

**EXHIBIT NO: [ 1 ]**

**Post-Conviction Relief Application**

**Complaint - Lawyer Misconduct**

STATE OF SOUTH CAROLINA )

In the Court of Common Pleas

County of SPARTANBURG )

REGINALD CHARLES SHEFTALL, JR. )

Full name and prison number, if any, of applicant )

SCDC No: 348974 )

v. )

STATE OF SOUTH CAROLINA )

Name of Respondent )

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly, handwritten, or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make it clear to which question any such continued answer refers.

Since every application must be sworn to under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicant should, therefore, exercise care to assure that all answers are true and correct.

If the applicant is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which applicant was convicted.

1. Place of detention Lee Correctional Institution, 990 Wisacky Highway,  
Bishopville, South Carolina 29010
2. Name and location of Court which imposed sentence Spartanburg County Court of  
General Sessions, Spartanburg, South Carolina
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
  - (a) 10-GS-42-5722(A), Attempted Murder, S.C. Code §16-3-0029; Possession
  - (b) of a Weapon during the commission of a Violent Crime, S.C. Code
  - (c) §16-23-490. 10-GS-42-05724, Burglary 1st), S.C. Code §16-11-0311.
4. The date upon which sentence was imposed and the terms of the sentence:
  - (a) December 12, 2011: §16-3-0029 - 30 years; §16-23-490 - 5 years;
  - (b) §16-11-0311 - 40 years. All sentences concurrent
  - (c) \_\_\_\_\_

5. Check whether a finding of guilty was made  
(a) after a plea of guilty Yes  
(b) after a plea of not guilty N/A  
(c) after a plea of nolo contendere N/A
6. Did you appeal from the judgment of conviction or the imposition of sentence? Yes
7. If you answered "yes" to (6), list  
(a) the name of each Court to which you appealed:  
i. South Carolina Court of Appeals  
ii. \_\_\_\_\_  
iii. \_\_\_\_\_
- (b) the result in each such Court to which you appealed:  
i. Dismissed  
ii. \_\_\_\_\_  
iii. \_\_\_\_\_
- (c) the date of each such result:  
i. March 8, 2012  
ii. Remittitur was returned on March 30, 2012  
iii. \_\_\_\_\_
- (d) if known, citations of any written opinion or orders entered pursuant to such results:  
i. Failure to demonstrate any issue was raised or ruled upon by the  
ii. Circuit Court.  
iii. \_\_\_\_\_
8. If you answered "no" to (6), state your reasons for not so appealing:  
(a) N/A  
(b) \_\_\_\_\_  
(c) \_\_\_\_\_
9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:  
(a) SEE ATTACHED  
(b) \_\_\_\_\_  
(c) \_\_\_\_\_

10. State concisely and in the same order the facts which support each of the grounds set out in (9)

(a) SEE ATTACHED

(b) \_\_\_\_\_

(c) \_\_\_\_\_

11. Prior to this application have you filed with respect to this conviction

(a) any petition in a State Court under South Carolina Law ?

N/A

(b) any petitions in State or Federal Courts for habeas corpus or post-conviction relief?

Yes

(c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7) NO

(d) any other petitions, motions or applications in this or any other Court?

N/A

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. Application for Post Conviction Relief

ii. C/A No: 2012-CP-42-2465

iii. Filed June 12 2012

iv. \_\_\_\_\_

(b) the name and location of the Court in which each was filed:

i. Spartanburg County Court of Common Pleas

ii. P.O. Box 3483

iii. Spartanburg, South Carolina, 29304

iv. \_\_\_\_\_

(c) the disposition thereof:

i. Dismissed

ii. \_\_\_\_\_

iii. \_\_\_\_\_

iv. \_\_\_\_\_

(d) the date of each such disposition:

- i. April 6, 2015.
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. ORDER OF DISMISSAL - [REDACTED]
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed? No

14. If you answered "yes" to (13), identify:

(a) which grounds have been presented:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(b) the proceedings in which each ground was raised:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

15. If any ground set forth in (9) has not previously been presented to any Court, State or Federal, set forth the ground, and state concisely the reasons why such ground has not previously been presented:

- (a) Newly Discovered Evidence
- (b) Conflict of Interest (Prosecutor Misconduct)
- (c) \_\_\_\_\_

16. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? Yes
- (b) your trial, if any? N/A
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes

(e) preparation, presentation or consideration of any petitions, motions, or application with respect to this conviction, which you filed? Yes

17. If you answered "yes" to one or more parts of (16), list:

(a) the name and address of each attorney who represented you

- i. Tanya R. Jones, Spartanburg Public Defender's Office
- ii. Stephen L. Denton, Esq.
- iii. Wanda Cater, S.C. Commission on Indigent Defense

(b) the proceedings at which each such attorney represented you:

- i. Guilty Plea and Direct Review
- ii. Initial Collateral Review
- iii. Appeal - PCR

18. State clearly the relief you seek in filing this application.

Vacate conviction and sentence. Remand for new proceedings

19. Are you now under sentence from any other court that you have not challenged?

NO

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

VERIFICATION

I, REGINALD CHARLES SHEFTALL, JR. #348974

, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Reginald C. Sheftall #348974  
1-11-16

Sworn to and subscribed before me  
This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
L.S.  
Notary Public for South Carolina  
My Commission Expires \_\_\_\_\_

**APPLICATION TO PROCEED WITHOUT PREPAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF**

I, REGINALD CHARLES SHEFTALL, JR. 348974

, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty or perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of proceeding or give security therefor.

Reginald C. Sheftall #348974  
1-11-16  
Applicant

Sworn to and subscribed before me  
This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
L.S.  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

ATTACHMENT TO POST-CONVICTION RELIEF  
REGINALD C. SHEFTALL -vs- STATE OF SOUTH CAROLINA  
SPARTANBURG COUNTY

PAGE (2), QUESTION (9):

Newly Discovered Evidence pursuant to S.C. Code Ann.  
§17-27-20(A)(4) and §17-27-45(c).

PAGE (3), QUESTION (10):

Applicant argues the prosecution infringed upon his substantial right to a fair and impartial proceeding, when the prosecution failed to disclose and put on the record his personal relationship to the victim and family. Such "ulterior conduct" effected the fundamental fairness ensured by the due process clause.

Applicant further argues recusal was required whenever impartiality might reasonably be questioned or a waiver obtained provided it was proceeded by full disclosure on record of basis for disqualification; and "cause" should accordingly be remanded for a hearing S.C. Code Ann. §17-27-80.

Date: January 11, 2016.

Reginald C. Sheftall #348974  
Reginald C. Sheftall, #348974

AFFIDAVIT IN SUPPORT  
OF NEWLY DISCOVERED EVIDENCE  
REGINALD C. SHEFTALL -vs- STATE OF SOUTH CAROLINA  
SPARTANBURG COUNTY

Applicant declares under the penalty of perjury the following facts and events to this matter are true and correct to the best of his belief and understanding:

Applicant discovered this evidence during an evidentiary hearing held on January 14, 2015 in the Court of Common Pleas, in Spartanburg County.

Date: January 11, 2016.

Reginald C. Sheftall #348974  
Reginald C. Sheftall, #348974  
Lee Correctional Institution  
F-1-A Unit, Room # 2154  
990 Wisacky Highway  
Bishopville, SC. 29010

SWORN to and SUBSCRIBED before me  
this \_\_\_\_\_ day of January, 2016.

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_.

Reginald C. Sheftall, #348974  
Lee Correctional Institution  
F-1-A Unit, Room No: 2154  
990 Wisacky Highway  
Bishopville, SC. 29010

Mr. Christopher Isgett  
Commission on Lawyer Conduct  
Calhoun Building  
1015 Sumter St. Suite 305  
Columbia, SC. 20201

C O M P L A I N T

Lesley M. Coggiola  
Office of Disciplinary Counsel  
Calhoun Building  
1015 Sumter Street, Suite 309  
P.O. Box 12159  
Columbia, SC. 29211

RE: Lawyer Misconduct

Dear Mr. Isgett / Ms. Coggiola:

This is a written complaint of lawyer misconduct against Wanda Carter, Esq., of the South Carolina Commission on Indigent Defense, Appellate Division.

Ms. Cater was assigned by the Court to represent complainant's best interest in an appeal from a post-conviction relief hearing from Spartanburg County. Appeal No: 2015-000781.

Complainant submitted to Ms. Carter a motion he requested counsel file with the appellate court (MOTION TO STAY APPEAL). So he could pursue a "Newly Discovered Evidence" claim in the lower court; and then, if necessary, this additional claim

could be incorporated within his current appeal, to avoid any state or federal procedural defaults in further proceedings. Ms. Cater refused to file the motion; and further erroneously informed complainant that he could file a successive post-conviction application when his current appeal concludes.

Under South Carolina Law, newly discovered evidence must be filed within one-year of its discovery. Complainant discovered this evidence on January 14, 2015, so he has until January 14, 2016 to file his new claim. If complainant would have proceeded under Ms. Cater's advise, his claim would have been procedurally default from any state or federal review.

When complainant attempted to discussed this matter with counsel, she would not take his calls. Complainant had to utilize another inmate's "pin number" on January 4, 2016 at 3:00 p.m., in order to get through to her. When she answered she became very rude and unprofessional, stating, "if I knew it was you I would not have taken the call." During this call, Ms. Carter, informed complainant (her client) she was "not" filing any motion to "Stay" the appeals. That, "he could file a successive PCR Application when this appeal has expired.

Her actions and conduct became far outside the realm of a Lawyers duty to their client.

Complainant request this office "reprimand" Ms. Carter, or take whatever steps necessary to ensure the Court addresses her conduct; and further instruct her that not only is she suppose to have the clients interest at the forefront, but has a duty to her client's request, so long as they are not unethical, frivolous or against state law.

Thanking you in advance, for your time in this matter.

DATE: 1-20-16

Reginald C. Sheftall #348974  
Reginald C. Sheftall, #348974