

STATE OF SOUTH CAROLINA)

County of Chester)

Lloyd Caldwell # 226265)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

RECEIVED

APR 15 2016

SC Court of Appeals

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 clear to which question any such continued answer refers.

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

If the application 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 the applicant was convicted.

1. Place of detention Evans Correctional Inst,
610 Highway 9W Bennettsville, SC 29512
2. Name and location of Court which imposed sentence Chester County
General Sessions Court
3. Name(s) of co-defendant(s) (if any)
n/a
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 2013-GS-12-512, & 513
(b) _____

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 (a) 9 years, 8/5/2014
 (b) _____
 (c) _____
6. Check whether a finding of guilty was made:
 (a) after a plea of guilty
 (b) after a plea of not guilty _____
 (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
no yes
8. If you answered Ayes@ to (7), list:
 (a) the name of each Court to which you appealed:
 i. MA SC 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. 1/8/5
 ii. _____
 iii. _____
 (d) if known, citations of any written opinion or orders entered pursuant to such results:
 i. _____
 ii. _____
 iii. _____
9. If you answered Ano@ to (7), state your reasons for not so appealing:
 (a) _____

(b) _____
(c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) ineffective assistance of counsel

(b) _____

(c) _____

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

(a) ineffective assistance of counsel

(b) _____

(c) _____

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? no

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? no

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? no

(d) any other petitions, motions or applications in this or any other Court? no

13. If you answered Ayes@ to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:
i. N/A
ii. _____
iii. _____

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

i. N/A
ii. _____
iii. _____
iv. _____

(c) the disposition thereof:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

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

- i. N/A
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

no

15. If you answered "yes" to (14) 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. _____

16. If any ground set forth in (10) 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) _____
- (b) _____
- (c) _____

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

- (a) your arraignment and plea? yes
- (b) your trial, if any? no
- (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 applications with respect to this conviction, which you filed?

18. If you answered Ayes@ to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. * Devon Nelson 6th Circuit Assistant
Public Defender PO Box 131 Chester SC 29706
 - ii. _____
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. plea, sentencing, appeal
 - ii. _____
 - iii. _____

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, Lloyd Caldwell, 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 of perjury that the following facts are true:

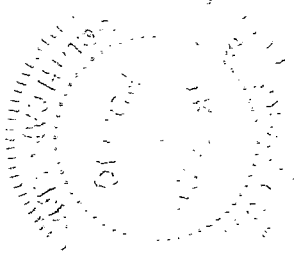
- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Lloyd Caldwell
Applicant

SWORN or affirmed to and subscribed before me this
11th day of April, 2016.

S. Ouelaw
Notary Public

My Commission Expires: 1/17/24



19. State clearly the relief you seek in filing this application:

new trial
sentence correction

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

no

Revised 3/2003

STATE OF SOUTH CAROLINA)
County of Marble)

VERIFICATION

I, _____, 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.

+ Lloyd Caldwell

SWORN to and subscribed before me this 17th day of April, 2016.

J. Oullad (L.S.)
Notary Public

My Commission Expires: 1/17/24

