

Harry H. Jones, 140698
Broad River CI
4460 Broad River Rd
Cola., SC 29210

Hon. Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
P.O. Box 11330
Cola., SC 29211

September 6, 2012

Re: Harry H. Jones v. The State; Appellate Case No. 2012-212737
Case No. 2011-CP-26-07128

Subj: Filing of Explanation pursuant to Rule 243(c), SCACR

Dear Clerk:

Enclosed for filing is the above referenced subject matter. As I have included a second copy thereof along with a SASE, please return same clock-stamped for my records.

Sincerely,

Harry Jones
Harry H. Jones

cc: Christina J. Catoe, ASCAG
file

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SEP 10 2012

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Horry County

Steven H. John, Chief Judge
Fifteenth Judicial Circuit

Case No. 2011-CP-26-7128
Appellate Case No. 2012-212737

Harry H. Jones,

Applicant/Petitioner

v.

State of South Carolina,

Respondent.

EXPLANATION PURSUANT TO RULE 243(c), SCACR

Harry H. Jones
Petitioner/Applicant
Broad River C.I.
4460 Broad River Rd
Columbia, SC 29210

other counsel of record
Christina J. Catoe, Asst Atty Gen

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S.C. SUPREME COURT

Did the PCR Court incorrectly find that the application for PCR is barred as being successive and failing to comply with statute of limitations?

Petitioner Jones argues that the PCR court's ruling in this matter is improper because Trial Counsel rendered constitutionally and constructive ineffective assistance when he failed to discover, raise, and preserve for appellate review the fact that no search warrant relevant to the charge of CSC exists in the Rule 5 discovery material in his case: "material" upon which trial counsel relied in advising Petitioner to plead guilty and not proceed to trial.

Thus, it is petitioner's position and argument that counsel rendered constitutionally ineffective assistance, in violation of the Fifth amendment right to due process and 6th amendment right to effective assistance and a fair trial, when he failed to thoroughly investigate and "know" petitioner's case prior to recommending that he plead guilty to something he did not do. And moreover, petitioner argues that the State of South Carolina has no legitimate interest in preserving constitutionally infirm and wrongful criminal convictions which at most are based on suspicion.

Petitioner is therefore entitled to appointment of counsel and a hearing of the facts in this case.

Respectfully submitted,

Harry Jones
Harry H. Jones

September 6, 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing "Explanation Pursuant to Rule 243(c), SCACR", has been forwarded by U.S. Mail, postage prepaid, addressed as follows:

Office of the Attorney General
Attn: Christina J. Catoe
P.O. Box 11549
Columbia, SC 29211

On this 13 day of September, 2012.

Harry Jones

Harry H. Jones, 140698
Broad River CI
4460 Broad River Rd
Columbia, SC 29210