

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

October 25th, 2017

RECEIVED

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

OCT 30 2017

Post Office Box 11330
Columbia, South Carolina 29211

S.C. SUPREME COURT

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

Dear Clerk, Danil E. Shearouse:

I am in receipt of your October 20, 2017 correspondence, in the above - captioned Appellate Case Number 2017-002092. That you received it from the South Carolina Court of Appeals, and that the "Notice of Appeals" has been transferred.

Please Note: This Honorable Clerk of Court acknowledge's the lower courts filing of the wrong case number (2015-CP-23-04757), yet does not acknowledge the same number and issue is actually a major contentation and complaint within the "Petitioner's Petition." Pursuant to his next due process under the Rule 243(c), SCACR.

Please note the following is the Petitioner's "Lower Court Case No. 2015-CP-23-04747 (4th PCR. Action, ORIGINAL CASE NUMBER) That the Petitioner would be citing; in his "cover sheet of the PETITION FOR WRIT OF CERTIORARI TO REVIEW AN ALTERNATIVE PETITION FOR STATE HABEAS CORPUS POST CONVICTION RELIEF ACTION," also please note the Petitioner's "cover sheet" of this correspondence and see the Petitioner's (4th) (PCR. Action), application, records of proof, "with-in the actual ORIGINAL NUMBER," that the Clerk of Court docket on July 31, 2015." See: (Attachments: "E-I, E-II, E-III, & E-IV."). Hereinafter, entered those records, with this Honorable Supreme Court.

With-in this correspondent, the Petitioner, ask of this Honorable Clerk, that upon meeting with your approval; please clock-stamp my Petition for WRIT OF CERTIORARI, with the (4th PCR. Action's ORIGINAL CASE NUMBER).

However, If you "can not approve Clock - stamping the Original Case Number. Humbly request you please direct the Clerk of

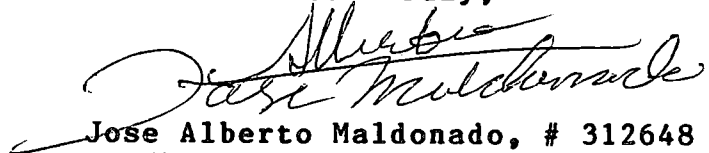
Court from Greenville County to release the Original Filing, Clock - Stamped, which is actually "Petitioner's (case No. 2015-CP-23-04757), matching the (Attachments: "E") below this information. Petitioner, Pray to this Hon: Court to granting him 10 more days after this Clerk of Court release any information, and the Petitioner pursuit, the action under Rule 243(c), SCACR. had been received on Oct. 25, 2017.

Thank You For Your Valuable Time and Assistance
With This Matter.

And Also, I looking Forward to hearing from
This Honorable Court sooner, concerning the content
of this information.

With Kind Reads:

Your Truly,


Jose Alberto Maldonado, # 312648
The Petitioner, Pro - Se.

cc:

SC. Attorney General's Office
By Megan H. Jemeson, Esquire

RECEIVED

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

OCT 30 2017

S.C. SUPREME COURT

Appeal From The Greenville County
Perry H. Gravely, Circuit Court Judge

Appellate Case No. 2017-002092
Lower Court Case No. 2015-CP-23-04747
(4th PCR. Act. ORIGINAL CASE NUMBER)

Jose Alberto Maldonado, # 312648, Petitioner,

v.

The State of South Carolina, Respondent.

PETITION FOR WRIT OF CERTIORARI
TO REVIEW AN ALTERNATIVE PETITION FOR STATE
HABEAS CORPUS POST CONVICTION RELIEF ACTION

South Carolina
Department of Corrections

Jose Alberto Maldonado, # 312648
Petitioner, Pro - Se

Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, South Carolina 29067

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

OCT 30 2017

Appeal From The Greenville County
Perry H. Gravely, Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2017-002092
Lower Court Case No. 2015-CP-23-04747
(4th PCR. Act. ORIGINAL CASE NUMBER)

JOSE ALBERTO MALDONADO, # 312648, PETITIONER,

v.

THE STATE OF SOUTH CAROLINA, RESPONDENT.

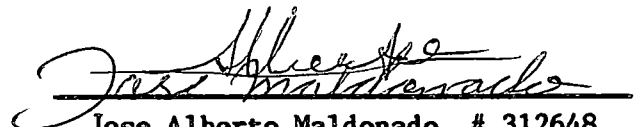
CERTIFICATE OF SERVICE

Undersigned Jose A. Maldonado hereby certifies that on today's date he mailed the Cover Sheet's PETITION FOR WRIT OF CERTIORARI TO REVIEW AN ALTERNATIVE PETITION FOR STATE HABEAS CORPUS CONVICTION RELIEF, with-in a CORRESPONDENCE INFORMATION, ABOVE-CAPTIONED ORIGINAL CASE NUMBER 2015-CP-23-04747. And also the (attachements: "E") to Respondent, addressed as follows: Megan Harrison Jameson, Esquire, 1000 Assembly Street, P.O. Box 11459 Columbia, South Carolina. And the Original Copy addressed To:

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

Post Office Box 11330
Columbia, South Carolina 29211
Furth

Respectfully, Submitted


Jose Alberto Maldonado, # 312648
Kershaw Corr. Inst. MB/Room, # 63

Further, Petitioner said and Certify,

4848 Goldmine Highway
Kershaw, South Carolina 29067

This 25th day of October, 2017



Office of the Clerk of Court

Paul B. Wickensimer
Clerk of Court for Greenville County
Greenville, South Carolina

www.greenvillecounty.org

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER
2015 JUL 31 PM 2 49

(Attachment: "E-I")

MAR 29 2017 MAR 29 2017
(doc. 5)

JULY 31, 2015

JOSE ALBERTO MALDONADO 312648
KERSHAW CORRECTIONAL INSTITUTE
4848 GOLDMINE HWY
KERSHAW SC 29067

Refiled on: AUG 01 2017
(4th PCR Act. Doc 6)

MR. MALDONADO,

ENCLOSED YOU WILL FIND A COPY OF YOUR POST CONVICTION
RELIEF APPLICATION. YOUR CIVIL CASE NUMBER IS
2015CP2304747

A COPY OF YOUR PCR HAS BEEN FORWARDED TO THE
ATTORNEY GENERAL'S OFFICE.

ONCE IT IS DETERMINED THAT A HEARING SHALL BE
SCHEDULED, YOU PROCESS FOR ATTORNEY ASSIGNMENT WILL
BEGIN. THIS MAY TAKE SEVERAL MONTHS.

WE ONLY FILE THE PCR APPLICATIONS. WE DO NOT SET COURT
DATES NOR ARE WE ABLE TO ANSWER QUESTIONS CONCERNING
YOUR CASE.

THANK YOU
CLERK OF COURT'S OFFICE

(Attached: (2))

STATE OF SOUTH CAROLINA)
)
County of Greenville)
)
Jose Alberto Maldonado,)
)
Full name and prison number (if any) of Applicant)
)
Applicant,)
)
v.)

State of South Carolina,)
)
Respondent.)

Retried on: AUG 01 2017
(HM PCR. Doc. 6) (4th)

IN THE COURT OF COMMON PLEAS

(Attachment: "E-II")

MAR 29 2017

(Doc. 5)

APPLICATION FOR

POST-CONVICTION RELIEF

2015-CP-23-0477

FILED-CI
GREENVILLE CO. S.C.
PAUL B. WICKER
CLERK
2015 JUL 31 PM 2 49

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Greenville County Detention Center,
20 McGee Street Greenville South Carolina.
2. Name and location of Court which imposed sentence Greenville County Court-
house 305 East North Street Suite 325 Greenville SC. 29601
3. Name(s) of co-defendant(s) (if any) Mrs. Lisa Lavern Ramirez, Mr. John Nelson
Turner, See, others at the C/A#: 05-GS-47-0026, Unknow Co-Defendant(s).
4. The indictment number or numbers (if known) upon which and the offenses for which
sentence was imposed: 2005-GS-47-0026/2003-GS-23-45-0047/03-GS-23-45-0045
(a) Count I, Direct Indictment/28-100 grams, 2nd offense, (7-30 years), & (IV)
(b) At the Sentencing Sheet; The Dec. 13, 2005 Indictment, have count (Two).

(Attached: (3))

MAR 29 2017

(Attachment: E-III)

IN THE COURT OF COMMON PLEAS
FOR THE 13TH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

Jose Alberto Maldonado, #312648,)

Applicant, Pro se,)

AUG 01 2017)

Refiled on:)

v.)

(4th PCR Act. Doc. 6))

State of South Carolina,)

Respondent.)

Case No. 2015-CP-23-047-57

MAR 29 2017

(doc. 5)

AMENDMENT TO POST CONVICTION
RELIEF APPLICATION
(4TH PCR ACTION)

(Rule 15(a)(b), SCRCP)

(4757)

FILED
GREENVILLE CO. S.C.
COURT
PAULA WICKENSIMMER
JAN 5 PM 2 20

The Applicant hereby amends answers to number [4 through 19] of his Application for Post-Conviction Relief Action, to state the following:

1. The indictment C/A#:2005-GS-47-0026, upon which the offenses for which sentences was imposed, therein's in violation of 5th, 6th and 14th Amendments to the United States Constitution, and the S.C. Article I, §§ 11, 14; art. V, § 22. That grounds to Applicant's allegations are being held in custody unlawful. Setting this claims an evidentiary hearing. Under Arnold v. State, 309 S.C. 157, 160, 420 S.E.2d 834, 842 (1992);

2. [Ground 4(a)]. The indictment numbers upon which the sentences was imposed, violated the S.C. And U.S. Constitution;

The prosecutor's broadening the charges to include conduct within the "State Grand Jury." (Fn.1) Did not incorporate in "original indictments". Violates the S.C. Const. Art. I, § 11; art. V, § 22, and the United States Constitution. Holdings, the Applicant's C/A#:2005-GS-47-0026/2003-SG-23-45-0047/03-GS-23-45-0045. And U.S.C.A. Const. Amends. 5th, 6th, and 14th. Set this grounds to Applicant's INITIAL BRIEF, ALTERNATIVE PETITION FOR STATE HABEAS CORPUS. At: (Pp. 14, and 15. Argument III. Doc.2). Because, a "Superseding

1. See, S.C. Code Ann. § 17-27-45(C): McCoy v. State, 401 S.C. 363, 370, 737 S.E.2d 623, 627 (2013); State v. Douglas, 411 S.C. 307, 316, 768 S.E.2d 232, 244 (SC. App. 2014); Hendrick v. State, 387 S.C. 221, 692 S.E.2d 892 (2010).

(Attached: (4))

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
FOR THE 13TH JUDICIAL CIRCUIT

Jose Alberto Maldonado, #312648,)
Applicant, Pro-Se,)

Case No. 2015-CP-23-04747

v.)

AMENDMENT TO POST CONVICTION
RELIEF APPLICATION
4th PCR. ACTION

State of South Carolina,)
Respondent.)

CERTIFICATE OF SERVICE

217 JAN 25 21
WICKENSIMER
COURT

I, Jose Alberto Maldonado, #312648, the above - stated Applicant, do under oath and penalty of perjury certify that I have serve a copy of the AMENDMENT TO POST CONVICTION RELIEF APPLICATION (4th PCR. Act.) with a SUMMONS within two separate files have been attached. Upon the below listed of parties:

The Honorable Paul B. Wickensimer
Clerk of Court
305 E. North Street, Suite #325
Greenville, South Carolina 29601

(SC) Attorney General's Office
Alan Wilson/Karen Ratigan
P.O. Box 11549
Columbia, South Carolina 29211

Respectfully Submitted

Further, Applicant Said and Notarized

This 10th day of January, 2017. Jose Maldonado
Jose Alberto Maldonado, #312648
Applicant Pro - Se

SWORN TO and SUBSCRIBED Before Me

This 10th day of January 2017.

Cathrine A. Amador
Notary Public For South Carolina

Kershaw Corr. Inst. MB/Room, #59
4848 Goldmine Highway
Kershaw, South Carolina

File: (4th PCR. Act. Doc.3)

My Commission Expires: _____

My Commission Expires December 28, 2017

(Attachment: E-IV)
File on: 9-13-2017
(4th PCR. Act. Doc. 7)

LEGAL