

SUPREME COURT OF South Carolina

Appeal From Lexington County

Chief Administrative Judge

RECEIVED

Court of Common Pleas

FEB 15 2017

Certificate of Service

S.C. SUPREME COURT

Anne-Louise Gordon # 323003

S.C.A.C.R. Rule 203

VS

Notice of Intent to Appeal  
Final order of Dismissal

The State of South Carolina

P.C.R. Claim 2015-CP-(32)-(01219)

The above-captioned (Applicant) files this notice and motion to appeal Final order of Dismissal of P.C.R. claim. Appeal From the Honorable Judge (Knox Mcmahon). P.C.R. was Filed on (3-15-2015) The State made it a Conditional order of Dismissal and Original order of Dismissal on June 8<sup>th</sup> 2016. P.C.R. was dismissed with prejudice. The (Applicant) Claim for Appellate review pursuant to S.C.A.C.R. Rule 71.0g. Respondent Failed to File Ex PARTE NIX. to the claim, which violated the (applicant) due Process of law claim guaranteed to her by the U.S. Constitution Amend. 14<sup>th</sup> Amendment. Deliberately delayed by the Attorney General in violation of U.S.C.A (H)(6) A.

RECEIVED

FEB 15 2017

Exhibit B

S.C. SUPREME COURT

B  
(1)

The Supreme Court of South Carolina

Anne-Louise Gordon # 823003

vs

2015-CP-32-01219

Motion to Appeal S.C.R.P (Rule 50)  
- Order of Dismissal (P.C.R.)

The State of South Carolina

The above captioned (Applicant) hereby moves upon the court, pursuant (S.C.R.P Rule 50) in a motion for a new trial to alter the order of judgement to Dismiss (P.C.R. claim) Claim was filed in April of 2015.

The respondent filed a conditional order of dismissal on June 28<sup>th</sup> 2016, followed by a return motion to Dismiss on June 28<sup>th</sup> 2016, as well. The Respondent has deliberately delayed response to this claim in violation of the rules of Appellate Practice of the Unified Post conviction Relief Procedure Act. All P.C.R. claims must be answered within 60 days for a Jury trial, and 90 days if claim was based on a guilty plea. The agreement in this case at bar, is based on legal technical Procedure Acts violation of the merits of the (P.C.R. claim) being delayed based on the (Respondent's) Failure to file any written motions for Enlargement of Time to respond to the (Applicant's) claim in violation of the (Applicant's) 14<sup>th</sup> Amendment U.S.C.A. in lieu of the (EX-PARTE NY) 18<sup>th</sup> U.S.C.A. 3161(h)(8)(C)

RECEIVED

FEB 15 2017

Exhibit B

B  
2

S.C. SUPREME COURT

The Supreme Court of South Carolina

Anne-Louise Gordon # 323003

2015-CP-32-01219

Motion to Appeal S.C.R.C.P

vs

(Rule 50) order of Dismissal

The State of South Carolina

of P.C.R. claim

The (respondent) J.C. Valenzuela, of the Attorney General's office, failed to file any written motions, before the court in writing, setting forth in the record of this case, orally or in writing, the reason for an order to delay or for an extension to respond to the applicant's claim. Failure to file Ex Parte Nix, pursuant to 18 U.S.C.A (3161)(h)(8)(c). The respondent is using the state courts system and the power of the state, in violation of their official capacity of Attorneys for the court, to set up a strategy, to deprive this (applicant) of her (rights) by citing case laws to protect them the Attorney General's officials from any wrong acts by simply quoting a case law. Citing → McElrath -v- State, 276 S.C. 282, 277, S.E. 2d. 890 (1989) delay affects the availability of Evidence to refute the (Applicant's) claim. The (Doctrine) of (Laches bars) from raising the issue in a P.C.R. claim. Id. At. 277 S.E. 2d -at- 899(b)

SUPREME COURT OF South Carolina

Appeal From Lexington County

Chief Administrative Judge

Court of Common Pleas

RECEIVED

FEB 15 2017

S.C. SUPREME COURT

Certificate of Service

Anne-Louise Gordon # 323003

VS

S.C.A.C.R. Rule 203

Notice of Intent to Appeal

Final order of Dismissal

The State of South Carolina

P.C.R. Claim 2015-CP-(32)-(01219)

The above-captioned (Applicant) files this notice and motion

to appeal Final order of Dismissal of P.C.R. claim. Appeal From the Honorable Judge (Knox McMahon). P.C.R. was Filed on (3-15-2015)

The State made it a conditional order of Dismissal and Original order of Dismissal on June 8<sup>th</sup> 2016. P.C.R. was dismissed with

prejudice. The (Applicant) Claim for Appellate review pursuant to S.C.A.C.R. Rule 71.0g. Respondent Failed to File Ex PARTE NIX. to the claim, which violated the (applicant) due Process of law

claim guaranteed to her by the U.S. Constitution Amend. 14<sup>th</sup> Amendment. Deliberately delayed by the Attorney General in violation of U.S.C.A. (4)(8) A.

FEB 15 2017

Exhibit (A) (2)

A  
2

SOUTH CAROLINA SUPREME COURT S.C. SUPREME COURT

Anne-Louise Gordon # 323003

vs

2015 CP-(32)-(01219)

S.C.A.C.R. Rule 227 (g) (1)

The STATE OF SOUTH CAROLINA

ISSUES RAISED FOR REVIEW

(1). Ineffective assistance of Counsel. 6<sup>th</sup> Amendment U.S.C.A.

The (applicant) raised the issue of ineffective assistance of Counsel. The (applicant) can show the following facts in support of this issue being raised.

Ground (1) Trial Counsel failed to file a motion to suppress statements given in violation of Miranda rights in lieu of the 4<sup>th</sup> amendment U.S.C.A. Illegally obtained evidence by threat and coercion of the arresting officer.

Ground (2) Trial Counsel was ineffective for failing to file a motion to correct defect of indictment, which was contrary to the facts stated on the arrest warrant. The (warrant) stated the (applicant) was present with co-defendant, yet the indictment and sentencing sheet, of the STATE Grand Jury, the (applicant) indictment by the Grand Jury, is defined as, if (she) committed the alleged crimes of shooting and stabbing these victims to death. Trial Counsel failed to object to the issues in the face of the warrant which differentiate from the indictment in violation of 18 U.S.C.A 1505, 1506, Model Penal Code 224(2). When trial Counsel is aware of the defect in the indictment and the warrant trial Counsel was obligated to inform the court of these errors. This is the issue of where the guilty plea becomes questionable. For example: The (applicant's) guilty plea was based on the facts in the warrant listing her as an accomplice, which would mean she knew of a crime and was present when the crime was committed yet, she (applicant) failed to report the crimes that's why she was

# Exhibit A 3

A  
3

## SOUTH CAROLINA SUPREME COURT

Anne-Louise Gordon # 323003

vs

2015 CP- (32) - (01219)

S.C.A.R. Rule 227 (g) (1)

The STATE of South Carolina

Issues Raised for review

charged with Accomplice liability, yet her charge should have been of Accessory After the Crime because she did not know a crime was going to be committed. Trial Counsel committed reversible error, when he failed to inform the court of this error.

Ground (3) Guilty plea was not signed by the Solicitor or Trial Counsel. The applicant did not sign a valid Guilty plea contract, agreement for the guilty plea to be accepted and to be valid. Therefore the totality of the guilty plea was rendered Involuntary.

Quoting → Chacon -v- Wood, 316 F. 3d. 1459, 1465 (9<sup>th</sup> Circuit 1994) (Petitioner) was entitled to Evidentiary hearing in connection with his claim, that (he) was induced to plead (guilty) by the promise of a lenient sentence; (Petitioner's) alleged newly discovered Evidence, indicated interpreter engaged in a pattern and practice of intentionally providing erroneous translation. Quoting → Parkes -v- DeLo 33 F. 3d. 933, 939, 940 - (8<sup>th</sup> Circuit 1994) (Petitioner) was entitled to an evidentiary hearing having shown cause and prejudice for <sup>ALG.</sup> ~~evidentiary~~ hearing. State court default in regard to ineffective assistance of counsel at sentencing phase claim. 2<sup>nd</sup> Brady claim citing → Blackmon -v- Scott, 29. F. 3d. 560-567, (5<sup>th</sup> Circuit). cert denied. 115 S. Ct. 671 (1994) case was overturned in favor of Blackmon.

Exhibit A (4)

A  
4  
State of South Carolina  
Anne-louise Gordon # 323003  
VS  
THE STATE OF SOUTH CAROLINA

The Court of Common Pleas  
2015-CP-(32)-(01219)  
The (Applicants) Brief on the merits  
OF Amended Action. FR.C.P. 15 (b)  
Exhibit (E)

The (Applicant) submits this brief, pursuant to F.R.C.P. Rule 15(b). Amended Supplemental of the record and Pleadings, based on after Discovered Evidence. Ground (1) Delayed Defect Indictment. The (Applicant) is entitled to a modification of his sentence in lieu of a motion to dismiss the conviction based on prosecution misconduct and legal technical errors, procedural errors. For a first defense:

The applicant was arrested on April of 2003. The (applicant) did not appear for a pre-trial hearing. For a second defense:

The (applicant) wasn't indicted till around 2006. For a Third defense:

Prosecution Attorneys Failed to file a motion to amend and or supplement the indictment. Consequently, to that issue, the Prosecutors failed to file an order under EX PARTE, for an extension is which to file an indictment. Quoting → U.S. v - Mitchell, 723. F. 2d, 1040. (1983) Citing → U.S. -v- Taylor, 487. U.S. 326 (1998)

# Exhibit (B)

B  
1

The SUPREME COURT OF SOUTH CAROLINA

Anne - Louise Gordon # 323003

VS

Motion to Alter the order of  
Dismissal of the P.C.R. Claim  
S.C.R.C. (50)

The State of South Carolina

MOTION FOR NEW TRIAL

Trial Counsel, was ineffective for failing to obtain a Competency Hearing to determine the (applicant's) state of mind. (Quoting → Drope - v - Missouri, 420 U.S. 1162 (1975) citing → Kyles - vs - Whitley, 115 S. Ct. 1555 (1995) thus Kyles makes clear that in assessing the (prejudicial) effect of counsel's acts of omissions in the context of the 6<sup>th</sup> Amendment, ineffective assistance claim, the cumulative effect of the errors must be considered. Id. At 1568, finally the court held if a petitioner establishes that the withheld information was both exculpatory and material under Bagley, NO, additional showing of prejudice need be made. When the (petitioner) can show that the guilty plea is invalid, she did not sign a Guilty Plea Agreement Pursuant to Rule 11, in addition with counsel's failure to acquire a (Psychological Exam) to determine the (petitioner's) (MENS REA) mental state, and to know, whether she understood the concept of pleading guilty, when she is saying that she is innocent. The (petitioner) did not waive her right voluntarily.

Exhibit (B)

SUPREME COURT OF SOUTH Carolina

Anne-Louise Gordon # 323003

2015 CP-32-01219

MOTION TO Alter the Judgment  
S.C.R.C.P. (50), MOTION For A New Trial

vs

THE State of South Carolina

Affidavit OF

Final Argument:

Service

Counsel was ineffective for failing to acquire a Psychological Examination, to determine the (applicant's) state of mind on issues of guilt by association in lieu of guilt on the Penalty state of the crime; in conjunction, with whether the (applicant) was insane or sane at the time of the crime, Did she understand the concept of guilt, of a guilty plea

Anne-Louise Gordon

Sworn to and subscribed before me  
on this (28) day of July 2016

Notary Public For the State of South Carolina

*[Signature]*

My Commission Expires: 6/16/21

B  
2

Exhibit C

The Supreme Court of South Carolina

Anne-Louise Gordon # 323003

-vs-

2015-CP-(32)-(01219)

S.C. A.C.R. Rule 227. (g) (1)  
Issues Raised For Review  
Affidavit of Service

The State of South Carolina

The above-captioned (applicant) raises these issues for review on the order of dismissal of P.C.R. claim.

(1) Ineffective assistance of counsel 6<sup>th</sup> Amendment, U.S.C.A. 18 U.S.C.A. (H) (8) (A)-(C)

Trial counsel prejudiced the (applicant) defense and denied her due process of law guaranteed to her by the 14<sup>th</sup> Amendment U.S.C.A. The (applicant's) <sup>(2) Ex Parte Nixon</sup> Federal civil protective rights were violated by Attorney General's delayed response to P.C.R. claim.

Anne-Louise Gordon

Sworn to and subscribed before me

on this 28 day of July 2016

Notary Public for the State of South Carolina

*[Signature]*

My commission expires:

6/16/20

Exhibit D

The Supreme Court of South Carolina

Anne-Louise Gordon #323003

2015-CP-(32)-(01219)

-vs-

S.C.A.C.R. Rule 50 S.C.R.C.R. (203)

The State of South Carolina

Motion to appeal Final order of Dismissal of P.C.R. claim

Appeal from Lexington County Court of Common Pleas.

The Honorable Chief Administrative Judge R. Knox <sup>Chambers</sup> ~~Chambers~~

Hearing was convened on June (8) 2016 at Lexington County

Judicial Center. (Pro se) Absent attorney. Respondent was Attorney General <sup>Ms.</sup> Johanna C. Valenzuela, senior Deputy Attorney General.

Anne Louise Gordon

Sworn and subscribed before me

on this 28 day of July 2016

Notary Public for the State of South Carolina

Dina W. Held

My commission expires: 6/16/21

Exhibit (D) 2

D  
(2)

The Supreme Court of South Carolina

Anne-Louise Gordon #323003

Notice of Intent to Appeal

S.C.A.C.R. Rule 203 P.C.R. claim

-vs-

The State of South Carolina

2015-CP-(32)-(01219)

The applicant files this notice and motion to appeal the order of dismissal of P.C.R. claim, Appeal From Lexington County Clerk of Common Pleas. Chief Administrative Judge on June 8<sup>th</sup> 2016. Attorney General Ums.

Johanna C. Valenzuela Senior assistant Deputy. P.O. Box 11549  
Columbia, SC 29211

cc

Daniel & Shareereso

P.O. Box 11330

Columbia, S.C. 29211

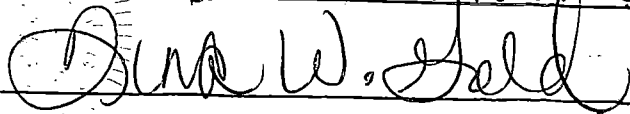
Respectfully Submitted,

Anne-Louise Gordon

Sworn and subscribed before me

on this 28 day of July 2016

Notary Public for the State of South Carolina



My commission expires: 6/16/26

Anne-Louise Gordon #323003  
C66CI SRE 46A  
4450 Broad River rd.  
Columbia, SC 29210



South Carolina Supreme Court  
Post office Box 1330  
Columbia, South Carolina 29201

02 1P \$000.210  
0000879470 FEB 14 2017  
MAILED FROM ZIP CODE 29210

