

LETTER OF: Notice OF Appeal
So. CAROLINA, Supreme Court
Clerk - Filing

DATE: OCT. 09, 2014.

THE HON. Daniel E. Shearouse - Clerk
So. Carolina Supreme Court
P.O. Box 11330
Columbia, S.C. 29211

RECEIVED

OCT 15 2014

RE: Notice OF Appeal

S.C. SUPREME COURT

CASE no. 2013-CP-39-1440.

LARRY E. HALL

(Appellate)

VS. - STATE OF SO. CAROLINA
COUNTY OF PICKENS, S.C.

(Respondent)

Dear Clerk, (Hon. Mr. Shearouse)

Enclose for filing is a notice OF Appeal
in the above caption case. Also enclosed are the
following: (1) Proof of Service of the Notice of Appeal
on the Respondent(s).

(2) A copy of the order (judgement) which is (are)
to be challenged on appeal.

(3) Rule 243 (c) Explanation Dated OCT. 09, 2014

(4) Affidavit Dated OCT 09, 2014

(5) Response Dated Sept. 08, 2014

(6) Order Dated Aug. 20, 2014

(7) Letter Dated Aug. 26, 2014

(8) Letter Dated Sept. 04, 2014

(9) Objections Dated Aug 28, 2014

(1) CC, Pickens, S.C. - Clerk
Hon. Harold P. Welborn
(2) - S.C. Atty. Gen. Office
Attn: Atty. Karen C. Ratigan.
P.O. Box 11549, Columbia, S.C.
29211-1549

I AM s/; Larry E. Hall #112241
LARRY E. HALL SCDC NO.
Terry Ann Instit. ALL-186
430 OAKLAWN RD.
Pelzer, S.C. 29669

• Appellate for Appeal.
This 09th day of Oct. 2014.

• SPECIAL LEGAL NOTICE •

Sworn before me on this

_____ day of _____ 2014.

s/ _____ (NOTARY, S.C.)

MY Commission Expires _____;

STATE OF SO. CAROLINA
COUNTY OF PICKENS, S.C.

LARRY Eugene Hall
SCDC # 112241 (Applicant),

vs. —

STATE OF SO. Carolina
(Respondent),

IN THE COURT OF:
APPELLATE COURT

NOTICE OF APPEAL
Applicant, Conditional Order
CASE no. 2013-CP-39-1440

DATE: OCT. 09, 2014

RE: NOTICE OF Appeal (NOA).

I, Larry Eugene Hall, SCDC # 112241 (applicant) will like to file and submit to the court my legal issues motion for further review to my case and conditional order per the above caption case no. 2013-CP-39-1440.

I will like to present these raise issues:
(1) Deprivation of many of his constitutional rights by STATE.

(2) "Every person under color of any statute, or ordinance regulation custom, or the District of Columbia or any state or territory or the district causes, cause to be subjected any citizen of any rights privilege or immunities of any rights secured by the constitution and laws shall be liable to the party injured in an action at law suit in equity or other proper redress."

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S.C. SUPREME COURT

In response to the post-conviction relief (PCR) application filed November 14, 2013, the applicant Larry Eugene Hall, SCDC no. 112241 case no. 2013-CP-39-1440. IN THE COURT OF COMMON PLEAS; Hon. Judge Letitia H. Verdin Chief Administrative Judge 13TH Judicial Circuit 305 East No. Street, Ste. 318 Greenville, S.C. 29601

In this matter to the court, the applicant will also like to submit these legal issues motion to the court for further review to comply with the filing procedures of the Uniform Post-Conviction Procedure Acts, and Summary Judgments. S.C. Code Ann § 17-27-70(c) (2003).

The Applicant will like to motion to the court for his Eligibility of Parole Support to be granted to his current and active sentence. The applicant serving sentence and conviction crime was in 1991. Paroleable Sentence Resentenced (1991) (murder) 91-GS-39-01347 08/07/07 citing: Furtick v. So. Carolina Dept. of Probation, Parole and Pardon Services 352 S.E.2d 594, 576 S.E.2d 146 (2003).

Applicant's other prior conviction sentence and offense happen in 1982: ABWTK. Indictment No. 82-GS-39-419

Applicant served out this sentence and conviction. Date: 07/19/82. (Please see attached letter of STATE OF SO. CAROLINA Dept. of Probation, Parole and Pardon Services; Dated: August 11, 2014.)

Applicant is agreeing to the procedure history alleges by the respondent's in Conditional Order of Dismissal in the court of common pleas case no. 2013-CP-39-1440 dated: Nov. 14th, 2013. Applicant file his (PCR).

In the applicant case, his trial was held in January, 1992 he was represented by Atty. Dallas BALL-esq and Atty. Christopher Olson-esq.

The applicant also agree to the appeal process allege by the respondent [IN his current (PCR) application]

The Applicant will show this court why his PCR application should not be summarily dismissed for the following reasons, Applicant contend that his conviction and sentence was in violation which set forth the prima facie violation of my constitutional rights. Grounds are constitutional dimension.

THE fundamental defects alleges, are standards that require establishment of a complete miscarriage of justice and an omission inconsistent with the (rudimentary) demand of fair procedure.

It would be a denial of due process not to give the applicant an evidentiary hearing on the applicant's constitutional claims or new trial.

Where an applicant for post conviction relief alleges in his entitled to an evidentiary hearing to determine whether he has been prejudiced code 1976 § 17-27-10 et seq. See McDuffie v. - STATE 277 S.E. 2d 595.

IN United States v. - MORGAN, 346 U.S. 502, 512-513, 74 S. Ct. 247, 253, 98 L. Ed. 248 (1954), The United States Supreme Court held. Although the term has been served the results of the conviction may persist. Subsequent convictions may carry heavier penalties, civil rights may be affected. As the power to remedy an invalid sentence exists, applicant is entitled to an opportunity to show that his conviction were invalid.

Continuation of litigation after final judgement and exhaustion or waiver of any statutory right of review should be allowed through this remedy only under circumstances compelling such action to achieve justice, trial counsel ineffective in failing to fully apprise applicant of the sentencing consequences of his guilty pleas. In order for a defendant to knowingly and voluntarily plea guilty, he must have a full understanding of the nature of the charges and the consequences of his plea.

HINSON v. - STATE, 377 S.E. 2d 338. STATE v. - HAZEL 271 S.E. 2d DOVER v. - STATE, 405 S.E. 2d 391.

IN DOVER, the court reversed where the defendant, who pled guilty to 29 indictments involving various counts of larceny and burglary and received a sentence of 25 years, did not previously understand that he could have received a prison term in excess of 200 years, and that his case was A MAJOR CASE.

Compare Alexander v. - STATE, 402 S.E. 2d 484.

Here applicant's guilty plea was given involuntarily because he was not adequately advised of the sentencing consequences of his plea. Applicant plea was given involuntary

in violation of Boykin v. Alabama, 395 U.S. 238 and the 5th, 6th amendments of the U.S. Constitution -
ional Act, L. § 12 and 14 of the S.C. Const.
SEE ALSO Hill v. Lockhart, 474 U.S. 52.

In Hill v. Lockhart, 474 U.S. 52 (1985),
The Supreme court held that a claim that counsel's assistance was so effective as to require a reversal of a conviction mandates that the defendant show that counsel's performances prejudiced the defense such that for counsel's errors, the defendant might not have pled guilty. Clearly, counsel's failure to adequately advise petitioner regarding sentencing consequences in the instant case constituted deficient legal representation in violation of Hill v. Lockhart, supra and the 6th and 14th amendments to the U.S. Const. But for counsel's error in this regard a reasonable probability exists that petitioner would have elected a trial by jury and not pled guilty to the state charges.

Petitioner was mentally retarded deprived Due Process of Law Throughout his criminal process.

There were reasonable cause to believe that petitioner may presently be suffering from A mental disease or defect rendering [the petitioner] mentally incompetence to the extent that he was unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. See McNaughten Rule.

As a mentally incompetence defendant, the petitioner was forced to plead guilty without having the benefit of the mandatory S.C. code of LAW § 44-23-430-440.

Presumption applicable when counsel chose not to offer expert evidence in support of defendant's mental defect defense. This issue was suppose to be brought up during the preliminary stages.

This court will commit a manifest abuse of discretion that would amount to an error of law if the applicant is denied an evidentiary hearing.

CERTIFICATE OF SERVICES
STATE OF SO. CAROLINA

IN The Court OF: Court of Appeals

Larry Eugene Hall (Applicant) -vs- STATE of So. Carolina (Respondent)
SCDC-112241
CASE no. 2013-CP-39-1440

PROOF OF SERVICE

I, Larry Eugene Hall (name), SCDC-112241 hereby certify that I have served a copy of the foregoing (NOA) NOTICE OF Appeal, Legal Documents matters by depositing in the U.S. - Mail, prepaid postages by the undersigned Perry Corr. Inst. 430 OAKLAWN Rd. Pelzer, S.C 29669, addressed as following to:

NAME of Agency/office served:

Sb. Supreme Court
CLERK - Hon. Daniel E. Shearouse
P.O. BOX 11330, Columbia, S.C.
29211-

I further certify that all parties required by RULES to be served, Have been served.

cc: (1) Pickens, S.C. Clerk of Court
HON. - Harold P. Welborn Jr.
(2) S.C. Atty. Gen Office
c/o - Atty. Karen C. Ratigan, SADAG
P.O. Box 11549, Columbia, S.C.
29211-11549

Submitted Respectfully,
I AM s/ Larry Hall
(Larry Eugene Hall)-112241

THIS 9 day of October 2014.

SPECIAL LEGAL NOTICE

SWORN before me on this
14 day of October 2014.

s/ Tamara Conwell
(NOTARY PUBLIC, S.C.)

MY COMMISSION Expires
My Commission Expires
September 25, 2023

LARRY E. HALL #112241

PERRY ORG. INST. ALL-186

4-30 OAKLAND Rd.

Pelzer, S.C. 29669

— Address full capt's, thanks! —

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OCT 10 2014

P.C.I. MAILROOM

To:

So. Carolina Supreme Court

Attn: CLERK - Hon. Daniel E. Sprouse

P.O. Box 11330

Columbia, S.C.

29211

~~LEGAL-MAIL~~