

RECEIVED

30 July 2016

AUG 04 2016

S.C. SUPREME COURT

General Robert Louis Garrett Jr.
SCDC # 291096
Lee CI ~ ~ ~ RHU, Cell 47
990 Wisacky Highway
Bishopville, South Carolina 29010

The Honorable Daniel E. Shearouse, Clerk
Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

RE: Robert Louis Garrett Jr. v. State of South Carolina
Appellate Case No.: 2016-001448
Lower Court Case No.: 2012-CP-43-02007

Dear Mr. Shearouse:

^{RLGT} Please find enclosed an assortment of "pro se" pleadings that I've filed in reference to the above cited case. As this Court has the authority to review complaints/dispositions of matters filed with The Office of Disciplinary Counsel, I ask that files 15-DE-L-1020, 15-DE-J-0208 and any other files related to those be made a part of the record for this matter (As my 9 September 2014 court appointed counsel, Fulton Casey Dale Cornwell, has to date been grossly ineffective, and any further input on his part should be thoroughly scrutinized) ^{RLGT}

^{RLGT} Furthermore, let it be duly noted that I've have NOT received any type of correspondence from Mr. Cornwell in connection with your 12 July 2016 letter to him ordering that he respond to the said letter within ten (10) days; Because of this, I've by way of this letter ask that Mr. Cornwell be removed from this case, and this Court appoint new competent counsel that has the sole objective of seeing that JUSTICE is finally handed down in this matter. ^{RLGT}

^{RLGT} "Extraordinary Circumstances" exist in abundance in this matter, so I've pray that this Court finally render justice by re-instating my trial judge's JANUARY 2000 GRANT OF A NEW TRIAL, and order my immediate release on house arrest/PR bond pending a new trial. ^{RLGT}

RLGT

cc: AAG Julie Amanda Coleman
Judge George C. James Jr.
Mr. Fulton Casey Dale Cornwell
ADC Erica M. Williams

In Pain, Both Physically & Psychologically
Gen. Robert L. Garrett Jr.
Gen. Robert L. Garrett Jr.

ENCLOSURES

30 July 2016

General Robert Louis Garrett Jr.

SCDC # 291096

Lee CT ~~~ RHU, Cell 47

990 Wisacky Highway

Bishopville, South Carolina 29010

The Honorable George C. James Jr.
Circuit Court Judge, 3rd Judicial Circuit
141 North Main Street, Suite 305
Post Office Box 1716
Sumter, South Carolina 29151

The Honorable Julie A. Coleman, Esquire
SC Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211

RE: Robert Louis Garrett Jr. v. State of South Carolina

Appellate Case No.: 2016-001448

Lower Court Case No.: 2012-CP-43-02007

Dear Judge James & AAG Coleman:

To be as succinct as my limited vocabulary will allow me to be
Pursuant to Hudson v. Hudson, 290 S.C. 215, 349 S.E.2d 341 (1986)
A Return and subsequent Response SHOULD HAVE ALREADY BEEN FILED IN
CONJUNCTION TO MY TIMELY FILED 4 July 2016 59E Motion; Our Supreme
Court made it CRYSTAL CLEAR that my filing of a Notice Of Appeal to
them DOES NOT deprive ANY lower court of jurisdiction to consider the said
Motion, so how you BOTH misconstrued that longstanding rule of thumb
is WAY beyond the realms of my limited comprehension.

Our Supreme Court pointed this out in their 12 July 2016 letter
to my ~~SEVERELY~~ ineffective counsel (Fulton Casey Dale Cornwell), and
because you both made the same mistake regarding "jurisdiction", my case
won't be able to be cited alongside Hudson. Be that as it may, at present
I'll just wait to see how my above referenced counsel responds to the said
letter (As my ONLY aim at this point is getting my original trial judge's
GRANT OF A NEW TRIAL re-instated so that I can EXPEDITIOUSLY clear
my name and somehow pick up the pieces and move on to the next chapter
in my life).

Any help, feedback, etc. you all can lend to this noble cause
would be greatly appreciated.

RLG

In Pain Both Physically & Psychologically,

Gen. Robert L. Garrett Jr.
Gen. Robert L. Garrett Jr.

cc: The Honorable Daniel J. Sheanuse
Clerk, Supreme Court of South Carolina
Fulton Casey Dale Cornwell
SEVERELY INEFFECTIVE COUNSEL!

ENCLOSURES

~162~

NOTE: PAGES FROM THE ORDER FROM NY
29B Motion Hearing

265 ~ Exhibit A2 ~
30 August 2014 Enclosure

Judge James Order
25 July 2014

above and implicated himself, Davis, China, and the defendant by name. The defendant argued at trial that it would be obvious to any juror that the reference to "another guy" or "the other guy" in Davis' statement would point to no one other than the defendant as being that person. The defendant cites State v. Henson, 407 S.C. 154, 754 S.E. 2d 508 (2014) for the proposition that his Sixth Amendment right to confront witnesses was violated by the admission of Davis' statement.¹

→ It is possible that if the instant defendant were to be tried today, he would be entitled to be tried separately from Davis, as the use of the identifiers "another guy" or "the other guy" might impermissibly "facially incriminate through inference" the defendant. See Henson, 407 S.C. at 164. This is true even though Cunningham also testified that the defendant was involved in the crimes. In Henson, the non-testifying co-defendant's statement was read to the jury and referred to Henson as "him", "the guy", and "he". Two other parties to the crime testified and directly detailed Henson's, the co-defendant's, and their own participation in the crime. The only practical difference between the posture of Henson and the posture of the instant case is that

He should have added that my testifying codefendant

in Henson, there were two participants testifying against Henson, and in the instant case, only one (Cunningham) testifying against the defendant. France and Chiappone were not able to

RECANTED

identify the defendant, and the only direct evidence identifying the defendant as an active

BEFORE TRIAL,

participant other than Davis' statement was Cunningham's testimony. Cunningham, as the two

signed affidavits saying why

witnesses in Henson, faced charges for his participation, and had an incentive to downplay his

he lied on

involvement and to shift blame to others. To paraphrase Henson, unless Davis' confession could

me to begin with, and testified

be redacted in such a way as not to implicate the defendant, there is an argument that the only

at a 29B Motion Hearing saying HE WAS TRICKED/COERCED to testify against me by the Sumter County Solicitor's Office.

HENSON'S two testifying co-defendants DID NOT recant like my two co-defendants did AND HENSON'S trial judge DID NOT grant A

¹ The defendant raised the issue of the admissibility of the redacted statement to the Court of Appeals, and the Court held the statement was properly admitted. 350 S.C. at 620-621.

TRIAL AT TRIAL AS MY trial judge did. Those are two big facts that make my confrontation clause violation WORSE THAN HENSON'S.

~163~

NOTE: PAGES FROM THE ORDER FROM MY 298 MOTION HEARING

Exhibit A3 ~
30 August 2014 Enclosure
Judge James order 23 July

alternative would be not to admit Davis' confession or to grant the motion to sever their trials.

Henson, 407 S.C. at 167.

It's clear

→ The question becomes whether Henson affords the defendant the right to a new trial at

that I am

this stage. It does not. The Court of Appeals addressed the issue and held the statement was

ENTITLED

TO RELIEF

properly introduced. Also, the court is aware of no authority for the proposition that Henson

the question

may form the basis for a state court granting a new trial either under Rule 29 (b) or otherwise, in

now is

who has

a case that was tried fourteen years before Henson was decided.² The court therefore denies the

the authority

to

defendant's motion for a new trial pursuant to Henson. The court will not address whether the

REINSTATE

MY TRIAL

defendant may be entitled to relief in another forum.

COURT'S GRANT

OF A NEW TRIAL.

WHAT FORUM??

Defendant's Additional Grounds for New Trial

- PCR

- Supreme Court of S. CARO.

At the May 29, 2014 hearing, the defendant testified. He submitted the following

additional grounds for a new trial:

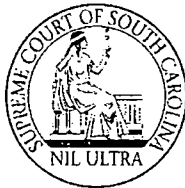
✓ 1. This court's Conditional Order dismissing his application for post-conviction relief (See 2012-CP-43-2007) contained a "blatant lie". This ground is dismissed as not properly considered in a new trial motion.

→ 2. The Honorable Marc H. Westbrook, if still alive, would grant the new trial motion. This ground is dismissed, as it is irrelevant what another circuit judge might rule. Judge Westbrook GRANTED A NEW TRIAL ALREADY; Were he still alive he would be in a position to re-grant me a new trial (Partially because of Henson. The Court of Appeals reversed Westbrook's new trial ruling

→ 3. Retroactivity of State v. Henson. Discussed above.

² The court recognizes that Henson is not new law, but the Henson Court's ruling, along with State v. Holder, 382 S.C. 278, 676 S.E.2d 690 (2009), does somewhat crystallize the approach to be taken in considering severance motions in these-type instances.

and because the South Carolina Supreme Court did not feel like it now does pursuant to Henson, they did not reverse the Court of Appeals reversal.



The Supreme Court of South Carolina

OFFICE OF DISCIPLINARY COUNSEL

Lesley M. Coggiola
Disciplinary Counsel

Ericka M. Williams
Assistant Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Telephone: (803) 734-2038
Fax: (803) 734-1964

August 25, 2015

PERSONAL & CONFIDENTIAL

Received on 1 Sept. 2015

Robert Louis Garrett, Jr. #291096
McCormick Correctional Institution
386 Redemption Way
RHU-B-25
McCormick, SC 29899

RE: Lawyer: Fulton Casey Dale Cornwell, Esquire
File Number: 15-DE-L-1020

Dear Mr. Garrett:

We have received your complaint against Fulton Casey Dale Cornwell, Esquire. We will conduct an investigation into the matters you have reported. You will not necessarily be contacted prior to a decision regarding your complaint; therefore, you should submit any additional information or documentation to support your allegations at this time.

The authority of this office and the jurisdiction of the Commission on Lawyer Conduct are limited to issues of whether a lawyer is subject to discipline pursuant to the Rules for Lawyer Disciplinary Enforcement, Rule 413, SCACR. Where misconduct is found, this disposition might include a confidential letter of caution or admonition, a public reprimand, suspension, or disbarment. If our investigation does not reveal evidence of lawyer misconduct, your complaint will be dismissed.

We take this opportunity to advise you of the limited role of this office and the Commission so that you will be aware that we cannot provide you with assistance or advice. You should promptly seek assistance or advice that you might need from legal counsel or other sources. If you do not have an attorney and believe that you need one, you should contact the South Carolina Bar Lawyer Referral Service at 1(800) 868-2284.

You will be notified of the final disposition of your complaint. It is often many months after receipt of a complaint before a final decision is made. In the meantime, feel free to contact me if you have any questions or concerns.

Sincerely,

(Ericka M. Williams)

EMW/clg



The Supreme Court of South Carolina

OFFICE OF DISCIPLINARY COUNSEL

Lesley M. Coggiola
Disciplinary Counsel

Joseph P. Turner Jr.
Assistant Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Telephone: (803) 734-2038
Fax: (803) 734-1964

September 16, 2015

PERSONAL AND CONFIDENTIAL

Robert Louis Garrett, Jr. #291096
McCormick Correctional Institution
386 Redemption Way
RHU-B-25
McCormick, SC 29899

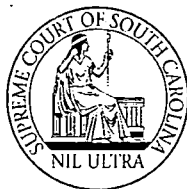
Re: Judge: Circuit Court Judge W. Jeffrey Young
South Carolina Circuit Court, First Circuit
Matter Number: 15-DE-J-0208

Dear Mr. Garrett:

We have received and reviewed your complaint about Circuit Court Judge W. Jeffrey Young. The authority of this office and the jurisdiction of the Commission on Judicial Conduct concerning complaints against judges are limited to issues of whether a judge has committed misconduct or is incapacitated within the guidelines of the Rules for Judicial Disciplinary Enforcement, Rule 502, SCACR, adopted by the Supreme Court of South Carolina.

These rules do not apply to questions about whether or not the outcome of a case handled by a judge was fair. We do not have authority to intervene in any matter presently pending before a court or to change the outcome of the decision of a court. These are legal matters which must be addressed by you to the court or raised by you on appeal using the appropriate appellate procedures.

In addition, we do not seek to get a judge to do something a person wants done. We cannot give advice about your case or the legal system in general. This is not a place for an individual to seek relief, but a place where institutional values are promoted for the good of everyone who has dealings with our legal system.



The Supreme Court of South Carolina
OFFICE OF DISCIPLINARY COUNSEL

Lesley M. Coggiola
Disciplinary Counsel

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Columbia, South Carolina 29211

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November 23, 2015

PERSONAL AND CONFIDENTIAL

Robert Louis Garrett, Jr. #291096
McCormick Correctional Institution
386 Redemption Way
RHU-B-25
McCormick, SC 29899


RE: Lawyer: Fulton Casey Dale Cornwell, Esquire
File Number: 15-DE-L-1020

Dear Mr. Garrett:

I am in receipt of your most recent letters dated November 11, 2015 and November 14, 2015. We will review your additional allegations of misconduct along with our current investigation of Mr. Cornwell.

Your letter also requested that we forward your complaint to the Sumter County Court. Due to the confidential nature of our investigation, we will not be able to forward your complaint as requested. You also requested assistance in having Mr. Cornwell removed as attorney in your case. We do not have the authority to intervene in your case or assist with the removal of Counsel. You should promptly seek assistance or any advice that you might need from legal counsel or other sources.

Please feel free to contact me with any questions or concerns regarding this communication.

Sincerely,

Ericka M. Williams

- Reinstatement of My ORIGINAL TRIAL
Judge's GRANT OF A NEW TRIAL that
was erroneously overturned back in June 2002
- PR BOND AND AN ORDER THAT SUMNER
COUNTY GIVE ME A FAST AND SPEEDY TRIAL
OR DROP THE CHARGES

Myos IS Classic

you are my EVERYTHING
You are everything
And I am

Mr. Robert L. Garrett Jr., #291096
~~Lee CI, RHD Cell 47~~
990 WISACKY Highway
Rishopville, South Carolina 29010

To: Mr. Daniel E. Shearouse, Clerk
South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

LEGAL MAIL
MAIL ROOM

LEE CI MAIL ROOM

AUG 1 2016

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