

The South Carolina Supreme Court

ANTONIO D. PATTERSON PETITIONER

v.

The State Respondent
Appellate Case No: 2014-002684

RECEIVED

JUN 20 2016

Motion To Appeal

S.C. SUPREME COURT

Comes, Now the Petitioner Antonio D. Patterson
Prose, Respectfully Appealing the Decision to
Dismissed the ~~DE~~ Petitioner Writ of
Certiorari Denial of Petitioner's Application
for Forensic DNA Testing under the Access
to Justice Post-Conviction DNA Testing Act.

The Lower Court Erred by denying Petitioner's
Application for Forensic DNA Testing pursuant
to S.C. Code Ann § 17-28-90 where Petitioner
was not represented by Counsel, and there were
no findings made by the Judge on whether
Petitioner had requested Counsel or had waived
his right to Counsel.

Prior to the Hearing the Judge asked
Petitioner:

You got a Lawyer or are you representing your
self?

PETITIONER REPLIED: REPRESENTING MYSELF.
THE JUDGE DID NOT ADVISED PETITIONER OF HIS RIGHT
TO COUNSEL.

PURSUANT TO SECTION 17-27-60 THE COURT MUST
APPOINT COUNSEL FOR INDIGENT APPLICANT AFTER
THE COURT HAS DETERMINED THAT THE APPLICATION
IS SUFFICIENT TO PROCEED TO A HEARING.

PRIOR TO FILING AN APPLICATION FOR FORENSIC DNA
TESTING, THE PETITIONER FILED A POST CONVICTION
RELIEF, AND WAS ASSIGNED ATTORNEY RODNEY
DAVIS.

COUNSEL APPOINTED IN THE POST CONVICTION RELIEF
PROCEEDING SHALL ALSO SERVE AS COUNSEL FOR
PURPOSES OF THIS ARTICLE. PURSUANT TO SECTION
17-27-60

THE LOWER COURT ERRED BY DENYING PETITIONER
WRIT OF CERTIORARI, WHERE THE COURT MADE
NO SPECIFIC FINDINGS OF FACT AND DID NOT
EXPRESSLY STATE ITS CONCLUSIONS OF LAW
IN THE ORDER DENYING PETITIONER APPLICATION
FOR FORENSIC DNA TESTING.

CONCLUSION

FOR THE REASON ARGUED ABOVE, PETITIONER ANTONIO D. PATTERSON RESPECTFULLY REQUESTS THIS COURT TO GRANT HIS APPEAL MOTION WITH THE ULTIMATE RELIEF OF A NEW HEARING.

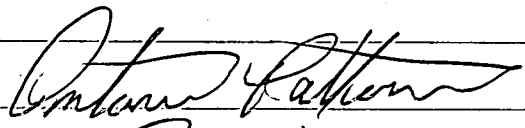
RESPECTFULLY SUBMITTED
Antonio Patterson
PROBE'

THIS 16TH DAY OF JUNE

2016

PROOF of SERVICE

I, CERTIFY THAT A TRUE COPY OF THIS MOTION TO
APPEAL DENIAL OF WRIT OF CERTIORARI HAVE
BEEN SERVED ON J. Rutledge Johnson, Esquire
AT THE PEMBERT DENNIS BUILDING, 1000 ASSEMBLY
STREET ROOM 519 COLUMBIA S.C. 29201 AND
JENNY A. KITCHINGS CLERK P.O. BOX 11629 COLUMBIA
S.C. 29211 S.C. COURT OF APPEALS. THIS 16TH DAY
OF JUNE 2016, AND CLERK DANIEL E. SHEAROUS SUPREME
COURT OF S.C. P.O. BOX 11330 COLUMBIA S.C. 29211


PROSE'

The South Carolina Court of Appeals

Antonio D. Patterson, Petitioner,

v.

The State, Respondent.

Appellate Case No. 2014-002684

ORDER

This matter is before the Court on a petition for a writ of certiorari following the denial of Petitioner's application for forensic DNA testing under the Access to Justice Post-Conviction DNA Testing Act.¹ Based on the vote of the panel, the petition for a writ of certiorari is denied.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

cc:

Donald J. Zelenka, Esquire
Alan McCrory Wilson, Esquire
Tiffany Lorraine Butler, Esquire
John W. McIntosh, Esquire
Sherrie Ann Butterbaugh, Esquire
Antonio D. Patterson, 342594

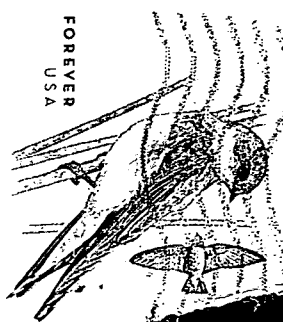
¹ S.C. Code Ann. § 17-28-10 to -120 (2014).


June 7, 2016
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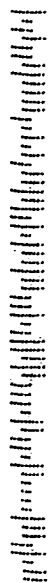
Antonio D. Patterson 349594
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CHARLESTON SC 29404
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Supreme Court of S.C.
Daniel E. Shearous Clerk
P.O. Box 11330
Columbia S.C. 29211

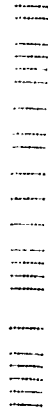


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The Department of Corrections has not censored this item, therefore, the Department does not assume responsibility for its written contents - MacDougall Correctional Institution.