

RE: PAUL LESLIE COX v. STATE
APPELLATE CASE NO. 2014-001211

GROUND ONE: S.C. CODE OF
LAW 16-1-60 IS UNCON-
STITUTIONAL...

RECEIVED

FEB 19 2015

S.C. SUPREME COURT

REASON:

S.C. CODE OF LAW 16-1-60
ENHANCED MY CONVICTION
AND SENTENCE... CHARGING
MY 10 YEARS TO LIFE TO
LIFE WITHOUT PAROLE...

GROUND TWO: ENHANCED
INDICTMENT...

(SEE ATTACHED)... PAGES # 14
+ # 17 WILL PROVE + ENHANCED

INDICTMENT... KIDNAPPING
CARRIED 10 YEARS TO LIFE...
JUDGE LUKE N. BROWN
SENTENCED ME TO NATURAL
LIFE ON PAGE #17...

GROUND THREE: PLEA VIOLATION...
SOLICITOR BOWDEN AGREED
AND RECOMMENDED TO THE
COURT THAT THE KIDNAPPING
SENTENCE BE BACK DATED
TO 6-16-83...

THE STATE VIOLATED THE
CONTRACT / PLEA AGREEMENT
MAKING MY CONVICTION
NULL AND VOID...

THE GREAT STATE OF S.C. HAS
HAD THEIR ONE BITE OF THE
APPLE, AS THEY HAVE ALLOWED
ALL CONVICTED U.S. CITIZENS
THEIR'S... THE STATE OF
S.C. CONVICTED ME AND
PLACED ME UNDER AN
ILLEGAL + UNCONSTITUTIONAL
CONVICTION WITHIN THE
U.S. JURISDICTION... THEY
CANNOT ALLOW THE STATE
TO CORRECT THIS ILLEGAL
CONVICTION, AND PLACE
MY LIFE + LIBERTY AT
STAKE FOR A SECOND TIME
FOR THE SAME CRIME...

I AM ASKING THIS COURT
TO GRANT ME A PRO SE
HEARING + ALLOW ME TO
PRESENT MY CASE... I WISH
TO APPEAR AS MY OWN
COUNSEL...

Caul Hedrick
2-12-15

State of South Carolina
Department of Probation, Parole, and Pardon Services



DAVID M. BEASLEY
Governor

WILLIAM E. GUNN
Director

2221 DEVINE STREET, SUITE 600
POST OFFICE BOX 60664
COLUMBIA, SOUTH CAROLINA 29260
Telephone: (803) 734-9220
Facsimile: (803) 734-9440

November 17, 1995

RE: NON-ELIGIBILITY FOR PAROLE

Mr. Leslie Cox #75206
Lee Correctional Inst.

Dear Mr. Cox:

It is my duty to inform you that South Carolina law prohibits the Board of Probation, Parole, and Pardon Services from granting you parole on the sentence(s) identified below. Section 24-21-640 states: "The Board must not grant parole nor is parole authorized to any prisoner serving a sentence for a second or subsequent conviction, following a separate sentencing for prior conviction, for violent crimes as defined in Section 16-1-60." Our records indicate that you have been convicted of the following crimes:

<u>Violent Crime</u>	<u>Indictment Number</u>	<u>Parolable</u>	<u>Sentence</u>
Assault & Battery With Intent To Kill	87-GS-23-59	No	08/04/87
Kidnapping	87-GS-42-643 Count 1		04/16/87

If you have any questions, please contact your Parole Examiner.

Sincerely,

William E. Gunn

WEG:rh

cc: Warden

Central Records, SCDC

Operations, SCDC

Parole Examiner

File

2009 MAR 30 AM 11:12
MARC KITCHENS

BT

hed

1 confined her to her house, would not let her leave, and---

2 THE COURT: He says---

3 SOLICITOR BOWDEN: ---And tied her up.

4 THE COURT: Did you have him up to the State Hospital?

5 SOLICITOR BOWDEN: No, sir, Your Honor.

6 DEFENDANT COX: And I do not wish to go. I been
7 through all this little State Hospital routine stuff before.
8 You go down there and you sit in a cell thirty, to sixty
9 days. They come back there, and they talk to you one time
10 and that's it.

11 What good does that do me? None. I don't need to
12 waste my time to go down there and start. If you -- if I
13 can go ahead and get you to sentence me, I can go ahead and
14 start on this.

15 THE COURT: But do you understand if I sentence you to
16 life---

17 DEFENDANT COX: I understand what life is.

18 THE COURT: You won't come up for parole until twenty
19 years. Do you know that?

20 DEFENDANT COX: Yes, sir, I understand that.

21 THE COURT: Mr. Sanders back here says it's ten years.

22 MR. SANDERS: Ten years on kidnapping.

23 DEFENDANT COX: It's ten years on kidnapping.

24 THE COURT: Kidnapping, come up for parole on ten
25 years of kidnapping.

1 MR. SANDERS: Eligibility be ten years.

2 DEFENDANT COX: They not giving parole. So you don't
3 have to worry about that.

4 THE COURT: Do you understand that? How far did you
5 go in school?

6 DEFENDANT COX: Tenth.

7 THE COURT: Tenth grade.

8 DEFENDANT COX: Yes, sir, I did.

9 THE COURT: Mr. Cox, do you feel it's because what you
10 did you ought to be punished by life in prison?

11 DEFENDANT COX: No, sir, I do not.

12 THE COURT: Well, do you think -- why -- why would you
13 not want somebody to help you? Not necessarily try the
14 case. But I'm not asking that the case be tried.

15 DEFENDANT COX: You got to look at it like if you
16 plead guilty, it's automatic life. If I have to put my
17 grandmother through it, come up here testifying, they gone
18 find me guilty. Automatic life.

19 So, why drag her through it again what she done been
20 through one time? Why keep putting her through the same
21 thing over and over? Let it go ahead and die here today.

22 THE COURT: What kind of work were you doing on the
23 time you serving now?

24 DEFENDANT COX: A sell reefer. That's the work I do.

25 THE COURT: You do what?

1 DEFENDANT COX: Yes, sir.

2 THE COURT: ---Be there for life?

3 DEFENDANT COX: I understand if I miss parole, I got
4 to wait two more years before I go up. And if it takes me
5 up to two years after that, or until I die.

6 THE COURT: All right.

7 DEFENDANT COX: I understand all that.

8 THE COURT: All right. Judgment of law and Sentence

9 of the Court that you, Paul Leslie Cox, be confined to the
10 South Carolina Department of Corrections for the balance of
11 your natural life.

12 DEFENDANT COX: Yes, sir.

13 THE COURT: Good luck.

14 DEFENDANT COX: Yes, sir. .

15 SOLICITOR BOWDEN: Thank you, Your Honor.

16 (Whereupon, the defendant was brought back in.)

17 THE COURT: All right. If you don't mind, give me
18 that indictment of Mr. Cox. I want to ask you a question or
19 two if you don't mind, Mr. Cox.

20 DEFENDANT COX: Yes, sir.

21 THE COURT: You read the statute pretty good. I
22 congratulate you. You're not a dummy by any stretch of the
23 imagination.

24 DEFENDANT COX: Yes, sir.

25 THE COURT: You can quote it better than I can if you

1 read it alot of times.

2 DEFENDANT COX: Yes, sir.

3 THE COURT: And you remember when I told you I read
4 the statute to you and I put the word confine in there.
5 That's the -- probably the only thing that really applies to
6 kidnapping. To seize, you always have to seize somebody
7 when you do anything, assault and battery or anything else.

8 So, I'm really interested in the confinement. After
9 you pled guilty, you told me you were guilty. Then you told
10 me that -- that the statement didn't contain the truth. And
11 I believe you said, and correct me if I'm wrong, you said
12 that y'all sit there and talked a long time.

13 DEFENDANT COX: Yes, sir.

14 THE COURT: That she could of left any time she wanted
15 to.

16 DEFENDANT COX: Yes, sir.

17 THE COURT: And that she went and got the ropes to tie
18 her up with. Well, if she -- if you tied her up at her
19 request, of course, that's not kidnapping. Why don't you
20 tell me, if you will, what occurred?

21 DEFENDANT COX: I been drinking. I parked the van
22 down behind moma's house, and I know the woods all, you
23 know, down in there good. I parked the van. I cut through
24 the woods, went and sat in the woods. Drunk some more
25 liquor. And it got dark.

A. APPLICANT BELIEVED HE WAS ELIGIBLE FOR PAROLE

First, Applicant believed he would get out of prison if he pleaded guilty. In fact, he discussed with the Court "When I get out, I have enough money to start..."¹ Applicant believed he would be at least eligible for parole in 1993; however, he is presently serving a life sentence.

Accordingly, Applicant misunderstood the effect of his guilty plea. The transcript shows in part:

The Court: How much more time -- how long you been in jail now on that first sentence?
 Defendant Cox: Since June the 16, '83
 Solicitor Bowden: Your Honor, the State would recommend that this sentence be back dated to that date.²

The Court: But do you understand if I sentence you to life ---
 Defendant Cox: I understand what life is.
 The Court: You won't come up for parole until twenty years. Do you know that?
 Defendant Cox: Yes, sir, I understand that.
 The Court: Mr. Sanders back here says it's ten years.
 Mr. Sanders: Ten years on kidnapping.
 Defendant Cox: It's ten years on kidnapping.
 The Court: Kidnapping, come up for parole on ten years of kidnapping.
 ***³

The Court: How old are you?
 Defendant Cox: Thirty-one.
 The Court: Thirty-one. And if you date it back to '82, you be eligible for parole in '93, is that what you're saying?
 ****⁴

The Court: ...All right, sir. Now, Mr. Cox, before, -- do you understand when you say life that doesn't mean that you necessarily gone get out in '93, November? They could keep you there for life.
 Defendant Cox: I'm not expecting to get out in '93.
 The Court: Do you understand that you could get---
 Defendant Cox: Ycs, sir.
 The Court: ---Be there for life?
 Defendant Cox: I understand if I miss parole, I got to wait two more years before I go up. And if it takes me up to two years after that, or until I die.
 The Court: All right.
 Defendant Cox: I understand all that.
 ****⁵

¹ Transcript of Record of Guilty Plea, 1987-GS-42-643, page 14, lines 9-10.

² Id. at page 3, lines 5-9.

³ Id. at page 11, lines 15-25.

⁴ Id. at page 14, lines 5-9.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)
)
 Paul Leslie Cox, #75206,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 SEVENTH JUDICIAL CIRCUIT

2007-CP-42-2757

APPLICANT'S SUPPLEMENTAL
 MEMORANDUM IN SUPPORT

TO: STATE OF SOUTH CAROLINA

The applicant, Paul Leslie Cox, by and through undersigned counsel hereby submits this supplemental memorandum in support of his application for relief. By reference herein, the documents previously filed in this and other relief applications are hereby incorporated by reference and presented to the court as grounds supporting the relief sought.

FILED
 CLERK OF COURT
 SPARTANBURG COUNTY
 2008 JAN 18 AM 08:55
 MARC KIDWELL

I. FACTS

Although this is applicant's sixth post-conviction relief filing, upon information and belief, no prior order has addressed the merits of the applicant's contentions. The first PCR was voluntarily withdrawn; the second was dismissed without prejudice by the Honorable James B. Stephen (the State's record does not reflect the reasoning for this order); the third PCR was withdrawn; the fourth PCR was denied for procedural matters (expiration of the statute of limitations); and the fifth PCR was withdrawn.

The key issues raised in this case should be addressed by the Court.

B 710141
B 710140

Witnesses

Carl Mabry
Woodruff Police Dept.

10-32-93
1-9-2-89

RECEIVED
APR 22 1987
Circuit Court

Verdict

Foreman

87-GS-42 - 1B 643

The State of South Carolina

County of Spartanburg

COURT OF GENERAL SESSIONS

MAR 2 1987 Term, 19

THE STATE

vs. 75206

Paul Leslie Cox

*Note per as to Aggravated Assault
16 April 87 John B. Branch*

INDICTMENT FOR

Kidnapping **and**

Assault and Battery
High and Aggravated Nature

Holman C. Gossett, Jr.

Pat Baumgardner
Foreman of Grand Jury

MCCAW PRINTERS, COLUMBIA, S. C. 29205

Juan Bill

SENTENCE

The defendant, Paul Leslie Cox
is committed to the State Dept. of Corrections/County for a term of 18
months/years and/or to pay a fine of \$ 1500.00
service of 18 months/years and/or for payment of
\$ 1500.00 plus pay/waive costs and assessments as applicable, the
balance suspended with probation for 18 months/years.
Restitution Yes / No
For physical injury \$ 0
property damage \$ 0
to be paid

Date 4-16-87
K.R. H. Hekalis
Presiding Judge
Mada Smith, D. Clerk of Court
**Pay to Victim's Compensation Fund if subrogated.

A CERTIFIED COPY
K.R. Hekalis
Clerk of Court
SPARTANBURG COUNTY
BY: Mada Smith, D.C.

I PAUL LESLIE COX
hereby appear in my own proper person and plead
guilty to KIDNAPPING
On the within indictment.
Witness: Paul Leslie Cox
Clerk of Court K.R. Hekalis
Mada Smith, S.C.

CLERK, THESE ARE THE ISSUES
I WOULD LIKE TO RAISE +
ARGUE BEFORE THIS COURT...

I COULD NOT GET A COPY
OF THE WARRANTS...

PLEASE SEND ME A CHECKED-
IN COPY OF THIS PETITION...

Paul L. Lap

2-12-15

~~152010~~ - SIMU #106

Iron Way

CH, SC 29899

COURT

STATE SUPREME COURT

NO. BOX 11330

COLUMBIA, SC 29211