

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal From Anderson County

R. Scott Sprouse, Circuit Judge

Case No 2013-CP-04-1541

Jeffrey D. Jones 290522 Appellant

vs

THE STATE OF SOUTH CAROLINA Respondents

Notice of Written Expanation Pursuant to South
Carolina Rule 203 SCACR and Rule 243 SCACR.

Now comes the Appellant before this Honorable South Carolina Supreme Court before Honorable Daniel E Shearhouse Pursuant to Notice of Written Expanation Pursuant to South Carolina Rule 203 SCACR and Rule 243 SCACR. The Appellant file a 3rd PCR pursuant to case # 2013-CP-04-1541 Post Conviction Relief. The Applicant filed a Document titled "Amended PCR Application" on September 19, 2013 in which Applicant claims newly discovered evidence in that PCR Counsel failed to conduct an investigation. In a document captioned "Applicant's Reply and Objections", Applicant argues his Due Process rights were violated by his PCR counsel performance. Specifically Applicant alleges PCR counsel failed to raise all of his grounds for relief because he acted under an undisclosed conflict of Interests and PCR counsel was ineffective because he had never practiced criminal law. Applicant also filed a "Motion for Retrospective Competency Hearing" on October 11, 2013, and a Motion For Leave of Court to Invoke the Process of Discovery" on February 14, 2014.

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The Applicant must show the burden of Proof. Whereby the Applicant could not raise these issues in his first prior PCR. Whereby the Applicant does has Mental Health Disorders that pervented the Applicant from filing these alledge issues in his prior PCR which the Applicant does has genuine materail evidence where the Applicant has a Mental Health background; Disruptive Behaviour, Oppositional Defiant Disorder

The Applicant has proof the records are housed at Anderson Mental Health in Anderson County also the Applicant is housed with SCDC and is under the care of Mental Health. Wherefore the Applicant due process of law has been violated and require a Ferguson Hearing should be held to deteriming was applicant incompetecy. from preventing the Applicant from addressing the court. That the Applicant discovered Conflict of Interest had accured to his first PCR counsel had represented the Anderson County Sheriff Office, SCDC, and Picken County Sheriff that prevented the Applicant from addressing this issue before the PCR Court that a Conflict of Interest had accured pursuant to his first PCR counsel Whereby the Applicant never recieved a full fair bite at the Apple due to his Mental Health background preventing to properly raise this ground in first PCR Application

Conclusion

Applicant should be granted a Ferguson Hearing to deteriming could the Applicant assist at his first PCR Hearing to advise the court that a conflict of Interest had accured purusant to PCR Counsel representing the Respondent

Therefore Notice of Written Expanation Pursuant to South Carolina Rule 203 SCACR and 243 SCACR Should be Granted

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Dated

SI _____
Honorable Daniel E Shearhouse