. 947 F. 2d 733 (1991)

Once the applicant place the application in the mail it is deemed filed by the courts under "mail Box rule." The applicant filed his P.C.R. application on February 18th 2014 (See Affidavit of the applicant.) The clerk of court filed P.C.R. application on March 10th 2014. From the time petitioner mailed out P.C.R. application since February 18, 2014 up until March 7, 2014, that was (17) days in between. Consequently, applicant did not have no control over the mail once it was sent out, which was on February 18, 2014

At the time of filing applicants P.C.R. application the institution was on lock down. I had to be escorted to the mail room by C.T. Bradley to get the P.C.R. application notarized and sent out on Feb., 18, 2014

IN conclusion

Therefore, applicant has put forth that he was sworn that his P.C.R. application was filed in a timely manner and it should not be dismissed because I was not responsible for the mail after it was sent out.

Respectfully Submitted

S. Renuick Mose

Date. March 12, 2014

Cc

Exhibit 1

AFFIDAVIT

On February 18, 2014 I went to the institutional mailroom to get my P.C.R. application notarized and sent out on the same day because I never received it back after getting it notarized. It was deemed to be sent out to my knowledge from that point.

However, the expiration date for my PCR application was due to be in the clerk of court's office by March 7, 2014, which was already sent out ever since February 18, 2014.

The Attorney General's Office responded to my PCR application alleging that my PCR application was sent in after the expiration date.

My PCR application reflects the date that the mail room staff witnessed, by notarizing and receiving my application to be mailed out on February 18, 2014 at Lee Correctional Institution mail room.

On the 8th of October I had to report to Associate Warden Sharp Office to further investigate the situation in reference to the date my PCR application was sent out. He contacted different parties with the intentions to locate the actual date and stamp that was on the envelope for proof that I was not at fault or responsible for the date it arrived at the clerk of court, when I sent it out ever since February 18, 2014, which clearly shows I was not responsible.

Moreover, Ms. Sgt. Goodmen relayed the message that Associate Warden Sharp conducted his investigation and discovered that the PCR application was actually sent out on February 18, 2014 and the envelope has the same exact date above based on the day that it left Lee Correctional Institution to be mailed to Bishopville Post Office.

s/ Perrick Mace

SWORN or affirmed to and subscribed before me this

5 day of Dec, 2014

Dennis Sines
Notary Public

My Commission Expires: 11-4-2015

Certificate of Service

I Renwick Muse do here by swear that I did place in the United States mail on the 10 day of 2014 a copy of this enclosed motion to the Clerk of Court and the Attorney General of the State of South Carolina at the addresses below.

Ms. Sharon W. Stagers
Clerk of Court
Williamsburg County
125 West Main Street
Kingstree, SC 29556

SC Attorney General's Office
Post Office Box 11349
Columbia, SC 29211

Mr. Jeffrey Young
Chief Judge Administrative purposes
Third Judicial Circuit

S/ Renwick Muse

cc

STATE OF SOUTH CAROLINA)
COUNTY OF WILLIAMSBURG)

IN THE COURT OF COMMON PLEAS



RENWICK D. MOSE, SCDC #271319

14 CP45 125

Case No.:

Applicant.

Vs.

A CERTIFIED TRUE COPY

Sharon W. Staggers

APPLICATION FOR

STATE OF SOUTH CAROLINA SHARON W. STAGGERS
CLERK OF COURT
WILLIAMSBURG COUNTY

POST-CONVICTION RELIEF

FILED
MARCH 10 AM 11:36
WILLIAMSBURG COUNTY
SOUTH CAROLINA

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly and handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Lee Correctional Institution, Bishopville, S.C.
2. Name and location of Court which imposed sentence General Sessions, Kingstree, SC
3. Names(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence is imposed:
 - (a) 2011-GS-45-0105 — Assault (1st degree) and Burglary 1st
 - (b) N/A
 - (c) N/A
5. The date upon which sentence was imposed and the terms of the sentence

~~FILED~~

- (a) March 7, 2013, 10 yrs. running concurrent with 12 yrs.
- (b) N/A
- (c) N/A
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty X
- (b) after a plea of not guilty N/A
- (c) after a plea of nolo contendere N/A
7. Did you appeal from the judgment of conviction or the imposition of sentence?
- No
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. N/A
- ii. N/A
- iii. N/A
- (b) the result in each such Court to which you appealed:
- i. N/A
- ii. N/A
- iii. N/A
- (c) the date of each such result:
- i. N/A
- ii. N/A
- iii. N/A
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. N/A
- ii. N/A
- iii. N/A

9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Attorney neglected to advise me of my right to one.
 - (b) N/A
 - (c) N/A
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) A violation of my 14th Amendment right to procedural process.
 - (b) A violation of my 6th Amendment right to effective assistance of counsel.
 - (c) A violation of my 6th Amendment right to a speedy trial.
 - (d) A violation of my 5th Amendment right to properly be indicted by Grand Jury.
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) My right to be present at open and fair procedural hearing for my preliminary hearing.
 - (b) My plea was made unknowingly and involuntarily, resulting from duress from my attorney, and I was pressured into a plea without being fully disclosed of the exculpatory evidence by my attorney.
 - (c) There was a pre-indictment and a post-indictment delay in my case that lawyer did not pursue or even try to challenge.
 - (d) I was not properly indicted by Grand Jury.
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? _____
 - (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
 - (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
 - (d) any other petitions, motions or applications in this or any other Court? No
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. N/A

ii. N/A

iii. N/A

iv. N/A

(b) the name and location of the Court in which each was filed:

i. N/A

ii. N/A

iii. N/A

iv. N/A

(c) the disposition thereof:

i. N/A

ii. N/A

iii. N/A

iv. N/A

(d) the date of each such disposition

i. N/A

ii. N/A

iii. N/A

iv. N/A

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. N/A

ii. N/A

iii. N/A

iv. N/A

14. Has any ground set fourth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identity:
- (a) which grounds have been presented:
- i. N/A
- ii. N/A
- iii. N/A
- (b) the proceedings in which each ground was raised:
- i. N/A
- ii. N/A
- iii. N/A
16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:
- (a) As to all the grounds set out in 10, my plea attorney did not inform me of my right to a direct appeal.
- (b) N/A
- (c) N/A
17. Were you represented by an attorney at any time during the course of:
- (a) your arraignment and plea? Yes
- (b) your trial, if any? N/A
- (c) your sentencing? Yes
- (d) your appeal, if any from the judgment of the conviction or the imposition of sentence? N/A
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? N/A
18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
- i. Mr. Cezar Edward McKnight, 106 E. Main Street, S.C. 29560
- ii. N/A
- iii. N/A

(b) the proceedings at which each such attorney represented you:

i. Plea Hearing and Sentencing

ii. N/A

iii. N/A

19. State clearly the relief you seek in filing this application:

Remand for Trial and/or Renegotiate Sentence.

20. Are you now under sentence from any other court that you have not challenged?

No

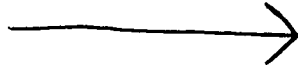
STATE OF SOUTH CAROLINA)
)
COUNTY OF LEE)

VERIFICATION

I, Renwich D. Mose, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Renwich Mose
Renwich D. Mose, #271319
Lee C.I. - Florence N. 1140
990 Wisacky Highway
Bishopville, S.C. 29010-1175

Renwich Mose



SWORN to and subscribed before me
18th day of February, 2014.
Mischa Michel (L.S.)
Notary Public for South Carolina
My commission Expires:
9-3-2014 _____

FILED
MAR 10 AM 7:36

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, Renwick D. Mose, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefore. In support of my application I declare under penalty of perjury that the following facts are true:

~~(1) I am the applicant in this action and I believe I am entitled to redress.~~

(2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Renwick Mose
Renwick D. Mose, #271319
Lee C.I. - Florence N. 1140
990 Wisacky Highway
Bishopville, S.C. 29010-1175

Renwick Mose

FILED
MAR 10 AM 7:36

SWORN to and subscribed before me

18th day of February, 2014.

Micha Michil (L.S.)
Notary Public for South Carolina

My commission Expires:

9-3-2014

0606611252

#271319

Mr. Ken...
Lee C. F. F-5 / DJ-137
990 W. Sackey Hwy.
Bishopville SC 29010

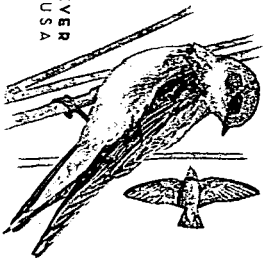
The Supreme Court of South Carolina

Daniel E Shearouse, Clerk of Court

P.O. Box 11330

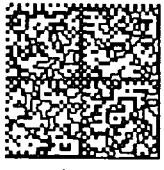
Columbia SC 29211

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USA



Bank Swallow

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SC 29011
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