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DEC 28 2016

S.C. SUPREME COURT

These are a few issues I had with attorney Douglas Mellard and the PCR court. First Douglas Mellard testified at the PCR hearing that as far as an actual motive Nobody could pin point it even the victims father couldn't pin point it. There are elements the state must prove to convict a person of murder such as malice aforethought and they must also have a motive , which in my case the state had neither and Douglas Mellard knew this and even testified to it at my PCR hearing. There were multiple inconsistent statements given by my cousin William Yocum and Douglas Mellard also testified to knowing this at my PCR hearing. William Yocum also failed two Polygraph test and Douglas Mellard testified at my PCR hearing that he didn't recall that which shows that he was ineffective in my case as my attorney and did not investigate my case properly because those two Polygraphs test were in my Rule 5 . I also gave a statement saying that I never shot the gun but was at the scene of the crime when the shooting occurred. Douglas Mellard knew the whole time that I could have gone to trial and the two statements that were given by William Yocum could have been challenged at trial because he failed two Polygraph test and had multiple inconsistent statements and by the state having no motive or malice aforethought would not have been able to convict me of murder and give me a life sentence as Douglas Mellard kept telling me. Those statements were the only evidence the state had because they tested my hands for gun shot residue (GSR Kit) and my clothes and tested the gun for my finger prints and got nothing. They never tested William Yocums hands or clothes for gun shot residue (GSR Kit) or tested the gun for his finger prints and he kept telling lies and changing his statements which was Perjury . Giving false information in a document or report required by the laws of the state is Perjury code 1976, 16-9-10 (A) (2) . These are just some facts in my case to show where Douglas Mellard was ineffective which is a violation of my sixth Amendment Right . The PCR court also erred in denying my PCR when the court could not prove that I freely and intelligently waived my constitutional trial rights and had a full understanding of the consequences of the plea because the PCR court had no transcript from the plea to prove otherwise.

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The court deals with law and facts and according to United States V. Selva I am entitled to better yet my right to a record on PCR and or Appeal which includes a complete transcript of the proceedings at trial or Plea. In this case we are essentially left with a bare bones summary of the evidence (with more remaining unknown than known) st. v. Ladson 373 S.c. 320. To sustain my challenge based on ineffective assistance of counsel. Record must clearly support conclusion that attorney's service was ineffective. My uncorroborated testimony alone without support from record is not enough to meet burden of proof required to sustain claim of ineffective counsel. Wrong or poorly advised decision is not alone sufficient to support claim of ineffective assistance of counsel. Williams v. scurr 528 F. supp 62. Due Process... (Requires) states... To offer each petitioner a fair opportunity to obtain transcript, to obtain adjudication on merits of [particular matters] of his PCR proceedings. The PCR court had my Motion to Dismiss counsel where I tried to fire Douglas Mellard which was typed by Harry Dot Walker which is also the same court reporter who typed up my transcript. I don't understand how the state was able to produce the Motion to Dismiss counsel but could not produce my transcript. what was the state trying to hide or cover up? This is a violation of my constitutional rights sixth and Fourteenth Amendments Due Process. Douglas Mellard also testified that I told him that William Yocum was telling David Dietiker which is the victims brother and telling Gill Yocum which is Williams brother that he was the shooter and not me but Doug Mellard never tried to go get these two people to give statements on my behalf and it shows by his testimony at the PCR hearing that he didn't properly investigate my case so we could proceed forward with trial. I just ask the court to look into the argument John Strom argued in the petition for writ of certiorari in my case and consider this letter I am writing to the courts.

So that hopefully I can get a fair trial and a lawyer that's going to properly investigate my case and represent me. The Voluntariness of a guilty plea is not determined by an examination of a specific inquiry made by the sentencing Judge alone, but is determined from both the record made at the time of the entry of the guilty plea, and also from the record of the Post conviction relief hearing (PCR). (Per opinion of Beatty J., with one justice concurring and one justice concurring in the result) S.C. Supreme Court J. Lamar Kelle V. S.C. No-26771, (2010 WL 522 799 S.E.2d 2010 WL 522 799), (S.C.) cite as: 2010 WL 522 799 (S.C.)