

June 14, 2017

Millanyo Woody # 227810
Kirkland C.I B-2 rm 1
4344 Broad River Rd.
Columbia, SC 29210

The Supreme Court
of South Carolina
Daniel E. Shearouse
Clerk of Court
P.O. Box 11330
Columbia, SC 29211

RE: Millanyo Woody v. The State
C/A No.: 2017-000158

RECEIVED

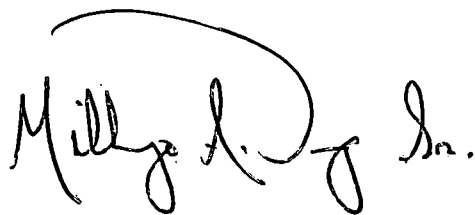
JUN 21 2017

S.C. SUPREME COURT

Dear Clerk,

Please find enclosed the petitioner pro se response.

Thank you

Millanyo Woody, Jr.

6-14-2017

The petitioner is alleging a 5th, 6th and 14th Amendment violation which set forth the prima facia violation of my Constitutional rights. Grounds are constitutional dimension the fundamental defects alleged are standards that require establishment of a complete miscarriage of justice and a omission inconsistent with the rudimentary demand of fair procedure

The following acts/omissions by trial counsel and judge constituted ineffective assistance of in violation of Strickland v. Washington, 104 S.Ct. 2052

RECEIVED

JUN 21 2017

S.C. SUPREME COURT

Trial counsel was ineffective for failure to communicate to petitioner the precise terms of a plea deal/offer before going to trial.

As a general rule defense counsel has the duty to communicate formal prosecution offers to accept a plea on terms and conditions that may be favorable to the accused.

Here in this case trial counsel did not communicate the formal offer and precise terms to the petitioner. Trial counsel stated a offer that was never informed to petitioner on pg. 256 lines 19-25 and pg. 257 lines 1-3. Petitioner was arrested on August 5, 2010 for CSC 1st, Lewd Act Upon a child, and Obscene Disseminating obscene material to minor 12Y or younger. At PCR hearing trial counsel said that petitioner wanted to go to trial which was true but the charges that petitioner wanted to go to trial on were dismissed... See pg. 344 in Appellate transcript lines 17-25 pg. 345 lines 1-11. Applicant went to trial for CSC 2nd ^{M.W} degree and Lewd Act. The CSC 2nd was a direct indictment presented on 9-18-12, trial counsel never discussed it with petitioner. See pg. 350 in Appellate transcript lines 1-25... *Glover v. United States*, 531 U.S. 198 ^{M.W} 203, 121 S. Ct. 696 (2001) Any amount of additional jail time has sixth Amendment significance. See transcript pg 256-257 lines 19-25 and 1-7.

Trial counsel was ineffective for failing to inform applicant of additional indictment.

The court asked whether applicant was arraigned on the indictment of CSC 2nd degree. Pg. 356 lines 1-18 also line 19-25. Applicant was never arraigned on that indictment. See lines on pg 368 of Judge Hayes Dismissal, also pgs. 369-370. The State did a dismissal of indictment 2012-GS-23-7367 on the same day as trial (10-13-13). Applicant only knew of CSC 1st and Lewd Act indictment at trial. See pg 8 line 13-15.

The S.C. Supreme Court believe that notice and preparation are inextricably linked concepts as fairness and due process require that a criminal defendant receive sufficient notice of the charge against him to enable him to prepare a defense. In re Corey B., 291 S.C. 108, 109, 352 S.E.2d 470 (1987). See Appellate transcript pgs. 340 lines 6-25, and pg. 341 lines 1-25. Also see pg 342 lines 1-11.

Trial counsel was ineffective for failing to object to, or move to quash the indictments for being unconstitutionally overbroad and vague.

The applicant in present case contend that his ability to present a defense was hindered as the broad brush of the indictments was 5 years with no specificity. Trial counsel failed to object to the indictment which caused the applicant to be denied a fair trial. The indictments alleged that the offenses occurred at unspecified time over a 5 year period. It was virtually impossible to try and defend against accusations spanning such a vast period of time. Applicant was undoubtedly taken by surprise and significantly limited in his ability to combat the charges against him. Simply stated, there was no way for applicant to know whether he could plead an acquittal. Gentry, 610 S.E. 2d at 500. See Baker v. State, 769 S.E. 2d 860 2-11-2015

STATE OF SOUTH CAROLINA)
COUNTY/CITY OF GREENVILLE)
)
Millanyo Antonio Woody)
Name of Defendant)

CHECKLIST

TRIAL COURT:
 GENERAL SESSIONS COURT
 MAGISTRATE COURT
 MUNICIPAL COURT

CASE NUMBER/CHARGE:

I481853 Sex / Criminal sexual conduct with minor - victim under 11 yrs of age - First degree
I481854 Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)
I481855 Obscene / Disseminating obscene material to a minor 12 Y or younger

CHECKLIST FOR MAGISTRATE AND MUNICIPAL JUDGES

DIRECTIONS: Magistrate and Municipal Court Judges must use this checklist for ALL GENERAL SESSIONS and for ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND HAS BEEN SET BY A JUDGE. The judge shall attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections. Defendant must be provided a completed copy of this form.

BAIL PROCEEDING/ FIRST APPEARANCE (NON-BAILABLE OFFENSES)

1. Form used at bail proceeding
 - a. Bond Form I (personal recognizance)
 - b. Bond Form II (surety, cash, percentage)
 - c. None (Non-Bailable Offense)
2. For cases in which bond was set, defendant was informed:
 - a. Warrant for arrest will be issued for violation of any condition of bail bond order.
 - b. His right and obligation to be present at trial and that trial will proceed in his absence if he fails to attend.
 - c. Failure to appear in court as required will result in institution of additional criminal charges. Failure to appear in connection with a felony, or while awaiting sentence after conviction, additional charge has penalty of not more than \$5,000 or imprisonment for not more than 5 years, or both. Failure to appear in connection with a charge for a misdemeanor for which the maximum possible sentence is at least one year, additional charge has penalty of not more than \$1,000 or imprisonment for not more than one year, or both. Failure to appear in court as required on any charge not specified above will result in the issuance of a warrant for defendant's arrest, as well as loss of any posted bond.
3. For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days:
 - a. Orally
 - b. In writing [NOTE: Defendant must be informed of right both orally and in writing]
4. Defendant was informed of the right to trial by jury.
5. In all general sessions cases, in all criminal domestic violence cases, and in all magistrate or municipal cases in which a prison sentence is likely to be imposed, defendant was informed of the following:
 - a. Charges against defendant and nature of the charges.
 - b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel.
 - c. Defendant was informed orally and provided a copy of this form advising him of his right to obtain court appointed counsel if indigent (must meet federal poverty guidelines) and instructions on how to obtain court appointed counsel. In order to apply for court appointed counsel, defendant is required to appear before **The Greenville County Public Defender's Office located at the Greenville County Courthouse, 305 E. North Street, Greenville, SC 29601** for indigency screening. Defendant is responsible for a statutory fee of \$40.00 for indigency screening.
6. In all criminal domestic violence cases and any case where defendant is subject to an Order of Protection or Restraining Order, defendant signed and was provided a document explaining that entering the grounds or property of a domestic violence shelter in which the person's household member resides constitutes an additional misdemeanor charge and, if in possession of a dangerous weapon, an additional felony charge.
7. If the charges that have been brought against you are discharged, dismissed, or nolle prossed or if you are found not guilty, you may have your record expunged.

August 5, 2010
Bond Hearing Date


JUDGE'S SIGNATURE

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS

The State of South Carolina,)

-vs-)

ORDER FOR BAIL

MILLANO A. WOODY
Defendant,)

DOB: 1/24/95 SSN 249-27-8244)

IN RE: CHARGE(S):
CSC W/ MINOR 1ST. LEWD ACT ON
MINOR; DISSEMINATING OBSCENE
MATERIAL TO MINOR

WARRANT NUMBER(S):
I 481853
I 481854
I 481855

FILED-CLERK OF COURT
PAUL B. WICKENS/EMER
GREENVILLE CO, SC

2010 AUG 24 AM 10:37

This matter is before me on application for bail. The Defendant is now confined in the Greenville County Detention Center under the above warrant(s) charging the Defendant with the offense(s) listed above. It appears to the Court that bail may be granted for said offense(s).

The Defendant moves and the State consents to a bond as set forth below on the basis that the State's evaluation and investigation of the case to date indicates no substantial likelihood of the Defendant's being a flight risk or danger to the community such that would not be protected by said sum.

IT IS ORDERED that the Defendant be and is hereby granted bail in the amount of \$ 10,000 with one or more sufficient sureties to be approved by the:

- Clerk of Court
- Magistrate
- City Recorder

and a recognizance bond in the amount of \$ 0 to be signed by the Defendant.

IT IS FURTHER ORDERED that as a special condition of this bail:

- 1) House Arrest
- 2) No contact with any minors under 18 yrs.

JUDGE, THIRTEENTH JUDICIAL CIRCUIT

Greenville, South Carolina
23 AUG 2010

I SO MOVE:

Christ. T. Posey
Christopher T. Posey/ 235-0150
Print Name/Telephone Number

I CONSENT

Ryan Holloway
Ryan Holloway
Print Name
Assistant Solicitor

FAXED
Date: 8-24
To: Jail Post
By: jt

THE STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
THE STATE)
v.)
MILLANYO A. WOODY,)
DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT
Warrant/Indictment Nos.: I481853; I481854;
I481855
**NOTICE OF MOTION AND MOTION FOR
THE PRODUCTION AND INSPECTION OF
EVIDENCE AND INFORMATION WHICH
MAY LEAD TO EVIDENCE
(Brady Disclosure)**

FILED-CLERK OF COURT
PAUL B. WICKENSHER
GREENVILLE CO. SC

2010 AUG 18 PM 3:35

To: _____

YOU WILL PLEASE TAKE NOTICE that as counsel for the above named Defendant, we are requesting, under the authority of Brady v. Maryland, 373 U.S. 83 (1963); Napue v. Illinois, 360 U.S. 364 (1959); Alcorta v. Texas, 355 U.S. 28 (1957); Mooney v. Holohan, 294 U.S. 103 (1935); Giglio v. U.S., 405 U.S. 150 (1972); Moore v. Illinois, 408 U.S. 786 (1972); and, State v. Bryant, 307 S.C. 458 (1992), that your office supply to us, all information in the custody, possession, control or knowledge of the State, private parties retained by the State, or any law enforcement agency involved in the investigation of the above captioned case which may be favorable to the Defendant with regard to the offense with which he has been charged.

Respectfully submitted,

GREENVILLE COUNTY PUBLIC DEFENDER

By: D. Manigault *DM*
Dorothy Manigault, Esq.
Attorney for Defendant
305 E. North Street, Suite 123
Greenville, SC 29601
(864) 467-8522

Date: August 18, 2010

THE STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

THE STATE)

v.)

MILLANYO A. WOODY,)

DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT
Warrant/Indictment Nos.: I481853; I481854;
I481855

**NOTICE OF MOTION AND MOTION TO
PRODUCE PURSUANT TO RULE 5 OF THE
RULES OF CRIMINAL PROCEDURE
(Rule 5 Disclosure)**

FILED CLERK OF COURT
PAUL B. WICKENS
GREENVILLE CO. S.C.
2010 AUG 18 PM 3:35

To: _____, Assistant Thirteenth Circuit Solicitor

YOU WILL PLEASE TAKE NOTICE that the above named Defendant ~~is~~ and through undersigned counsel, Dorothy Manigault, requests compliance by the State with the provisions of Rule 5 of the Rules of Criminal Procedure regarding any and all charges presently pending against the Defendant and/or any and all criminal charges which the State intends to introduce as evidence in the trial of the Defendant.

Respectfully submitted,

GREENVILLE COUNTY PUBLIC DEFENDER

By: *D. Manigault* *jk*
Dorothy Manigault, Esq.
Attorney for Defendant
305 E. North Street, Suite 123
Greenville, SC 29601
(864) 467-8522

Date: August 18, 2010

THE STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
THE STATE)
v.)
MILLANYO A. WOODY,)
DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT
Warrant/Indictment Nos.: I481853; I481854;
I481855

**NOTICE OF MOTION AND MOTION TO
PRODUCE PURSUANT TO RULE 5 OF THE
RULES OF CRIMINAL PROCEDURE
(Rule 5 Disclosure)**

FILED CLERK OF COURT
PAUL B. WICKENS
GREENVILLE CO. SC
2010 AUG 18 PM 3:35

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Respectfully submitted,

GREENVILLE COUNTY PUBLIC DEFENDER

By: D. Manigault
Dorothy Manigault, Esq.
Attorney for Defendant
305 E. North Street, Suite 123
Greenville, SC 29601
(864) 467-8522

Date: August 18, 2010



Office of the Clerk of Court
Greenville, South Carolina
Paul B. Wickensimer
Clerk of Court

Circuit Court Division
Greenville County Courthouse
305 East North Street
Greenville, South Carolina 29601
(864) 467-8551 FAX (864) 467-8540

September 17, 2015

Millanyo Woody #227810
Perry C.I.
430 Oaklawn Rd.
Pelzer, SC 29669

Dear Mr. Woody:

Your letter postmarked 9/3/2015 was forwarded to us by the Solicitor's Office. Enclosed please find the copy you requested for the warrant number you provided. This information has also been forwarded to SCDC Inmate Records.

Sincerely,
Clerk of Court
Greenville County-General Sessions

SEP 17 2015
CIRCUIT COURT DIVISION
GREENVILLE COUNTY COURTHOUSE
305 EAST NORTH STREET
GREENVILLE, SC 29601

GENERAL SESSIONS DOCKET TRACKING SHEET

Name: MILLANYO ANTONIO WOODY
Address: 593 SAXON AVENUE
City: SPARTANBURG State: SC ZIP :29301-1911
SS#: 247278244 Sex: M Race: B
Date of Birth: January 24, 1975
State: SC Driver's License #: 007369584

Indictment #: 2012GS2307387
Warrant/Ticket # I481853
No Warrant:
Offense Code: 0385
Offense Name: Sex, Crim Sex Cond, 1st D
Date of Arrest: August 5, 2010

FILED

OCT 17 2013

Clerk of Court
Greenville County

DATE OF DISPOSITION: 10/14/2013

DISPOSITION:

- 1. Guilty Plea
- 2. Trial (Guilty)
- 3. Trial (Not Guilty)
- * 4. Dism/Nol Pros/Pros Ended
- * 5. Judicial Commitment
- 6. Judicial Dismissal
- * 7. Remanded
- 8. Dismissed at Prelim
- 8. No Bill
- * 9. Failure to Appear
- * 10. Other

* Explain: 04-B INSUFFICIENT EVIDENCE - B/RD

Judge:

Ct. Reporter:

Defense Attorney: MANIGAULT, DOROTHY

Solicitor: Judy Munson

Offense Code: 0385

Offense Name: Sex, Crim Sex Cond, 1st D

Sentence:

[Handwritten signature]
64040

WITNESSES

Michael Robertson

Greenville County Sheriffs Office

8/5/2010

MA

DOCKET NO. 2012-GS-23-
JMM

007286A

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

September

TERM 2012

10-16-13

THE STATE

vs.

ARREST WARRANT NUMBER

DIRECT PRESENTMENT

B/M

DOB: 1/14/1975

SS# 247-27-8244

2012GS2307386A

MILLANYO ANTONIO WOODY

ACTION OF GRAND JURY

TRUE BILL

Susan Tompkins
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

Bobby G. Stuck

10/15/2013

Foreperson of Petit Jury

Date:

0396

0385

Indictment for

CRIMINAL SEXUAL CONDUCT W/ A MINOR

SECOND DEGREE (OLD)

VIOLATION § 16-03-0655(A)(1)

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT W/ A MINOR SECOND DEGREE
(OLD)

At a Court of General Sessions, convened on **SEP 18 2012** the Grand Jurors of Greenville
County present upon their oath:

That MILLANYO ANTONIO WOODY did in Greenville County, between the 4th day of December 2008 and the
22nd day of April 2010 commit a sexual battery on M. J. P., who was fourteen years of age or less but who was at
least eleven years of age. This is in violation of §16-3-655(2) of the South Carolina Code of Laws (1976) as
amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

WITNESSES

Michael Robertson

Greenville County Sheriffs Office

8/5/2010



DOCKET NO. 2012-GS-23-
JMM

007335

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

September TERM 2012


THE STATE

vs.

MILLANYO ANTONIO WOODY

ARREST WARRANT NUMBER
I481854

ACTION OF GRAND JURY
TRUE BILL


FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT:

Guilty
Robby A. Stuck

10/15/2013

Foreperson of Petit Jury

Date:

Indictment for

2468

LEWD ACT UPON A CHILD

VIOLATION § 16-15-140

7810

I B-2-rm 1

River Rd.

2. 29210



The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
P.O. Box 11330
Columbia, S.C. 29211

D