October 19, 2016

State of South Carolina
The Supreme Court

SCOC No.
"344612"

I "Richey Lamont Boyd", would like to raise the following Issues Along with the "Malice" Issue Mr. Robert Dudek has already Petitioned to the Supreme Court of South Carolina,

I am filing these folbwing Issues (Pro Se), since Counsel Mr. Dudek asked to be relieved as counsel.

I Richey L. Boyd am asking this Supreme Court of South Carolina to please Consider issues since they are Legable, Arguable Issues.

These 11, issues are being filed (Pro Se), by mr. Richey Lamont Boyd to be joined with the Issue of "Malice" that counsel has already raised

Thank You
Respectfully Submitted
Richey L. Boyd
344612

RECEIVED
OCT 26 2016
S.C. SUPREME COURT

1st, "Applicant", would like to point out to this Court, that the "common Purpose" and "Plan" in this case was to wait until victim, and family left his residence, before entering.

"Applicant" would also like to point out to this court, that "Applicant" was convicted on these charges under The Accomplice Liability, Hands of One - Hands of All charge in a Joint Trial with a Co-Defendant that was pointed out as the Shooter.

see = Appendix Volume I for evidence of The Common Purpose and Plan in this Case, Testimony of the Three Co-Defendants.

- Pg. 326, Lines 23-25, pg. 327, Lines 1-2
  Co-Def. Willie Taylor

Pg. 370, Lines 12-17
Co-Def. Scottie Butlers

Pg. 414, Lines 14-18
Co-Def. Jeffery Dornbergs

Trial Counsel failure to object to "Hearsay Testimony", Violated applicants right to confront his accusers, Also inableling the Court to violate (Bruton vs US). 88 S.Ct 1620

Co-Defendants Scottie Butler, and Jeffrey Dornberg admitted that "Lamar Williams" admitted to them that when he shot victim, the "Bullet Projectile" ended up in Applicants "Boot, or shoe". Trial Transcript (p. 383 L.25. p. 384 L.1-4) (p. 421, L 9-13)

This was a violation of the 6th amendment Confrontation Clause, due to the fact that "Williams" did not testify, and Applicant had no opportunity to confront "Williams" as to making those Statements, (State vs. Singleton) 400 S.E.2d 457 - states that, admission of a statement by a non-testifying Co-Defendant, implicating a defendant in a joint trial, violates the 6th Amend. Confrontation Clause, and is Generally Inadmissable. (Crawford vs Washington) 541 US. 36

Trial Judge failed to give any limiting Instructions in Applicants Trial, Non-testifying Co-Defendants Statements should always be redacted to omit any reference to Defendant.

The Court permitted impermissible evidence to the Jury also violating (Bruton vs US) Jury could have referred those Statements towards "applicants" guilt. A defendant may be prejudiced by admissions of evidence, against a co-Defend, of a statement or confession made by the Co-Defend, to Inculpate the Defend in a "joint trial". Especially when that Co-Defend, does not take the stand where he could be cross-examined by Defendant. Limiting instructions to the Jury may not in fact erase the prejudice, This Statement was also made after the termination of the Alledged Conspiracy, therefore should have never be brought in as evidence towards the Jury. Trial Counsel Should have objected.

Counsel was Ineffective for not Re-Raising the "Motion for Severance" at the end of all the States Evidence.

(State v. Cutro) 365 S.C. 366, 374, 618 S.E.2nd 890, 894 (2005). "Generally" when offenses charged in seperate indictments are of the same general nature involving connected transactions closely related in kind, place, character, the trial Judge has the discretion to oder the indictments tried together, "but only so long as the defendant's substantive rights are not prejudiced." "Applicant" also states that co-Defen. "Lamar Williams" ~~was Indicted for Intimidation of a state Witness Charge~~, Applicant was not, which Clerk of Court admitted to Jury.

Applicant feels that Due to the fact that he suffered a tremendous amount of prejudice, by being tried Jointly with "Williams", who made statements against his interest, also statements implicating applicants name in them, and the fact that "Williams" did not testify, applicant could not comfront "Williams" at all.

Trial Judge never gave any limited instructions to the Jury as to how to relate "Hearsay Evidence".

Applicant also believes that since he was convicted under the Accomplice Liability (Hands of One, Hands of All theory), in a Joint trial with "Williams" Applicant was prejudiced because All three Co-Defend, testified that the "plan" was to wait until "victim" and everyone left the residence before entering the home of "victim" then go in and steal money and Drugs, that Vacates "malice", or an "Intent" to rob or murder. Due to the facts and Evidence of Applicants case, Counsel was Inneffective for not re-raising the Motion for Severance. This Joint trial allowed the state to get a Murder Conviction against "Applicant" "unjustly" Applicant should be granted a new trial. See Exibit "C" in PCR Transcripts

Counsel was Ineffective for not requesting for a Fast-N-Speedy Trial, nor raising a motion to dismiss due to Prosecutor denying "Applicants" rights to a Fast-N-Speedy Trial.

(State vs. Langford) 400 Sc. 421, 735 S.E.2d 471 (2012)

"noting that a violation of such cannot be proven without a demonstration that the defendant suffered any prejudice from the delay."

Heres the Prejudice - In "Applicants" case, Applicant had a detainer placed on him by Greenville County Stemming from these Charges while Applicant was incarcerated in another County "Greenwood County" prolonging Applicants right to post bail, due to the fact of the hold. On November 18th 2010 the hold was placed on the fact that Greenville County had probable cause that Applicant was involved in this Alledged Conspiracy. This Conspiracy Supposively happened on Oct. 18th 2010 in Greenville County. "Applicant" wasn't presented Arrest Warrants until April 15th 2011, while incarcerated at Kirkland R&E. "Applicant" requested for preliminary hearing, but never received that hearing. Due to a confusement in the Public Defenders Office "Applicant" wasn't Appointed a Lawyer in a reasonable amount of time, so Applicant raised a "Pro Se" Motion for fast-n-Speedy trial. That Motion was denied and sent back to "Applicant" due to the fact that "Applicant" was represented by Counsel. Counsel addresed the Court in "Applicants" trial that "Applicant" at the time he filed the "Pro Se" motion did not Know who his Lawyer was. Counsel admitted that there was a confusement at the Public Defenders office. (Trial Transcript, pgs 7-15)

see Exibit "A" in PCR Transcript pg. 643

Pre Indictment Delay
(See State vs Horton) → 172 Se.2d 887

"Applicant believes that since Article I sect. 14 of the US Constitution indicates that a person charged with a criminal offense shall enjoy the right to be fully heard in his defense by himself, by Counsel, of by both. Note: Applicant wasn't indicted on these Charges until January 10th 2012, this is the date that Grand Jury Convened on Applicant's Indictments. see (State vs Johnson) → 167 Se.2nd 274 "Applicant" pursued to file Fast-N-Speedy Trial Motion (Pro Se) on August 3rd 2011, Due to the fact that law states that a persons' Fast-N-speedy Trial Motion does not take affect until that person is "Indicted by a Grand Jury", the States in Violation of Due Process of Law with this Denial, and Prolongment of Applicants' litigation Process. States also in violation of rules 3c, D, and E of the South Carolina rules of Criminal Procedure, by prolonging the Indictments, also violating Applicants' rights to a Speedy Trial. Since this was a conspiracy case that depended of Co-Defendants testimony for significant favors, that delay, and denial of Due Process of Law was Highly prejudicial to Applicants Defense. At time "Applicant" fild the Motion, there was ~~only~~ not one Co-Defendant whos testimony, or statement that was viable against Applicant. Scottie Butler could not Identify Applicant out of Photo Line-up, and Willie Taylor's Credibility was at Jeoporady the whole time due to "Moral Turpitude". Jeffrey Dornberg never gave a statement at that time. Applicant believes State Prolonged pecurement of Indictments to gain a tacticle Advantage against Applicants' defense, and the Denial of the Fast-n-Speedy Trial motion prejudiced Applicant and Counsel was Ineffective, due to the facts of this Litigation process." See Exibit "A" in PCR Transscripts Also See Exibit "B" in PCR Transcripts Also See Exibit "X"

Counsel was Ineffective for not objecting to the Court allowing the 3-Co-Defendants Guilty Pleas into evidence towards the Jury. Such Evidence was Irrelevant and Highly Prejudicial, Due to the facts of this case.

whether or Not Applicants Co-Defendants plead guilty does not tend to establish Applicants guilt. 416 SE.2nd 440, 306 S.C. 448 (State vs Brown)
Evidence should be excluded if its probative value is substantially outweighed by the danger of unfair prejudice. A tendacy to suggest a decision on an unfair or Improper basis.

In Applicants case, Due to the "Accomplice Liability" charge The Jury Convicts Applicant of these crimes, but since the "Common Purpose and Plan" in this case was to wait until victim and everyone left victims Residence, that totally vacates any plan to commit a violent crime against victim. Victim unexpectedly interrupted the burgulary. Therefore by the Court allowing the 3-Co-defendants "Guilty Pleas" into evidence, was a "violation of Due Process of Law" and Applicant was Prejudiced.

Prosecutor created misconduct by steadily tellin the Jury that if one person plead guilty, then all are Guilty which in this case is a "Mandatory Presumption", due to the "accomplice Liability" Charge, and the Facts of the Common Purpose and Plan in Applicants Case. (Sand strom vs Montana) 99 S.ct 2450 - (In Re winship) 397 U.S. 358-364 90 S.Ct 1068

Evidence that Applicants Co-Defendants had pleaded Guilty was not relevant to "Applicants" Guilt due to the facts of this case in which "Applicant" was convicted,

Therefore the Court did not prove beyond a reasonable doubt every element to constitute the crimes Charged.

Counsel was ineffective for not objecting to the 3-Co-Defendants Guilty Pleas, and Courts in violation of Due Process of law of the 6th Amendment to the constit,

Applicant was Prejudiced' see (State vs Harvey) 170 SE2d 657 -> (State vs Byers) 710 Se2d 55

State cannot use Mandatory Presumptions towards the Jury, or Evidentiary presumptions either.

State must prove every element of each crime.

(In Re. Winship.)
397 U.S. 358-364
90 S.Ct 1068, 1072)
L. Ed. 2d 368

Counsel was Ineffective for not objecting to the Instruction of "Intent" which also was an element of "Malice" in "Applicants" case.

Due to the facts of "Applicants case", and since "Applicant" was convicted under the Accomplice Liability claim, The erronous "Intent" instruction could have confused the Jury.

Applicant was convicted under Accomplice Liability, Hands of one Hands of all, but, since the "Common Purpose and Plan" was to wait until victim and everyone left the victims Residence, which the Co-defendants says that they didn't commit the Crime the first time because the victim and other people would not leave the residence, that vacates any "Intent" to commit a violent crime, or Murder, It was not "forseeable" because no one was suppose to be at the victims Residence upon entry by the Assalents. Therefore Intent is at Jeopordy in this case.

Trial Judge charged to the Jury that "Intent" means "Intending the result that which occurs", not "accidentally" or "voluntarily". ("Transcript" pg. 601)

This instruction improperly shifted the burden of proof from the State to the defendant, "Applicant". Since trial Judge Charged that Malice is hatred, Ill will, or hostility towards another person its the Intentional doing of a wrongful act without Just cause, or excuse, and with an "Intent" to inflict an Injury, that Instruction Could have confused the Jury, Since in "Applicants" case "Transcript pg. 603"

There wasn't an evil "Intent" to commit a violent crime, or a murder, since the "plan" was to wait till victim, and family left the residence, before entering. This was basically a burgulary Interrupted by decendant returning home unexpectidally.

That Erronous Instruction allowed the State to draw conclusions about Applicants "Intent from his Actions", therefore Courts in violation of "Due Process", by using Mandatory Presumptions Charges to the "Jury".

When "Intent" is at Issue State cannot "Infer overwhelming" evidence of "Intent" directly from the physical sequence that resulted in victims death. (Sandstrom vs Montana) → (Francis vs Franklin 105 S.Ct. 1965) (Brooks vs Kemp) 889 F.2d 700 99 S.Ct 2450

violating "Applicants" 14th Amendment rights.

"Intent" means "Purpose" aim, State of mind in which an act is committed. Therefore the wrongful Instruction that trial Judge Charged Could have caused the Jury to draw conclusions from Applicants Actions, or relaying Applicants Guilt from his Actions.

Therefore Counsel should have obj'ected, and Courts in violation of 6th Amendment Due Process of Law, and 14th amendment too! Due to the facts of Applicats case, and the evidence against him.

(Dick vs Kemp) → 833 F.2d 1448
(Drake vs Kemp) → 762 F.2d 1449

Counsel was Ineffective for not challenging the reasonable Standard on the material elements of the theory of the Accomplice Liability, Hands of one Hands of All Theory, Due to the facts, and testimony of the "witnesses"- (Co-Defendants) in Applicants Case.

In Applicants case "applicant" was convicted of these charges due to the fact that "Applicant" was tried jointly with co-defendant "Lamar Williams", under the "Accomplice Liability", "Hands of one Hands of All theory".

Under this theory, the state is always going to urge the Jury that a homicide, or robbery, is forseeable in a criminal case.

In "Applicants" case, All 3 Co-Defendants testified to the Jury that The "common" plan was to wait untill everyone left the victims residence before going into the residence, which Co-Defendants also states that they did not commit the burglary on the first occassion, because the occupants did not leave the residence as "planned".

See Also (State vs Belcher) 385.S.C.597. 685 se.2nd 802

So therefore, if was not forseeable for Applicant to have Know that a crime, or murder could happen, because the common plan was to wait untill everyone including victim left the house, in whice due to the evidence, Defendants didn't enter home of victim untill they watched victim leave the home.

Unfortunutly, Victim returned home during the burgulary. Therefore, Due to these unsual facts of Applicants case, Counsel Should have objected, and Challenged the Accomplise Liability, Hands of one, Hands of All Theory in this case.

This also leads the Jury to be confused, under a "Mandatory Presumption Charge", see (Sandstrom vs Montana), 442, U.S. 510, 524, 99 S.Ct 2450 (1979)

Violating Applicants 5th, 14th, and 6th amendments Constitution Rights. Since State used Evidence of Guilt with the Accomplice Liability, Hands of One, Hands of all Charge, and due to the facts of the evidence in this case, State did not prove every element of each crime, Violating Due Process of Law, under the 6th Amendment.

Due Process Prohibits the use of evidentiary presumptions Charges towards the Jury. see (In Re Winship, 397 US, 358 364, 90 S.Ct. 1068)

Counsel was Ineffective for not Attacking the "Co-Defend." witnesses Credibility or "Co-Defendants" Credibility.

"Applicant" thinks that since Co-Defend. Scottie Butler could not Identify him out of a photo-Line Up days prior to this incident, it was improper for State to let Butler' Point him out in court in front of Jury. Counsel should have objected to "Butlers" In-Court Identification of Applicant. (see PCR Appendix, Pg 676) → exibit X Appendix (Pg. 254-255)

(State vs Traylor)
360 S.C. 74
600 S.E. 2nd 523
→ An Incourt Identification of a defendant is inadmissable if a suggestive out-of-Court Identificanton procedure created a very substantial likelihood of irreparable misidentification.

USCA Const. Amend 14 → A defendant may be deprived of Due Process of Law by an Identification procedure which is unnecessarily Suggestive and conducive to irreparable mistaken identification.

See Also (Neil vs Biggers)
409 U.S. 188
93 S.ct 375
(1972)

Therefore, since butler was also confused, as to how many people was with him during this incident, and was confused to the fact that there was another guy named "Gualdo" with them, and Butler also lied about what took place when they suppossively went to the victims house, "Applicant" thinks that Butlers testimony against "Applicant" should have been Impeached. (Appendix Pg. 390, 391, 392), Due to Misidentification. Therefore Counsel was ineffecive, and courts also in violation of Due-Process of Law counsel should have obiected to "Butlers" in-court, Identification, and his testimony towards "Applicant".

"Applicant" also believes that since it was a year and a half later from the Photo-line up that Butler could not Identify Applicant in, and trial, that that was a tremendous amount of time between for him to all of a sudden recognize "Applicant" in Court and point Applicant out.

Applicant also believes that since Co-Defendant "Willie Taylors" Credibility was at Jeopordy due to ("Moral Turpitude"), and unability to tell the truth on witness Stand, Counsel should have pursued to have "Taylors" testimony Impeached.

Also since "taylors" statement to police was the only probable Cause that state had to percure an Arrest warrant against "Applicant" (November 17th 2010) probable Cause on Arrest warrant was "Taylors" Statement, Not "Scottie Butlers" statement, cause he could not Identify Applicant, "Jeffrey Dornberg" had denied the fact of being involved in this conspiracy upon Arrest.

"Taylor" also has crimes of Moral Turpitude on his record that he had been convicted of within the last 10-15 years. (Appendix Pg. 353-359) Convicted felon,

Taylor also altered his testimony for significant sentencing favors, Applicant believes that "Taylors" testimony could have been Impeached, and without "Taylors Testimony" States had no direct evidence to ever pursue an Arrest warrant against Applicant. (State vs Drakeford 290 S.C. 338) Counsel should have Objected and motioned for "Taylors" Testimony to be impeached due to these facts. - "Moral Turpitude" = Rule 609 (SCRE) Involves an act of baseness, vileness, depravity in the social duties which a man owes to his fellow man of society in general, contrary to the accepted and customary rule of right and duty between man and man. (State vs Horton) - 248 S.E.2d 263 also see: State vs Major 30 S.C. 181 391 SE 2nd 235

Also when Co-Defend. Jeffrey Dornberg was arrested, he denied any involvment in this conspiracy, 14 months later he gives a statement after agreeing to a Plea Deal.

Applicants Trial counsel was never given that statement until the trial had began (Appendix pg. 422-423 pp. 424-425) also violating (Brady vs Maryland) 373 U.S. 83, 83 S.Ct 1194 (1963).

Applicant never knew that Dornberg was going to testify against him, due to the fact that counsel never went over a statement from Dornberg with him.

Applicant believes that since he was convicted under Accomplice Liability Hands of one hands of All, and under Co-Defendants Statements and Testimony, that Statement, or evidence Should have been turned over at a reasonable amount of time before trial had began. Allowing the Court to once again violate Due Process of Law. Counsel Should have raised a Brady motion to have Jeffrey Dornberg's testimony Impeached due to these facts of Applicants Litigation Process.

Counsel was ineffective for not objecting to the Curative Instruction during the Intimidation of a states witness charge, which was not going foward in trial.

Counsel should have objected to the Curative Instruction as Insufficient. Counsel should have also requested for a additional Curative Instruction, that the Jury should be instructed to disregurd the evidence, and not to consider it for any purposes during deliberations, because a general remark to exclude the evidence does not always cure the error in a case like this one.

(State vs Spears)— 393 S.E.466, 713 Se.2d 324 — Offenses which are of the same nature, but which do not arise out of a single chain of circumstances and are not provable by the same evidence, may not properly be tried together.

"Applicants" Co-Defendant (Lamar Williams) was Indicted for Intimidation of a States Witness, "Applicant" was not. Both "Applicant" and "Williams" were tried Jointly, "Applicant" requested a severance under a motion for severance at beginning of trial, due to the fact, that "Applicant" would be highly prejudiced to be tried jointly with Williams" The Intimidation of states witness was not a charge that occured during the alledged conspiracy. The Clerk of Court read to the Jury that (Lamar Williams) was going foward in trial under Intimidation of a States witness charge. (Appendix pg. 63-65) (pg. 86-90).

Applicant believes that since the Jury was instructed that "Applicant" was going to be tried under Accomplice Liability Hands of One Hands of all, The Jury was poisned and Applicant was prejudiced, since all the States evidence came from "witnesses testimony" -(Co-Defendants),

A Juror would put him or herself in the shoes of a prosecution witness who was being Intimidated for mere reason the witness had relevant evidence to convey to them.

Improper references to the Jury Intimidation of a witness is a "Prostitution of Justice". (Mincey vs State) 444 So.2nd 510

"Applicant" believes that since counsel failed to Challenge this crucial error, and court allowed the trial to move foward jointly with "Williams" properly court once again committed Violation of Due Process of Law, and is "reversable error".

Counsel was Ineffective for not requesting for a Preliminary Hearing, or evidentiary Hearing, States also in Violation of Due Process Once Again, for not awaring Applicant of his right to a Preliminary, or evendentiary Hearing upon Arrest.

In Applicants' Case, Applicant was arrested, presented Arrest warrants on April, 15th 2011, by Judge (Magristrate) "Diane Cagle" of "Greenville County".

Applicant returned letterhead requesting for a Preliminary Hearing, Greenville County never gave Applicant that hearing. During the Bond hearing Applicant requested to Mrs. Diane Cagle (Judge "Magistrate") Greenville County the he would like a Preliminary Hearing. Applicant has tried over, and over to retrieve that Bond hearing transcript from Greenville County, They say that the time limit is up, that after 5 years, I can't retrieve that transcript. (See Xzibit R, in this Brief.)

Applicant also notes that Greenville County refuses to grant "Applicants Notice and Copy" for a Preliminary Hearing. which they should have. (See Exibit D in Appendix)

Applicant believes that Under Article 9 section 22-5-70, SC, Code of Laws, states,

Provisions Applicable in Counties where courts exists, warrants Preliminary examinations and commitment in Counties where county court exist. Magistrates in Counties in which a County has been established under provisions of "Chap. 9 of Title 14" shall issue warrants and hold preliminary examinations in a criminal cases and take such action therein as is provided by law in criminal Cases beyond jurisdiction of magistrates, In commiting or binding over defendants and witnesses such magistrates shall commit and bind over for trial at the next ensuing session of the County court except in cases in which County Court has no jurisdiction.

Court lacked Jurisdiction, see State vs Funderburk Jr, see also (State vs Keenan)

Due to the Fact that State violated Applicants' right to a Preliminary Hearing, State Lacked Jurisdiction and "Indictments" were nullity. Counsel should have requested for Preliminary Hearing, and State should have awared Applicant of his right to "Preliminary Hearing". Counsel should have ~~requested~~ raised Motion for "Lack of Jurisdiction."

Greenville County

Office of the Clerk of Court

Greenville, South Carolina

Paul B. Wickensimer
Clerk of Court

Circuit Court Division
Greenville County Courthouse
305 East North Street
Greenville, South Carolina 29601
(864) 467-8551 FAX (864) 467-8540

Exibit A

September 21, 2016

Richey L. Boyd #344612
Perry Correctional Inst.
430 Oaklawn Rd.
Pelzer, SC 29669

Re: Request for Transcript

Dear Mr. Boyd:

Your letter postmarked 9/9/2016 was received 9/21/2016. Please be advised that, pursuant to South Carolina Appellate Court Rule 607(i), court transcripts older than five years are no longer available.

Sincerely
Clerk of Court
Greenville County General Sessions

"Applicant" believes that his Indictment on "Murder" should be dismissed, Vacated since the Judge Charged the wrongful "Malice", And the wrongful Instruction on "Intent" towards the "Jury".

State vs. Belcher - 385 S.C. 597, 685 Se2nd 802 (2009) A wrongful Jury instruction of Malice in a Murder case should not be given where theres evidence which would reduce, mitigate, excuse, or justify the Killing.

Due to the Facts of the Evidence in Applicants case, and the Facts of "Applicants" Malice Issue in this case, Applicants Indictment,s, should be dismissed

Applicants Murder Indictment also Contains the "Issue of "Malice", - It States that "Applicant" "Richey Lamont Boyd" did in Greenville County, on or about "the 15th day of October, 2010, unlawfully and with "Malice" aforethought Kill Wallace Cruell JR. by means of Shooting him, and that Wallace Cruell JR. died as a proximate result thereof. (See Exibit K in this Brief.) "Murder Indictment"

"Applicant" Believes, since The Trial Judge Charged the wrongful Malice Instruction, and wrongful "Intent" Instruction towards the "Jury", "applicant" believes

that due to the facts of the Evidence, and the Evidence of the "Malice" and "Intent" Issues in this Case, States in Violation of Due Process of Law and Applicant was Prejudiced.

Indictment on Murder should be void, Dismissed, since it also contained an Issue of Malice in its Print."

See also State vs Bailey, 392 S.C. 422 S.E.2d 671 (2011)

Applicant wants Court to Please refer to the "Malice" and "Intent" Issues in this Brief for the finding of Prejudice to this Issue of Indictment dismissal, void. "Thank You"

Also see "Applicants" Brief that his Lawyer at the time Mr. Robert Dudek filed in Applicants Writ of Certiorari to the Supreme Court, as evidence to this Indictment Issue as well, In refference to the "Malice" Issue in this case.

"Applicant" believes that the PCR Courts in violation of "Applicants" Due Process right under the 6th Amendment.

"Applicants" Counsel Ms. Horlbeck moved, or motioned for "Applicants" PCR trial to be continued, or a continuance, Due to the fact that "Applicants" trial Lawyer Mr. Godfrey was unable to attend the hearing for health reasons. Ms. Horlbeck requested that Mr Godfrey could attend the hearing by via phone. Ms. Horlbeck tried to Supoena Mr. Godfrey, but State said it was unnecessary because it had overwhelming evidence against Applicant in transcript. Appendix (Pg. 690-696)

Applicant believes that Court erred, and Violated his 6th Amendment Const. Rights, and Violated Due Process of Law, Since Mr. Godfrey made a tremendous amount of mistakes during trial, Mr. Godfreys performance was deficient, by not making certain objections during "Applicants" Jury Trial, according to the Issues Applicants raised in his Writ of Certiorari, Applicant thinks that court should have supoened Mr. Godfrey due to those facts, or at least granted the continance.

WITNESSES

Henry Hammett

Greenville County Sheriffs Office

4/15/2011

ARREST WARRANT NUMBER

I484230 and I484235

Count I & II

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2011-GS-23- WJW 006301

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

January **TERM 2011** 2012

THE STATE

vs.

RICHEY LAMONT BOYD

Indictment for

0116/0549

MURDER AND POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

VIOLATION § 16-03-0010 and § 16-23-0490

Exhibit K

Exhibit K

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
MURDER AND POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on JAN 1 0 2012 the Grand Jurors of Greenville County present upon their oath:

COUNT I- MURDER

That RICHEY LAMONT BOYD did in Greenville County, on or about the 18th day of October, 2010, unlawfully and with malice aforethought kill WALLACE CRUELL, JR. by means of shooting him, and that WALLACE CRUELL, JR. died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

COUNT II-POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That RICHEY LAMONT BOYD did in Greenville County, on or about the 18th day of October, 2010, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: MURDER. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

SOLICITOR

IMS

Richey L. Boyd (344612) Q3B-124
Perry Correctional Inst.
430 Oaklawn RD
Pelzer SC, 29669

The Supreme Court of
South Carolina
P.O. Box 11330
Columbia SC, 29211