

State of South Carolina RECEIVED
In the Supreme Court

AUG 24 2015

S.C. SUPREME COURT

Case no[#] 2011-CP-42-3521

David E Gregg
296199

Petitioner

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State of South Carolina
Warden Perry Corr. Inst

Respondent

Petition For Related Appeal

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ISSUE Presented

1.) Should a belated Appeal be granted

Statement

On June 6, 2002, the Spartanburg County Grand Jury indicted Petitioner for trafficking in cocaine and possession of a firearm during the commission of a violent crime, indictment #02-GS-42-2423 (App. pp. 270-271). On September 10, 2003 Petitioner proceeded to a jury trial before the Honorable J. Deham Cole. The jury returned a verdict of guilty as charged. Judge Cole sentenced Petitioner to 25 years. The South Carolina Court of Appeals affirmed the sentence and ~~conviction~~ conviction and dismissed the appeal in State v. Gregg 05-UP-443 on July 14, 2005.

On September 27, 2005 Petitioner filed an application for post conviction relief "P.C.R." The State filed a return on May 5, 2006. On September 21, 2006, Judge Early denied relief and dismissed the application.

Only after Petitioner exhausted all state and federal avenues did Petitioner find after on newly discovered evidence. This petition follows

Argument

1.) Applicant should be granted a belated Appeal.

Applicant filed a second P.C.R. Application on August 11, 2011 under newly or after discovered evidence. His Application was denied on July 3, 2013 by the Honorable Judge Roger C Couch with out a evidentiary hearing. Applicant then filed a notice of Appeal on August 1, 2013 with the clerk of court Spartanburg. On Sept 24, 2013 Applicant then filed a (Rule 60) motion with the clerk of court Spartanburg.

When Applicant heard nothing from the Courts he started asking other inmates about his case and was told he had filed with the wrong Court Applicant not being a lawyer did not know where to file. Applicant is also indigent, there for he has no money for copies or postage.

For these reasons and in all fairness Applicant should be granted a belated Appeal.

Conclusion

Based on the above argument, Applicant should be granted a belated Appeal. Please.

Respectfully Submitted

David E. Gross Sa 296199

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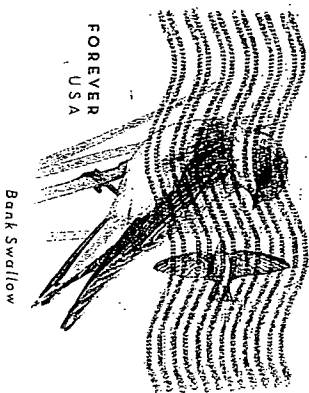
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