

State of South Carolina)
County of Spartanburg)
Roderick Tracy, SCDC#185123,)
Applicant,)
VS.)
State of South Carolina)
Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE 7TH JUDICIAL CIRCUIT

CIVIL ACTION NUMBER:
2010-CP-42-4232

EXPLANATION BRIEF

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JAN 23 2017

S.C. SUPREME COURT

ARGUMENT

Did the Lower Court err in denying Applicant's PCR Application by saying sucessive and barred by time limitation?

Applicant has explain in PCR Application 2010-CP-42-4232 that the After Discovery withheld Information asked for in Brady v. Maryland, (Criminal Practice Rule 5) would have made it impossible to even Indict the Applicant for Trafficking in Crack Cocaine because the Solicitor's Office had fake documents, of Drug Analysis and Warrants and Indictments. See Kyle v. Whitley, 115 Ct. 1555. At Trail Applicant was picking the Jury and his Lawyer showed him a copy ot the Drug Analysis Sheet and said that they were going to give the Applicant 30 years if he went to Trail. Applicant told him that he didn't have any drugs and that paper was not any Drugs they got from him. So for reasons tha 30 years is a very long time and without assistance from his own Lawyer, Applicant had no other choice other than plead guilty.

Prosecution knew they had no Evidence that was applicable to Applicant. See Drug Analysis Sheet, the number does not

pertain to Applicant. Not disclosing this information to Attorney was a clear violation. Applicant's Attorney filed Brady v. Maryland (Discovery Motion), U.S. Bagley, 105 S.Ct. 3375 from the filing of the Brady v. Maryland. Motions Applicant tried relentlessly to get actual full Evidence Sheet from Applicant's Lawyer and Clerk of Court but to no avail. Had no results until Mark Kitchens, Clerk of Court for Spartanburg County was Indicted for Trafficking in Cocaine in 2009 in one of the many letters to his office he told me in one of them to his office he told me all copies are \$1.00, that must be paid for in advance. You may want to contact your attorney and see if we can be of assistance to you. Applicant knew that wasn't right because under F.O.I.A. all adjudicated material are released to the Public. This shows that after the next Clerk took office I ask her how many copies are the 6B Evidence Sheet in order for Applicant to pay correct amount State Monet Order. She answered by saying that there is no Evidence Sheet on Rule 6. Applicant then filed his 3rd PCR Application for Brady v. Maryland. After Discovery and Prosecutorial Misconduct to Spartanburg County and when Applicant received hi clock-stamped copy of his Exhibit of the letter from recent Clerk saying that theres no Evidence or Rule 6 was taken out. Applicant had to refile to Clerk of Court and Attorney General. Applicant is stating that ~~After Discovery~~ of the Letter stating that there is no Evidence or Rule 6 could not have been raised in the original or Supplemental under §17-27-90 of the Uniform Act, because this was being withheld by Prosecutor's Office when Brady Motion had been filed. Tilly v. State, 334 S.C.

24, 511 S.E.2d. 689.

CONCLUSION

Applicant has shown in this rare instance that proof of his innocence was not made available to him until after conviction. See Rarest exception in Washington v. State, 478 S.E. 2d. 833. Applicant ask this Honorable Court that this case be Reversed, Remanded or thrown out.

Respectfully Submitted,

by Roderick Tracy
Roderick Tracy, SCDC#185123

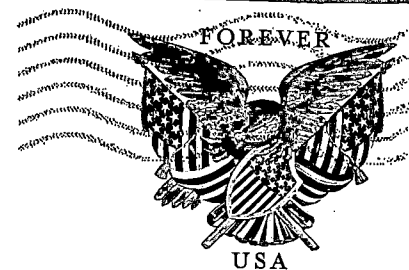
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