

December ~~18~~¹⁹ 2016

SC

Hon Daniel E. Shearouse
Supreme Court Clerk
1231 Gervais Street
P. O. Box 11330
Columbia, S. C. 29211

RECEIVED

DEC 19 2016

S.C. SUPREME COURT

RE: Robert Earl Dillard V. State,
Case No. 2016-CP-39-0026

Dear Hon. Shearouse:

enclosed Please find the Original Notice of Appeal and Explanation
of Appeal Pursuant to Rule 243 (c) S.C.ACP and COPY of the order
along with Proof of Service of same for filing with your office.

CC: Valerie Giovanoli
Assistant Attorney General

Sincerely,

1st Robert Earl Dillard
Robert Earl Dillard #220045
Perry Correctional Inst,
430 Oaklawn Road - Q4B/209
Pelzer, S.C. 29669

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM PICKENS COUNTY
COUNT OF Common Pleas
Perry H. Gravely, Circuit court Judge

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S.C. SUPREME COURT

Case NO. 2016-CP-39-0026

Robert Earl Dillard Appellant,
v.
THE State Respondent

NOTICE OF APPEAL

Robert Earl Dillard appeal the order of the Honorable Perry H. Gravely dated November 23, 2016. Appellant received written notice of entry of this order on December 13, 2016. From the Perry C. I. mailroom.

December 16th 2016.

Other Counsel of Record
Valerie Giovanelli
P.O. Box 11549
Columbia, S.C. 29211-1549
Attorney for Respondent

1st Robert Earl Dillard
Robert Earl Dillard #20045
Perry Correctional inst
430 Oaklawn Road CD 4B/209
Pelzer, S.C. 29669

THE STATE OF SOUTH CARO. 11A

IN THE SUPREME COURT

APPEAL FROM PICKENS COUNTY
COUNT OF Common Pleas

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Perry H. Gravely, Circuit Court Judge
S.C. SUPREME COURT

CASE NO. 2016-CP-39-0026

Robert Earl Dillard Appellant,

V.

THE State Respondent.

EXPLANATION OF APPEAL PURSUANT TO RULE 243 (C) SCACP

Pursuant to Rule 243 (C), SCACP, Robert Earl Dillard files this Explanation of his appeal of the court's denial of his Petition for issuance of a writ of mandamus" application in this case. The Honorable Perry H. Gravely, dismissed the writ of mandamus" application on the stand. This court finds the act demanded in this case is not ministerial, office of the Attorney General has no duty to perform the act demanded, and petitioner has no specific legal right to relief to correction [his] unjust convictions.

THE applicant argued below that he has previously prevailed in a writ of mandamus" action (Case No. 2013-CP-39-0128) and that pursuant to this court's decision in Williams v. State, 583 S.E.2d 52 (S.C. 2003), his current PCR application should not have been procedurally barred. In Williams, this court held that "the applicant's filings of four PCR petitions, one of which was successful was not repetitive, garrulous or frivolous, and thus the applicant was not subject to restrictions on future PCR filings."

As a threshold matter, the appellant argued in his current writ of mandamus application that (1) his crimes allegedly took place in Pickens County but that his indictment(s) were true billed" by a Greenville County Grand Jury, (2) he presented documentary proof that the solicitor knowingly used perjured testimony by an incarcerated witness, and (3) he presented evidence from his transcript that the trial judge refused to define "reasonable doubt" for the jury upon its request.

(Judge D. Garrison Hill, Granted case 2013-CP-39-0128 on May 6, 2013 Ruling.)

Finally as the P.C.R. Court has rendered a decision in conflict with this court's decision in Williams the Appellant Pray this Honorable Court reversed the P.C.R. Court's decision and remand the case for an evidentiary hearing on the merits of his claims to serve the interest of Justice.

December 16th 2016.

Respectfully Submitted,

Robert Earl Dillard
Robert Earl Dillard #220045
Perry Correctional Inst.
430 Oaklawn Road - O4B/209
Pelzer, S.C. 29669

T: State of SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM PICKENS COUNTY
COURT OF COMMON PLEAS

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DEC 19 2016

Perry H. Gravely, Circuit Court Judge S.C. SUPREME COURT

Robert Earl Dillard APPellant,

V.

THE State Respondent,

PROOF OF SERVICE

The Appellant, Robert Earl Dillard, do hereby certify that he served a true copy of the notice of appeal and explanation of appeal pursuant to Rule 243 (c) SCACP, by placing same in the U.S. Mail, Postage Prepaid, addressed to: Valerie Giovanoli, Assistant Attorney General, P.O. Box 11549, Columbia, S.C. 29211-1549
Hon. Daniel E. Shearouse Supreme Court Clerk 1231 Gervais Street
P.O. Box 11330 Columbia S.C. 29211

December 15th 2016.

5/ Robert Earl Dillard

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DEC 16 2016

P.C.I. MAILROOM

Robert Earl Dillard #220045

Denny Correctional Inst

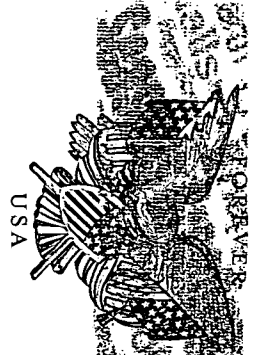
430 Oaklawn Road

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GREENVILLE SC 296

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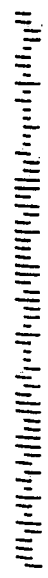
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25211-13030

Hon. Daniel E. Shearouse
Supreme Court Clerk
1231 Gervais Street
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