The Supreme Court Of South Carolina

Dear Sir,

To your office per instructions, I have Sent this pro Se Appellate Brief, Due to Evans CI. Policy of not Copying hand-written Material, I could not make Copies, and it would not have been possible to do by hand and make the dead line; Please Sir, Send me a clock Stamped and filed Copy of the Brief and Foward one to the Attorneys Generals offic. Thank you in advance

Respectfully,

/S/ Maurice D Lowe

RECEIVED
JUN 10 2016
S.C. SUPREME COURT

IN THE STATE OF SOUTH CAROLINA
IN THE STATE SUPREME COURT
APPEAL FROM SUMTER COUNTY
George C. James, Jr., Circuit Court Judge

MR. MAURICE CLOVER

PETITIONER

VS.

STATE OF SOUTH CAROLINA

RESPONDENT

APPELLATE CASE NO. 2015-001684

Pro Se Brief of Appellant

MR. Maurice Clover
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Section

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PRECEDURAL HISTORY

On The 21ST of July of 2014, Appellant proceeded To Trial for a Plea Hearing in Sumter County's General Sessions COURT House Before The HONORABLE R. FERRELL COTHRAN, Judge Of The Sumter County Bench. APPellant was Then Represented by MR. Harry Devoe Esquire, He Was The Focus of a later POST Conviction Action. Appllant faced off Against Sumter County's ASSistant Solicitor Ms. Bronwyn McElveen Esquire on Multiple Counts of Forgery Enhanced. AT The out-set of Trial Transcript (hereinafter Known by T.T.) on Page #3 at Line #3 (hereinafter at is designated by @ and Page by Pg. and Line by Ln.) Ms. McElveen starts her narrative before The Court, But before she gets To Ln 11, She now STarts To get confused.

Appellant had a Bond Hearing SomeTime Prior To This Trial/Plea Datte, The ASSistant Solicitor Ms. McElveen, Offered at That Time of The Bond Hearing a Zero To Ten (0-10) Year sentence for Pleading Guilty. This is also written on The upper Right hand Corner of The Sentencing Sheets.

This is Confirmation that the 0-10 existed at one time, But I was not allowed to take any advantage of said offer. But then, Ms. McElveen at <u>this Hearing</u>, gave a recommendation of 10 Years Concurrent for My acceptance to sign the Plea. On Pg. 4 of T.T. @ Ln 9-10, Solicitor McElveen STATES "We Are Recommending a Concurrent 10 Years".

On Pg. 7, While Judge Cothran Conducts Voir Dire on the Later Appellant, he explains how the Appeal Must be Filed by MR. Deroe within 10 Days. This is in T.T. Pg. 7 at Ln 3-5. Judge Cothran said that Forgery Carried (Pg. 6 @ Line 23-25) A Maximum of 10 Years, (Ten Years) So under The Spree Statute, ALL Indictments would of Course during Sentencing be Counted as One Continuous Charge. So Whether 13 or 25 or 80 Indictments, The Sentence Would be the Same result, 10 Years Total. From page 7-11 Ms. McElveen describes each Indictment and the circumstances of each charge of the "KingPin" and "Super Criminal."

AT T.T. Pg. 11 at Ln. 16 Ms. McElveen is anxious to read the (irrelevant [sic]) irrelevant Past

Of Defendant. But from Ln. 19-25 the Judge and Defendant speak about the Truth of said Charges, and that not all Read by Ms. McElveen were accurately accountable to Defendant. The Defendant got flustered (because of his nervousness) when speaking to the Judge, this is most evident on Page 12 at Ln. 1-11 of T.T, this was NEVER clarified in the Court. The Judge was the FIRST one to mention an ALFORD's Plea! The Judge goes into a long explanation about not being able to accept the Plea unless, Defendant accepts the Plea without objections.

Defendant's slip at line 22-23 set this wheel in motion. At Line 24-25, the Judge runs with the slip and seals His Fate, But that Question was never Asked or Answered. Twice Investigator Melton referenced the Term "White Collar crimes Kingpin" and MR. Devoe NEVER Objected!. (Pg. 17 @ Ln. 11, Pg. 19 @ Ln. 16). On Pg. 23 @ Ln 17 to 18, Att. Devoe is Clearly Confused? Why? Ln 18 thru 22 explains it. Defense was not given a Complete Rules/Brady Motion, Prosecution Violated the Rules of Court, and Professional Ethics of Office by keeping back Vital Information Critical

To The Defense. Effectively Crippling any Type of Sound Defensive Strategy. This is Automatically Sound Grounds for Direct Appeal. See Appendix III A. Attorney Devoe Was Clearly NOT Prepared for this Case, and it MUST be evaluated on The Basis of the facts ONLY, and not deference to Anything. This more than adequately Proves Att. Devoe was Ineffective, Knowing that other Attorneys were on The Case Prior to your hiring, Prudence DEMANDS That you do ALL You Can to obtain a Complete Case File.

Prosecutor McElveen Wants this Conviction So badly, that She starts to Sound like a Lay Person, and not a Professional of The Bar. Pg. 23 from Ln 12-15 - The Court has this Same Equipment, as does The Prosecutor's office, She "Fails" to Mention that "NONE" of these Indictments Carries The S.C. Attorney's General Approval Numbers?! "NONE" of Them are "STAMPED" TRUE BILL As is Clearly Stated in The Rules Both State and Federal.? and These are Counterfeit of (Poorly done) Proper Indictments. On pg. 24 at Ln 1-3 Transcript Poorly done, but Appellant Will as The Court's do, Recreate This into a Reasonable Sentence. "So I'm Surprised by the fact That The STATE Was Supplementing information To Act as Though Some,

I think, magnifies the whole situation we have here. Attorney Devoe is Politely stating the Obvious, Prosecution is laying on the Mud to get Maximum Sentencing. Same Page at Ln 7-8 - Attorney Devoe makes the "ONLY" Argument of the whole case, that Basically the STATE's Case wasn't that Strong.

On Page 25 (Twenty-Five) @ Ln 3-6 Here is Confirmation that another Plea Offer Existed in the Beginning. On Same Page at Ln 20, Probation Officer States Defendant Pled Guilty on 8th of February of 2011. But on Pg 27 while speaking of these Priors charges, Judge Cothran gets the Dates Confused, (Ln 8 thru 15) and Attorney Devoe didn't try to intervene. But Prosecutor McElveen instead of helping to clear things up, answered the Judge in the Affirmative, further proving her intention to deny Defendant a "Fair Hearing." Prosecution would Lie, Commit Perjury, Falsify, and Manipulate the facts just to get this Conviction. This is Vindictive Prosecution. On Page 36 at Ln 20-24, Judge Cothran shows a Clear and perfectly inferred Bias (~~Charles~~) thanks to the unprofessional Behavior of Prosecutor McElveen.

There is the ANDERS BRIEF OF PETITIONER PURSUANT TO WHITE V. STATE By KATHRINE

W. HUDGINS Appellate Defender, Where she Briefed one Issue. Then there is the Johnson Petition for Writ of Certiorari Filed again By Ms. HUDGINS, Briefing Two Issues,

Conclusion

It is the Contention of Appellant, that not only was Attorney Devoe Ineffective, but He also was not what the Sixth Amendment Guaranteed Me. Not just Effective, but Zealous in Defense of My Cause. Appellant has shown through His unfortunately Voluminous Brief, (Pro se) that there are several Cognizable Claims here to be dealt with. The P.C.R. Court not only Erred, But P.C.R. Counsel Erred as Well, by not bringing these items out at the Hearing. It is not as though they were hidden, it just took initiative to look for them, that is "Effective Assistance of Counsel" as envisioned by our U.S. Constitution. It is for these reasons that Appellant feels He is entitled to relief.

Respectfully

/s/ Maurice Glover

MR. MAURICE GLOVER

TABLE OF CASES

TABLE OF CASES

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Johnson Vs. Beto, 466 F.2d 478 (5th Circuit) Holding That, if a Prosecutor Says he will make a Sentencing Recommendation in exchange for a guilty plea, But then actually recommends a Harsher Sentence in court, the Plea Bargain has been Broken and Defendant is entitled to resentencing or with-drawl of His guilty plea.

Thompson Vs. STATE, (S. C. Supreme Court) Defendant was entitled To PCR Relief based on Ineffective Assistance of Counsel dealing with his Plea Counsel during his guilty Plea; Defendant's ATTorney's Failure to object when the Solicitor Recommended the Maximum Sentence in Violation Of a Negotiated Plea Agreement fell Below Professional Norms, and the Fact That Defendant was unsure whether to plead guilty, Coupled with the Facts that he was under The impression that Solicitor would not make Sentencing Request, demonstrated That he would NOT have Plead Guilty but for Attorney being Ineffective.

APPENDIX OF Cases II A

UNITED STATES V. Cronic, 466 U.S. 648 (1984)
"The Right To the Effective Assistance of Counsel is... The Right of the Accused To Require The Prosecutions Case to survive "[The Crucible of Meaningful Adversarial Testing]". When a TRUE Adversarial Criminal Trial (or Plea) has been conducted - even if the Defense Counsel may have made demonstratable Errors - the Kind of Testing envisioned by the Sixth Amendment has occured. But if the Process Loses its Character as a Confrontation between Adversaries, the Constitutional Guarantee is violated. As Judge Wyzanski has written: "While a Criminal Trial is not a game in which the Participants are expected to enter the ring with a near match in skills, neither is it a Sacrifice of Unarmed Prisoners to Gladiators." United States Ex Rel. Williams vs. Twomey 510 F.2d 634, 640 (CA.7) Cert. denied Sub nom. Sielaff vs. Williams 423 U.S. 876, 96 S.Ct. 148, 46 L.Ed.2d 109 (1975) Continued Id. at 657-58 (foot notes omitted).

Some Circumstances Warrant a Presumption of Prejudice. These Circumstances include the Complete Denial of Counsel at a Critical Stage of

Trial, Id. at 659, "Similarly, if Counsel entirely fails To subject the Prosecution's case to meaningful Adversarial Testing, Then there has been a denial of Sixth Amendment Rights That makes The Adversary Process itself Presumptively unreliable". Id.

STRICKLAND Vs. WASHINGTON, 466 U.S. 668 (1984) "In order To establish InEffective Assistance of Counsel, The Defendant must Show That Counsel's Performance was Deficient," i.e., "Counsel's Errors were so serious, That Counsel was not functioning as The Counsel Guaranteed The Defendant by The Sixth Amendment". Id. 687. The Defendant must also Show That The dificient Performance Prejudiced The Defense, i.e., "Counsel's Errors were so Serious as To Deprive The Defendant of a Fair Trial, a Trial whose result is reliable". Id. With respect To Counsel's Conduct, The Court held That "The Defendant must show That Counsel's representation fell below an Objective STandard of Reasonableness," which must be judged under "Prevailing Professional Norms" Id. at 668.

The Court also held That Judicial Scrutiny of Counsel's Performance must be highly deferential, "and

APPENDIX IIA

must be evaluated from Counsel's perspective at the time." Id. at 689 "Because of the difficulties inherent in making the Evaluation, a Court must indulge a strong Presumption that Counsel's Conduct falls within the wide range of reasonable Professional Assistance: That is, the Defendant must Overcome the Presumption that, under the Circumstances, the Challenged Action might be considered sound trial strategy." Id. (Citation Omitted) With respect to the Duty to Investigate, the Court held that "Counsel has a Right or Duty to make reasonable investigations or to make a reasonable decision that make a particular investigation unnecessary." Id. at 691 "The reasonableness of Counsel's Actions may be determined or Substantially influenced by the defendant's own statements or Actions." Id. Thus "inquiry into Counsel's Conversations with the Defendant may be Critical to a Proper assessment of Counsel's Investigative decisions, just as it may be critical to a proper assessment of Counsel's other litigation decisions." Id.

With respect to Prejudice, "a Defendant need not show that Counsel's deficient Conduct more likely than not, altered the out-come in the case". Id. at 693 "The result of a Proceeding can be rendered unreliable, and hence the Proceeding itself unfair," "even if the errors of Counsel Cannot be shown by a Preponderance

of the Evidence to have determined the out-come". Id. at 694. Thus, the appropriate test is that for materiality of Exculpatory Evidence not disclosed to the Defense by the Prosecution. "The Defendant must show that there is a reasonable Probability that, but for Counsel's ~~up~~professional Errors, the result of the Proceeding would have been different, a reasonable Probability is a Probability Sufficient to undermine Confidence in the out-come." Id.

RULE 407 Rules of Professional Conduct S.C.APP. CT.R.

"Every Lawyer is responsible for Observance of the Rules of Professional Conduct." Id. 11th Paragraph under Preamble Line 16. "In all Professional functions a Lawyer should be Competent, Prompt and Diligent. A Lawyer should maintain Communication with a Client Concerning the Representation." Id. 3rd Paragraph at Line 1. "Many of a lawyer's Professional responsibilities are prescribed in the Rules of Professional Conduct, as well as Substantive and Procedural Law. However, a Lawyer is also guided by personal Conscience and the Approbation of Professional Peers." Id. 6th Paragraph at Line 1.

"Thoroughness AND Preparation"

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"Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the Standards of Competent Practitioners. It also includes Adequate Preparation. The required attention and preparation are determined in part by what is at stake; Major Litigation and Complex Transactions Ordinarily require more elaborate Treatment than matters of Lesser Consequence. Id. at Rule 1.1 Competence at Paragraph 6.

Never Had Meaningful Consultation

In Bostic Vs. Stevenson 589 F.3d (4th Cir. 2009) the Court held: For an Attorney to "Consult," the Attorney Must Advise the Client about the advantages and disadvantages of an appeal and make reasonable efforts to ascertain the Clients wishes.

Thompson Vs. U.S. 504 F.3d 1203 (11th Cir. 2007) Counsel's failure to Consult with Defendant regarding Appeal of Sentence was Prejudicial because reasonable Probability that defendant would

APPENDIX IIA

have exercised right To Appeal.

Similarly, in The Context of a Procedurally Defaulted Appeal, a Defendant Can Satisfy the Prejudice Prong by demonstrating That, but for Counsel's Dificient failure To Consult with The Defendant about an Appeal, a reasonable Probability exists That The Defendant would have Timely Appealed.

* Anonymous Member of The Bar 400 S.E.2d 483 (1991) After a Client is Convicted, Trial Counsel in all Cases has a duty To make Certain That The client is fully aware of The Rights of Appeal. 6th Amendment requires Counsel To Consult with The defendant Concerning, whether To Appeal when Counsel has reason To believe "either" (1) That a rational defendant would Want To Appeal, or (2) That this Particular defendant reasonably demonstrated To Counsel That he was interested in Appealed.

* Roe Vs. Flores-Ortega 528 U.S. 470 (2000) Counsel's Failure To File NOTice of Appeal without Defendant's Consent MUST be reviewed under the Strickland Analysis rather than a Per Se Rule.

APPENDIX II A

While the Better Practice is To Consult with Defendant regarding The Possibility of Appeal in ALL Cases, and The States are free to impose This Rule, The U.S. Constitution does not require Such a Per se Rule. "Counsel has a Constitutionally-Imposed Duty To Consult with the Defendant about an Appeal when there is reason To think either: (1) That a rational defendant would want To Appeal (for example, because there are non-frivolous grounds for Appeal, or (2) That this Particular defendant reasonably demonstrated To Counsel That he was interested in Appealling)." Id. at 1036 In Proving Prejudice, "a defendant must demonstrate a reasonable Probability that, but for Counsel's deficient failure To Consult with him about an Appeal, he would have Timely Appealed." Id. at 1038 This Prejudice Analysis does not require a showing That the Appeal would have had merit.

U.S. Vs. Mooney, 497 F.3d 397 (4th Cir. 2007) Defendant "must show There is a reasonable Probability That, but for Counsel's Errors, he Would have not Plead Guilty and would have insisted on going To Trial."

* Flores vs. United States, 531 U.S. 198, 121 S.Ct. 696 (2001) Assuming, But not deciding, That Counsel

was deficient in failing to object to increase of "Offense Level" under Sentencing Guidelines despite available argument that all of the offenses (Labor Racketeering, Money Laundering, and Tax Evasion) should be grouped together because they all involved substantially the same harm, Petitioner Proved Prejudice. If the Sentence increase was erroneous, the Petitioner's 84 Month Sentence was increased by 6-21 months.

The Government Conceded that the Seventh Circuit finding that this was insufficient for Prejudice was drawn from "Lockhast", which was Error because "Lockhart" does not supplant the "Strickland" Analysis. Id. at 700 "Authority does not suggest that a minimal amount of additional time in Prison Cannot Constitute Prejudice. Quite to the Contrary, our Jurisprudence suggests that ANY amount of Actual Jail Time has Sixth Amendment Significance". Id. In Kyles, the Court reviewed a Petitioner's Claim that the State did not disclose Evidence Favorable to the defense in Violation of the Rule Established in "Brady vs. Maryland" 373 U.S. 83 (1963), and refined in "United States vs. Bagley", 473 U.S. 667 (1985).

In Brady, the Court held that the government Must disclose evidence that is both Favorable to the Defense

and "Material". 373 U.S. at 87. In Bagley, the Court held that the "Materiality" test under Brady was the same as the Prejudice test espoused in "Strickland" for determining Ineffective Assistance of Counsel claims. Bagley 473 U.S. at 682 (Blackmun, J., with O'Connor, J., Concurring) and 473 U.S. at 685 (White, J., with Burger, C.J., and Rehnquist, J. Concurring in Part and Concurring in the Judgement). Thus, the Court's discussion of the "Materiality" test in Kyles is equally applicable to the analysis of Prejudice in resolving claims of Actual Ineffectiveness of Counsel under "Strickland." Cite of "Kyles Vs. Whitley" 514 U.S. 419, 421-22, 115 S. Ct. 1555, 1560, 131 L.Ed. 2d 490, 498 (1995).

APPENDIX OF CASES III A

Castellanos Vs. U.S. 26 F.3d 717 (7th Cir. 1994) Finding Attorney provides Ineffective Assistance of Counsel in Failing to Appeal Conviction following a guilty plea if the Prisoner told the Lawyer to Appeal in a Timely manner.

U.S. Vs. Horodner 993 F.2d 191 (9th Cir. 1993) Finding Ineffective Assistance of Counsel Which Prejudiced the Defense if the Defendant did not agree to Waive the Appeal.

Bonneau Vs. U.S. 961 F.2d 17 (1st Cir. 1992) Finding that where Attorney Never Filed an Appeal despite multiple Time extensions, Ineffective Assistance of Counsel denied the Defendant his Constitutionally Guaranteed Opportunity to Appeal.

Thompson Vs. U.S. 504 F.3d 1203 (11th Cir. 2007) Counsels' failure to Consult with Defendant regarding Appeal of Sentence was prejudicial because reasonable probability that Defendant would have exercised his right to Appeal.

U.S. Vs. Poindexter 492 F3d 263 (4th Cir. 2007)

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Counsels assumed failure to File Timely NOTICE of Appeal after being "unequivocally instructed to do so" Was InEffective Assistance because Effectively STripped Defendant of Right to Appeal.

★ BETTS Vs. Litscher 241 F.3d 594 (7th Cir. 2001) Counsel's NOTification to Judge That Defendant refused to File No-Merit Report Was InEffective Assistance because Court, not Counsel, MUST determine Whether Appeal has Merit.

U.S. Vs. Garrett 402 F.3d 1262 (10th Cir. 2005) Counsel's assumed Failure to File NOTice of Appeal after being instructed to do so Was InEffective Assistance because Defendant had Right to Appeal.

U.S. Vs. Davis 929 F.2d 554 (10th Cir 1991) The Court held that a Defendant is denied Effective Assistance of Counsel if he asks his Lawyer to Appeal and the Lawyer Fails to do so.

★ McHale Vs. U.S. 175 F.3d 115 (2d Cir. 1999) Failure to "Perfect" an Appeal CONSTITUTES InEffective Assistance of Counsel. (NOting That Remand

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for Resentencing or Entry of New Judgement is usual remedy for Counsel's failure to File requested Appeal.

* Hollis Vs. U.S. 687 F.2d 257 (8th Cir. 1982) Vacating Sentence and Remanding for Re-Sentencing where Attorney Failed to File Timely Notice of Appeal.

* Rodriguez Vs. U.S. 395 U.S. at 332, 89 S.Ct. 1715 (1969) Remanding to District Court for Re-Sentencing where Trial Counsel Failed to File a Notice of Appeal. (That Defendant does not have to show that there are Meritorious Issues).

* Abels Vs. Kaiser 913 F.2d 821 (10th Cir. 1990) The Court held that Counsels Failure to Appeal Nullified the Prejudice Test of Strickland.

RULE #29 POST TRIAL MOTIONS OF THE SOUTH CAROLINA RULES OF CRIMINAL PROCEDURES. Continued on Page #4

APPENDIX OF CASES III A

The Time for Appeal for all Parties Shall be Stayed by a Timely Post-Trial Motion and Shall run from the receipt of Written Notice of Entry of the Order granting or denying such Motion. Further, the Courts Jurisdiction to hear the Motion Will NOT Expire with the Term of Court if the Party has Filed a Timely Motion.

U.S. Vs. Sandoval-Lopez 409 F.3d 1190-1193 (9th Cir. 2005) Counsel's refusal to Appeal after allegedly being instructed to do so was InEffective Assistance Because Defendant would have Appealed But for Counsel's Refusal.

Belton vs. Burnett 920 F.2d 1190 (4th Cir. 1990) "The Effective Assistance of Counsel is a Guaranteed Right," The Effect of Counsel's Failure to Appeal was that Belton lost his ability to "Protect his Vital interests at Stake." He was unable to attempt to demonstrate that his Conviction was unlawful (thought [sic]) Through the Appellate Process. Belton's Appeal was NOT Filed. As a result, Belton might well have been Prejudiced by his Counsel's InEffective Assistance." Therefore, Belton has

APPENDIX OF CASES III A

Presented a Colorable Claim of InEffective Assistance of Counsel Based on Failure to Appeal."

U.S. Vs. Peak 992 F.2d 39 (1993) Effective or InEffective, Peak's Counsel was before the Judgement of Conviction, his failure to file requested Appeal deprived Peak of the Assistance of Counsel on Direct Appeal.

RULE 59. NEW TRIALS; AMENDMENT OF JUDGEMENTS
(B) Time for MOTION: In non-Jury actions the Motions shall be made not later than 10 days after receipt of written NOTICE of the Entry of Judgement or of the Filing of an Order dismissing/disposing of the Action, if no Judgement has been entered.

(e) MOTION TO ALTER or AMEND JUDGEMENT: A Motion to Alter or Amend the Judgement shall be served not later than 10 days after receipt of written NOTICE of the Entry of any Order.

(f) Time for APPEAL; End of Term: The Time for Appeal for all Parties shall be stayed by a Timely

Motion under this Rule and shall run from the receipt of Written Notice of Entry of the Order Granting or Denying such Motions. The Time within which to make the Motions under this Rule shall not be affected by the ending of a Term of Court or departure of the Judge from the Circuit, and the Trial Judge shall retain Jurisdiction of the Action for the Purpose of hearing and disposing of such Motion if not heard and disposed of during the Term. Except by Consent of the Parties, Argument on the Motion shall be heard in the Circuit where the Trial was held. The Motion may in the discretion of the Court be determined on Briefs Filed by the Parties without Oral Arguments.

QUESTIONS BEFORE THE COURT

1) Did Assistant Solicitor McElveen, invalidate the Plea Agreement in originally offering a 0-10 Year Sentence, and then recommending a straight 10 Year Concurrent Sentence?.

Answer: If the Prosecutor in a case, offers a certain Sentence or Sentence Range, and then Recommends a Harsher Sentence in Open Court, they invalidate the Plea and null and void the Terms of Agreement. See Appendix of Cases Page 1A

2) Did Assistant Solicitor McElveen, render the Plea Agreement Voidless by Recommending the Maximum chargeable for the offense?

Answer: Even if Ms. McElveen had kept all the Indictments on the Table, Mr. Devoe could have Tied them all Together in a Continuous Line, and at the Sentencing Phase, if the Jury had found Me guilty, The Sentence would have been 10 Years Total. So in effect, By her Recommendation of 10 Years, there was no Real benefit for the Plea.

QUESTIONS BEFORE THE COURT

3) Was the Computer's Hard Drive and Disks Searched and Processed to Hard Copy for The Court's Review before the Plea Hearing?

Answer: Stating on Pg. 7 @ Ln. 7 Assistant Solicitor McElveen broke down the charges and gave a somewhat full explanation of them before the Court. But the ONLY Evidence she would state was the supposed Co-Defendant's words. She produced No Statements to the Court in Evidence, Listed No Exhibits of any such Documentation, and No Computer Records to Back up her assertions. No Proof at All.

4) Was Defendant/Appellant Prejudiced when Judge Cothran failed to follow up on the Question and Answer on Pg. 11 thru Ln. 21-25 and Pg. 12, at Ln 1 thru 11.

Answer: Defendant/Appellant's Answer is the Premiss for "Reasonable Doubt," His answer Proves, that in the Case of at least Two Business's

Accounts To which He had no Access, He Could not be held accountable, and as Such it renders The necessary doubT To question The out-come of The Hearing. The Realiability of The Hearing would Now be in Question.

5) Did The Hearing Judge by acting in haste, Violate Defendant's / Appellant's RighTs, by noT allowing Him To ask The Judge a Question?

Answer: Defendant / Appellant had asked The Judge "Could I ask you a question" @ Ln. 22 of Page 43. But When The Judge heard The words "I accepT I'm guilty" all other Concerns were leFT by The way-side. So intenT was he To geT This plea deal done, That he leFT a PoTenTially out-come Changing Question un-asked and also un-answered. This definitely Could have Prejudiced The Defendant's / Appellant's Case, and Hearings out-come/verdicT.

6) Did Judge CoThran, Show in Open CourT his IrriTaTion and ExasperaTion With This Case, and

QUESTIONS BEFORE THE COURT

The Fact That Defendant/Appellant had Stated That He Was NOT guilty of Some of the Charges?

Answer; On Pg. 14 of T.T. @ Ln 7 Thru 8, anyone Can See that the Judge was Clearly not happy. He was led to believe, this was to be a Straight-up Simple Plea, But once the assertion that Defendant was not guilty of Some of the Charges was made in open Court? This presented a Serious problem. Appellant feels this also Prejudiced his Case that Day.

7) Does the Failure by Attorney Devoe To Object To both uses of the Assertion that Defendant is a "Kingpin" Show Ineffective Assistance of Counsel as envisioned in the U.S. 6th Amendment?

Answer: In The Adversarial Contest, Whether Pleading or a Trial By Jury, Defense Counsel MUST put the Prosecutions Allegations through The Crucible Test. The Very Premises of Both United States vs. Cronic and Strickland v. Washington is Thus, in order of Listing here: Adequate Time for Case Preparation; and The Two Prong

QUESTIONS Before THE COURT

TEST of STRICKLAND.

(8) On Page 16 and 17 of T. Transcript, Investigator Melton Mentions the Company Called "SERGEY," But did he Tell The Full Truth behind SERGEY? or did he Just Use it as a Tool to Bolster the Prosecutions Case?

ANSWER: SERGEY Tracts and Catalogs checks That have been Forged (i.e., Personal checks, Social Security Insurance (S.S.I.) checks, Business and Corporate checks, Government checks and Traveler's checks). So if You have EVER Bounced a check, (made an Over-Draft) Then Your name is more than likely NOT Listed with SERGEY. The single reason this was brought up in Court, and a Full Explanation was not given was to Bolster (add more Fuel to the Fire) The State's Case, By deliberately NOT revealing the whole Explanation of SERGEY's Duties. This was done (Pardon the Expression) at the Court's Ignorance of This Fact, and Investigator Melton played this Card to Manipulate and Sway the Court, Thus attempting To "Inflame The Passion of the Court".

QUESTIONS BEFORE THE COURT

9) On Page 19 @ Line 14-18 Defendant is made to be like John Goddy or Pablo Escabar. If Defendant was moving or creating checks To the Extreme That I'm Kingpin Status (see R.I.C.O. ACT) Labeled, Where is the Hundreds of Thousands of Dollars worth of Checks? Where is My Cut of This Mega Business of Check Counterfeiting?.

ANSWER: Bus Loads of Drugs? Investigator Melton is not only reaching, But he is Shoveling This drivel with a Steam Shovel! 13 Indictments and all you can come up with is $9152.74? Some Kingpin, Calling or Trying To Label Defendant as a Kingpin is both Ludicrous and Laughable. Attorney Devoe should have most Strenuously Objected To the mere use of This Term. Don't play up Something out of Proportion, just State the Facts, not out-landish inuendoe and Fantasy analogies. As openly infer

(10)

What was the Factor in the Statute That allowed the Prosecutor To "ENHANCE" Said charges? That most surely Could NOT have been a Part of the Plea?

QUESTIONS BEFORE THE COURT

This would have most Definitively Proven Ineffective Assistance on My Attorney MR. Devoe.

ANSWER: Competent Trial Strategy - This is Some Type of Strategy That would be known and used by others, And it would ONLY reach the Context of Competent, if it obtained the desired effect for the Client. By The Prosecutor even asking for (10) Ten Years (Which is the Maximum allowed by Statute) On a Plea, and Then Enhancing Each charge for This Plea, is to Take away the very Premise of the Plea Agreement, Both sides get as Close to what they seek. The Prosecution gets to close the case by conviction, and the Defendant gets a reduced sentence. Again, under the "Crime Spree Holding," (since I'm Supposed to be a Kingpin) ALL Crimes Committed by a Defendant in a Connected Time-line and of Similar Nature, will be during Sentencing Consolidated into One Sentence, i.e., Thirty Simple Armed Robberies would "ONLY" Carry the Maximum Sentence of ONE Armed Robbery if the case went before a Jury. But in a Plea situation, especially in the instant Case, Defendant Should have received the Benefit of a Lessed Range.

QUESTIONS BEFORE THE COURT

This was Another instance of InEffective Assistance By Attorney Devoe. This is another reason Appellant should be Granted Relief.

II) As To Defendant's Prior Criminal History: Violation of a Rental Agreement November 1997? (Magistrate's Court or Small Claims - Civil Judgement Misdemeanor); No Driver's License is not a Crime (ATT. Devoe should have Objected, but didn't - Competent Trial Strategy?) Violation of ABC LAW and Driving under Suspension, All in November 1997 Charge List.?; Distribution Charge of Cocaine Base and a Proximity charge in August 1998?; Driving under Suspension in November 1999?; Public Disorderly Conduct in May 2000; Failure To STop for a Blue Light in September 2000?; Possession of Cocaine Base Second offense May 2001; Driving under Suspension Second in July 2002; A guilty plea to Theft of U.S. Government Property (FEMA as mentioned on Page 35 Ln 15-20) in December 2007; Three Counts of Fraudulent Check in December 2008; Another Three Counts with different Sentences of Fraudulent Check in March 2008; Driving Without a License, Operating a Vehicle

QUESTIONS BEFORE THE COURT

(Without [sic]) with a T.V. Screen Towards the Driver both in May 2009; Two Counts of Forgery less Than Five Thousand Dollars and Criminal Domestic Violence Second offense in August 2009; Reckless Driving in August 2002?; Forgery less- more than One Thousand but less than Five Thousand dollars in April 2003; Driving under suspension Third or more in January 2004; Criminal Domestic Violence First offense in August 2004; Two Counts of Forgery in July 2007; Two months after his arrest no further Forgeries in Sumter City?. Four Charges in 1997 November, Three of which are most Definitely Magistrates and Small Claims Court Venue, seeing as they are Misdemeanors. Attorney Devoe Never challenged any of these, does His Support a Claim of Ineffective Assistance of Counsel under the Cumulative Evidence Definition? Did Prosecutor McElveen Deliberately use these in an attempt to Bolster her Case, and attempt to Sway the Judge to disregard the Openly Stated Plea for "Mercy"?.

ANSWER: These deserve an astounding YES!

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Twelve of those charges are Misdemeanors, and the rest were a mixed up assay of the serious type of offenses, And yet, none of them seemed to warrant substantial Prison sentences. Prosecution's Sole Purpose was to Sway the Judge and Poison the Defense's Case. Attorney Devoe Failed at this critical Juncture and did most Definitely Prejudice Defense.

12) Did the P.C.R. Judge Err in Dismissing P.C.R. Claim of Ineffective Assistance of Counsel?

ANSWER: Yes, When Attorney Devoe stated on the Record, that He did not File an Appeal when He had been Requested to do so, and He stated that "He" felt that the Defendant had no Merits to Present to Court He Failed his 6th Amendment Obligations and was Ineffective. And therefore, the Defendant would not have Pled guilty if he had Known Prosecutor had went back off of the 0-10 offer at Bond.

QUESTIONS BEFORE THE COURT

13) Did Judge Cothran Exhibit Through Voice and or demeanor an Open Bias against Defendant?

ANSWER: Yes! Just read Page 36 @ Line 18 thru 24 and Page 37 @ Ln 1 thru 4 especially those. Judge Cothran clearly wanted to exceed the STATE's Recommendation, This was Caused by the Prosecution's under-handedness. (For a "Perfect Example" see Pg 34 at Ln 1 ((actually starts on Pg 33 @ Ln 25 To the top of Pg 34.)) thru 25 and Page 35 @ Ln 1 thru 20). And Again, Attorney Devoe has No clue to what the STATE presented, clearly a Complete Break-Down of the Adversarial Test!. Ineffective Assistance of Counsel.

14) Did Attorney Devoe Totally Fail in His Duties of Office, and Obligations owed to His Client?

ANSWER: A TRUE Professional, in Whatever Field of endeavor will Continuously strive to do their Best, To be a well Respected and sought after Person.

QUESTIONS BEFORE THE COURT.

The Field of Law is NO Exception. But Yet, Attorney Devoe not only did not File Notice for Direct Appeal, But He Never Filed the Motion For Reconsideration (Pursuant To Rule 59(e)) That was Filed and Clock stamped July 16th 2014 at 1:06 P.M., Why? Defendant went To Plea The 21st of July 2014. He had from The 21st To The 31st To Put it before the Court, and He had a Copy of Pro se Filing. So Why didn't HE Perfect the Motion and Put it Before the Court, as was his Duty? a Lack of Concern for Client's 6th Amendment Rights, Thus Ineffective Assistance of Counsel.

15) During P.C.R. Cross-Examination by Attorney Boozer on Page 118 of Combined Transcript, at Line 14 Thru 25 and 119 Ln 1 Thru 4 States a different Picture than The Plea Hearing. AT The Plea What changed? and on Page 120 He Blatantly Lied at Ln 2+3?.

ANSWER: IT is quite clear That Attorney Devoe

QUESTIONS BEFORE THE COURT

was suffering from something, but I don't think it was allergies. He Paints a Picture of Consultation between Prosecutor McElveen and Att. Devoe, yet He was Caught off Guard Twice at Plea by undisclosed issues, stated as such by him. And He implies Constant Consultation between He and Defendant about Strategy, But at the Plea, No Strategy is even remotely evident.

16) Does ALL of These Questions Demonstrate a Cumulative Body of Evidence to show Ineffective Assistance of Counsel?

ANSWER: Yes, the P.C.R. Court was totally in Error to Deny Relief Due to the "Totality of the Circumstances Doctrine".

CERTIFICATE OF SERVICE

APPELLATE CASE NO. 2015-001686

I, MR. MAURICE SHAWNTAY GLOVER am The APPELLANT in this matter. I further ATTEST that I am Filing This APPELLATE BRIEF in a "Pro Se" Capacity, due to The FACT That Evans C.I. Will not make Copies of Anything Hand-Written, I am Requesting That The Honorable Clerk of Court Make Copies and Distribute them as needed. This was Deposited To The Evans C.I. MailRoom and Placed in their hands Pursuant To and in Accordance With "Houston v. Lack" and The "MAIL BOX RULE", Postage has been Pre-Paid For 1st Class Mailing.

/s/ Maurice Glover

Sworn To Before Me
This 9th Day of June 2016.

S Outlaw
Notary Public of S. Carolina

My Commission Expires: 2/17/24

RECEIVED
JUN 10 2016
S.C. SUPREME COURT

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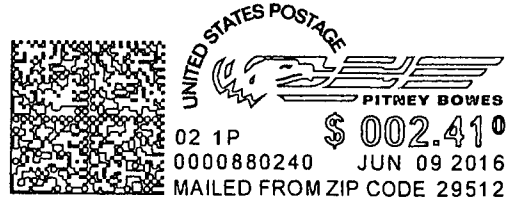

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