

State OF South Carolina
In The Supreme Court

Certiorari to Williamsburg County
George C James, Jr., Circuit Court Judge

Carl J Hamilton, Petitioner
V
State OF South Carolina,

Appellate Case No. 2014-001455 Respondent

Pro Se

Petition For Writ OF Certiorari
(or in the Alternative Brief of Appellant)

RECEIVED

JUL 13 2015

S.C. SUPREME COURT

Mr. Carl J Hamilton # 262583
MacDougall C. I.
1516 Old Gilliard Rd.
Ridgeville, S.C. 29472

The P.C.R. Court issued its written order denying Petitioner's Application for P.C.R. on May 16, 2014. A timely Notice of Appeal was Served and /or Filed on July 3, 2014.

Petitioner's Appellate Attorney
Kathrine H. Hudgins, of the S.C. Commission on Indigent Defense Div. of Appellate Defense Filled a Johnson Petition to be Relieved as Counsel or to be precise. A Johnson Petition For write of certiorari, date April 29, 2015 which included her petition to be Relieved as Counsel

Raising only one (1) Issue:

"Did The P.C.R. judge err in refusing to find Plea Counsel Ineffective for not obtaining Mental Health Record to Support the request for an Evaluation To Determine Criminal Responsibility and capacity to conform?"

Issues on Appeal

Whether appellant was entitled to a mental evaluation and/or second evaluation prior to the plea?

Did the P.C.R. judge error (err) in refusing plea counsel ineffective for coercing him to enter into a plea knowing his Mental Health History?

Whether the court abused its discretion in refusing to grant a psychological or mental evaluation.

State Of The Case

In August of 2011

Petitioner was Indicted by the Williamsburg County Grand Jury for in a three Count Indictment, for (2011-GS-45-0154). Assault and Battery - First Offense three years for failure to stop for blue lights, and one year for resisting arrest all without negotiations or recommendations.

On May 8, 2012 he pled guilty or entered a plea of guilty to Assault and Battery - First Offense failure to stop for blue lights, resisting arrest. He was sentenced to Assault and Battery First Offense for Failure to stop for blue light and resisting arrest and years for Assault and Battery 1st Degree A & B by Judge Clifton Newman

On November 29, 2012 He filed an Application for P.C.R. the state filed its return on April 4, 2013

~~At~~ An Evidentiary Hearing was held before the Hon George C. James.

The petition was Officially Denied by the
state Supreme Court
on. _____

This prose petition follows the order of
the Honorable Court Dated _____
for me to file any written Memorandums
or prose petitions seeking relief.

Table of case

Blair v State 273 se 2d 534
State v Hornsby 484 se 2d 869
U. S. v Rucker 557 f2d 1046
James v Iowa 100 f3d 586
U. S. v Lewis 991 f2d 524
Reynolds v Norris 86 f3d 796
State v Law, 270 S.C 664, 667, 244 se 2d 302 (1978)

State (N.C.) v Wolfe 597 se 2d 655
Monahan v State 616 se 2d 422
U. S. v Morgan 193 f3d 252
Ballenger v City of Inman 518 se 2d 824
Thames v Daniels 544 se2d 854
State v Singleton 472 se2d 640
Dayenport v State (S.C.) 389 se2d 649
Jeter v S.C. 417 se 2d 594
State v Campen 469 se 2d 619
State v Lewis 494 se 2d 115

Statutory Code

44-23-430, South Carolina Code of Laws
44-23-410 S.C. code of Laws, as amended.
17-24

The argument about counsel was ineffective in failing to obtain Hamilton Mental Health record to support the counsel didn't push for a court order to push for a Mental Health Evaluation there is a reasonable probability that, If counsel had obtained the mental health records ask the judge for a mental health evaluation the counsel refusing to help Hamilton out which could have provided an insanity defense the only thin the counsel ask me just plea making the judge made what kind of counsel tell a claim just plea. The second counsel fail to help Hamilton out the PCR counsel tell Hamilton just drop the case you back to court get more time what kind of counsel tell Hamilton that the hold time the two counsel didn't when to help Hamilton the counsel didn't pit up a flight to win the case. The first Judge R. F. Cothran Jr. I talk to about me getting help from Mental Health, I explained Hamilton problem have Judge R F Cothran Jr. we talk the second date the solicitor come up with Hamilton mental health record judge ask to see the mental health record the tell the solicitor this sheet is three years old this not good a nutte the first counsel didn't ask the judge for a mental evaluation out the hold time Hamilton talk to the judge ask for help the Judge R F Cothran Jr. sing of for mental evaluation on March 8, 2011, I didn't went to Hamilton mental evaluation the counsel and solicitor no Judge R F Cothran Jr sing of there no refusing sent Hamilton till the mental evaluation there wait for judge Clifton Newman rule on there side judge Clifton Newman abusing the counsel didn't rejection on this case counsel stand there saying not a word to help Hamilton

a word in courtroom counsel stand by the jury box the hold time talk to judge the counsel try not to push for a mental evaluation ask for a court order for a mental evaluation Judge R F. Colthran Jr, sign of the counsel and solicitor waited for the next judge Clifton Newman to on May 7, 2012 I explainted about my Mental Health problem the solicitor give the mental health record to judge look over it an say this good a nuffe for me the counsel stand there say not a word fo the judge that two time the counsel re fused to push for a court order mental evaluation. The counsel failed to help Hamilton the counsel and solicitor picked the jury the judge say court start 9:30 am the next date court start the counsel didn't talk to me about the case in the courtroom the judge talk to me the counsel didn't step in say a word to the judge the counsel refused to help me out the judge abused force again me the charge. I on now this never went to the grand jury. I never where Indicted on this charge the counsel should get this case dismissed on Assault and Battery 1st Degree A & B not indicted. In a counsel failed to help out in the case the judge sentence me the maximum 10 years on the Assault and Battery 1st Degree A & B the counsel tell me didn't make the judge made go ahead pled guilty with kind of counsel tell a person to do that person under the mental health. I didn't get a fair trail in Williamsburg Court. I right to a fair trail was violated because my counsel was ineffecttion.

I writted why this case should be dismissed due to Mental Illness my problem is diagnosis with bi-polar and depression my problem have me depression all the time ~~have~~ I have disability problem a long time since childhood the medicine balance out sometime the medicine don't work out it hard to be fouce a depress come down, I ask for all charge be dismissed under mental Illness the counsel refused to get a court order, IF the counsel push the mental evaluation, I get a better care from M, U, S, C, Hospiter the counsel failused to help, I like to be dismissed all charge on my release from prison

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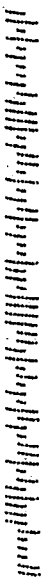
Mr. Carl J. Hamilton # 262583
Mag 2D-8-B

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JUL 12 2015

MAIL ROOM

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Daniel E. Shearouse/Clerk of Court
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