

State of South Carolina in the Supreme Court

Appeal from Charleston County

RECEIVED

Honorable Deadra L. Jefferson, Circuit Court Judge

FEB 06 2017

S.C. SUPREME COURT

Darius L. Green ✓ _____ Petitioner

v.

State of South Carolina _____ Respondent

Petition to Amend

I, hereby Move Amends as stated AS follows;

1.) The (P.C.R.) Court Judges denying continuance where Petitioner did not have all his evidence (Rule 5) at the (P.C.R.) evidentiary hearing.

Wherefore, I pray the court grants leave to Amend.

2-1-17

x. Darius L. Green

Matter of Haddock 283 S.C. 116, 321 S.E. 2d 601, clients file belongs to clients and should be returned at clients request. SUP. CT. Rules, Rule 32, Code of Prof. Resp, DR6-101-CA) (3); Rules on disciplinary Produce, E7, Sub. D, A (3). In (P.C.R.) transcript Pg. 46 lines 6-25, Pg. 47 lines 1-25, Pg. 48 lines 1-6 violation of Due Process and holding evidence that is favorable to the Petitioner.

If Petitioner had his Rules he would have been able to Presented evidence to the court at the evidentiary hearing that could Prove Petitioner was not the first aggressor and also acted in self-defense, so that Petitioner have evidence to support his current allegations and to formulate new grounds for (P.C.R.) application.

(P.C.R.) Counsel failed to insure that all available grounds for relief are included in Petitioner application and Amend the application if necessary. Petitioner wrote (P.C.R.) Counsel several times requesting Discovery material (P.C.R.) Counsel Never Comply.

Martinez v. Ruan

NO. 10-1001

Argued Oct 4, 2011

Decided March 20, 2012

Holding: The Supreme Court, Justice Kennedy held that;

1.) Inadequate assistance of counsel at initial review collateral Proceedings may establish cause for a Prisoner's Procedural default of a claim of ineffective assistance at trial;

2.) Antiterrorism and effective Death Penalty Act (AEDPA) did not bar Petitioner from using ineffectiveness of his Post Conviction attorney to establish "cause" for his Procedural default; And

3.) Remand was required to determine whether Petitioner's attorney in his first state collateral Proceeding was ineffective assistance of trial counsel claim was substantial, whether Petitioner was Prejudiced

Therefore Petitioner, Per Due Process and Malar v. state is entitled and requesting a PCR evidentiary hearing where Petitioner demands full disclosure first, then and only then Petitioner is entitled to a PCR counsel who satisfy Rule 71.1 (D) (E) Seeking conclusion to be reverse and Remanded, and granted a new trial

A F F I D A V I T

I instruct you to come and see me so that we can plan possible defenses and strategies for my upcoming (P.C.R.) hearing. And also I instruct you obtain the following material to be used as exhibits in my case to support my allegations

- 1.) Public Defender's Ted Smith, Megan Ehrlich Entire Case Files.
- 2.) My mental Health Records from the street and S.C.D.C.
- 3.) Charleston County Jail medication log
- 4.) Subpoena ^{Failure} my Aunt Love Cooke
- 5.) Medication side effect sheets, Concerta, Atarok.
- 6.) Video Footage from Wal-Mart 9-28-11. ^{Failure}

Also I need for you to amend my (P.C.R.) application

- 1.) Failure to call expert mental Health testimony
- 2.) Failure to investigate and prepare for trial

RECEIVED

(Attachments of Affidavit to (P.C.R.) Counsel requesting what Petitioner need to Prepare for Evidentiary hearing and requesting to Amend PCR Application) FEB 06 2017 S.C. SUPREME COURT

And also when I was transferred
from Lee Correction to Liber Correction
staff through Gross negligence lost
my Duke & Brady material could
you please help me obtain
another one.

Thanks in advance
for your time and
efforts

Sown and subscribed before me this
3rd day of April

Ludeman Bryant
Notary Public

my commission expires May 26, 2026

Darius L. Green #354407

Supreme Court of S.C.

P.O. Box 11330

Columbia, S.C. 29211-1330

Re: Green v. State, Appellate case no. 2016-000994

Dear Clerk,

Enclosed for your filing is MU: Petition To Amend.

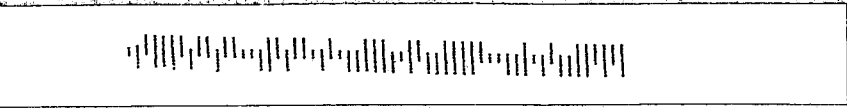
Please return to me a copy of same.

2/1/17, SC
dated

Thank You,
x. Darius L. Green
Darius L. Green

RECEIVED
FEB 06 2017
S.C. SUPREME COURT

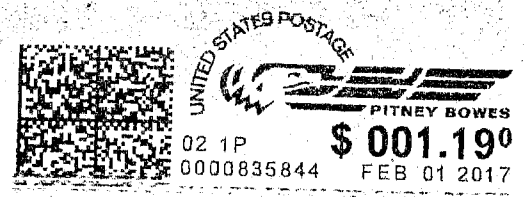
Green # 354407



S.C. 29492

TIME SENSITIVE MATERIAL

FIRST CLASS



Supreme Court of South Carolina
P.O. Box 11330
Columbia, S.C. 29211-1330

FOR LEGAL USE ONLY

RECEIVED

FEB 01 2017

MAILROOM
LIEBER CI

RECEIVED

FEB 06 2017

S.C. SUPREME COURT