

THE SUPREME COURT OF SOUTH CAROLINA

---

EVELYN BUCKLE 309884

INRE) 2016-CP-40-08502

-vs-

ON MOTION FOR WRIT OF

THE STATE OF SOUTH CAROLINA

MANDAMUS & A STAY

---

**RECEIVED**

JUL 10 2017

S.C. SUPREME COURT

TO: THE HONORABLE CLERK OF COURT

MR. DANIEL E. SHAREOUS

INRE) LETTER DATED JUNE 21, 2017

YOUR HONOR,

I WOULD LIKE TO MOVE UPON THE COURT AT THIS TIME TO SHOW CAUSE AS TO WHY I SUBMITTED THE LETTER DATED MAY 31, 2017 TO YOUR COURT.

FIRST, ENCLOSED ARE PHOTO COPIES OF ALL THE ITEMS SENT TO YOUR OFFICE, AS WELL AS A PROOF OF SERVICE, SHOWING THAT I PERSONALLY SERVED THE ATTY. GEN. MR. ALAN WILSON BY CERTIFIED MAIL.

SECONDLY, I WAS REQUESTING THE SUPREME COURT TO ORDER THE ATTY. GEN. ALAN WILSON TO SHOW CAUSE, AS TO WHY THE STATE HAS REFUSED TO RESPOND TO THE (2ND) P.C.R. I FILED, IN LIEU OF HAVING THE FIRST P.C.R. RE-INSTATED, BASED ON THE FINDING OF THE UNITED STATES DISTRICT COURT. THE UNITED STATES DISTRICT COURT CHIEF JUDGE TIMOTHY CAIN, MAGISTRATE JUDGE'S CONCLUSION OF LAW, THAT I HAVE NOT EXHAUSTED ALL MY STATE REMEDY AND I FILED A RELIEF TO WITHDRAW MY HABEAS CORPUS AND IT WAS GRANTED.

CONSEQUENTLY, TO THAT FACT, THE ATTY. GEN MR. ALAN WILSON FILED A MOTION TO HAVE THE HABEAS CORPUS RELIEF ACT, DISMISSED WITH PREJUDICED, BUT THE U.S. DIST. COURT JUDGE TIMOTHY CAIN DENIED THE ATTY. GEN'S MOTION AND DISMISSED THE HABEAS CORPUS, WITHOUT PREJUDICED BASED ON THE FACT, THAT ALL MY STATES COURT REMEDY HAS NOT BEEN EXHAUSTED, YOUR HONOR.

THE RULES UNDER THE S.C. CODE ANN LAW STATED THAT ALL P.C.R. CLAIMS MUST BE ADDRESSED WITHIN 60 DAYS IF DIRECT APPEAL, 90 DAYS OF GUILTY PLEAS YOUR HONOR.

PURSUANT TO 18-U.S.C.A.(H)(8)(A) A PERIOD OF DELAY IS EXCLUDED, IF THE JUDGE'S GRANT IT UNDER 18 U.S.C.A.3161 (H)(8)(A) THE JUDGE SIGNS THIS WITHOUT CONDUCTING THE NECESSARY (INTR ALIA) BLANCING REQUIRED FOR (EX-PARTE NIX) MOTION TO GRANT AS EXTENTION OR A CONTINUANCE- QUOTING U.S.-V-MITCHELL,723.F.2D.1040(1st.CIR.1983) YOUR HONOR.

NO ORDER WAS ENTERED BY THE ATTY.GEN'S OFFICE IN CHEIF MR.ALAN WILSON, AS TO WHY THE STATE HAS FAILED TO RESPOND TO THE P.C.R. CLAIM, ALTHOUGH, THE STATE DID RESPOND TO THE HABEAS CORPUS RELIEF ACTION YOUR HONOR.

THAT WAS MY REASON FOR SEEKING A HIGH COURT, TO ORDER THE ATTY. GEN TO SHOW CAUSE AS TO WHY THE DELAY IN RESPONSE TO MY P.C.R. CLAIM. I WAS NOT FILING AS MOTION TO APPEAL. IN ADDITION TO THAT ISSUE I ALSO WROTE THE CHEIF ADMIN.JUDGE OVER THE COURT OF COMMON PLEAS IN REFERENCE TO THE ATTY. GEN,FAILURE TO RESPOND TO THE 2ND P.C.R. NO(2016-CP-40-02502

RESPECTFULLY

SUBMITTED

EVELYN BUCKLE 309884

JULY 6 2017

STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS  
COUNTY OF RICHLAND

---

EVELYN BUCKLE 309884

20(CP)40-

-VS-

2016-CP-40-08502

THE STATE OF SOUTH CAROLINA

MOTION FOR A WRIT OF  
MANDAMUS

---

TO:CHIEF ADMINSTRATIVE JUDGE

HONORABLE L. MANNING

TO:ATTY GEN.CHIEF ALAN WILSON

FROM:EVELYN BUCKLE 309884

SUBJECT:STATUS OF P.C.R.HEARING

DATE APRIL 4,2017

YOUR HONORABLE L.MANNING I'M REQUESTING THAT YOU ORDER  
THE ATTY GEN TO SHOW CAUSE AS TO WHY MY (P.C.R. CLAIM) HAS NOT  
BEEN RESPONDED TO IN LIEU OF GRANTING ME RELIEF FROM JUDGEMENT  
UNDER SCRIP RULE 403 PROCEDURAL LAW AND PREJUDICE  
S.C.R.E. RULE 403 MOTION 59 S.C.R.C.P.

EVELYN BUCKLE  
*Evelyn Buckle*  
APRIL 4,2017

**RECEIVED**

JUL 10 2017

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS

---

COUNTY OF RICHLAND

20-CP-40-( )

INRE

2016-CP-40 (0850)2

EVELYN BUCKLE 309884

MOTION FOR A WRIT

-VS-

OF MANDAMUS

THE STATE OF SOUTH CAROLINA

AFFIDAVIT OF SERVICE

---

THE ABOVE CAPTION (APPLICANT) HEREBY MOVES UPON THE COURT ON SAID MOTION FOR A WRIT OF MANDAMUS.

THE (APPLICANT) CAN SHOW THE FOLLOWING FACTS IN SUPPORT OF THIS MOTION.

1. THE RULES UNDER UNIFORMED P.C. PROCEDURE ACTS, WERE VIOLATED BY THE ATTY. GEN WHO FAILED TO RESPOND TO THE (RE-INSTATING) OF THE FIRST (P.C.R.) AFTER THE U.S. DISTRICT COURT JUDGE (TIMOTHY M. CAIN) DISMISSED (HABEAS CORPUS) CLAIM, BECAUSE THE (APPLICANT) HAS NOT (EXHAUSTED) ALL OF HER (STATE CLAIM).
2. THE ATTY GEN FAILED TO FILE A MOTION FOR CONTINANCE IN WHICH TO RESPONSE TO THE NEW P.C.R. (2ND) P.C.R. IN LIEU OF THE 1ST. P.C.R. BEING RE-INSTAED BY THE APPLICANT. QUOTING 18. U.S.C.A. 3161 (H)(8)(c), PURSUANT TO THE FEDERAL CIVIL PROTECTION RIGHTS. QUOTING 18.U.S.C.A.(H)(8)(A) EXPARTE NIX. WAS NOT REQUESTING IN WRITING ON THE RECORD IN THE COURT OF COMMON PLEAS, ON THE MERITS OF THE P.C.R. CLAIM.
3. SOUTH CAROLINA SUPREME COURT JUSTICE TOAL ET.AL. RULED. TOAL, ET.AL. APPELLATE PRACTICE IN SOUTH CAROLINA P.281 (1999) CITING WIBLEM-V-LONG, 262.S.C.430.205.S.E. 2d.174 (1974) THIS WRIT LIES SOLEY ON THE AUTHORITY OF THE CHIEF ADMINISTRATIVE JUDGE OF THE COURT OF COMMON PLEAS. IN THE INTEREST OF LYDE, 284, S.C. 419.327.S.E.70 (1985).

RESPECTFULLY  
SUBMITTED

*Evelyn Buckle*

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

COURT OF COMMON  
PLEAS

INRE

2016(CP) 40-08502

EVELYN BUCKLE 309884

MOTION TO RE-INSTATE

-VS-

P.C.R.(1st IN LIEU OF

THE STATE OF SOUTH CAROLINA

2nd P.C.R. CLAIM

PROOF OF SERVICE

**RECEIVED**

JUL 10 2017

S.C. SUPREME COURT

MOTION FOR A STATUS HEARING

I EVELYN BUCKLE, CERTIFY UNDER PENALTY OF PERJURY THAT I HAVE SUBMITTED, A NOTICE AND MOTION TO APPEAR, FOR A STATUS HEARING ON THE MERITS OF MY 1ST P.C.R. BEING RE-INSTATED IN LIEU OF FILING 2ND P.C.R. CLAIM.

I FURTHER CONTEND THAT A MOTION FOR A WRIT OF MANDAMUS IS NEEDED BASED ON THE MERITS OF THE FINDING OF THE U.S. DISTRICT COURT. HONORABLE JUDGE TIMOTHY M. CAIN WHO DIMISSED THE FEDERAL HABEAS CORPUS RELIED ACT, BASED ON THE (APPLICANT) HAVING NOT EXHAUSTED ALL OF HER STATES TORT CLAIMS ON INEFFECTIVE ASSISTANCE OF COUNSEL ETC. ETC. SECONDLY TO POLICE MISCONDUCT ON ENTRAPMENT DEFENSE IN LIEU OF THIRD PARTY GUILT. THE P.C.R. WAS RESUBMITTED TO THE COURT OF COMMON PLEAS ON AUG 30, 2016 THE CHIEF ATTY. GEN HAS FAILED TO RESPOND TO THE CLAIM. NOW THEREFORE THE (APPLICANT) MOVES UPON THE ABOVE COURT TO ORDER ATTY. GEN TO SET THIS CASE FOR A HEARING OF THIS NOTICE. WITHIN 30 THIRTY DAYS AFTER RECEIPT OF THIS NOTICE. IF THE ATTY GEN FAILS TO SET THIS CASE FOR A HEARING THE (APPLICANT) HEREBY MOVES UPON THE (COURT) TO GRANT HER RELEASE FROM JUDGEMENT ON THIS CONVICTION BASED ON THE STATUTORY PROVISION OF 18.U.S.C.A.3161(H)(8)(C). THE ATTY. GE. DELIBERATELY

JULY 6, 2017

TO THE SUPREME COURT OF SOUTH CAROLINA

TO THE HONORABLE JUDGE'S I AM WRITING WITH NO LEGAL KNOWLEDGE OF THE LAW, NO TRAINING, JUST A LAY PERSON TRYING TO DO ALL I CAN TO GET MY CASE BACK INTO COURT AND HEARD. I AM AT A DISADVANTAGE WITH NO UP TO DATE LAW BOOKS IN OUR LIMITED LIBRARY, AS WELL AS NO ONE WITH ANYMORE KNOWLEDGE THEN MYSELF TO HELP WITH ANY LEGAL DOCUMENTS. I AM NOT EVEN SURE IF WRITING THIS LETTER IS APPROPRIATE TO WRITE THE COURTS OR NOT, IF NOT PLEASE FORGIVE MY IGNORANCE OF WHAT IS PERMITTED OR  
NOT.

I HAVE WRITTEN SEVERAL LAWYERS ASKING FOR PRO BONO ASSISTANCE, AND UNFORTUNATELY THEY AREN'T TAKEN ANYONE ELSE, AND SOME JUST DIDN'T ANSWER AT ALL. MY FAMILY CAN'T AFFORD YET ANOTHER ATTORNEY WE JUST KEEP THE FAITH THAT SOMEONE WILL BY THE GRACE OF GOD HELP ME WITH GETTING BACK INTO COURT. ESPECIALLY SINCE THE HONORABLE JUDGE TIMOTHY CAIN OF THE SOUTH CAROLINA DISTRICT COURT RULED THAT NOT ALL OF MY STATES REMEDIES HAVE BEEN EXHAUSTED AND SENT ME BACK TO THE STATE COURTS.

I KNOW IT IS MY RESPONSIBILITY TO KEEP SEEKING HELP, I DON'T KNOW IF I CAN ASK THE COURTS FOR A LIST OF ATTY NAMES FOR PRO BONO CASES OR IF USC OF LAW HAVE LAW STUDENTS THAT WK ON LEGAL CASES FOR CREDITS OR NOT. ALL I KNOW IS I NEED HELP, IT IS SO HARD TO KNOW I AM INNOCENT OF THIS CRIME AND CAN'T PROVE IT OR GET A THIRD PARTY GUILT MOTION I HAVE BEEN SEEKING AGAINST THE REAL PERSON WHO COMMITTED THE CRIME. I AM SENDING IN DOCUMENT AFTER DOCUMENTS CERTIFYING THEM MAKING A NUMBER OF COPIES TO SEND IN PACKAGES TO THIS COURT THAT PERSON OF CLERKS ALL WHICH COST MONEY I JUST DON'T KNOW WHAT ELSE I CAN DO WITHOUT LEGAL HELP OR DIRECTIONS. I AM SURE I WILL MAKE MISTAKES IN MY SUBMITTING TRYING TO GET PROPER CODES

# The Supreme Court of South Carolina

Evelyn Buckle, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001278

Lower Court Case No. 2008CP4008502

---

## ORDER

---

The circuit court denied the application for post-conviction relief in this case on December 12, 2011. The circuit court subsequently denied a motion under Rule 59 of the South Carolina Rules of Civil Procedure on January 25, 2012. On appeal, the South Carolina Court of Appeals denied the petition for a writ of certiorari on December 3, 2014, and the remittitur was sent on January 5, 2015.<sup>1</sup>

Petitioner has now filed a "motion to appeal and a motion to stay prior order of dismissal."

To the extent this motion is intended as a notice of appeal, this notice of appeal is dismissed for several reasons. First, petitioner has failed to provide a proof of service showing that the notice of appeal has been served on opposing counsel as required by Rules 243(b) and 203(d)(1)(B)(i) of the South Carolina Appellate Court Rules. Second, petitioner has failed to provide this Court with a copy of the order on appeal as required by Rules 243(b) and 203(d)(1)(B)(ii), SCACR.<sup>2</sup> Finally, to the extent petitioner may be trying to take a second appeal from the

---

<sup>1</sup> Before the Court of Appeals, the Appellate Case Number was 2012-207817.

<sup>2</sup> The public case index for Richland County fails to show that the circuit court has issued any order in this case since the filing of the order of January 25, 2012. Indeed, it does not indicate that any filing has been made in this case since the sending of the remittitur by the Court of Appeals.

order of January 25, 2012, nothing in the South Carolina Appellate Court Rules allows for the filing of a second appeal from an order or judgment. Accordingly, the notice of appeal and the motion for a stay are denied. The remittitur will be sent as provided by Rule 221, SCACR.

Petitioner also asks this Court to issue a rule to show cause against the State regarding its failure to comply with an order issued by the United States District Court for the District of South Carolina. This request is dismissed for two reasons. First, petitioner has failed to provide this Court with an affidavit or certificate of service showing that a copy of the motion has been served on the State as required by Rule 240(c)(1), SCACR. Second, if the order of the United States District Court is being violated, that is a matter more appropriately raised to the United States District Court rather than to this Court.

Finally, petitioner moves to compel the circuit court to rule on a motion she has filed with the circuit court to "reinstate" the 2008 post-conviction relief case and on a new application for post-conviction relief that she has filed in the circuit court.<sup>3</sup> This motion is dismissed for two reasons. First, petitioner has failed to provide this Court with an affidavit or certificate of service showing that a copy of this motion has been served on the State as required by Rule 240(c)(1), SCACR. Second, there is simply no reason why any alleged delay in resolving these filings cannot be addressed by an appropriate motion to the circuit court. Rule 245, SCACR; *Key v. Currie*, 305 S.C. 115, 406 S.E.2d 356 (1991).

  
\_\_\_\_\_  
FOR THE COURT C.J.

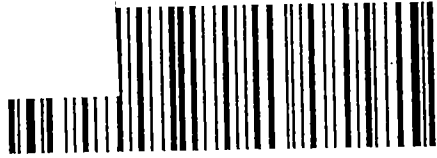
Columbia, South Carolina  
June 21, 2017

cc: Daniel Francis Gourley, II, Esquire  
Alan McCrory Wilson, Esquire  
Ms. Evelyn Buckle, 03009884

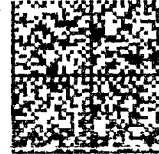
---

<sup>3</sup> This post-conviction relief case is apparently *Buckle v. State*, 2016CP4005378.

CERTIFIED MAIL™



7006 0810 0005 0378 0708



UNITED STATES POSTAGE  
PITNEY BOWES  
02 1P \$ 007.50<sup>00</sup>  
0000879470 JUL 06 2017  
MAILED FROM ZIP CODE 29210

THE Supreme Court of South Carolina  
CLERK OF COURT  
DANIEL E. SHEAROUSE  
P.O. BOX 11330  
Columbia, South Carolina  
29211