

The state of South Carolina
In the Supreme Court **RECEIVED**

Appeal from Horry County
Court of Common Pleas S.C. SUPREME COURT

MAY 19 2016

William H. Seals, Jr, Circuit Court Judge
C/A/2015-CP-26-4184

Clinton McCallum

Applicant

VS

State of South Carolina

Respondent

NOTICE WRITTEN EXPLANATION PURSUANT
TO RULE 243(C) SCACR.

Now comes the applicant Clinton McCallum before the Supreme Court South Carolina before Honorable Daniel E. Stearouse Pursuant to Notice Written Explanation Rule 243(C) SCACR.

This matter comes by way of an application for Post-conviction Relief ("PCR") filed June 5, 2015. The Respondent made it return on or about July 22, 2015 requesting the application be summarily dismissed based upon the expiration

of the statute of limitations and the presumption against successive PCR application,

Current Application

on June 5, 2015, Applicant filed an application for Post-Conviction relief alleging the necessity of relief on the following grounds:

- (1) Newly discovered evidence - Affidavit of Earnest J. Vereen, Jr. stating that he was coerced to provide false and incriminating statements regarding Applicant's involvement in the underlying crime;
- (2) Ineffective assistance of counsel - Failure to investigate medical history and mental health issue / Incompetency to stand trial.
- (3) Involuntary guilty plea - erroneous or incomplete advice from counsel;
- (4) Denial of due process fifth sixth and fourteenth amendments failure of counsel and trial judge to advise of sentencing consequences.

Applicant alleges Newly discovered evidence in the form of Affidavit by Earnest J. Vereen Jr; involuntary guilty plea because Applicant claims

mental incompetency; And that trial counsel was ineffective for failing to request a mental health evaluation. Applicant alleges that there is probate evidence and genuine material facts an evidence mental health records housed at the Horry County mental health Department that will verify applicant Clinton McCallum suffer with "Bipolar" disorder prevented applicant from addressing these grounds in his prior PCR Application.

Applicant alleges that he was incompetency at time of enter his guilty plea, whereby applicant claim counsel violate my 14th Amendment Right to Due Process of Law by failing to investigate my mental health background history that I was incompetency to enter a guilty plea whereby the Applicant suffer with "Bipolar" disorder marked by episodes of mania and depression.

conclusion

Therefore applicant should be entitled to Ferguson hearing to determine whether applicants mental incapacity prevented from filing this issue in his prior PCR.

Date 5-4 2016

s/Clinton McCallum
Clinton McCallum
386 Redemption Way
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