

Jose Alberto Maldonado, # 312648
Kershaw Corr. Inst. MB/Room, # 63
4848 Goldmine Highway
Kershaw, South Carolina 29067

October 17th, 2017

RECEIVED

In The Supreme Court
Honorable Daniel E. Shearouse
Clerk of Court

OCT 20 2017

Post Office Box 11330
Columbia, South Carolina 29211

S.C. SUPREME COURT


Re: Jose Alberto Maldonado, # 312648 Appellate Case No. 2017-
002092 v. State of South Carolina.

Dear Daniel E. Shearouse:

Enclosed please find the **Petitioner's Time for Appeal**. In The
above captioned petition, with a Certificate of Service.

Thank you for your Valuable time in this matter, in the
reference to the above-captioned, first Post-Conviction Relief
application case. If this Original Copy file, meets your approv-
al, please, notify the opposite party with this matter, and that
you please notify me with any information above my Petition. By
a return the Petitioner self-address envelope.

Sincerely, Submitted


Jose Alberto Maldonado, # 312648
The Petitioner, pro - se

Enclosures: (1)

Attachments:(3)(A)(B), & (C)

cc:

Megan Harrigan Jameson, Esquire
Rodney Wade Richey, Esquire

The South Carolina Supreme Court

Jose Alberto Maldonado, # 312648, Petitioner,

v.

RECEIVED

The State of South Carolina, Respondent. OCT 20 2017

Appellate Case No. 2017-002092

S.C. SUPREME COURT

**The Honorable Edward W. Miller
Greenville County
Trial Court Case No. 2008CP2302140**

Petitioner's Time for Appeal

**South Carolina Kershaw Department
of Corrections**

**Jose Alberto Maldonado, # 312648
Petitioner, pro - se**

**Kershaw Correction Institution
Magnolia (B), Room, # 63
4848 Goldmine Highway
Kershaw, South Carolina 29067**

Time for Appeal

The Petitioner, Jose Alberto Maldonado, hereby Appellate Case No. 2017-002092, had been received on October 13, 2017, between the Court of Appeals.

This Honorable Court of Appeals sent an "Order" under the Rule 204(a) of the South Carolina Appellate Court Rules. Signed October 11, 2017; after Petitioner filed "Notice of Appeal", and a "Petition for Abeyance", to appeal the ("4th"), Post - Conviction Relief Action, application Case No. 2015-CP-23-04747. See: (Attachments: C-1, C-2) filed on October 4, 2017, see also, (attached: C-3)'s Certificate of Service. Therein is the proof that Petitioner timely filed his Notice of Appeal, with the Court of Appeals.

Pursuing the judgment within the Notice of Appeal, to Hon: Perry H. Gravely, judge. With the due process of Rules. Rule 203, and 208(a), (SCACR), see the (attachment: B).

Further the Petitioner after receiving the "Order" and having been made aware that the "Court of Appeals: (Citing, the Post-Conviction Relief Case#2008-CP-23-02140)" and also at the same time the Court of Appeals "sent the Order" to Megan Harrison Jameson, AG's assistant, and the "Petitioner's first; (PCR), application, attorney Rodney Wade Richey, to apealed the Hon: Edward W. Miller, Judgment[?]" See, the Order, (attachment: A).

Petitioner Respectfully ask of this Hon: Supreme Court that, release the full information pursuant of this Case No. 2008-CP-23-02140, and information as to who is going represent the Petitioner in his Petition. See, e.g., State v. Foster, 298 S.C. 306, 397 S.E.2d 907

(1989). And this Petition as follows:

At the PCR. application Case No. 2008-CP-23-02140; holding the; (attachment: A), (attachment: B), and (attachments: C-1, C-2, and C-3).

After the term on the bench had ended by Honorable Perry H. Gravely judge, that Petitioner's (4th) (PCR. Action), application from October 6, 2017, now Petitioner's questions to timely for appeal has been entered in this Honorable Supreme Court, with the Order under Rule 204(a), SCACR, and the above Case No. 2008-CP-23-02140. Holding the jurisdiction with the Court of Appeals, docket No. 2017-002092. By entered directly the Petition with this Honorable Supreme Court. When Petitioner had been timely filed the appeal. See, (attachments:C), and (attached: B), that departure of the presiding judge under the wrong case No. 2015-CP-23-04757; when the judge, had been returned to Petitioner the Applicant's Amendment of Rule 59(f), SCRCR, October 6, 2017 without the Clerk of court's clock-stamped? So now this Honorable Supreme Court has jurisdiction over the matter to Petitioner, Appellate Case No.: 2017-002092, when the 2008-CP-23-02140 has not been opened to any arguments the Petitioner PCR, application in a civil case. At the time of December 8, 2008 Applicant's hearing, because, there was no interepreter inside the Honorable Edward W. Miller's Courtroom.

Further, this Honorable Supreme Court, should be reversed and remanding the Petitioner his sentence. Upon this Petition, to the lower court in the Greenville County.

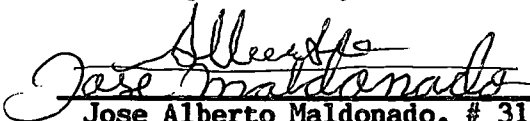
Conclusion

For the above reasons, a Petitioner enters with this Certification of Questions of law, under Rule 244(a), SCACR, when there are involved proceeding of Case No. 2015-CP-23-04747, before this Honorable Supreme Court, see at Rule 244(b), SCACR, the Court of Appeals released the Order and signed October 11, 2017, and forwarded to this Honorable Court. With that Court of Appeals Clerk of Court's file official seal.

This Honorable Court has the authority under that the Rule 244(c), SCACR. When the Petition's goes directly to the Supreme Court, by a Writ of Certiorari, should be issued to review the judgments in the Greenville County for the Thirteenth Judicial Circuit, on direction the opinion to the Court of Appeals in the South Carolina in Order to address the question presented at this time for Petitioner's appeal.

Done this 17th day of October, 2017

Respectfully Submitted



Jose Alberto Maldonado, # 312648

The Petitioner, Pro - se

Kershaw Corr. Inst. MB/Room, # 63
4848 Goldmine Highway
Kershaw, South Carolina 29067

The South Carolina Supreme Court

Jose Alberto Maldonado, # 312648, Petitioner,

v.

The State of South Carolina, Respondent.

Appellate Case No. 2017-002092

The Honorable Edward W. Miller
Greenville County
Trial Court Case No. 2008CP2302140

Certificate of Service

Undersigned Petitioner pro - se, hereby certify on today's date he mailed a copy of the Petitioner's Time for Appeal, and the Respondent, addressed as follows: AG's Office, Alan Wilson, and Megan Harrigan Jameson, Esquire, 1000 Assembly Street, P.O. Box 11459 Columbia South Carolina 29211. And the File Original Copy addressee as follows:

In The Supreme Court
Honorable Daniel E. Shearouse
Clerk of Court
Post Office Box 11330
Columbia, South Carolina 29211

Rodney Wade Richey, Esquire
Post Office Box 10916
Greenville, South Carolina 29603

Further, Petitioner said and Certify

This 17th day of October, 2017

SWORN TO and SUBSCRIBED Before Me

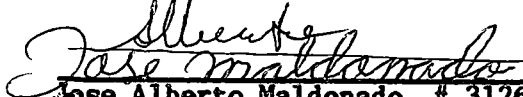
This 17th day of October, 2017

Catherine A. Amersa
Notary PUBLIC for SOUTH CAROLINA

My COMMISSION Expires: _____

~~My Commission Expires: December 22, 2018~~

Respectfully, Submitted


Jose Alberto Maldonado, # 312648
Petitioner, Pro - se
Kershaw Corr. Inst. MB/Room 63
4848 Goldmine Highway
Kershaw, South Carolina 29067

The South Carolina Court of Appeals

Jose Alberto Maldonado, #312648, Petitioner,

v.

The State of South Carolina, Respondent.

Appellate Case No. 2017-002092

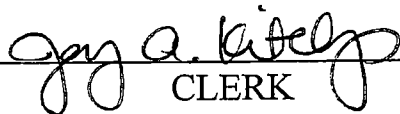
The Honorable Edward W. Miller
Greenville County
Trial Court Case No. 2008CP2302140

ORDER

This case is transferred to the Supreme Court of South Carolina pursuant to Rule 204(a) of the South Carolina Appellate Court Rules.

FOR THE COURT

BY


CLERK

Columbia, South Carolina

cc:

Jose Alberto Maldonado
Megan Harrigan Jameson, Esquire
Rodney Wade Richey, Esquire
The Honorable Daniel E. Shearouse

FILED
October 11, 2017

(Attachment: A)

File: OCT 17 2017



State of South Carolina
The Circuit Court of the Thirteenth Judicial Circuit

Perry H. Gravely
Judge

Post Office Box 219
Pickens, SC 29671

October 6, 2017

Via U.S. Mail

Mr. Jose Alberto Maldonado, #312648
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, SC 29067

Re: Applicant's Amendment of Rule 59(f), SCRPC and Post-Conviction Relief Action

Dear Mr. Maldonado:

The Court has received your September 15, 2017, Motion to Alter or Amend this Court's September 1, 2017, Order denying your previous Motion to Alter or Amend Judgment dismissing your Post-Conviction Relief claim, filed August 14, 2017. Court Rules do not allow a party to file a Rule 59 Motion for an Order denying a previous Rule 59 Order. Therefore, the Court cannot accept nor consider your repeat filing at this time, and your Motion with all attachments are being returned at this time.

Sincerely,


Perry H. Gravely
Judge

Enclosure: As stated

cc: Greenville County Clerk of Court

(Attachment: B)

File: OCT 17 2017

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Perry H. Gravely, Circuit Judge

Case No. 2015-CP-23-04747

JOSE ALBERTO MALDONADO, # 312648, Pro - Se,
APPELLANT,

V.

STATE OF SOUTH CAROLINA,
RESPONDENT.

NOTICE OF APPEAL

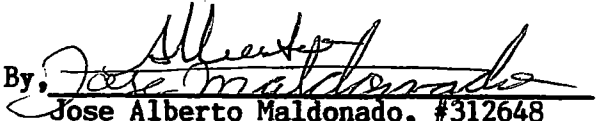
Jose Alberto Maldonado, appeal his Post-Conviction Relief Action, application in this Case No. 2015-CP-23-04747. The sentence was imposed by the Alexander S. Macaulay, judge on April 10, 2007. This appeal is taken from the Order of the Honorable Perry H. Gravely presiding Judge - 13th, Judicial Circuit, dated signed August 24, 2017 entered in the Clerk of Court on September 1, 2017. Appellant received written notice of entry of this Order on Sept. 8th, 2017. Addressee as follows:

SC. Attorney General's Office
Alan Wilson,
Assistant Attorney General
J. Glayton Mitchell

1000 Assembly Street
Post Office Box 11459
Columbia, South Carolina 29211

(Attachments: C-1)
File: OCT 17 2017

Respectfully, Submitted

By, 
Jose Alberto Maldonado, #312648
Appellant, Pro - Se,

Kershaw Corr. Inst. MB/Room, #63
4848 Goldmine Highway
Kershaw, South Carolina 29067

OCT 04 2017

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Honorable Perry H. Gravely, Circuit Judge

Case No. 2015-CP-23-04747

JOSE ALBERTO MALDONADO, Pro - Se, # 312648,
APPELLANT,

V.

STATE OF SOUTH CAROLINA,
RESPONDENT.

PETITION FOR ABEYANCE

South Carolina Attorney General
Alan Wilson

1000 Assembly Street
Post Office Box 11459
Columbia, South Carolina 29211

(Attachment: C-2)

File: OCT 17 2017

South Carolina Kershaw Department
Of Corrections

Jose Alberto Maldonado, # 321648
Appellant, Pro - Se

Kershaw Correction Institution
Magnolia (B), Room, # 63
4848 Goldmine Highway
Kershaw South Carolina 29067

OCT 04 2017

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Perry H. Gravely, Circuit Judge

Case No. 2015-CP-23-04747

JOSE ALBERTO MALDONADO, # 312648, Pro - Se,
APPELLANT,

v.

STATE OF SOUTH CAROLINA,
(Attachment: C-3) RESPONDENT.

File: OCT 17 2017

CERTIFICATE OF SERVICE

Undersigned Appellant pro - se, hereby certify on today's date he mailed a copy of the PETITION FOR ABEYANCE, and also the NOTICE OF APPEAL. To Respondent, addressed as follows: AG's Office Alan Wilson, 1000 Assembly Street, P.O. Box 11459 Columbia South Carolina 29211. And the File Original two Copies as follows:

The Honorable Jenny Kitchings
Clerk of Court, S.C. Court of Appeals

Post Office Box 11629
Columbia, South Carolina 29211

Honorable Paul B. Wikensimer
Clerk of Court

305 East North Street
Greenville, South Carolina 29601

Further, Appellant said and Certify
This 14 day of October, 2017.

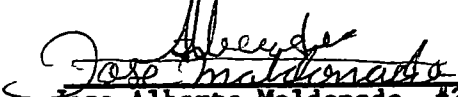
SWORN TO and SUBSCRIBED Before Me

This 14 day of October, 2017

Notary PUBLIC for SOUTH CAROLINA

My COMMISSION Expires: Jan 27, 2025

Respectfull, Submitted


Jose Alberto Maldonado, #312648
Appellant, Pro - Se,
Kershaw Corr. Inst. MB/Room, # 63
4848 Goldmine Highway
Kershaw, South Carolina 29067