

Raymond B Murray
PETITIONER

✓

STATE of South Carolina
RESPONDENT

CERTIFICATE OF SERVICE

I CERTIFY THAT A TRUE COPY OF THE PETITIONER'S
REPLY / RESPONSE TO THE JOHNSON'S BRIEF IN THIS CASE
HAS BEEN SERVED ON THE FOLLOWING PARTIES AT THEIR
LAST KNOWN ADDRESS:

Suprem Court
Clerk office

Post office Box 11320
Columbia S.C.

29211

Raymond Murray
PRO SE
AUGUST 20th 2012

cc. J. Rutledge Johnson
ASSISTANT ATTY GEN:

On the 20th of August 2012
Susan H. Zire

My Commission Expires
March 5, 2018

RECEIVED

AUG 23 2012

S.C. SUPREME COURT

STATE of South Carolina
IN THE SUPREME COURT

Pro SE. Appeal from YORK CO.
LEE S. Alford, Circuit Court Judge

THE STATE

Respondent

VS.

RAYMOND MURRAY

Pro SE. Appellant

Pro SE RESPONSE OF APPELLANT

Pro SE Appellant Raymond B. Murray. DO
NEVERBY TIMELY submits his Pro SE RESPONSE, TO
THE JOHNSON VS. STATE 364 S.E.2d 201 (1988)
"PETITION" FILED BY APPELLATE COUNSEL. AND DATED
26th day OF April 2012 AND RECEIVED BY APPELLANT
ON 27 day OF April 2012. AT THE BROAD RIVER CORR.
JUST. MAIL ROOM

Dated August 20, 2012

✓ Pro SE: Raymond Murray

On the 20th day of August, 2012

Jessie H. Frye

My Commission Expires
March 5, 2018

Raymond B. Murray 217077
Broad River JUST
4460 Broad River Rd
Columbia SC, 29210

INDEX

INDEX

0001

STATEMENT OF ISSUES
ON APPEAL

... Page 1 to 8

ARGUMENT

... Page 9 to 10

CONCLUSIONS

... Page 11

EXHIBITS

01

02

03

04

APPELLANT'S AFFIDAVIT

DATED AUG-20-12

STATEMENT OF ISSUES ON APPEAL

(1)

- (1) ON JUNE 3, 2011, PCR JUDGE ERR IN MAKING PERSONAL AND BIAS COMMENTS THROUGHOUT APPELLANT'S EVIDENTIARY HEARING
- (2) ON JUNE 3, 2011 PCR JUDGE ERR IN STATING THAT APPELLANT HAD NO RIGHT TO AN EVIDENTIARY HEARING BECAUSE I GOT AN GOOD DEAL.
- (3) ON JUNE 3, 2011 PCR JUDGE ERR BY NOT ALLOWING APPELLANT TO PRESENT EVIDENCES WITH THREATS OF CONTEMPT OF COURT.
- (4) ON JUNE 3, 2011 PCR JUDGE ERR BY ASKING ALL THE QUESTIONS FOR DEFENSE COUNSEL AGREEMENT.
- (5) ON JUNE 3, 2011, PCR JUDGE ERR FOR INTERJECTED OTHER TESTIMONIES INTO APPELLANT'S EVIDENTIARY HEARING.
- (6) ON JULY 6, 2011 PCR JUDGE STATED THAT HE DID NOT FORM AN OPINION UNTIL LATER.
- (7) DID COURT REPORTER VIOLATE HER DUTIES BY NOT ALLOWING APPELLANT TO CHALLENGE THE ACCURACY OF THE TRANSCRIPT OF THE JUNE 3 2011 PROCEDURE OF EVIDENTIARY HEARING.
- (8) DID THE COURT REPORTER VIOLATE HER DUTIES BY REQUESTING APPELLANT NOT TO CONTACT HER AGAIN IN RELATION TO THE RECORD. (TRANSCRIPTS)
- (9) DID THE APPELLANT DEFENSE COUNSEL MR. DAYNE C. PHILLIPS RENDER INEFFECTIVE ASSISTANCE OF COUNSEL BY NOT CHALLENGING THE TRANSCRIPTS BEFORE FILING A JOHNSON-BRIEF IN BEHALF OF APPELLANT.

STATEMENT OF THE CASE ISSUES

(2)

ON THE (3) THIRD DAY OF JUNE 2011. THE APPELLANT RAYMOND MURRAY 217477⁴ WAS BROUGHT TO THE YORK COUNTY DETENTION CENTER FOR AN EVIDENTIARY HEARING.

THE APPELLANT WAS REPRESENTED BY MR CHADWICK SMITH. THE APPELLANT SPOKE WITH MR SMITH (5) FIVE MINUTE BEFORE HIS CASE WAS CALL INTO THE EVIDENTIARY HEARING.

MR. CHADWICK SMITH, ASKED THE APPELLANT (RAYMOND MURRAY) TO EXPLAIN TO THE COURT MATTERS, ABOUT 2008 HEARING WITH ASSISTANCE SOLICITOR ERIN JOYNER. MR. SMITH ASKED ME TO EXPLAIN TO THE COURT MY ISSUES AND WHAT RELIEF THAT I WAS REQUESTING.

APPELLANT TESTIFIED ON JUNE 3, 2011 THAT HIS DEFENSE COUNSEL MELISSA TATZERILLO AND ASSISTANCE SOLICITOR MADE DEALS AND THREATS TO FORCED APPELLANT INTO A PLEA OF GUILTY.

APPELLANT TESTIFIED THAT THE ASSISTANCE SOLICITOR WAS HOLDING CHARGES OVER HIS HEAD AND THAT THE TRIAL JUDGE STATED THAT THERE'S CERTAINLY NOTHING HE COULD DO ABOUT IT.

APPELLANT TESTIFIED THAT HE DID NOT TRUST HIS DEFENSE COUNSEL MS. MELISSA TATZERILLO BECAUSE SHE WOULD NOT PROVIDE EVIDENCES NOR INVESTIGATE INTO THE FRUITS OF THE BISONOUS TREE, WHERE OFFICER WAS ALLEGEDLY THE APPELLANT HAD GIVING FALSE INFORMATION TO JUSTIFY HIS ARREST FOR POSSESSION OF COCAINE FIRST OFFENSE.

APPELLANT TESTIFIED THAT TRIAL COUNSEL WAS HOLDING PHONE CONVERSATION AND REFUSE TO FILE ANY MOTIONS TO SUPPRESS THE DRUGS THAT THE OFFICER ALLEGED HE FOUND THAT WAS CONSIDERABLY DONE IN BAD FAITH.

Appellant testified that his Plea was in fact freely, voluntarily given, and knowingly and intelligently, because he did not know all the facts surrounding his case.

Appellant testified that he was not satisfied with his counsel MS Melissa Inzerillo as stated in the record page 17 line 4 and 5.

Appellant testified that trial counsel MS. Melissa Inzerillo never object to the Assistance Solicitor statements that a crack rock wrapped in a white corner of a plastic grocery bag when she knew that after review of evidences. There was no plastic bag, and his plea was indeed unintelligently given see tr page 82 lined see tr page 82 8 and 9. Where Assistance Solicitor gave false facts concerning the evidences in plea hearing.

Appellant testified to the court and PCR Judge about his plea not being voluntarily and intelligently. See tr page 69 line 8, where I stated my plea could not be voluntarily, intelligently if you don't know the full circumstances of the evidence. PCR Judge page 69 line 11. Stated that he disagree with me on that 69 line 13. You're just pissing in the wind right now.

Appellant testified that his plea was not voluntarily given and intelligent. See plea record page 20 line 16. He's stands before you today because not really be cause of the crack charge. He wasn't really ever fighting the crack charge; the situation was always the sex charge which is still pending. Appellant testified that he was threatened with greater charges over his head see June 8 tr. page 11 line 18. Threatened to have something over my head.

Appellant testified that he knew nothing about drug AND that he turn himself in on UN-RELATED OFFENSE, AND that his DEFENSE TRIAL COUNSEL fail to INVESTIGATE ANYTHING ABOUT HIS CASE. SEE PCR RECORD PAGE 79 LINE 11 THRU 14 WHERE COUNSEL TESTIFIED THAT APPELLANT WERE IN THE COMMUNITY IN JANUARY 11, 2010 SEE DISA FR PAGE 21 LINE 8 THRU 11. WHERE DEFENSE TRIAL COUNSEL TESTIFIED THAT APPELLANT WAS PICKED UP AND CONTINUOUSLY BEEN IN JAIL SINCE THE 4TH DAY OF JANUARY 2010.

Appellant testified that HE WOULD HAVE WENT ON TO TRIAL IF HIS TRIAL COUNSEL WOULD HAVE PROVIDED THE REQUESTED TAKES THAT WAS CONSIDER EVIDENCES AND THE SUPPRESSION MOTION FILED TO SUPPRESS THE CHAIN OF CUSTODY BASED ON THE EVIDENCE NOT BEING IN A BAGGY PAGE 82 LINE 9.

STATEMENT OF ISSUES
ON APPELLANT DEFENSE COUNSEL
DAYNE C. PHILLIPS

DID APPELLANT'S APPELLANT COUNSEL RENDER INEFFECTIVE ASSISTANCE COUNSEL BY NOT CHALLENGING THE PCR TRANSCRIPTS BEFORE FILING A JOHNSON'S PETITION ON MURRAY BEHALF.

ON DECEMBER 9, 2011 APPELLANT RECEIVED AN LETTER FROM THE SOUTH CAROLINA COMMISSION INDEPENDENT DEFENSE, MR DAYNE C. PHILLIPS. PRIOR TO RECEIVING LETTER, APPELLANT (MURRAY) CONTACTED THE PCR JUDGE IN RELATION TO HIS BIAS REMARKS IN THE JUNE 3, 2011 EVIDENTIARY HEARING. APPELLANT SERVED COURT REPORTER MS Wanda Nelson CVR WITH AN RECEIPT OF NOTICE REGARDING CHALLENGING OF THE TRANSCRIPT RECORD PURSUANT TO 607 i. MS NELSON RESPONDED TO APPELLANT REQUEST ON THE 28th DAY OF NOVEMBER 2011 SEE LETTER AS EXHIBIT. 01. MS NELSON CLAIMS APPELLANT CHALLENGE CAME BEFORE THE RECORD WAS PREPARED, AND ASKED THAT I NOT CONTACT HER AGAIN. ON THE 8th DAY OF NOV. 11 APPELLANT SERVED MS NELSON, CHIEF APPELLATE DEFENDER, THE ADMINISTRATED COURT ROSALYN FERGUSON, AND MS SHARON GRAHAM AN NOTICE THAT THE APPELLANT WISH TO CHALLENGE THE RECORD DUE TO BIAS REMARKS THAT WAS MADE BY THE COURT, AND THE FACT THAT THOSE REMARK MAY NOT BE IN THE RECORD. ON FEBRUARY 3, 2012, APPELLATE DEFENDER CHALLENGE THE RECORD WITHOUT ANY SPECIFIC BEFORE THE 30 days PURSUANT TO 607 i. APPELLATE DEFENDER KNEW THAT MURRAY HAD REQUESTED THAT THE WHOLE RECORD BE REVIEW DUE TO ALTERATION AND CLAIM OF CONSTRUCTION AND AMENDMENTS. SEE TIMELY REQUEST AS EXHIBIT 02 DATED JAN-9-12

STATEMENT OF ISSUES ON APPELLANT DEFENDER

THE APPELLANT REQUESTED THROUGH CONTINUOUS LETTERS THAT THE RECORD BE REVIEWED. THE APPELLANT ASK THAT NO BRIEF BE FILED ON APPELLANT BEHALF ON APRIL 19, 2011. MR DAVID C. PHILLIPS CHALLENGE THE JUNE 3 2011 RECORD AFTER HE FILED JOHNSON PETITION SEE EXHIBIT 03. PORTION OF THE RECORD FOR CHALLENGING.

STATEMENT OF ISSUES OF COURT REPORTER PURSUANT TO 607 i

APPELLANT REQUESTED TO CHALLENGE THE JUNE 3, 2011 RECORD BECAUSE HE CONTACTED THAT THE RECORD WOULD NOT REFLECT HIS ISSUES AND THE BIAS REMARKS.

COURT REPORTER ASKED APPELLANT NOT TO CONTACT HER AGAIN, AND THAT SHE DELIVERED THE TRANSCRIPT ON NOVEMBER 28 2011. SHE ALSO TRANSCRIBED THE RECORD ON NOVEMBER 28 2011. SHE ALSO RESPONDED TO MY REQUEST TO CHALLENGE ON THE 28TH DAY OF NOVEMBER 2011. SEE EXHIBIT 01 EXHIBIT 04 AND THE CERTIFICATE OF REPORTER DATED NOVEMBER 28 2011.

DID COURT REPORTER ERR IN TELLING APPELLANT NOT TO CONTACT HER AGAIN? PURSUANT TO THE RULES (607(i)) REQUEST TO HOLD BACK UP TAPES DUE TO APPEAL.

STATEMENT OF ISSUES ON APPEAL

PCR JUDGE JUNE 3. 2011

ON JUNE 3. 2011, APPELLANT WAS PREJUDICED BY PCR JUDGE THROUGHOUT THE EVIDENTIARY HEARING WITH BIAS COMMENTS ABOUT HE WAS JUST PISSING IN THE WIND, HOWEVER RECORD WAS ALTER BY COURT REPORTER AND APPELLANT MADE A TIMELY REQUEST AND WAS REFUSED. SEE PAGE 69 LINE 11 AND 12. PCR JUDGE STATED, YOU'RE JUST (PISSING) WHISPERING IN THE WIND RIGHT NOW.

PCR COUNSEL ASKED ME TO EXPLAIN TO THE COURT ABOUT 2008 IN WHICH IS NOT REFLECTED ON THE RECORD APPELLANT REQUEST THAT PORTION BE CHALLENGE. THE PCR JUDGE AND STATE ATTORNEY MADE IT SEEM AS IF APPELLANT WAS TESTIFYING FREELY. SEE PCR (TRAN) PAGE 57, 14 THRU 16. PCR JUDGE PREJUDICED APPELLANT AGAIN WITH HIS PERSONAL REMARKS.

PCR JUDGE WAS BIAS ON JUNE 3. 2011 WITH THE REMARK THAT APPELLANT GOT A GREAT BARGAIN BY PLEADING GUILTY. SEE ~~PCR~~ PCR RECORD PAGE 16 LINE 15 THRU 20. THAT PREJUDICED THE EVIDENTIARY HEARING BY BEING BIAS AND IN DEFENSE OF TRIAL COUNSEL.

PCR JUDGE WAS BIAS AND PREJUDICED APPELLANT ON JUNE 3. 2011 BY INTERJECTING HIS PERSONAL OBSERVATION OF THE INCIDENT. SEE PCR RECORD 68. LINE 19. PCR JUDGE STATED THAT APPELLANT WAS BROUGHT BACK TO WHERE THE SUBSTANCE WAS FOUND. SEE PLEA (TRAN) PAGE 16 LINE 17 THRU 22. NO WHERE IN THE FACTS STATING APPELLANT WAS BROUGHT BACK TO WHERE DRUG WAS FOUND.

PCR JUDGE THREATEN APPELLANT WITH CONTEMPT OF COURT DUE TO HIS TESTIMONY AND THE FACT APPELLANT WANTED TO PRESENT EVIDENCE INTO EVIDENCES ON JUNE 3. 2011. PCR RECORD. PAGE 74 LINE 8. APPELLANT CHALLENGED THAT PORTION OF THE RECORD BUT REFUSED BY COURT REPORTER.

PCR JUDGE WAS BIAS AND PREJUDICED APPELLANT ON JUNE 3. 2011 SEE PCR RECORD PAGE 81 LINE 1 THRU 7. DEFENSE COUNSEL WAS ASKED DID APPELLANT EVER HAVE THE OPPORTUNITY TO LISTEN TO THOSE TAPES? LINE 7 AND 8. PCR JUDGE INTERJECTED HIS PERSONAL OPINION BY STATING THAT APPELLANT WANT TO MAKE EVERYTHING RELEVANT IN THIS CASE BUT IT'S NOT.

PCR JUDGE PREJUDICED APPELLANT'S EVIDENTIARY HEARING ON JUNE 3. 2011 PCR RECORD PAGE 84 LINE 9.

PCR JUDGE STATED LET HIM BE CLEAR, APPELLANT WANTS TO MAKE THIS PCR ABOUT EVERYTHING EXCEPT THE CRACK COCAINE.

PCR JUDGE ASKED ALL THE FACT FINDING QUESTION THERE WAS NO REDIRECT EXAMINATION BY MR. BRANT ON JUNE 3 2011. APPELLANT REQUESTED TO CHALLENGE THAT PORTION OF THE RECORD BUT REFUSED BY COURT REPORTER AND ASKED NOT TO CONTACT HER AGAIN.

PCR JUDGE WAS IN ERROR OR BIAS WITH PREJUDICED STATEMENT ABOUT APPELLANT BEING A SEXUAL OFFENDER ON THE (3) THIRD DAY OF JUNE 2011

Argument

The PCR court erred in finding Petitioner Plea voluntarily and intelligent.

The United States Supreme Court has held that guilty Pleas has to be voluntarily, and intelligently. See *Boykin v. Alabama* 395 US 238, 89 S. Ct. To find a guilty is voluntarily and knowingly entered in to when the accused has a full understanding of consequence and charges against him) Accord State v. Hazel 275 S.C. 392, 271 S.E. 2d 602. (Finding the Record must reflect understanding the charges that is faces, and the evidences. June 8. 2010 Tran Page 7 line 24. Appellant testified that their were tapes that he could not listen to but gave her (counsel) the dates.

June 8. 2010 Tran Page 7 line 13. I have told my lawyer. I know she's against me and I got a lawyer who I really don't trust. June 9. 2010 Tran Page 16 line 20 to 22. Appellant could not know all the evidences to the fact of the solicitor Erin Joyner. She testified that Appellant dropped a white object and a crack rock wrapped in a white corner plastic grocery bag. Appellant testified on June 3 2011. That he had no knowledge of the crack. PCR Tran Page 65 line 7. Appellant testified that he sent off through the freedom of information Act and got a copy of how the drug arrive. This is clear evidences that Appellant had no knowledge of the facts on defense counsel fail to consult with Appellant about the drug and the baggy that was it turn into evidences for finger prints.

The PCR court Judge erred in bias, personal remarks which prejudiced Appellant evidentiary hearing on June 3. 2011. PCR Judge state Appellant had no right to evidentiary hearing and Appellant was just pissing in the wind.

Appellant Requested in A Timly Manner to Challenge the Transcripts But was Refused By Court Reporter AND ASKED NOT TO CONTACT HER AGAIN, CLEAR VIOLATION OF 607(i)

Appellant Defense Counsel Erred in Not Reflecting to the Record in Support of PCR Claim of Ineffective Assistance of Counsel

Appellant Defense Counsel Erred in Appellant (Murray) appeal due to Not Challenging the Record as Request, China v. Parrott 251 S.C. 329, 162 S.E 2d 276. Appellant (Murray) stated in a timly manner for Appellant Defender counsel to Review the Back up tape Because the PCR Procedure Court had Been After and Constructed by the Court Reporter, AND the testimonies were false.

Appellant Defense Counsel Erred in Not Finding Appellant (Murray) Plea Involuntarily Given to determining guilty plea issues. It is Proper to consider the guilty plea transcripts as well as evidence at the PCR Hearing. Suber v State 640 S.E 2d 884. Appellant testified at PCR see page 64 line 19 to 21 that he still hasnt heard ANY evidences

CONCLUSION

Based on the foregoing reason Appellant / Petitioner Raymond Murray 217477 Request that a new trial or evidentiary hearing be granted due to alteration and construction of the record. Appellant / Petitioner requested in a timely manner for such challenging pursuant to 607(G) and was refused by the court reporter and Appellant defense counsel, a new evidentiary hearing should be granted to allow full briefing of petitioner issues that he raised in the June 3, 2011 PCR hearing.

Respectfully Submitted
 PRO SE
 Raymond Murray

This 20th day of August 2012.

Appellant's Affidavit

The Appellant Write this Affidavit on his own Free Will and without ANY threat that this Affidavit IS true, AND to the BEST OF HIS KNOWLEDGE.

ON THE (3) third Day of JUNE 2011, I Raymond Murray was Brought to An Evidentiary Hearing At the YORK County Detention Center. The undersigned was REPRESENTED BY MR. SMITH whom was APPOINTED BY the COURT. The PRESIDING Judge was, The Honorable LEE S. AIFORD. The undersigned Ed. was Prejudiced By the Honorable Judge Commits And Bias Remarks. The Honorable Judge LEE S AIFORD, call the Appellant AN Repeated Sexual Offender And I had NO Right to AN Evidentiary Hearing that I got A Great Deal BY HAVING the Charge Dismissed.

I explain to the PCR COURT that I did NOT understand my Case due to the lack of Communication BETWEEN MY DEFENSE COUNSEL, The Honorable LEE S AIFORD stated that Judge Hayes didn't Believe you in your JUNE 8 2010 Hearing And I don't either, you are just waiting the Court time And that Appellant is just Pissing in the wind. The PCR Judge stated that he was going to Clear the Record up From statements I made AGAINST ERIN JOYNER about MY H.I.V Status AND that they did NOT test ME.

The Honorable LEE S. AIFORD went on to ASK the Final Question to the Witness, HOWEVER the Record REflect that the State ATTORNEY REDIRECT the Witness BACK to the Stand When IN Fact the Record had BEEN CONSTRUCTED And Amended.

Appellant (MURRAY) KNEW that the Record would BE Alter By the Court Reporter therefore He Made every ATTEMPT to Challenge the Evidentiary Hearing Record IN A Timm Manner Pursuant to 607(i). The Court Reporter ASKED ME NOT to CONTACT her again ON NOV 28, 2011 She Claim that the Record was sent to the Appellant Defender OFFICE ON the 28th OF NOV 2011, AND the Record indicate It was Transcribe on the 28th NOV 2011.

Appellant's Affidavit

Raymond Murray
AUB-20-2012

On the 20th day of August, 2012
Susan H. Frye

My Commission Expires
March 5, 2018

Exhibit 01

Wanda Nelson, CVR
Official Court Reporter
Post Office Box 749
York, SC 29745

DATE: November 28, 2011
**ACKNOWLEDGMENT OF RECEIPT OF LETTER REGARDING CHALLENGE OF
TRANSCRIPT OF RECORD**

TO: Raymond Bernard Murray
Broad River Correctional Institute
4460 Broad River Road
Columbia, South Carolina 29210

DATE OF HEARING: June 3, 2011

CAPTION: Raymond Bernard Murray v. State of South Carolina / 2010-CP-46-04234

This is to acknowledge that on October 20, 2011, I received your letter dated October 19, 2011, requesting the backup recording from your Post Conviction hearing held on June 3, 2011, before the Honorable Lee S. Alford.

I received a request dated October 11, 2011, from Attorney Chad Smith of the York County Bar requesting the transcript and inquiring about payment of the transcript. I responded to Mr. Smith and in the interim you submitted your challenge to the transcript. You then forwarded to me correspondence dated November 9, 2011, again challenging the accuracy of the record from your Post Conviction relief hearing. Your challenges were received before my reply to Mr. Smith regarding the transcript was formally received or the transcript being prepared.

I have received a request for the transcript from the South Carolina Commission on Indigent Defense dated November 3, 2011, and I have completed the transcript and have submitted it to that office.

I cannot respond to any of the correspondence you copied me regarding any attorney matters other than the transcript request itself. I cannot and will not send you the copy of the back up recording from your Post Conviction Relief hearing.

Rule 607 (I) SCACR:

C- Requests to Listen to Tapes/Read Steno Notes

When there is a challenge to the accuracy of a transcript, the court reporter will respond to the challenger in writing. The court reporter will then review the record and report the findings in writing to the challenger, with a copy to all parties and Court Administration. Any inaccuracies will be corrected and the pages forwarded to the challenger at no cost. Further review of the record may be permitted by the presiding judge upon written request with good cause shown.

If you have any questions regarding this matter please forward those to the South Carolina Court Administration in Columbia, South Carolina.

I know of nothing that I can assist you with further in this matter, so please do not contact me again.

Wanda Nelson

Wanda Nelson, Official Court Reporter.

Sixteenth Judicial Circuit

CC: South Carolina Court Administration

South Carolina Commission on Indigent Defense

on the 18th day of May, 2015
Susan H. Frye

My Commission Expires
March 5, 2018

Raymond Munnell 217477
4400 Broad River Rd.
Columbia Sc. 29210

Jan - 9 - 12

Re: CHALLENGE OF THE PCR TRANSCRIPTS.

Dear Mr Phillips:

I am in receipt of your letter, dated December 2011, and first of all I'd like to thank you for such a fast reply. Mr. Phillips; in your letter addressed to me. you asked what do I believe is wrong with a transcribed record. Well for starter, I wanted challenge the transcripts because in each hearing or proceeding word has been alter, left out of the record or reconstructed to fix the court needs, and that has continue to prejudice me and my testimony.

Mr. Phillips. I am asking that the whole record be challenge. I have read the transcripts that your office reporter Ms. Wanda Nelson has transcribed and testified but has also alter my testimony. I asked that you file necessary paper work in my behalf pursuant to Rule 607 I. I have put Ms. Nelson on notice about such challenging and back up tape, therefore please request the back up tape, or notify the administrative court of my request. I have evidence on other documents that's related to the PCR hearing, there...

Should you have any question pertaining to
my requests for the ordering of the backup tape or the
record to be review, please don't hesitate to contact
me.

Sincerely

Raymond Munnell

On the 19th day of January, 2012
Susan H. Frye

My Commission Expires
March 5, 2018



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

February 3, 2012

Mr. Raymond Bernard Murray, #217477
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210

Re: Your case

Dear Mr. Murray:

Thank you for your letter dated January 23, 2012 (received on January 27, 2012). In my response letter dated December 29, 2011, I indicated to you that I needed you to provide me with specific challenges to the transcript because a "blanket" challenge would be insufficient.

Until your letter on January 23, 2012, you had not sent me any specific challenges to the record. Despite not having any specific challenges, I sent the court reporter, Wanda Nelson, a request to review her tapes of the PCR hearing pursuant to Rule 607(i), SCACR.

In response, Ms. Nelson acknowledged that she received correspondence from you on November 9, 2011, requesting that she not destroy the backup recording of the PCR hearing because you intended to challenge the accuracy of the transcript. Ms. Nelson indicated that she sent you a letter informing you that the challenge came before the transcript was requested, so she did not know what transcript he was challenging.

Furthermore, Ms. Nelson indicated that she received a request for the transcript on November 3, 2011, from Office of Appellate Defense. Again, Ms. Nelson acknowledged that she received a request from you on December 11, 2011, not to destroy the back up tapes because of your intent to challenge the transcript.

However, Ms. Nelson stated that at no time has she received a request indicating with specificity what part of the transcript you intended to challenge. She also

stated that "[t]he transcript delivered to Appellate Defense on November 28, 2011, was a true and accurate transcript of the post conviction relief hearing heard on June 3, 2011 before the Honorable Lee S. Alford, Sixteenth Circuit Court Judge."

Should you have any further questions or concerns regarding your case, please do not hesitate to contact me.

Sincerely,



Dayne C. Phillips
Appellate Defender

DCP/fkb

Enclosure

EXHIBIT 04



Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

April 19, 2012

Ms. Wanda Nelson
Circuit Court Reporter
Post Office Box 749
York, SC 29745

Re: **Raymond Bernard Murray v. State**
Case No.: 10-CP-46-04234 Date of Trial: June 3, 2011
Judge: Lee S. Alford County: York


Dear Ms. Nelson:

I represent Mr. Raymond Bernard Murray, who had a PCR evidentiary hearing before the Honorable Lee S. Alford in York County on June 3, 2011. In response to my letter on January 19, 2012, I acknowledge that you found "[t]he transcript delivered to Appellate Defense on November 28, 2011, was a true and accurate transcript of the post conviction relief hearing heard June 3, 2011 before the Honorable Lee S. Alford, Sixteenth Circuit Court Judge."

I subsequently informed Mr. Murray that you had confirmed the accuracy of his transcript. However, per Mr. Murray's recent request, I am inquiring about whether you have retained or destroyed the tapes from his PCR hearing.

If you have retained the tapes, Mr. Murray challenges the accuracy of these portion of the transcript: p. 6, ll. 20-23; p. 7, ll. 1-20; p. 8, ll. 15-19; p. 9, ll. 1-5; p. 11, ll. 17-25; p. 12, ll. 6-10; p. 13, ll. 19-23; p. 15, ll. 6-9; p. 16, ll. 12-21; p. 18, ll. 11-25; p. 20, ll. 1-4; p. 21, ll. 24-25; p. 22, ll. 1-8; p. 23, ll. 11-25; p. 30, ll. 8-12; p. 33, ll. 1-6 and 20-23; p. 35, ll. 5-10 and 18-25. Therefore, if it is at all possible, I ask that you please review Mr. Murray's tapes to confirm the accuracy of the transcript.

Thank you for your time, assistance, and patience in this matter.

Sincerely,

Dayne C. Phillips
Assistant Appellate Defender

DCP/ikb
Enclosure
cc: Raymond Murray

However, Ms. Nelson stated that at no time has she received a request indicating with specificity what part of the transcript you intended to challenge. She also stated that “[t]he transcript delivered to Appellate Defense on November 28, 2011, was a true and accurate transcript of the post conviction relief hearing heard on June 3, 2011 before the Honorable Lee S. Alford, Sixteenth Circuit Court Judge.”

In response to my April 19, 2012 letter, Ms. Nelson cited Rule 607(i), SCACR, and stated that “[n]o audio recording is available from this hearing in question.”

Should you have any further questions or concerns regarding your case, please do not hesitate to contact me.

Sincerely,



Dayne C. Phillips
Appellate Defender

DCP/fkb

Enclosure