

CODE OF LAWS
SOUTH CAROLINA 1976

COURT RULES
2017 EDITION

RULE 243. CERTIORARI TO REVIEW
POST CONVICTION RELIEF ACTIONS
(K) BAIL PENDING APPELLATE REVIEW

A post-conviction relief applicant may be admitted to bail after the service of the notice of appeal by either the applicant or the State. Where the sentence originally imposed did not exceed imprisonment for ten (10) years, the petition for bail shall be made to the lower court. In all other cases, the petition for bail shall be made to the Supreme Court. The petition and any return or reply shall comply with the requirements of Rule 240. The Authority to grant bail will be exercised with caution and only in exceptional cases. In deciding whether to exercise the discretionary authority to admit an applicant to bail, the following factors will be considered: the probability the applicant will prevail on appellate review and the nature of the relief he or she will receive; the seriousness of the criminal offense committed; the danger the applicant may pose to the community if he or she is released; the likelihood the applicant may flee if released; the character and circumstances of the applicant. If bail is granted, the court may require the posting of a bond and impose other conditions & party aggrieved by the decision of the lower court regarding bail may petition the Supreme Court for review of the decision.

RECEIVED

OCT 30 2017

S.C. SUPREME COURT

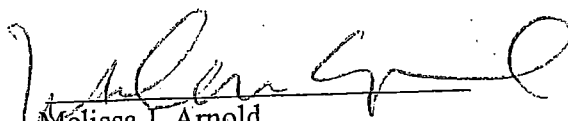
**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
RESPONSE TO INMATE CORRESPONDENCE**

TO: Inmate Billy Joey Griggs
SCDC #: 124983
INSTITUTION: Darlington County Prison Camp
FROM: Melissa J. Arnold, Staff Attorney
DATE: May 4, 2017
RE: Inmate Correspondence

Dear Mr. Griggs:

The Office of General Counsel received your letter regarding your sentence calculation. You are currently serving 13 years for Possession with Intent to Distribute (PWID) Lorcet, 3rd offense. PWID Lorcet is a Class A felony pursuant to S.C. Code 16-1-90(A). Therefore, it is a "no parole" offense. The only time PWID is parole eligible is when, per the language of S.C. Code 44-53-370(b)(2), all prior offenses were for simple possession under 44-53-370 subsections (c) and (d). In 1984, you were convicted of Trafficking in Cocaine and in 1981, you were convicted of PWID Quaaludes. Therefore, you are required to serve 85% of your sentence.

Sincerely,


Melissa J. Arnold
Staff Attorney
Office of General Counsel

MY CLASSIFICATION FROM 65% TO 85% AND
PAROLE ELIGIBLE CHANGE A FEW TIMES SINCE I HAVE BEEN
INCARCERATED

The State of South Carolina



OFFICE OF SOLICITOR
Twelfth Judicial Circuit
City-County Complex, Room 1101
180 North Irby Street, MSC-Q
Florence, South Carolina 29501

Telephone (843) 665-3091
Fax (843) 669-3947
solicitor@florenceco.org

E.L. Clements, III
Solicitor

August 9, 2017

Re: Expungement

Dear Mr. Griggs:

This letter is in response to your request for expungement. The charges in Florence County that you refer to in your letter were not dismissed; you pled guilty to all and got 10 years to run concurrent. They are not eligible for expungement per South Carolina law.

You have several things on your record from charges from Chesterfield County that were dismissed, but you would need to contact them about doing an expungement. I only deal with Florence and Marion County.

Candy H. Rogers

Candy H. Rogers
Director of Expungement
12th Circuit Solicitors Office

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

G. THOMAS, COOPER, JR., Circuit Court Judge

Appellate Case No.: 2017-001350

Billy Joe Griggs, Petitioner,

vs.

State of South Carolina, Respondent,

PETITION FOR BAIL PENDING
APPELLATE REVIEW

JOHNNY JAMES, Esq.
Assistant Attorney General
P.O. Box 11549
Columbia, S.C. 29211
Attorney for Respondent

Billy Joe Griggs
SCDC#124983
Appellant
200 CAMP ROAD

Darlington, SC
29532
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OCT 30 2017

S.C. SUPREME COURT

Factor # 1

The Probability that applicant will prevail on Appellate Review and the nature of the relief he or she will receive.

1) In my original Trial Transcripts in the Colloguy Page 10-15, you can see I was being offered 3 years 1st offense. I clearly did not understand the enhancement process. It is clear Judge Newman was also not sure if he could enhance to third offense. It finally come down to my Attorney Joyner who convinced Judge Newman he could enhance. Attorney Joyner disregarded § 44-53-470, A3 and went to the wrong law § 44-53-370.

On Page 258 in my PCR Dismissal it states I was indicted during the November 2013 Term the same term as my Trial. I pleaded with my Attorney Joyner for a continuance so I could clearly understand this enhancement process. He stated the Solicitor would not give me a continuance.

I was not the only one confused for my first 2½ years of my Incarceration the Parole Board had a Parole Date set for me July 2016. I was notified 1 month before my Parole Date I was not eligible for Parole. Attorney Joyner did inform me I would not be Parole eligible but ^{when I first went through RTE they gave me a Parole Date} 2) My letter I received from SDC General Counsel. After their Investigation of my Prior Drug Record These are the two prior offenses they came up with to make me do 85% and not Parole eligible.

3) Letter from 12 Judicial Circuit stating Chesterfield County has several things on my record that were dismissed. I have wrote Chesterfield County Solicitor office about these charges with no response, I have only had 4 drug charges beside some

MARIJUANA CHARGES. ^{Att. Geo.} In the statement of fact pages 2 and 4 are the same charge the PWID was reduced to Poss and I was sentence to 4 months

- 1st offense 1981 UNLAW full Drugs Chesterfield County (18 months)
- 1st offense 1984 Traffick Cocaine Florence County (10 years)
- 1st offense 1991 DWID Cocaine reduced to simple Poss. (4 months)
- Enhanced to 3rd offense 2013 DWID Prescription Medicines (13 years)

I HAVE NEVER BEEN CHARGED 2nd OFFENSE
I HAVE NEVER BEEN CONVICTED FOR 2nd OFFENSE

4) The Reason I took this case to trial I felt like the Confidential Informant Entrapped me. I was also told by Attorney Joyner that

when I went to court in 2012 for DUS 3rd that if I pled Guilty to DUS 3rd I would be sentenced to 30 Days. My PWID 1st offense would be dismissed. At that same term of court 2012 alot of the other 25 defendants that were caught in this Prescription Medicine Drug Sting case were getting their charges handled with Drug Court, Probation and fines so naturally I believed my Attorney. When it was time for Attorney Joyner to put up a Defense he came to me and said that the Pills in Evidence are a different color than the Pills on the Video and all he wanted to do was use this in his closing Arguement and did not want to put up a Defense.

At this time I was under the influence of my Prescription Medicine AND Alcohol AND WAS NOT THINKING CLEARLY. My Attorney WAS AWARE OF THIS COLOR ISSUE FOR A WHILE BUT FAILED TO INFORM ME UNTIL IT WAS TIME FOR HIM TO PUT UP A DEFENSE. WITH THIS COLOR ISSUE IN QUESTION MY ATTORNEY FAILED TO CROSS EXAMINE THE INFORMANT OR THE SLED ANALYST ABOUT THE COLOR OF THE PILLS ON VIDEO. HE ALSO BYPASSED THE CHAIN-OF-CUSTODY ON THE EVIDENCE. I FEEL JUDGE COOPER ERRED IN HIS JUDGEMENT ABOUT INEFFECTIVE ASSISTANCE OF COUNSEL. I FEEL THE FOLLOWING REASONS WHY ATTORNEY JOYNER WAS INEFFECTIVE COUNSEL.

- 1) HE DID NOT HAVE CLEAR KNOWLEDGE OF LAW §44-53-470 ABOUT THE ENHANCEMENT PROCESS.
 - 2) HE FAILED TO ASK JUDGE FOR A CONTINUANCE TO BETTER DEFENDANTS KNOWLEDGE.
 - 3) HE DID NOT CROSS-EXAMINE THE SLED ANALYST OR INFORMANT ABOUT COLOR OF PILLS AND HE BYPASSED CHAIN OF CUSTODY ON EVIDENCE.
 - 4) HE DID NOT ATTEMPT TO PUT UP A MEANINGFUL DEFENSE.
 - 5) HE DID NOT INVESTIGATE OLD PRIOR DRUG CHARGES ON DEFENDANT.
 - 6) HE DID NOT REQUEST A RECONSIDERATION OF SENTENCE LIKE HIS CLIENT ASKED HIM TO DO.
- SCDC IS ALSO CONFUSED ABOUT MY OLD PRIOR DRUG CONVICTIONS I HAVE BEEN SWITCHED BACK AND FORTH FROM 65% TO 85% SEVERAL TIMES

Factor #2

The Seriousness of the Criminal Offense Committed.

I AM NOW TOTALLY AWARE Epidemic of Prescription medicine in this Country. Even though I do not agree that the Pills the Sled Analyst tested were the same Pills on the Video. I do admit I did sell (my so-called friend) the Informant some Pills. BE if it was IBU-Propen 600mgs, or Boot-Leg Loricefs I did sell the Informant some medicine and I should BE punished for that. The Sled Analyst (Willie Smith) testified he tested 7 pills around \$50 dollars street value (Page 87) or Page 69 in trial transcripts. I just feel this is cruel and unusual punishment for a defendant to have to spend 11 years in prison for selling \$50 Dollar worth of medicine (for Pain), mostly when his last Drug offense was close to 25 years earlier

Factor #3

The DANGER the Applicant may pose to the community if he or she is released.

I pose no Danger to the community. I was on a PR Bond when I was charged with this crime. My family is well known in Chesterfield County. My 86 year old father owns and operates the Patrick General Store in Chesterfield County. The store is on #1 Hwy. in Patrick and I live in my grandmother's old house right behind the store. Right now I am incarcerated at Darlington Co. Prison Farm. It is a work-camp and I work at Darlington Co. EMS and Magistrate Office in Darlington. I have been out in the community for the past 9 months.

Factor #4

The likelihood the Applicant may flee if released
I am 56 years old. I own my own house and property and all my family is from Chesterfield Co. Like I said I was originally on a PR Bond, my family is well known in Chesterfield Co. Right now I work at the EMS and Magistrate Office with no restriction and no supervision if I had any ideas of fleeing I could have done that 9 months ago, I am too old to flee.

Factor # 5

The Character and Circumstances of Applicant

I feel like I AM of Good Character. I guess you would have to get in touch with the People I work for to find out more. I work for Magistrate Judge Curtis and Darlington Co. EMS. From what I know they like my work ethics and think I AM of Good Character.

As far as my circumstances go I AM having a lot of Problem that is the MAIN REASON I AM Petitioning the Supreme Court to Grant me Bond.

My Father is 86 years old. His sister died around 5 years ago with Alzheimers. I can tell my father's memory is fading. I pray everyday for him. I just need to spend some Quality Time with him before its too late. My common-law wife's health is real bad. We both have been diagnosed with Hep-C by CARE-South Society Hill SC. They are willing to treat us but I AM having a hard time getting treated while incarcerated. Due to transportation and security reasons, my wife has also having some trouble with a mammogram and could possibly have Breast Cancer. I have 2 Daughters and 2 Grandchildren that I have completely lost contact with from a previous relationship.

FINAL PLEA

I HAVE NO PROBLEM WITH A HIGH BOND OR WHAT CONDITIONS. HOUSE ARREST WOULD NOT BE A PROBLEM MY HOUSE IS RIGHT BEHIND MY FATHER STORE AND I WOULD BE ABLE TO HELP HIM.

I HAVE BEEN INCARCERATED FOR 4 YEARS WITH NO WRITE-UPS. I STARTED AT A LEVEL 3 AND HAVE WORKED MY WAY UP TO A LEVEL I. I NO LONGER HAVE ANY DRUG OR ALCOHOL PROBLEMS - I HAVE ATTENDED ALL TYPES OF PROGRAMS AND ATTEND CHURCH REGULARLY PLEASE SHOW SOME COMPASSION AND GIVE ME A CHANCE TO RE-CONNECT WITH MY FAMILY EVEN IF IT IS JUST FOR A SHORT TIME. PLEASE GRANT MY PETITION FOR A BOND ON MY WRIT OF CERTIORARI WHILE PENDING APPELLATE REVIEW.

THE STATE OF SOUTH CAROLINA
IN THE Supreme Court

APPEAL FROM CHESTERFIELD
COUNTY

Court OF Common PLEAS

G. THOMAS, COOPER, JR. Circuit Court Judge

APPELLATE CASE No: 2017-001350

Billy Joe Griggs, Petitioner,

VS.

State of South Carolina, Respondent

PETITION FOR BAIL PENDING

APPELLATE REVIEW

CERTIFICATE OF SERVICE

October 26, 2017

I, Billy Joe Griggs, I mailed Petition to Attorney General's Office
Johnny Ellis James, JR Esq
Attorney General Office
P.O. Box 11549
Columbia S.C. 29211-1549

Billy Joe Griggs
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SCDC #124983
200 CAMP ROAD
DARLINGTON CO. PRISON FARM