

Exhibits (1) AND (2)

Herein

RB,

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHEROKEE) SEVENTH JUDICIAL CIRCUIT

Ricky Brannon, #179051) C/A No.2013-CP-11-0181
Applicant,)
-Vs-) NOTICE OF MOTION AND MOTION FOR
State of South Carolina) RECUSAL FOR GOOD CAUSE SHOWN
Respondent)
_____)

COMES NOW, above captioned Applicant, pro-se herein respectfully asking Your Honor (Judge J. Derham Cole) to recuse himself from any participation in the above captioned civil action due to Your Honor's [prior] presiding over Applicant's Original PCR which is the substance of pending litigation in the United States District Court of South Carolina pursuant to 28 USC §2254 federal habeas petition for writ of habeas corpus.

The instant, above captioned civil action is being pursued based on the inactions of State Statutory (Rule 71.1(d), SCRPC), appointed PCR Counsel (Mr. Rodney Richey, Esquire), in that Mr. Richey's inactions and negligence where Mr. Richey utterly failed to obtain the discovery which was granted during the prior PCR hearing, and failed to ensure [all] of Applicant's claims were properly raised, ruled upon and preserved, which are now being denied in federal court as defaulted.

Applicant therefore, believes Your Honor should [not] participate in the instant civil matter due to Your Honor's prior presiding over Applicant's original PCR and the reasonable probability of the potential conflict of interest and therefore, Applicant would respectfully ask Your Honor to recuse himself from the instant matter and the Attorney General's "proposed Final Order" that is presently before Your Honor.

Our Court in *Floyd v. State*, 303 S.C. 298, 400 S.E.2d 145(1991), has consistently held that whenever a Judge has sat over [any] prior proceedings, i.e trial, or PCR, upon a motion by the Applicant the judge shall recuse himself, (emphasis original).

Therefore, Applicant would respectfully ask Your Honor to recuse himself from participating in the instant matter, to include but not limited to, presiding over any hearing that is granted and especially the "signing" of any "proposed order" submitted to Your Honor.

CONCLUSION

WHEREFORE, based upon good cause shown and Applicant's request and motion, Applicant would respectfully move Your Honor to recuse himself from the instant civil action.

Respectfully Submitted,

/s/ Ricky Brannon

Ricky Brannon

Applicant, pro-se

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHEROKEE) SEVENTH CIRCUIT

Ricky Brannon #179051) C/A NO.2013-CP-11-0181
Applicant,)
-vs-) APPLICANT'S OPPOSITION AND
State of South Carolina) REPLY TO THE STATE PREPARING
Respondent,) A PROPOSED FINAL ORDER
_____)

COMES NOW, above captioned Applicant, pro-se, respectfully lodging his opposition and reply to the State preparing a proposed order for Your Honor. In support of this Opposition, Applicant would respectfully show unto this Court the following:

(1). Applicant filed the instant PCR March 20, 2013 and amended the action June 28, 2013. The Respondents prepared a "Conditional Order" and proposed the Conditional Order to the Honorable J. Roger L. Couch for signature. This in and of itself was error as Judge Couch had previously had to recuse himself from participating or presiding over Applicant's case due to a conflict of interest, in case number (2009-CP-11-0555). Applicant timely opposed the State's proposed Conditional Order and Judge Couch signed the Order anyway.

(2). Applicant in his opposition and response to the Conditional Order respectfully objected to Judge Couch presiding over the Conditional Order prepared by the State, See Applicant's Response to the Conditional Order (Case No.2013-CP-11-0181, at pages2,3,4 and 5).

(3). Applicant respectfully objected to the State "preparing" the Conditional Order and any order for that matter due to their interest in the outcome of the action.

(4). On August 25, 2014, the State underhandedly "prepared" another order, a Final Order with a dispositive ruling and this submitted the proposed Final Order to another Judge. This time that Judge being Your Honor (Judge J.Derham Cole) for signature and approval.

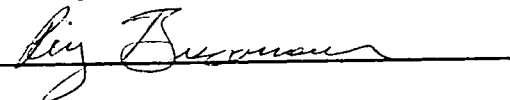
(5). Applicant would submit that he has filed and served a conjunctive motion for Your Honor to Recuse himself from this proceeding due to Your Honor's prior presiding over Applicant's Original PCR and therefore there is a reasonably high risk of the potential conflict of interest and therefore in the interest of justice Applicant moved Your Honor for Recusal all together.

(6). Due to Your Honor's prior presiding over Applicant's case, the Applicant would also respectfully ask Your Honor to NOT sign the proposed Final dispositive Order that was prepared by the State. Applicant has [not] received any requests from Your Honor or any other Justice regarding, asking the State to prepare a Final Order, and therefore it can only be presumed the State is acting of their own initiative in order to gain a tactical advantage and

while acting in a tribunal matter, as the Order is specifically drafted with the State's interests at hand, or there has been some type of ex-parte communications that Applicant has not been made privy to.

Nonetheless, in the interest of justice, both parties would be better served if Your Honor would not take part in signing the State's propped order, and further that Your Honor would recuse himself alltogetehr from these proceedings.

Respectfully Submitted,

/s/ 

Ricky Brannon

Applicant, pro-se

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE
IN THE COURT OF COMMON PLEAS

RECEIVED

MAY 20 2015

C/A NO.2013-CP-11-0181

SC SUPREME COURT

Ricky Brannon #179051 -- Applicant,

-Vs-

State of South Carolina -- Respondent,

CERTIFICATE OF SERVICE

The undersigned does hereby certify he has served a true and correct copy of the enclosed Applicant's Motion for Recusal, and Opposition and Reply to the Respondent's Proposed Final Order, on the Attorney for Respondent, Ms. Suzanne White, Assistant Attorney General, P.O. Box 11549, Columbia, SC. 29211,

this was done by placing the aforesaid documents in a properly addressed, first-class postage affixed envelope and placed in the U.S. Mail this 4th day of September, 2014.

The Original was also served on the Clerk of Court for Cherokee County, Ms. Brandy W. McBee the same stated herein by way of the U.S. Mail.

Sworn to and Subscribed Before Me

this 2nd day of September, 2014

Nancy M. Meacham
Notary Public

My Comm. Expires 1-23-2023

Respectfully Submitted,

/s/ *Ricky Brannon*

Ricky Brannon, #179051
PCI
430 Oaklawn Rd.
Pelzer, SC. 29669

Applicant, pro-se