

Labrontae AG New  
386 Redemption way  
McCormick, SC, 29899

Date 9-20-17 2017

Appellate case No ~~NAK~~ 2017-001812

Dear Daniel E. Stearouse, the Supreme  
Court of South Carolina,

Enclosed please find Notice written  
Explanation Requesting for a clocked  
dated stamped copy;

Respectfully Submitted  
s/ Labrontae Agnew

C.C.L.A.

C.C.D.S.S.T.S.C.S.C.

RECEIVED

SEP 22 2017

S.C. SUPREME COURT

The state of South Carolina

In the Supreme Court

Appellate case No. 2017-001812

LABRONTAE AGNEW . . . . . Appellant

VS

The state of S.C. . . . . Respondent

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AFFIDAVIT OF SERVICE

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I Labrontae Agnew, 334342 hereby served  
A true copy of NOTICE WRITTEN EXPLANATION  
upon Honorable Daniel E. Stearouse clerk  
of South Carolina Supreme Court Post office  
Box 11332 Columbia, SC 29211.

Sworn before me  
This Day 20 of Sept 2017  
Notary J. Frank  
Expires 12-16-2019

s/ Labrontae Agnew  
Labrontae Agnew  
306 Redemption Way  
McCormick, SC 29899

The state of South Carolina  
in the Supreme Court

Appellate case No. 2017-001812

LABRONTAE AGNEW . . . . . Appellant

VS

The state of S.C. . . . . Respondent

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NOTICE WRITTEN EXPLANATION  
Rule 243(c)

Date 9-20-17 2017

Labrontae Agnew  
Labrontae Agnew  
386 Redemption Way  
McCormick, SC 29886

## WRITTEN EXPLANATION

The Appellant Labrontae Aynew, 334342  
make written explanation that there  
is genuine material evidence Newly  
Discovery evidence, and After Dis-  
covery evidence Respondent with-  
held Brady material evidence that  
requires a review by the South  
Carolina Supreme Court A Discovery  
made on July 13, 2016, whereby  
Legal counsel forward a second copy  
of client files. The applicant  
made discovery pursuant to S.C.  
Code of Law 30-4-40(a)(2) Freed-  
om of information. The Appellant  
was not aware of this evidence  
at time of his guilty plea, Evid-  
ence recover by Respondent.  
(a) caliber bullet in the exterior  
wall of the bedroom on the end  
Wall, and Newly and After discovery

Evidence whereby the Respondent failure to provide a copy of Ballistic Report Evidence collect on a separate date, office Wilbert Jamison located a box 22 caliber rounds in the yard of Robert Wilson Jr's residence at 106 Brook - Wood Drive in Gaffney S.C.

"Further, the PCR Judge apparently overlooked the discovery Rule in section 17-27-45(c) which allows one year after the discovery of "material facts not previously presented and heard that require [ ] vacation of the conviction or sentence" to file a PCR Application "cite at McCoy v State

Applicant alleges newly discovery evidence pursuant to S.C. Code Law Ann 17-27-45(c) discovery Rule in his second and current Application for post-conviction Relief and the Amendment thereto, At pg(4) of (10)

(1) Newly discovery evidence

a" Applicant was seventeen (17) years old at the time [of] crime and was a juvenile

(2) "Ineffective assistance of counsel claim follows", counsel was ineffective for failure challenged conviction or sentences file Direct of Appeal.

Applicant are entitled to Appeal from his conviction and sentences under White v State Related Appeal. If they can establish that they did not voluntarily waive their right to appeal.

3 Trial court Lacked subject matter Jurisdiction

(1) "Applicant alleged that at the age [of] 17 when this crime was committed on April 2, 2008 he was

a juvenile and the trial court did not have jurisdiction or Authority to try the Applicant as an adult.

Therefore, An Applicant requesting A Newtrial based on After-Discovery Evidence following a guilty Plea must Show that,

((1) the Newly discovered Evidence was discovered after the entry of the Plea and, in the exercise of reasonable diligence could not have been discovered prior to the entry of the Plea; and (2) the Newly discovered Evidence is of such a weight and quality that, under the facts and circumstances of that particular case, the interest of justice' requires the Applicant's guilty Plea to be vacated. In other words, A PCR Applicant may successfully disavow his or her guilty Plea only where the interest of justice outweigh the waiver and admission of guilt encompassed in a plea

Of guilty and compelling interest in maintaining the finality of guilty plea convictions"; Jamison v State 410 S.C. 456, 470 765 S.E.2d 123 130 (2014).

My PCR application alleged newly discovered evidence discovered within a year of filing the PCR application. The PCR Judge should have convened a hearing before making findings of fact regarding the weight and significance of the evidence. Alternatively, the PCR Judge should have appointed counsel to assist me in presenting this information to the PCR Judge

### CONCLUSION

Wherefore appellant should be granted Relief "written explanation.

Granted (or) Denied

*Lalonde Agwu*

Date 9-20-17 2017

S/

clerk offices  
Daniel E Shearouse

Case Summary

Case Number: 08-003478

Defendants: John Bonner, Joshua Manning, Labrontae Agnew, Billy Rodgers, Terry Littlejohn, Kendrick Tate, Robert Wilson, Jr., Kwame Douglas

Charges: Burglary 1<sup>st</sup>, Armed Robbery, ABHAN, Grand Larceny (Residence), Burglary 2<sup>nd</sup>, Grand Larceny (Store), Kidnapping

Date of Offense: 04/02/2008

On the late night of April 1<sup>st</sup> and early morning hours of April 2<sup>nd</sup>, 2008, the above defendants met at the home of John Bonner (aka: RoRo) and planned to commit an armed robbery of the residence of the victim, Dipali Darji. One of the defendant stated that he had seen the victim carrying bags of money between the convenience store and her residence next door. They decided to enter the victim's residence and take the money and valuables. They also planned to acquire the keys to the convenience store and take the money in the store. In an interview with John Bonner's mother, she states that she observed John Bonner and several of his friends in her yard at around 2-2:30 in the morning.

The eight defendants traveled to the Providence Road area in two separate cars: One car belonging to Robert Wilson, Jr., and the other belonging to Kendrick Tate. Robert Wilson, Jr., parked his car in the Providence Creek Trailer Park at a vacant trailer. Kendrick Tate parked his vehicle at Huntington Apartments. Terry Littlejohn and Robert Wilson, Jr., stayed with the vehicles as the other defendants exited the vehicles and headed to the residence of the victim.

Once the six defendants reached the residence, forced entry was made through the back door. According to statements taken during this investigation, Kendrick Tate and Billy Rodgers stayed outside the residence as lookouts.

Four of the defendants entered the residence. They were: John Bonner, Joshua Manning, Labrontae Agnew and Kwame Douglas. Once in the residence, the victim's bedroom door was force open and she was pulled from the bed. The victim states that several rounds were fired from a handgun in her bedroom. Officer's located a bullet hole in the exterior wall of the bedroom on the end wall. The size of the hole is consistent with a small caliber handgun, possibly a .22 caliber. No shell casings were found, leading investigator's to believe the weapon was a revolver.

On a separate date, Officer Wilbert Jamison located a box of .22 caliber rounds in the yard of Robert Wilson, Jr.'s residence at 106 Brookwood Drive in Gaffney.

In the statement of Billy Rodgers, he admits to entering the residence after hearing the gunshot to see if anyone had been injured. Several other defendants admit to hearing gunfire during this incident in their statements.

The victim was pulled from the bed and held in a headlock to keep her from fleeing the residence or calling the Police. As the victim attempted to escape, she was beaten about the head, face and body. *The victim's screams were heard by the two defendants located outside of the residence.*

Three of the defendants ransacked the residence in an attempt to located money and valuables as the fourth held the victim. The victim states that six thousand dollars of her personal money was taken from her purse. The victim was saving this money for a trip

PROBATION OFFICE  
 2016 AUG 26 AM 10:11  
 PROBATION OFFICE  
 1011

**SCOTT D. ROBINSON LAW FIRM, LLC**  
ATTORNEY AND COUNSELOR AT LAW

819 EAST NORTH STREET, 29601  
P.O. BOX 10042, FEDERAL STATION,  
GREENVILLE, SC 29603  
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016CP10606

July 13, 2016

Exhibits (B)

McCormick Correctional Institution  
386 Redemption Way  
McCormick, S.C. 29899  
Labrontae S. Agnew/#334342

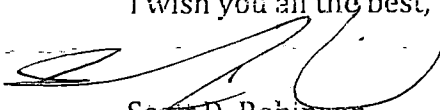
Dear Labrontae:

I hope you are doing well under the circumstances.

I have enclosed a 2<sup>nd</sup> copy of your file for you.

I originally sent you your file back on April 14, 2010 per your request of February 23, 2010. (See Enclosed) I am sending your file to you again in case it has been stolen, etc within the prison system.

I wish you all the best,

  
Scott D. Robinson

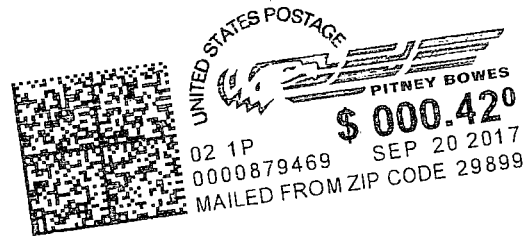
SDR/br

ENCLOSURE

RECEIVED OFFICE  
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2016 AUG 26 A 10:42  
JIMMIE ROBE  
JULY COUNTY, SC

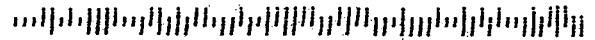


Labrontae Agnew 334342  
McCormick C.I.  
386 Redemption way  
McCormick SC, 29899



The supreme Court of South Carolina  
Daniel E Shearouse, clerk of court  
PO Box 11330  
Columbia SC, 29211

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SEP 20 2017

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