

HERMAN Belton #256396
BRCI-MU 285
4460 BROAD RIVER Rd.
Columbia, SC 29210

Sept. 12, 2012

Plaintiff's Complaint

AND/OR

Petitioner's Petition

HERMAN Belton
Petitioner

RECEIVED

SEP 18 2012

STATE of South Carolina
Respondent

SUPREME COURT

RE: Filing of False/Fabricated
Police Report; CASE No: 06-11213
(OFFICIAL MISCONDUCT)

2011-204374
CASE NUMBER

To: Whom it MAY CONCERN;

This CORRESPONDENCE is directed AT/TO ANY/EVERYONE who REPRESENT(S) THE STATE OF SOUTH CAROLINA AT ANY LEVEL, IN ANY MATTER AT ANY TIME.

I AM WRITTING SEEKING JUSTICE NOT JUSTICES FROM SUCH A "CROOKED" SO CALLED JUSTICE SYSTEM

I AM WRITTING TO BRING TO LIGHT THE FACT THAT CHRISTOPHER DWAYNE LEMMONS OF THE ANDERSON CITY POLICE DEPT. DID IN FACT KNOWINGLY, WILLINGLY AND INTENTIONALLY FILED A FABRICATED/FALSE POLICE REPORT IN ESSENCE TO THE FILING OF ANDERSON POLICE NARCOTICS REPORT, CASE NUMBER 06-11213.

THE ONLY INFORMATION THAT I CAN/WILL CONFIRM AS "TRUTH" IN THE WHOLE ANDERSON POLICE NARCOTICS REPORT IS UNDER NARRATIVE/NOTES WHICH STATES, OFFICERS RODE BY A SUSPECTED DRUG HOUSE AND OBSERVED A VERY UNIQUE

bicycle parked at the door of the residence and the fact that when they searched me, I did indeed have a glass "CRACK PIPE", A SET OF "DIGITAL SCALES" AND A "CELL PHONE" that did not work. That / those item(s) listed above is / was the only item(s) I possessed that night and that's all I'm gonna take responsibility for. Therefore, every thing else in that / those narrative / notes have been fabricated and / or false.

I hereby contend that Christopher Dwayne Leamons did in fact violate S.C. Code Ann § 16-17-722 by fabricating and falsely reporting a felony. A person who violates by falsely reporting a felony is guilty of a felony and upon conviction must be imprisoned not more than one year and fined not more than one thousand dollars or both.

I do contend that I have been "kidnapped" by the State of South Carolina as a result of "conspiracy" and "perjury and subornation" which are also "criminal and jailable" offenses.

I would like to name Andrew Julian Heaton and Mike Baskin as accomplice(s) along with who-ever else represented the State of South Carolina in any form or fashion pertaining to this "wrongful conviction" and "wrongful incarceration".

I would like to report, file a formal complaint, petition a thorough investigation.. Seeking Justice.

Let it be known: [N]o structure can be straight at the top... if it's crooked at the bottom; which just so happens to include this "crooked" so called J-u-s-t-i-c-e OR J-u-s-t-u-s System.

Note: We CAN NEVER HAVE "true Justice", without "TRUE INFORMATION."

I do contend that this "WRONGFUL ARREST" AND "WRONGFUL CONVICTION" WAS MOTIVATED AS A RESULT OF "RACISM."

I also contend that FOR "PERSONAL REASONS" AND "WICKEDNESS OF THE HEART", CHRISTOPHER DWAYNE LEMMONS who is the CASE AGENT did in fact, FABRICATED AN ALLEGED CRIME THAT NEVER ACTUALLY HAPPENED IN ORDER TO PERFECT A "RACIAL KIDNAPPING" BY "CONSPIRACY" AND "PERJURY AND SUBORNATION OF PERJURY"; which ARE ALL "CRIMINAL, AND JAILABLE" OFFENSES BECAUSE HE KNEW HE HAD THE BACKING OF A "CROOKED" SO CALLED JUSTICE OR JUST-US SYSTEM.

Note: I AM enclosing two (2) additional document(s) which I have labelled EXHIBIT "A", AND EXHIBIT "B". EXHIBIT "A" is the 2ND PAGE OF THE ANDERSON POLICE NARCOTICS REPORT which include(s) CASE NUMBER (06-11213), EVIDENCE LIST (Note: Mike BASKIN logs in AT SLED AND RELEASES (ALLEGINGLY) TO KARONDA WILLIAMS 5-11-2005 L06-06901. WHICH IS A TOTAL DIFFERENT CASE NUMBER AND 5-11-2005 IS A WHOLE YEAR BEFORE I WAS ARRESTED. IT (EXHIBIT "A") ALSO INCLUDE NARRATIVE/NOTES... PLEASE READ.

Exhibit "B" is A PAGE out of MY "ORDER OF DISMISSAL" OF MY PCR HEARING, WHICH INCLUDES THE TESTIMONY OF MY TRIAL LAWYER, KURT TAVERNIER; NOTE UNDERLINED AND READ(S) AS FOLLOWS: COUNSEL TESTIFIED THAT THERE WAS NO TESTIMONY PRESENTED AT TRIAL THAT APPLICANT (ME) RAN FROM THE POLICE, EVEN THOUGH THE OFFICERS COUNSEL INTERVIEWED (CHRISTOPHER DWAYNE LEMMONS AND ANDREW JULIAN HEATON) TOLD COUNSEL SUCH, BUT THAT DID NOT COME OUT A TRIAL. THIS/THAT IS "CONFIRMATION" THAT THE INFORMATION INCLUDED IN EXHIBIT "A" IS INDEED FALSE OR FABRICATED. I REST MY CASE!

CC: (1) ATT: INTERNAL AFFAIRS DIV.

CO: ANDERSON CITY POLICE DEPT.

(2) ATT: (GENERAL SESSIONS & COMMON PLEAS COURT) & SOLICITOR'S OFFICE
CO: ANDERSON COUNTY ~~CLERK OF COURT~~ CLERK OF COURT

(3) ATT: SOUTH CAROLINA SUPREME COURT
CO: DANIEL E. SHEAROUSE (CLERK OF COURT)

(4) ATTORNEY GENERAL'S OFFICE

(5) HERMAN BELTON #256396

"AFFIDAVIT"

I HERMAN BELTON DO DECLARE (ATTEST CERTIFY, VERIFY OR STATE) UNDER THE PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Herman Belton #256396

NAME AND NUMBER

My Commission Expires

March 5, 2018

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 12th DAY OF September, 2012
Judith A. Frye
NOTARY PUBLIC (4)

MY COMMISSION EXPIRES

SEP. 12 2012

THE MORAL behind this complaint, petition or correspondence is MERELY A "PLEA FOR JUSTICE" BECAUSE AN "INJUSTICE ANYWHERE, IS UNJUSTICE EVERYWHERE.

THERE is nothing wrong with being wrong, but, there is something wrong with not MAKING THAT wrong.. Right.

"CERTIFICATE OF SERVICE"

I, HERMAN BELTON CERTIFY THAT A TRUE AND EXACT COPY OF THE ATTACHED CORRESPONDENCE HAS BEEN SERVED ON/TO THE ABOVE LISTED OR SAID RESPONDENT(S), BY THE UNITED STATES POSTAL SERVICE BY HAND DELIVERING IT TO MRS. FRYE / MR. KEITH WHO IS THE MAIL-ROOM PERSONNEL HERE AT BROAD RIVER CORR. INST., 4460 BROAD RIVER ROAD, COLUMBIA, SC 29210.

Herman Belton #256396
Respectively

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 12th DAY OF September, 2012

Susan H. Frye
NOTARY PUBLIC

My Commission Expires
March 5, 2018

MY COMMISSION EXPIRES

Exhibit "A"

Evidence List

COLLECTED 5/3/2006 21:39 HOURS FROM IN THE WOODS ACROSS FROM 504 HUDGENS ST BY ANDY HEATON, ANDY HEATON TO DRUG BOX 5/3/2006, MIKE BASKIN SECURES IN BEST KIT B177556 IN EVIDENCE ROOM TO GO TO SLED, DRUGS ARE WET, MIKE BASKIN CALLS SLED 5/4/2006 REFERENCE WET DRUGS, BEST KIT & PLASTIC EVIDENCE BAG WILL HAVE TO BE OPENED IN FRONT OF ANDY HEATON, DRUGS PUT IN PAPER EVIDENCE BAG AND DRIED BEFORE PUTTING INTO ANOTHER BEST KIT & SENT TO SLED, MIKE BASKIN LOGS IN AT SLED & RELEASES TO KARONDA WILLIAMS 5/11/2005 L06-06901

Case Log

Narrative/Notes

CASE NOTES ON HERMAN BELTON SR 06-11213

May 3, 2006 RO was on patrol with Cpl. Andy Heaton working extra duty in a high crime area of the city. Officers were checking on a suspected drug house at the corner of Hudgens St. and Bailey St. As officers rode by the location, officers observed a very unique bicycle parked at the back door of the residence. The bicycle belongs to Herman Belton who is known to officers as a known drug user and transporter. Two vehicles were also parked in the back yard of the residence.

Officers circled the block in order to attempt to get the tag numbers of the vehicles in the back yard. As officers turned onto Hudgens St. officers saw Mr. Belton riding east on Hudgens St. back towards his home. Officers did identify themselves and attempted to make contact with Mr. Belton at that time. Mr. Belton was holding an unknown shiny object in his left hand while still riding his bicycle. Mr. Belton is known to run or fight if he is holding drugs on his person because he did last time we arrested him. Mr. Belton did not stop after officer attempted to contact him about his presence at the suspected drug house. Officers asked Mr. Belton to stop several times. Mr. Belton instead attempted to flee from officers on his bicycle. Officer used the unmarked police vehicle to pass Mr. Belton and attempt to stop him. Mr. Belton then jumped off the bicycle and pushed it towards the vehicle. Mr. Belton then ran into a wooded lot at the side of the road. Mr. Belton still had the item in his hand as he ran into the wooded lot. Officers chased Mr. Belton into the woods on foot. Mr. Belton ran about 30 feet when he ran into some very large thorn vines and was stopped and gave up to officers. Mr. Belton was still carrying the shiny item when he ran into the woods. Mr. Belton did have a glass pipe and set of digital scales in his left front pants pocket. In his right front pants pocket was cell phone.

RO took Mr. Belton into custody and walked him back up to the patrol vehicle. Cpl. Heaton who had his flashlight stayed in the woods to search for the item Mr. Belton had in his hand. Cpl. Heaton found the item about 5 feet from where officers took Mr. Belton into custody. The item was a piece of aluminum foil in the shape and size of a taco. Cpl. Heaton opened the item and RO heard him exclaim "Oh My God!" RO asked him if he had found any drugs Cpl. Heaton again repeated "Oh My God". Cpl. Heaton walked over to the vehicle and placed the item onto the hood of the vehicle. The item was a very large amount of an off white rock like substance believed to be Crack Cocaine. RO called Capt. Kevin Marsee to the scene to examine the suspected drugs. I am certified to conduct field test of suspected narcotics. I did field test the suspected item and it did test positive for Cocaine Content. Mr. Belton was transported to the city jail where he later requested an attorney.

handles drugs cases and it appeared counsel had all the discovery. Counsel testified that he checked the chain of custody to verify its validity.

~~Counsel testified that he advised the Applicant of his right to testify or not testify and Applicant's prior record and discussed this with the trial judge. Counsel testified that the Applicant chose to testify, that counsel kept a similar type of prior conviction out, and that the jury was only informed that Applicant had a prior conviction that carried a 5 year penalty. Counsel testified that he and the Applicant discussed trial strategy, that counsel called both Norris and Burns to testify at trial, and that the focus of the defense was whether Applicant had drugs in his possession or he just found the drugs in the area and not whether it was actually crack. Counsel testified that there was no testimony presented at trial that Applicant ran from the police, even though the Officers counsel interviewed told counsel such, but that this did not come out a trial.~~

III. APPLICABLE LAW

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional