

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

OCT 02 2017

Appeal from Clarendon County

S.C. SUPREME COURT

Clifton Newman, Circuit Court Judge

GEORGE SMITH,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-000027

SUPPLEMENTAL APPENDIX

SUSAN B. HACKETT
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
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Columbia, SC 29211

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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AMENDMENT TO APPLICATION FOR POST-CONVICTION RELIEF1

LETTER FROM TRICIA BLANCHETTE TO CLARENDON COUNTY CLERK OF COURT
DATED OCTOBER 2, 20144

STATE OF SOUTH CAROLINA)
 COUNTY OF CLARENDON)
)
 George Smith, #329531,)
 Applicant,)
 v.)
 State of South Carolina,)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 THIRD JUDICIAL CIRCUIT

2012-CP-14-0392

AMENDMENT TO APPLICATION
 FOR POST CONVICTION RELIEF

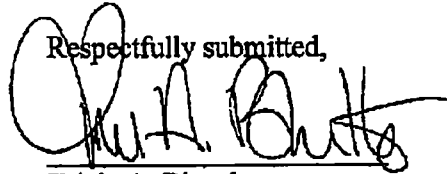
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HEULAH J. ROBERTS
 CLERK OF COURT
 CLARENDON COUNTY, SC

This matter comes before the Court pursuant to an Application for Post Conviction Relief filed on August 22, 2012, Applicant would amend his original Application by adding the following specific allegations to his original claim of ineffective assistance of trial and appellate counsel:

1. Ineffective assistance of trial counsel for failure to make a pre-trial motion and/or trial objection to the identification of Applicant.
2. Ineffective assistance of trial counsel for failure to advise Applicant of conflict of interest due to representation of Kelvin and Broaddus Black.
3. Ineffective assistance of trial counsel for failure to raise the victim's motive in bringing the instant charges due to a prior break-in allegation against Applicant.
4. Ineffective assistance of trial counsel for introducing evidence of Applicant's flight through cross-examination of Investigator Burgess.
5. Ineffective assistance of trial counsel for his comments in mitigation prior to sentencing.
6. Ineffective assistance of trial counsel for failure to object to Applicant's illegal sentence.
7. Ineffective assistance of appellate counsel for failure to obtain transcript and raise Applicant's pro-se motion to relieve counsel on appeal.
8. Pursuant to Rule 15(b), SCRCP, Applicant would move to amend to conform to the evidence and testimony presented at the evidentiary hearing.

September 4, 2014
Columbia, SC

Respectfully submitted,


Tricia A. Blanchette
Attorney for Applicant
Post Office Box 12725
Columbia, South Carolina 29211

STATE OF SOUTH CAROLINA)
 COUNTY OF CLARENDON)
 George A. Smith, #329531,)
 Applicant,)
 v.)
 State of South Carolina,)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 THIRD JUDICIAL CIRCUIT

2012-CP-14-0392


CERTIFICATE OF SERVICE

2014 SEP -5 AM 11:19

CLARENCE
 CLERK OF COURT
 CLARENDON COUNTY, SC

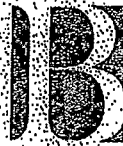
I, Tricia A. Blanchette, Attorney for Applicant, hereby certify that I placed in United States Mail this 4th day of Septebmer 2014, a copy of an Amendment to Application for Post Conviction Releif, to Daniel Gourley of the Attorney General's Office, at:

Office of the Attorney General
 Att: Daniel Gourley, Ast. AG
 P.O. Box 11549
 Columbia, SC 29211-1549



Tricia A. Blanchette
 PO Box 12725
 Columbia, SC 29211
 (803) 988-0008

September 4, 2014



LAW OFFICE OF TRICIA A. BLANCHETTE


October 2, 2014

Clarendon County Clerk of Court
ATT: Common Pleas
PO Box 136
Manning, SC 29102

RE: George Smith v. State, Case No. 2012-CP-14-392

Dear Clerk:

For filing, I have enclosed a letter that was sent to the Honorable Clifton Newman in the above referenced case. I appreciate your attention to this matter. Please contact my office if any additional information is needed.

Yours truly,

Tricia A. Blanchette
Attorney at Law

cc: Daniel Gourley, Assistant Attorney General
George Smith



LAW OFFICE OF TRICIA A. BLANCHETTE

October 2, 2014
VIA MAIL & EMAIL

Honorable Clifton Newman
Circuit Court Judge
PO Box 516
Kingstree, SC 29556

RE: George Smith v. State, Case No. 2012-CP-14-392

Dear Judge Newman:


On September 10, 2014, your Honor presided over the evidentiary hearing in the above referenced case. At the close of hearing, your Honor kindly left the record open to allow Applicant to provide an additional witness's (Uncle Levi) testimony when the PCR term was reconvened on October 2, 2014. On September 10, 2014, Uncle Levi was not present due to medical reasons. When Pete Skidmore, private investigator, went to meet with him shortly after the hearing, Uncle Levi had just been transported via ambulance due to heart problems. Since that time Mr. Skidmore nor undersigned counsel has been able to communicate with Uncle Levi or secure his presence to testify in front of your Honor.

As a result, counsel would kindly request that your Honor close the record and take the matter under advisement. Due to the open ended nature of the hearing on September 10th, counsel did not get to point out that Applicant's Amendment included the following:

- 1. Pursuant to Rule 15(b), SCRPC, Applicant would move to amend to conform to the evidence and testimony presented at the evidentiary hearing.

Pursuant to Rule 15(b), SCRPC, Applicant, through counsel, would request that your Honor's ruling include trial counsel's testimony that he did not receive adequate notice of trial but he failed to move for a continuance or bring the notice issue to the trial court's attention.

Thank you for your time and consideration in this case. Please contact my office if I anything further is needed.

Yours truly,

 Tricia A. Blanchette
 Attorney at Law

cc: Daniel Gourley, Assistant Attorney General
Clarendon County Clerk of Court
George Smith