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JUN 13 2016

SC Court of Appeals

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
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www.sccourts.org

May 23, 2016

Lloyd Caldwell, 226265
Evans Correctional Institution
610 Highway #9, West
Bennettsville SC 29512

Re: The State v. Lloyd Caldwell
Appellate Case No. 2014-001752

Dear Mr. Caldwell:

Pursuant to your request, please find enclosed a blank application for post-conviction relief.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny A. Kitchings".

CLERK

cc: Alan McCrory Wilson, Esquire
Devon Russell Nielson, Esquire
Robert Michael Dudek, Esquire

- (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?
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" 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) There Using A charges against me to make me plea
(b) Guilty that I wasn't charge with
(c) _____

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

- (a) _____
(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 "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. _____
ii. _____
iii. _____
iv. _____

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

- i. _____
ii. _____
iii. _____
iv. _____

(c) the disposition thereof:

- i. _____
ii. _____
iii. _____

FORM 5

STATE OF SOUTH CAROLINA)
)
COUNTY OF)
)
Full name and prison number (if any) of Applicant.)
)
 v.)
)
State of South Carolina)
)

IN THE COURT OF COMMON PLEAS

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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 E.C.I.
2. Name and location of Court which imposed sentence Chester County
3. Name(s) of co-defendant(s) (if any) N
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2014 001752
 - (b) _____
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) 3/5/14 29 Years
 - (b) _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

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?

NIA

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. NIA

ii. _____

iii. _____

(b) the proceedings in which each ground was raised:

i. NIA

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? _____
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

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

(a) the name and address of each attorney who represented you:

- i. Devon R. Nielson 140 Main Street Post office
Box 132 Chester S.C 29706
- ii. _____
- iii. _____

(b) the proceedings at which each such attorney represented you:

- i. _____
- ii. _____
- iii. _____

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

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

FORM 5

STATE OF SOUTH CAROLINA)
)
COUNTY OF)
)
Full name and prison number (if any) of Applicant.)
)
 v.)
)
State of South Carolina)
)

IN THE COURT OF COMMON PLEAS

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POST-CONVICTION RELIEF

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1. Place of detention E.C.I.
2. Name and location of Court which imposed sentence Chester County
3. Name(s) of co-defendant(s) (if any) N
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2014 001752
 - (b) _____
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) 8/5/14 (9 years)
 - (b) _____

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STATE OF SOUTH CAROLINA

) JUN 13 2016
) VERIFICATION
) SC Court of Appeals

County of

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.

SWORN to and subscribed before me this 7th
day of June, 2016

S. Outlaw (L.S.)
Notary Public

My Commission Expires: 2/17/2017

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

JUN 13 2016
SC Court of Appeals

I, _____, 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.

Applicant

SWORN or affirmed to and subscribed before me this

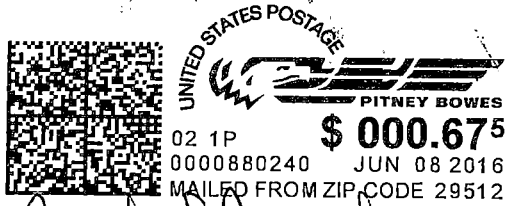
~~7th~~ day of June, 2016

J. Oulaw
Notary Public

My Commission Expires: 2/17/24

Lloyd Caldwell # 226265
ECZ A # 273
610 Highway 9 West
Bennettsville S.C 29512

COLUMBIA
SC 290
08 JUN '16
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