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State of South Carolina
IN the Supreme Court

SG Court of Appeals, S.C. SUPREME COURT

C/A 2014-002684

Antonio D. Patterson
Petitioner

Petition to REINSTATE

v.

State Respondent

Petitions the Court to REINSTATE Writ of CERTIORARI
Comes Now the petitioner Antonio D. Patterson
PROSE' RESPECTFULLY APPEALING the DECISION to
DISMISSED the PETITIONER Writ of CERTIORARI
FOR DNA FORENSIC TESTING Act Post Conviction.

The Petitioner provides the following facts in
support of his motion.

On September 1, 2006, Petitioner was indicted by
the Charleston County Grand Jury for First degree
Criminal Sexual Conduct. On August 30, 2010
Petitioner case proceeded to a jury trial before
the Honorable Debra L. Jefferson. Reese Stidham
and Ted Smith represented Petitioner, Jennifer
and James Stack represented the State.

On September 1, 2010 Petitioner was convicted and
sentence to twelve years imprisonment.

Pursuant to Rule 260, SCACR.

A BRIEF WAS FILED ON BEHALF OF THE PETITIONER PURSUANT TO THE PROCEDURE IN ANDERS V. CALIFORNIA 386 U.S. 738 (1967), App 32. ON JUNE 19, 2013, THE S.C. COURT OF APPEALS DISMISSED PETITIONER'S APPEAL.

ON AUGUST 2, 2013 PETITIONER FILED AN APPLICATION FOR FORENSIC DNA TESTING. ON SEPTEMBER 18, 2013 PETITIONER FILED AN AMENDED APPLICATION FOR FORENSIC DNA TESTING.

THE STATE FILED ITS RESPONSE ON JULY 22, 2014 REQUESTING THAT PETITIONER'S APPLICATION BE DISMISSED.

PRIOR ON FEBRUARY 25, 2014 PETITIONER DID FILED A PCR APPLICATION WITH THE CHARLESTON COUNTY CLERK OF COURT. THE PCR WAS ASSIGNED RODNEY DAVIS AS ATTORNEY.

ON OCTOBER 6, 2014 A HEARING WAS HELD BEFORE THE HONORABLE ROGER M. YOUNG SR. TO DETERMINE WHETHER ADDITIONAL FORENSIC DNA TESTING WAS PROPER. JENNIFER SHEALY REPRESENTED THE STATE. PETITIONER PROCEEDED PROSE.

PRIOR TO THE HEARING THE JUDGE ASKED PETITIONER: YOU GOT A LAWYER OR ARE YOU REPRESENTING YOURSELF?
PETITIONER REPLIED: REPRESENTING MYSELF.

The Judge Responded: O KAY.

The Court must Appoint Counsel for AN indigent Applicant AFTER the Court HAS determined that the Application is Sufficient to a HEARING.

SECTION 17-27-60

The 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 WHETHER PETITIONER HAD WAIVED HIS RIGHT TO COUNSEL.

PURSUANT TO S.C. CODE ANN SECTION 17-28-30 OF THE ACCESS TO JUSTICE POST CONVICTION DNA TESTING ACT. A PERSON WHO PLED NOT GUILTY TO CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE, INTER ALIA, WAS SUBSEQUENTLY CONVICTED OF IS CURRENTLY INCARCERATED FOR THE OFFENSE AND ASSERTS HE IS INNOCENT OF THE OFFENSE MAY APPLY FOR FORENSIC DNA TESTING OF HIS DNA TESTING OF HIS DNA AND ANY PHYSICAL EVIDENCE OR BIOLOGICAL MATERIAL RELATED TO HIS CONVICTION OR ADJUDICATION. THE APPLICATION FOR FORENSIC DNA TESTING MUST BE HEARD IN AND BEFORE A JUDGE OF GENERAL SESSIONS, COURT OR FAMILY COURT IN WHICH THE CONVICTION OR

Adjudication took place. S.C. Code ANN 17-28-90(A)

Pursuant to S.C. Code ANN SECTION 17-28-60
The Applicant must HAVE COUNSEL Appointed
to Him.

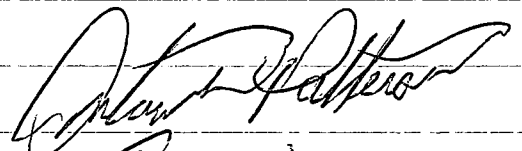
COUNSEL Appointed in the post Conviction Relief
proceeding shall ALSO SERVE AS COUNSEL FOR
PURPOSES of this Article.

The Court Erred by denying Petitioner's Application
For Forensic DNA Testing pursuant to S.C. Code
ANN § 17-28-90 WHERE THE COURT MADE NO SPECIFIC
findings of fact AND did NOT EXPRESSLY STATE
its CONCLUSIONS OF LAW IN THE ORDER denying
Petitioner's Application For Forensic DNA Testing.
The Court shall make specific findings of
facts AND EXPRESSLY states its CONCLUSIONS
OF LAW. S.C. Code ANN § 17-28-50 (C).

CONCLUSION

FOR THE REASON ARGUED ABOVE, PETITIONER
ANTONIO D. PATTERSON RESPECTFULLY REQUESTS
THIS COURT TO GRANT HIS petition FOR WRIT
OF HABEAS CORPUS with the ultimate relief
OF A NEW HEARING.

This 16th day of JUNE
2016


PATTERSON

PROOF OF SERVICE

2014-002684

I, CERTIFY THAT A TRUE COPY OF THIS PETITION FOR REINSTATE, FOR DENYING WRIT OF CERTIORARI HAVE BEEN SERVED ON J. Rutledge Johnson, Esquire AT THE REMBERT DENNIS Building 1000 ASSEMBLY STREET, Rm 519 Columbia S.C. 29201 AND DANIEL E. SHEAROUS CLERK P.O. BOX 11330 Columbia S.C. 29211

THIS 16TH DAY OF JUNE

2016



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S.C. SUPREME COURT

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

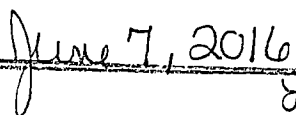

CLERK

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).


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Antonio D. Patterson 342594
MacDougall Correctional Inst
1516 Old Gilliard Rd
Ridgeville S.C. 29472

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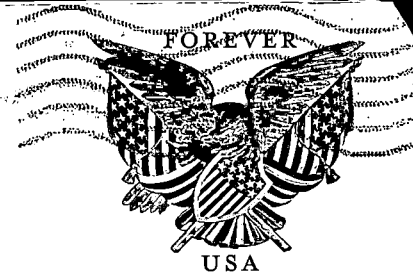
MacDougall Corr. Inst.
Mailroom

CHARLESTON SC 294

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M. Galen

Supreme Court of S.C
Daniel Shearouse Clerk
P.O. Box 11330
Columbia S.C. 29211



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