

6

FORM 5

STATE OF SOUTH CAROLINA)

County of Lexington)

IN THE COURT OF COMMON PLEAS

Donald Allan Bude)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

RECEIVED

APR 07 2017

SC Court of Appeals
APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS B READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Lexington County jail / Department of Corrections
2. Name and location of Court which imposed sentence Lexington County Court
3. Name(s) of co-defendant(s) (if any) None
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 2016A3220500161

(b) 2016A 3220500163, 2016A 3220500162
(c) 2016A 3220500161

5. The date upon which sentence was imposed and the terms of the sentence:

(a) 9-21-17
(b) 6 yrs in S.C.D.C.
(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty ✓
(b) after a plea of not guilty _____
(c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?

No, didn't know I could

8. If you answered Ayes@ to (7), list:

(a) the name of each Court to which you appealed:

i. no
ii. no
iii. no

(b) the result in each such Court to which you appealed:

i. no
ii. no
iii. no

(c) the date of each such result:

i. no
ii. no
iii. no

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. no
ii. no
iii. no

9. If you answered Ano@ to (7), state your reasons for not so appealing:

(a) The lawyer never said it could be done

- (b) Lack of Knowledge of Law
- (c) Lack of communication with Attorney

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) Strickland - vs - Washington
- (b) Lomax - vs - State
- (c) Cherry - vs - State

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) in 6 to 7 months only spoke to lawyer twice
- (b) Lawyer was injured in car accident
- (c) state didn't have enough evidence

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? No
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? None
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? None
- (d) any other petitions, motions or applications in this or any other Court? None

13. If you answered Ayes@ to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
 - i. No
 - ii. No
 - iii. No
 - iv. No
- (b) the name and location of the Court in which each was filed:
 - i. No
 - ii. No
 - iii. No

iv. no

(c) the disposition thereof:

i. no

ii. no

iii. no N/A

iv. no

(d) the date of each such disposition:

i. no

ii. no

iii. no N/A

iv. no

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. no

ii. no

iii. no N/A

iv. no

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

no, I have no knowledge of law.

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. no

ii. no

iii. no N/A

(b) the proceedings in which each ground was raised:

i. no

ii. no

iii. no N/A

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) I only have a 9th grade education and no
- (b) knowledge of Law. And my Attorney was hurt and
- (c) I feel she was under influence of Meds from accident.

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? No
- (b) your trial, if any? None
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? None
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NO

18. If you answered Ayes@ to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Jael Gilreath / Public defenders office of Lexington

ii.

iii.

N/A

(b) the proceedings at which each such attorney represented you:

i. Sentencing only

ii.

iii.

N/A

19. State clearly the relief you seek in filing this application:

Lesser imposed sentencing or retrial, was offered 3yrs
non-violate and was not giving what we agreed. Under
Pabelco -vs- New York we both have to agree.

20. Are you now under sentence from any other court that you have not challenged?

No

Revised 3/2003

STATE OF SOUTH CAROLINA)
County of Lexington)

VERIFICATION

I, Donald Buck, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Donald Buck

SWORN to and subscribed before me this 5th
day of April, 2012.

[Signature]
Notary Public

(L.S.)
DEVERLE ALBERT
Notary Public, State of South Carolina
My Commission Expires May 3, 2023

My Commission Expires: _____

RECEIVED
APR 07 2011
SC Court of Appeals