

September 6, 2012

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**S.C. SUPREME COURT**

Re: Wahid Mu'min Muhammad, I v. State  
Appellate Case No. 2012-212675

Pursuant to Rule 243 (c) of the South Carolina Appellate Court Rules, petitioner gives the following explanation why the Circuit Court judge err in dismissing his PCR application:

Petitioner filed a PCR application on October 9, 2009 and submitted it to the Florence County Clerk of Court. It was transferred to Spartanburg County on March 25, 2010, as ordered by Thomas A. Russo, Administrative Judge, Twelfth Judicial Circuit. A Final Order dismissing petitioner's application was signed by J. Mark Hayes, II, Administrative Judge - Common Pleas, Seventh Judicial Circuit, on February 22, 2012. And a another Final Order was given on July 6, 2012 by J. Derham Cole, Judge, Seventh Judicial. The PCR application was given a Conditional Order of Dismissal for violating the statute of limitations.

Petitioner feels, as a matter of law, that the Circuit Court judges erred because he is being denied his "one bite of the apple" as this Court has ruled that "every defendant has a right to file a direct appeal and one PCR application."

See Wilson v. State, 339 S.C. 491, 530 S.E.2d 126 (2000);  
and Odom v. State, 337 S.C. 256 (1999).

Petitioner's PCR application was dismissed without a hearing as to its merits and without counsel being appointed. According to Al-Shabazz v. State, 338 S.C. 354, 363, 527 S.E.2d 742, 747 (2000), it states, "when considering the state's motion for summary dismissal of an application for postconviction relief, a judge must assume facts presented by an applicant are true and view those facts in the light most favorable to the applicant."

For these following reasons and more that petitioner will present to this Court, petitioner appeals the decision of the Circuit Court

cc: Ms. Suzanne H. White

~~Wahid Muhammad, I~~  
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