

Daniel E. Shearouse
Clerk of Court Supreme Court
PO Box 11330
Columbia, SC 29211

RECEIVED

Re: Case No. 2010-CP-08-447 (Orders-Responses)

JUL 20 2015

S.C. SUPREME COURT

To whom it concerns,

Please recognize that I have enclosed a copy of the following Orders and Responses concerning the applicant's Notice to Appeal:

- * Conditional Order to Dismiss
- * Applicant's reply to the Conditional Order to Dismiss
- * Motion to Amend PCR Application
- * Final Order to Dismiss served on the applicant.

Respectfully submitted

S/ Billy R. King Jr.

Billy R. King Jr. #249995

KCI B-2-7

4344 Broad River Rd.

Columbia, SC 29210

Date 07-15-15

STATE OF SOUTH CAROLINA)
 COUNTY OF BERKELEY)
)
)
 Billy R. King, Jr., #249995,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 2010-CP-08-4447

FILED
 11 SEP 12 PM 4:47
 CLERK OF COURT
 BERKELEY COUNTY, SC
 [Handwritten initials]

**CONDITIONAL ORDER OF
 DISMISSAL**

This matter is before the Court after the post-conviction relief application filed December 15, 2010 and received by the Respondent on February 22, 2011, the Respondent made its return on December 20, 2011.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Berkeley County Clerk of Court. The Applicant was indicted at the September 1997 term of the Berkeley County Grand Jury for kidnapping (97-GS-08-1088), assault and battery with intent to kill (ABWIK) (97-GS-08-1087), and criminal sexual conduct 1st degree (97-GS-08-1086). J. Mitchell Lanier, Esquire, represented the Applicant at trial. On May 26-28, 1998, the Applicant proceeded to trial, after which a jury found him guilty as indicted. The Honorable Alexander S. Macaulay sentenced the Applicant to confinement for thirty (30) years, suspended upon the service of ten (10) years and five (5) years probation, for kidnapping; a consecutive sentence of thirty (30) years, suspended upon service of twenty five (25) years and five (5) years probation, for CSC 1st degree; and a concurrent sentence of twenty (20) years for ABWIK.

mail
 estate

email GM

RM08/11 [Handwritten mark] **SCANNED**

A timely notice of appeal was filed on the Applicant's behalf and an appeal was perfected. The South Carolina Court of Appeals dismissed the Applicant's appeal pursuant to Anders v. California, 386 U.S. 738 (1967) and State v. Williams, 305 S.C. 116, 406 S.E.2d 357 (1991). State v. Billy Randolph King, Jr., Op. No. 2000-UP-292 (S.C. Ct. App. filed April 18, 2000). The Remittitur was issued on May 5, 2000.

The Applicant subsequently filed his first application for post-conviction relief on March 13, 2001, in which he alleged he received ineffective assistance of counsel for counsel's failure to fully investigate the facts, properly advise Applicant of plea offer by the State, and move for a mistrial when jury bias became obvious prior to deliberations. A hearing was convened on November 29, 2001. By Order dated June 11, 2002, the Honorable A. Victor Rawl denied and dismissed the application with prejudice. The Applicant filed a timely notice of appeal. The South Carolina Supreme Court denied the Petition for Writ of Certiorari by Order dated June 25, 2003.

Applicant filed a second PCR application on July 10, 2006, in which he alleged the following ground for relief:

1. Ineffective assistance of counsel.
2. Belief perjury was committed.

The State made its Return and Motion to Dismiss on August 10, 2006. A motion hearing was held on October 19, 2007. By Order dated November 8, 2007, the Honorable R. Markley Dennis, Jr. granted the State's motion to dismiss based on successiveness and filing outside of the statute of limitations and dismissed the application.

Incorporated herein by reference are the records of the Berkeley County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of

Corrections, the appellate record, the second PCR application, the State's Return and Motion to Dismiss thereto, and Judge Dennis' Order of Dismissal.

II.

In his third and current application for post-conviction relief, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Prosecutor misconduct: During a PCR hearing (November 29, 2001), Attorney Waring Parker questioned original trial prosecutor Alston Badger, while he was on the stand as a witness, about DNA testing that trial attorney Mitch Lanier failed to pursue during Applicant's trial. It was being questioned why it was not ever argued in trial. When asked about it Mr. Badger's answer was not truthful but rather misleading opening himself up for the charge of perjury. He stated, according to the transcript (PCR transcript p. 43, lines 15-25; p. 44, lines 1-11) that he did not have testing done and that he also did not feel the need to have any done. The unlawful issue is that there is an order signed by him to have testing done as well as the results of the testing has recently surfaced. This was one of the very items being argued to show ineffective assistance of counsel but this form of perjury discredited the Applicant's argument. Therefore the Applicant is being held unlawfully due to professional misconduct and perjury by the Solicitor.
2. Illegal sentencing: Trial judge Alexander S. Macaulay misused his authority and professionalism in sentencing.

II.

This Court finds that the current application for post-conviction relief must be summarily dismissed because it is successive to his prior applications for post-conviction relief. S.C. Code Ann. §17-27-90 provides that:

All grounds for relief available to an application under this chapter must be raised in his original, supplemental or amended Application. Any ground finally adjudicated or not so raised, knowingly, voluntarily and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding Applicant has taken to secure relief, may not be the basis for a subsequent Application, unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental or amended Application.

Successive applications are disfavored and the burden is on Applicant to establish that any new ground raised in a subsequent application could not have been raised by him in a previous application. Foxworth v. State, 275 S.C. 615, 274 S.E.2d 415 (1981); Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991); Arnold v. State/Plath v. State, 309 S.C. 157, 420 S.E.2d 834 (1992).

This Court finds that the current allegations were or could have been raised in the proceedings based on Applicant's prior application for post-conviction relief and thus the current application is successive and barred under S.C. Code § 17-27-90. Applicant has failed to establish sufficient reason why he could not have raised his current allegations in his previous application for post-conviction relief; therefore, he has failed to meet the burden imposed upon him. Land v. State, 274 S.C. 243, 262 S.E.2d 735 (1980); Aice v. State, 409 S.E.2d 392 (1991); Arnold v. State/Plath v. State, 420 S.E.2d 834 (1992).

This Court finds, further, that this Application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. S.C. Code Ann. §17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996).

The Applicant was convicted of the offenses he challenges in this Application on May 28, 1999 and the Remittitur was issued from his appeal on May 5, 2000. This Application was filed on

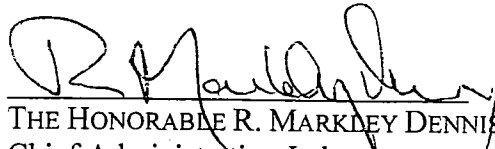
December 28, 2011, which was over ten years after the statutory filing period had expired.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. §17-27-70(c) (2003) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Therefore, this Court finds that the application for post-conviction relief should be summarily dismissed for failure to file within the time mandated by statute and for being successive.

Pursuant to S.C. Code Ann. § 17-27-70(b), the Court intends to dismiss this Application with prejudice unless the Applicant provides specific reasons, factual or legal, why the Application should not be dismissed in its entirety. The Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. The Applicant shall file any reasons he may have with the ^{Berkeley} ~~Hampton~~ County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
Attn: Ashleigh Wilson, Esquire
P.O. Box 11549
Columbia, South Carolina 29211

AND IT IS SO ORDERED this 11th day of September, 2014.


THE HONORABLE R. MARKLEY DENNIS
Chief Administrative Judge
9th Judicial Circuit Court

Mounts Corner, South Carolina

RMJ/5

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS

2010-CP-08-4447

Billy R. King, Jr., #249995,)
Applicant,)

v.)

FINAL ORDER OF DISMISSAL

State of South Carolina,)
Respondent.)

2015 APR 20 AM 11:44
CLERK OF COURT
BERKELEY COUNTY, SC

LEEDS

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed December 15, 2010 and received by the Respondent on February 2, 2011. The Respondent (the State) made its Return and Motion to Dismiss on September 20, 2011, requesting that the Application be summarily dismissed. Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal dated September 11, 2014, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final.

In several documents received by the Respondent, the Applicant makes the following claims:

1. Letter from the Applicant filed October 2, 2014.
 - a. Issue raised has not been brought up in previous PCR.
 - b. Learned later that prosecutor perjured testimony regarding S.L.E.D. testing.
 - c. Learned of perjury after FOIA request.
2. Motion to amend PCR application filed October 8, 2014.
 - a. At original PCR, the prosecutor was put on the stand as a witness and denied doing DNA testing.
 - b. Misconduct is a new evidentiary issue that could not have been filed within the proper period.

LMG/l.

3. Letter from the Applicant dated October 22, 2014.
 - a. Applicant has shown that PCR should be heard and the case should not be closed.
4. Motion to amend PCR application filed February 20, 2015.
 - a. Trial counsel was ineffective and due process rights violated.
 - b. Applicant's right to be present was denied.
 - c. Reverse Applicant's conviction because court violated his due process rights.
5. Letter from the Applicant dated February 20, 2015.
 - a. Please remove attorney from my case.
 - b. Appoint an attorney.
 - c. Please file my *pro se* motion to amend.

This Court has reviewed the Applicant's responses to the State's motion to dismiss in their entirety, in conjunction with the original pleadings, and finds that a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final. This Court finds the claims raised by the Applicant are without merit and do not raise a sufficient basis for this Court to entertain this successive application for post-conviction relief.

The Applicant's application and responses to the Conditional Order of Dismissal essentially claim that the solicitor responsible for prosecuting his case lied at the Applicant's first post-conviction relief hearing about the testing of forensic evidence for DNA¹. The Applicant claims the solicitor denied doing any DNA testing. This Court finds this claim is barred by *res judicata*. *Res judicata* prohibits subsequent actions by the same parties on the same issues. Bell v. Bennett, 307 S.C. 286, 414 S.E.2d 786 (Ct. App. 1992). A final judgment on the merits in a prior action bars subsequent consideration of those issues in a new action. Foran v. USAA Casualty Ins. Co., 311 S.C. 189, 427 S.E.2d 918 (Ct. App. 1993). *Res judicata* also bars any issues that could have been raised in the former action. Id.

¹ This Court notes and the record reflects the solicitor's testimony regarding the testing of evidence for DNA at the Applicant's first PCR hearing (Appendix 497-498) appears to be consistent with that of both defense counsel (Appendix 461-462, 470-471) and the S.L.E.D. forensic analyst who testified during the Applicant's trial (Appendix 276).

The record reflects this very issue regarding the truthfulness of the solicitor's testimony was raised by the Applicant and ruled on by this Court in the Applicant's second post-conviction relief action. The Applicant's second application filed on July 10, 2006 lists the allegations as "ineffective assistance of counsel", "belief perjury was committed", and "failed to show that what was said in PCR hearing didn't comply with original transcript". This Court denied and dismissed this claim holding it was "not a sufficient reason to allow the successive action". See 2006 PCR Application. This Court finds the Applicant has had a full opportunity to litigate all allegations and claims regarding the solicitor's testimony given at his first post-conviction relief hearing in 2001. The public interest in the finality of judgments requires litigation on this issue end. This Court finds the Applicant is asking this Court to review an issue that was previously raised to and ruled on by this Court in a previous successive application. This Court finds this Court's final judgment in the 2006 PCR application bars consideration of this issue by the Court. Therefore, this Court finds this allegation is barred by *res judicata*. Accordingly, this Court finds no reason why the Conditional Order of Dismissal should not become final.

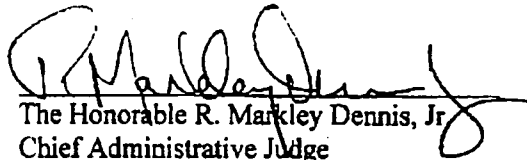
IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal, the Application for PCR is hereby denied and dismissed with prejudice.

This Court hereby advises the Applicant that he must file and serve a Notice of Appeal within thirty (30) days of the service of this Order to secure appellate review. See Rule 203, SCACR. The Applicant's attention is directed to Rule 227, SCACR, for the procedures following the filing and service of the notice of appeal.

[Signature on the following page.]

rm08/3

AND IT IS SO ORDERED this 16th day of April, 2015.



The Honorable R. Markley Dennis, Jr.
Chief Administrative Judge
9th Judicial Circuit

Mount Carmel, South Carolina.

RMZ8/4

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

BILLY R. KING, JR., #249995,

Applicant,

v.

STATE OF SOUTH CAROLINA,


Respondent.

CERTIFICATE OF SERVICE

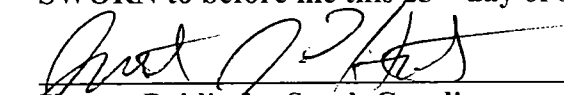
The undersigned hereby certifies that a true copy of the **Final Order of Dismissal** has been served upon the applicant by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

**Billy R. King, Jr., #249995
Kirkland Correctional Institution
4344 Broad River Rd.
Columbia, SC 29210**

This 23rd day of June, 2015.


for J. RUTLEDGE JOHNSON
ATTORNEY FOR RESPONDENT

SWORN to before me this 23rd day of June, 2015.



Notary Public for South Carolina.
My Commission Expires: 8/9/2021



ALAN WILSON
ATTORNEY GENERAL

June 23, 2015

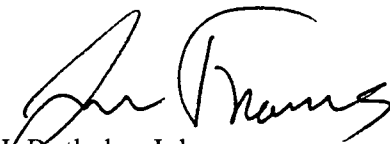
Billy R. King, Jr., #249995
Kirkland Correctional Institution
4344 Broad River Rd.
Columbia, SC 29210

Re: **Billy R. King, Jr. #249995 v. State of South Carolina**
2010-CP-08-4447

Dear Mr. King:

Enclosed please find a copy of the **Final Order** dismissing the above-captioned post-conviction relief application signed by the Honorable R. Markley Dennis, Jr. and filed with the Berkeley County Clerk of Court.

Sincerely,


for J. Rutledge Johnson
Assistant Attorney General

JRJ/em
Enclosure(s)

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

Billy R. King Jr., #249995
Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS

2010-CP-08-4447

MOTION
TO AMMEND
POST CONVICTION REVIEW
APPLICATION

CLERK OF COURT
BERKELEY COUNTY, SC

2015 FEB 20 AM 11:51

FILED

The matter being brought forth in this motion will show that not only was the counsel ineffective in representing the defendant but also how the defendant's right to due process was denied according the 6th Amendment of the South Carolina Constitution, therefore the Court should precede in vacating the defendant's conviction in view of the violations' of his 6th Amendment right.

In a criminal proceeding the defendant has the right to be present during every phase of his or her criminal trial. The right of the defendant to be present is rooted in the Confrontation Clause of the United States Constitution and the corresponding sections of the South Carolina Constitution. U.S. Const. Amend. VI.; S.C. Const. Art. I, Sec 14. The right is also protected by the Due Process Clause. The Due Process Clause expands the right to be present to situations that do not involve confronting witnesses or evidence against the defendant if the defendant's presence "has a relation, reasonably substantial, to the fullness of his opportunity to defend against the charge" and where a fair and just hearing would be prevented by his absence. *Synder v. Massachusetts*, 291 U.S. 97,105-108 (1934). A defendant also has the right to be present at any critical stage of the proceeding if his presence "would contribute to the fairness of the procedure." *Kentucky v. Stincer*, 482 U.S. 730, 745 (1987).

A critical stage of a proceeding in any portion of the trial where there is at least a reasonable probability of prejudice. *State v. Williams*, 263 S.C. 290, 294-95 (1974). Courts have specifically held that a number of stages are by definition critical. An example of this is Jury selection its considered a critical stage of criminal trial proceedings. *United States v. Rolle*, 204 F. 3d 133 (4th Cir. 2000). Jury voir dire of a jury (or juror) after the jury is sworn to determine continued impartiality after an issue of bias or contamination arises is a critical stage of a trial. *State v. Rivers*, 294 S.C. 123,363 S.E.2d 105(1987). Conversations between a judge and a jury

foreperson while the jury is out, and without the defendant or his counsel's presence, also constitute a critical stage. See *State v. Ashley*, 121 S.C. 15, 113 S.E. 305 (1922). A modified or supplemental charge to a jury in response to a jury's note is a critical stage. In the defendant's case the jury passed a note to Judge on behalf of juror #65 (Cynthia Long) stating she used to work for defendant's brother. *Norris v. South Carolina*, 2001 WL 34085161 (D.S.C. 2001) (order vacated on other grounds, *Norris v. South Carolina*, 18 Fed. Appx. 171 (4th Cir. 2001); see also *State v. James*, 116 S.C. 243, 107 S.E. 907 (1921).

The South Carolina Supreme Court has specifically noted that "nothing can be done by the court in a trial for felony, after the jury is sworn impaneled, unless the defendant is personally present." In response to juror #65 sending the note to the judge the defendant had no opportunity to decide whether he believed that the juror could proceed without prejudice, the defendant was not in the court room as the Court had recessed for lunch. He did ^{NOT} know anything about the situation with the juror until a ruling was made to keep the juror without the defendant _{BK} having been present to object. *State v. James*, 109 S.E. at 908 (emphasis added). Furthermore, the denial of a defendant's right to be present during a critical stage of a trial mandates reversal. In *Rivers*, for example, the Court determined that the defendant's absence during the continued voir dire of a juror to ensure impartially was a deprivation of his right to be present and reversed the conviction. In *James*, the Court concluded that the defendant's absence from additional instructions given by the trial judge in response to a note from the jury violated the defendant's right to be present and reversed the conviction. The defendant believes that due to the juror being terminated from her job because she was not about to work the shifts needed that her personal working relationship with the defendant's brother that she could not have preceded without prejudice. No matter which way she voted it could had been believed to be bias.

The South Carolina Supreme Court has unequivocally stated that a defendant has the right to be present at everything that happens in a criminal case, especially when a juror's potential bias is being explored. The defendant was denied that right in this case. See *State v. Rivers*, 363 S.E. 2d at 125; *State v. James*, 107 S.E. at 908.

The defendant ask the court to stand on the grounds of South Carolina's Constitution and rule that the defendant Billy R. King Jr. was denied his 6th Amendment right, therefore reversing his conviction due to the Courts fault in allowing him his right to Due Process according to the State's Constitution.


Defendant/Billy R. King Jr.

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF BERKELY) **FILED** 9TH JUDICIAL CIRCUIT

OCT 08 2014 *gw*

CASE NO. 2010-CP-08-4447
BILLY R. KING JR. #249995) MARY P. BROWN CLERK OF COURT
BERKELEY COUNTY, SC) MOTION TO

V.) AMENDMEND P.C.R. APPLICATION
THE STATE OF SOUTH CAROLINA,) REGARDING MOTION OF CONDITIONAL
RESPONDENTS.) ORDER TO DISMISS

The appellant would like to amend his PCR application, while objecting and appealing to the Conditional Order of Dismissal. The appellant received his copy of the Conditional Order of Dismissal from the mail room at the Kirkland Correctional Institution on September 29, 2014.

The appellant argues that the reasoning for the successive PCR is because at his original PCR hearing that the Prosecutor of the trial was put on the stand as a witness. He was questioned about DNA evidence and denied ever having any testing done by S.L.E.D.; this statement was not only false but is also the grounds for which the appellant's PCR should not be considered successive or outside of the time perimeters, to include the one year given by law.

The appellant argues that it was a Brady violation, *Brady v. Maryland*, 373 U.S.83, 83 S.Ct. 1194, 10 L.Ed.2d 215 and was perjury due to the fact that at the time of the hearing the documents (nondisclosed evidence) showing that the testimony of the witness (Prosecutor) was perjury. This issue stands as why the issue could not have been brought up in the original PCR hearing. The fact that the documents were not made available to the appellant not only proved that the trial attorney was ineffective but also that an office of the court attempted to not fully disclose all of the evidence. The case of *U.S. v. Bagley*, 473 U.S. 667, 678, 105 S.Ct. 3375, 87 L.Ed. 2d 481 displays that a ruling obtained by the knowing of using of perjured testimony is fundamentally unfair and must be set aside if there is any reasonable likelihood that the false testimony could have affected the court's decision.

B.R.K. Jr.

During the testimony of Alston Badger (Trial Prosecutor) he committed perjury when he stated that he never had any DNA testing done through S.L.E.D., while the fact of the case is that not only was testing done and found inconclusive but it was requested by Alston Badger. Therefore, this newly discovered evidence and shows that it could not have been presented by the appellant in the original PCR hearing because it was during this hearing that it happened.

In regards to the amount of time that passed, the appellant was at the mercy of an officer of the court, having to believe that the testimony of the Trial Prosecutor was reliable. It was not until filing under the Freedom of Information Act through S.L.E.D. that the appellant came to the knowledge that testing had been done. Once finding this out, the records were requested, but the appellant was informed that he would have to pay the fee for retrieval and copying of documents. This would cost hundreds of dollars, which took some time to raise since the appellant is a ward of the State and has no financial income. After a period of time the appellant was able to obtain the documents, they showed to be inconclusive. There was a verity of test done including Blood, DNA, salvia, and fingerprints. The report was completed on 05-21-1998 and the appellant's trial began on 05-26-1998. There was a weekend in between the dates so appellant's defense team would not have even had time to go over, plan and set a defense showing that S.L.E.D. did not confirm any matches, even if it had been there in time. Under *South Carolina Code of Laws* Title 17-28-108(B) it states that the disclosure and use of test results are usable in a P.C.R. and that a motion for a New Trial could be granted. The applicant has the full report from S.L.E.D. showing that S.L.E.D. could not make a match, yet during the original PCR the applicant did not have this document and did not have any form of argument to show Badger had perjured himself until after filing a Freedom of Information Act request with S.L.E.D. *Mooney v. Holohan* 294 U.S. 103 speaks about perjury of any one that testifies and shows to be untruthful is in violation of the 14th Amendment USCA Const. Amend. 14. This issue not only violated the appellant's right to due process but place time restraints on him that could not be met.

Upon receiving the S.L.E.D. testing report that the Prosecutor testified never was done, the appellant filed under the Freedom of Information Act with the Berkeley County Clerk of Court requesting any information concerning who requested the DNA testing to be done. The Clerk's office sent back the information, which was an Order to Submit Forensic Evidence. It was requested and signed by Alston Badger concerning collection DNA from the appellant for the

reasoning of testing, "to prove the issue of guilt or innocence." This document proves that not only did Alston Badger know about the testing but was the requestor. This fact shows why the appellant could not have brought this issue up in the original PCR hearing. The appellant's defense was trying to show the court how ineffective the trial counsel was in not bringing up the DNA issues, but once the witness (Prosecutor) said that there was no testing done the Judge seemed to dismiss the issue, and believe that an officer of the court would not get on the stand as a witness and perjure himself before the court.

The appellant hereby requests that the court see how the misconduct of the Prosecutor should be considered as new evidential issue and one that could not have been filed within a restricted time period. The appellant filed the findings of the new documents with the Clerk of Court in a timely manner after receiving them. The issues being amended here not only show merit in the original charge of ineffective counsel in the original PCR hearing, but display why the appellant deserves the opportunity to receive Fundamental Fairness, seeing that it is due to Prosecutor's misconduct that the issues of withholding evidence and perjury has led to the very issues that the court wants to express toward the appellant.

I declare under the penalty of perjury that the foregoing is true and correct and that this Motion was placed in the SCDC prison mailing system on Oct. 6, 2014 (month,date,year).


Signature of Appellant

Billy Randolph King Jr. #249995
KCI B-2-7
4344 Broad River Rd.
Columbia, SC 29210

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7011 3500 0003 6451 7429



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JUL 15 2015
MAILED FROM ZIP CODE 29210

Daniel E. Shearouse
Clerk of Court Supreme Court
POB 11330
Columbia, SC 29211

REIVED

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ALLROOM