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The Supreme Court of South Carolina

Samuel A. Wilder, Petitioner,

OCT 11 2017

v.

State of South Carolina, Respondent

S.C. SUPREME COURT

Appellate Case No. 2017-001438

The Court's remittitur will be sent as provided by Rule 221(b), SCACR, Petitioner would like this Court to reconsider these claims.

1. Was the PCR judge's reasons to recusal herself comply with the code of judicial conduct requiring a judge to disqualify himself in a proceeding in which his impartiality might be question. (Can 3 (c)(1). of the code of judicial conduct. 501, SCACR.
2. Whether Petitioner was entitle to the PCR transcript where the judge had recusal herself.
3. Whether Petitioner had a right to represent himself at the PCR hearing when the judge recusal herself.

MEMORANDUM OF LAW

Fundamental fairness entitles indigent defendant to an adequate opportunity to present their claims fairly within the adversary system. Oklohoma 470 U.S. 68, 77 (1985). This promise of an adequate opportunity vanishes if the State, with its nearly unlimited resource to investigate a PCR applicant's case at all phase of litigation. Bailey v. State 424 S.E.2d 503, 506 (S.C. 1992) has access to privileged information only because of an

applicant indigent status.

Any time criminal procedure discriminate against defendants by reasons of their indigent status, such procedures violate the guarantee of equal protection. When the indigent defendant is subjected to a process which is required of an indigent defendant and not of a non indigent defendant, the process becomes invidiously discriminatory and violative of equal protection. Ex parte Lexington County, 442 S.E.2d 589, 594 (1994).

Before the judge recusal herself, wasn't Petitioner entitled to a second PCR evidentiary hearing on the issue, whether he knowingly and intelligently waive his right to a direct appeal from his conviction.

This matter was argued in the PCR transcript that they want me to pay for, but I have no funds.

CONCLUSION

The Petitioner prays this Court would answer these questions.

Dated
October 5, 2017


Samuel A. Wilder

The Supreme Court of South Carolina

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v.

State of South Carolina, Respondent.

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ORDER

In the explanation required by Rule 243(c) of South Carolina Appellate Court Rules (SCACR), petitioner has failed to show that there is an arguable basis for asserting that the determination by the lower court was improper. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.



C.J.

FOR THE COURT
Few, J., not participating

Columbia, South Carolina

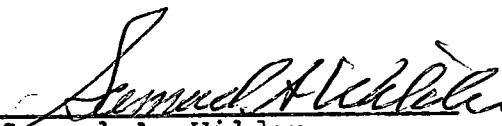
September 28, 2017

cc:

Judah N. VanSyckel, Esquire
Samuel A. Wilder, 258295

CERTIFICATE OF SERVICE

The undersigned hereby certify that he mail Reconsideration Claim to the Supreme Court of South Carolina, P.O. Box 11330, Columbia, S.C. 29211 this 5 day of October 2017 by depositing same in the U.S. mail.


Samuel A. Wilder

Samuel A. Wilder, #258295
MCCI F1-184
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McCormick, SC 29899

South Carolina Supreme Court

P.O. BOX 11330
Columbia, SC 29211

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INSPECTED OR CENSORED THIS ITEM; THEREFORE,
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY
FOR ITS CONTENTS.

INSTRUCTION CORRECTIONALINST.
SIC. DEPARTMENT OF CORRECTIONS

OCT 19 2017