

Robert Little #273121-MA36  
Kershaw Correctional Institution  
4848 Goldmine Hwy  
Kershaw, S.C. 29067

RECEIVED

NOV 20 2015

S.C. SUPREME COURT

Date / 11 / 17 / 2015  
Case No: 2012-CP-29-1177

The Supreme Court of South Carolina  
Hon: Daniel E. Shearouse Clerk of Court  
Post office Box 11330  
Columbia, S.C. 29211

Dear Mr. Shearouse,  
Pleas find enclosed copies of motion for  
NOTICE OF APPEAL under Rule 203 and Exhibits,  
APPEAL FROM LANCASTER COUNTY  
COURT OF COMMON PLEAS, and a copy,  
file returned back to me addresses envelopes.

Thanking you, I am

yours very truly,  
Robert Little  
Robert Little #273121

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

APPEAL FROM LANCASTER COUNTY  
COURT OF COMMON PLEAS  
HONORABLE BROOKS P. GOLDSMITH, CIRCUIT COURT JUDGE

CASE NO. 2012-CP-29-1177

ROBERT LITTLE..... APPLICANT  
S.C.D.C. 273121  
V.

THE STATE..... RESPONDENT

NOTICE OF APPEAL

ROBERT LITTLE NOW FILES A MOTION FOR NOTICE OF APPEAL RULE 203 IN RELATION TO THE RESPONDENT'S MOTION FOR A FINAL ORDER OF DISMISSAL IN THE ABOVE-CAPTIONED CASE.

J. CROOM HUNTER  
ASSISTANT ATTORNEY GENERAL  
P.O. BOX 11549  
COLUMBIA, S.C. 29211-1549

~~ROBERT LITTLE #273121-MA-36~~  
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KERSHAW CORRECTIONAL INSTITUTION  
4848 GOLDMINE HWY  
KERSHAW, S.C. 29067

The Applicant Contends that the Respondent motion should not become final. The Applicant contends that his PCR Counsel have not protected his claim for his Innocence in PCR, proceeding for Violations of the 6<sup>th</sup> Amendment Ineffective Assistance of Counsel and 14<sup>th</sup> Amendment Due process Violation. Hill- vs- Lockhart 106 Sct 366 Strickland- vs- Washington, 466 US AT 688 104 Sct AT 2064-65.

The Applicant contends that the District Attorney has made a false finding of fact, without the Applicant being present at his PCR hearing. PCR Attorney MR. George Speedy, was Ineffective Assistance of Counsel Against the Applicant, because the Applicant have not have the chance by making the Allegation's, that he need to be heard on the Record. The District Attorney fact's are not true because if it were so, The Record would show where the Applicant was present upon the witness Stand as Being Duly Sworn into Testifying to the fact's in his Case. See page 374 line 1-5, from Exhibit (A) and Exhibit (B) Show's A, Staff Request Documentation Stating that the Applicant was At Kirkland Institution on 6-3-2003 Return from Court, not at Winnsboro, S.C. and see the Transcript of Record Exhibit (C) page (372).

This issue should not become final under 17-27-80 because PCR Judge haven't made the specific findings and conclusions of law representing to each particular issue that the Applicant raise from his 2012 PCR Court order Docket No: 2012-CP-29-1177, PCR Judge haven't made conclusions of law in compliance to the following issues.

Applicant argues the Conditional order should not become final for the following reasons:

(1)... Applicant alleges trial Counsel failed to make contemporaneous objections. See Exhibit (D), Amended Application for post-conviction relief, page (1-10) defective Indictment, no objection before the jury was sworn, see *State v. Young*, 243 S.C. 187, 133 S.E. 2d 210 (1963) and no body of Indictment and no objection to Amend an Indictment. See page (232 and 233). also page (234), and, page (243).

(2)... Trial Counsel failed to appeal Applicant's case. see page (383).

(3)... PCR Counsel acted Improperly see Exhibits (E) Applicant did not include any appeal action. page (1-10).

(4)... Applicant was not present for his initial PCB hearing. See Exhibit (A and B).

(5)... Applicant's prior PCB Counsel have all failed to properly present his Claims. was ineffective for failure to file a Rule (59-e) Motion to Alter or Amend

(6)... Applicant's Claims the Statute of Limitations should be tolled. See page (383) Exhibit (E), it falls within the Parameters of the one-year Statute. and the Trial Counsel, failed to do Investigators of the jury Panel, Jean Catoe, and Michael Catoe members of the jury panel and handled Criminal Investigation of the Case. jury misconduct, error of Trial Counsel and judge, See Exhibit (F). The jury partiality, juror's Conduct Impairing a Applicant's right to a fair trial. page (1-10)

I Contend that my PCB Counsel was Ineffective for failure to file A Rule (59e) Motion to Alter or Amend Judgement upon reading over respondent's Motion, and seeing that they did not Rule on each Issue presented, My Attorney never Inform me that I could have Appeal my Conviction for failure to properly protect my rights to seek Appellate ~~Review~~ Review of Denial of my PCB Application being heard on Appeal.

As stated in several Pass Case where the final order lacked specific of fact and conclusions of law to remanded for specific findings in some cases a new hearing in order to address the pervasive problem of inadequate order. McCullough - VS - State 320 SC 270 272 464 Se 2d 340 341 (1995). Pratt - VS - State SC 329, 330 408 SC 2d 241 (1991). Reversing order denying applicant relief and remanding for a new PCR hearing where PCR Courts order failed to make specific finding of fact and conclusions to law sufficient for Appellate Review.

Smith - VS - Padula 444 F Supp 2d (2006) Crooks - VS - State SC (1997) 326 SC 171 485 Se 2d 374. Marlar - VS - State (SC App 2007) 373 SC 275 644 Se 2d 769.

The petitioner in his diligence, is now aware as earlier of this newly acquired knowledge and applicable principles of rules governing in the evidence and applicable principles of rules governing. The applicability of his conviction and Case Ann 17-27-90, which for sufficient reason was not asserted or inadequately raised in the original supplement or amended Application.

Primus - VS - Padula 2009-555 F Supp 2d 596 Appeal Dismissed 298 Appx 236 2008 4790 109 Certiorari denied 129 Sct 1621 173 Led 2d 1004 Gibson - VS - State (SC 2003). 354 SC 630 583 Se 2d 52.

McCoy-Vs-State 737 SC 5e2d 623(2013) Leamore-Vs-  
State 611 5e2d 494 Citing SC Code Ann 17-27-80  
where and Applicant Alleges facts that would  
establish an exception to either the Statute of,  
limitations of, the prohibition against successive  
PCR Applications and those facts are not conclusively  
refuted by the Record before the PCR Court.

Austin-Vs-State 409 5e2d 395 396 SC(1991) whichever  
is later Austin appeals are considered belated  
appeals and are use to rectify unjust procedural  
defects such as when an Attorney does not file  
A timely Appeal. Hope-Vs-State 328 SC 78 492 5e2d  
76(1997). Permitting A belated appeal pursuant to  
Austin in 1992 From A denial of A PCR Application in  
1989. Odom-Vs-State 523 753(1999) Gamble-Vs-  
State 379 5e2d 118-119(1989) Carter-Vs-State 362  
5e2d 20(1987). Case-Vs-State 289 5e2d(1982),  
A question of fact is Raised which can only  
be resolved by A hearing. Delaney-Vs-State 238,  
5e2d 679(1977). The Court held ~~that~~ that in general  
PCR is A proper avenue of relief only when the  
Applicant mounts A Collateral Attack Challenging  
The validity of his Conviction or Sentence.  
Alshabazz-Vs-State 367 527 5e2d At 749,  
Coats-Vs-State 504 5e2d At 557 Also ~~that~~  
Finklea-Vs-State 273 SC 157 158 255 5e2d (447-48)

Harvey - vs - South Carolina (31-C) F Supp 83-  
85 Sutton - vs - State 361 SC 644 648 Se 2 d  
779 781 (2004) over ruled ground By  
Brady - vs - State 366 SC 137 620 Se 2 d 743 (2005)  
Jackson - vs - State 331 SC 486 489 Se 2 d  
915 916 (1997).

The general one year period does not apply  
where a defendant is denied direct appeal  
due to ineffective assistance of counsel.

Wilson - vs - State 348 SC 215 559 Se 2 d 581 (2001)  
State - vs - Johnson 333 SC 457 510 423-26 (1999)

The fact that this order is barred from being  
heard on appeal, this violates my right pursuant  
17-27-100 right to seek appellate review of the  
denial of my PCR application. I contend that my  
PCR Counsel was ineffective for failure to file  
A Rule (59-e) motion to alter or amend judgment  
upon reading over the respondents motion and  
seeing that they did not rule on each issue,  
presented.

This was a direct violation of my 6<sup>th</sup> Amendment right  
to ineffective assistance of counsel and my  
14<sup>th</sup> Amendment right to equal protection and  
due process of law Marlar - vs - State 373 SC,  
275 644 Se 2 d 860 Jackson - vs - State SC 2003,  
355 SC 586 Se 2 d 562 Garner - vs - State SC 2006  
371 (SC-1) 636 Se 2 d 860.

Humphries-VS-State SC 2002 351 SC 362 570,  
Se 2d 160 Pauling-VS-State SC 2002 350 SC 278  
565 Se 2d 769. The Appellate Court will not  
up hold the findings of A post-Conviction relief  
of A PCR Court if there is no probative evidence  
to support those findings.

Gilchrist-VS-State SC 2002 350 SC 221 565 Se 2d  
281. Patrick-VS-State SC 2002 349 SC 203 562,  
Se 2d 609 Grier-VS-State SC (1989) 299 SC 321,  
384 Se 2d 722, My Attorney Never inform me, that,  
I could have Appeal my Conviction. State-VS-  
Nazzquez 364 SC 293 613 Se 2d 359 (2005).

Holmes-VS-South Carolina 361 SC 333 345 605 Se  
2d (19-25). Holmes-VS-South Carolina 547 US 319,  
(2006). The petitioner seeks for A Related Appeal

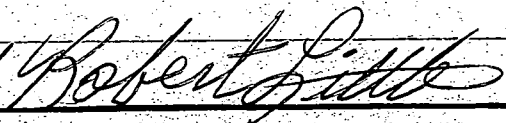
White-VS-State 263 SC 110 208 Se 2d 35 (1974)  
Sheppard-VS-State 357 SC 646 594 Se 2d 462 (2004)  
Anders-VS-State of California 386 US 738-87 Sct 1396  
led 2d 493.

Section 17-27-70 Part (c) where no evidentiary  
hearing has been held, The PCR Judge must assume  
facts presented by the Applicant are true and  
view those facts in light most favorable to the  
Applicant. The Applicant bears the burden of  
showing that the allegations could not have been  
raised previously Land-VS-State 274 SC 243  
262 Se 2d 735 (1980). (17)

The petitioner brings forth the details of the claim on newly discovered evidence base on his diligent pursuit of equity in justice and in his pursuit of such become aware of SCRPC Rules 60 A-B 17-27-45(C) Hayden vs State 278 SC 610 611 612 299 Se 2d 854 855 (1983) Whetell vs State 267 SC 295 Se 2d 891 (1987) Rivers vs Strickland 264 SC 121 213 Se 2d, 97 (1975).

## VI. PRAYER FOR RELIEF

WHEREFORE Applicant respectfully pray that this Court enter judgment granting Applicant.

Signed /   
Robert Little #273121

State of South CAROLINA  
In the Supreme Court

APPEAL FROM LANCASTER COUNTY  
Court of Common Pleas  
Honorable Brooks P. Goldmith, Circuit Court Judge

Case No.: 2012-CP-29-1177

Robert Little . . . . . Applicant  
S.C.D.C. 273121  
V.

The State . . . . . Respondent

CERTIFICATE OF SERVICE

I, Robert Little, hereby Certify under the penalty of perjury that:

I have served upon the following addresses below, Copys to the Court of Common Pleas Notice of Appeal and Exhibits, on this 17 day of 11 2015.

from Bershaw Correctional Institution,  
mail room.

Has Sworn to and Subscribed  
before me this 17 day of November 2015.

Cathie C. Ormsw

Notary Public For South Carolina  
my Commission Expires 12/22/18

Sincerely  
S/ Robert Little  
Robert Little #273121

J. Croom Hunter  
Assistant Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211-1549

The Supreme Court of South Carolina  
Hon. Daniel E. Shearouse Clerk of Court  
Post office Box 11330  
Columbia, S.C. 29211

Hon. Jeff L. Hammond  
Lancaster County Clerk of Court  
Post office Box 1809  
Lancaster, S.C. 29721

Robert Little #225121-MA-36B

Keshaw Correctional Institution

4848 Goldmine Hwy

Keshaw, S.C. 29067

The Supreme Court of South Carolina

Hon. Danie / E. Shearouse Clerks of Court

Post Office Box 11330

Columbia, S.C. 29211