

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Certiorari to Pickens County

Honorable Letitia H. Verdin, Circuit Court Judge

RECEIVED

NOV 28 2017

SC Court of Appeals

TAVISH DOMINIQUE YEARGIN,

PETITIONER,

v.

THE STATE,

RESPONDENT

APPELLATE CASE NO 2017-001324

SUPPLEMENTAL
APPENDIX

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South Carolina Commission on Indigent
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ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA 2017 FEB 10 PM 3:41
 IN THE COURT OF COMMON PLEAS
 COUNTY OF PICKENS CLERK OF COURT
 PICKENS COUNTY THIRTEENTH JUDICIAL CIRCUIT
 SOUTH CAROLINA

Tashish D. Yeargin #317173 }
 Plaintiff. }
 Vs. }
 STATE OF SOUTH CAROLINA }
 Respondent. }

RULE 71.1 POST-CONVICTION RELIEF ACTIONS

Now comes into this court Tashish Dominique Yeargin #317173. (herein - after Plaintiff) and appearing through representation of Counsel under the Procedure for Post-conviction relief as provided by the Uniform Post-Conviction Act (Act), S.C. Code Ann. §§ 17-27-10 to - 120 (1985). The South Carolina Rules of Civil Procedure shall apply to the extent that they are not inconsistent with the Act.

(d) Appointment of Counsel for hearing. After the state has filed its return, the application presents questions of law or fact which will require a hearing, the court shall promptly appoint counsel to assist the applicant if he is indigent. insure that all available grounds for relief are included in the application and shall amend the application if necessary.

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STATEMENT OF THE CASE

Applicant Tavish Yeargin was illegally indicted by a Pickens County improper Grand Jury for murder and Grand Larceny. On November 18-20, 2003, a jury trial was held before the Honorable Robin B. Stilwell on the charges against Yeargin.

Williams and Utsey was subpoenaed by the state and testified for the state at Yeargin's trial. Yeargin was convicted on both counts and sentenced to 60 years on the murder count. Williams and Utsey pled guilty to involuntary manslaughter after testifying against Yeargin. Yeargin Appeal

WAS TRIAL COUNSEL INEFFECTIVE FOR FAILURE TO REQUEST
FOR IMPANELING DOCUMENTS THAT SUPPORTED EVIDENCE
OF GRAND JURY CONVICTION FOR PROCUREMENT RELATED
TO IMPROPER INDICTMENT?

The Respondent's agrees that the Grand Jury had the power to hand down an indictment on said month, day, year. That date must be included in computing the 18 month life of the grand jury as understood in S.C. Code Ann. § 14-7-151A. U.S.C.A. Const. Amend. 5.

Applicant believes he was not lawfully indicted for offense murder in warrant number ~~M521460~~, ~~M521461~~. which the state submitted no evidence to Grand Jury for murder.

To the merit of this issue, the Applicant points to deficiency by Defense DeJohn did not at any time investigate / or made no effort to secure information upon this matter, where Defense Counsel abandoned his duty to protect Applicant rights for not employ investigator to find out if any physical evidence or biological material presented to say that Grand Jury agreed with decision, good law - Ex Parte V. State, 272 S.C. 373, 252 S.E.2d 126 S.C. (1979).

Prejudice Presume due to Counsel's representation fell below the standards of reasonable objectively unreasonable. U.S.C.A. Const. Amends. 5, 6

WAS DEFENSE COUNSEL INEFFECTIVE IN RELATED TO THE
 APPLICANT RIGHTS TO CHALLENGE THE AFFIDAVIT
 FOR ARREST, SEARCH AND SEIZURE?

The Applicant was thereby deprived life, liberty on September 22nd, 2011 By Detective Cory Burton, Asheville, North Carolina, Detective Benjamin Dow and others LAW ENFORCEMENT AGENCIES FOR Alleged Fact set forth in Arrest warrant and Application For search warrant at the Sleep Inn, Room 222, Asheville, North Carolina.

The AFFIDAVIT to Arrest warrant # M521460 reads On September 17th, 2011 The defendant Tavish Dominick Yeargin did with malice aforethought, Kill Victim Sean Timothy Dinneon.

Application For search warrant lists the Facts to Establish Probable Cause shows on September 17, 2011 Mr. Sean Timothy Dinneon was shot and killed in Pickens, SC. Mr. Dinneon was killed with a .22 handgun. Page 2 in the continuation of a search warrant Application in the matter of: Tavish Dominick Yeargin

ITEMS TO BE SEIZED (1) Any handgun capable of firing a .22 caliber bullet (2) Any items identifiable as belonging to Sean or referent to the individual (3) Any belong to a Pontiac Grand Prix (4) Any blood spatter, blood smudges, or other trace evidence on the Ford Mustang (5) Any clothing items that would be identifiable as matching those worn by the Suspect the evening of the homicide. See Exhibit's NO.

Const. Art. 1 § 10; U.S.C.A. Const. Amend. 4.

WAS TRIAL COUNSEL INEFFECTIVE FOR FAILING TO
ASKS THE TRIAL COURT TO POLL THE JURY
INDIVIDUALLY BY NAME TO DETERMINE
WHETHER THIS THEIR VERDICT?

The Applicant Point to the Fact that was improper by the Clerk, in a Procedure that's fundamentally UnFair. The Clerk read Verbatim in the record, Case Number 2011-GS-39-2148; 2149. We the Jury impaneled Sworn to be try this issue in the above-entitled cases enter the following unanimous verdict to the charge of Murder. We the Jury Find the Defendant, MY MR. Tavish Yeargin, guilty.

Is this is your verdict and still your verdict?
 So say you all by raising your right hand. Tr. 608
 Ln. 24-25. Tr. 609 Ln. 1-13.

Applicant was prejudice, and denied effective ~~Assistance~~ counsel as Guadrantee's under the Sixth Amendment. It A Fact all Jury members did not raised hand. At the Trial court was Bias in permitting. Citing- SINCOX V. UNITED STATES, 571 F.2d 876 (CAS 1978).

DID THE CIRCUIT COURT ERR, IN THE ABUSE OF
AUTHORITY WHERE APPLICANT SENTENCE OR CONVICTION
EXCEEDS THE MAXIMUM AUTHORIZED BY LAW?

A Petition for Applicant guilty of the
Crime of MURDER on November 20th, 2013. The
Honorable Judge A. Stillwell Sentence the Applicant
to a Period of 60 Years, to be served in the
State Penitentiary. Tr. 615 Ln. 1-13.

It was Counsel De John ineffectiveness for
not objecting to a sentence that outside the
Scope of the Law in S.C. Code Ann. §16-3-10.
Under this Section, the Legislature set forth
guidelines ~~be~~ thirty years to life. Applicant
Sentence is obviously in violation of State
and the United States Constitution. Const. Art.
1 § 15; U.S.C.A. Const. Amend. 8.
The Applicant is Challenging his Conviction and Sentence
§ 17-29-20. Person may institute proceeding: exclus-
iveness.

Appellate Counsel was ineffective for failing to brief
issue trial Abuse of Authority. Martinez v. Ryan, 132 S.Ct. 1318.
1

FEB 10 PM 3 42
CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

Tavish D. Yeargin #317173

Defendant

vs.

STATE OF SOUTH CAROLINA

Respondent

FEB 10 PM 3 42
CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

"CONCLUSION"

Wherefore, The defendant, Tavish D. Yeargin #317173, comes now and moves this Honorable Court of General sessions with this motion to be relieved from judgment in Pursuant to the SCRPC, Rule #60(b), (3), & (4). The defendant prays for following reliefs to be granted if the Courts find favor in this motion. The defendant would request that his conviction and sentence be Revoked, Remanded, new Trial, or Valated.

Respectfully Submitted

Tavish D. Yeargin

Tavish D. Yeargin #317173
LCI - Wando - B #2
Ridgeville, SC 29472
Dro-se

2017 FEB 10 PM 3 42

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS
CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Tavish D. Yeargin #317173
Defendant,

VS.

STATE OF South Carolina
Respondent,

Arrest Warrant #MS21460

Indictment Number #2011-
GS-39-2148, 2149

"VERIFICATION"

PERSONALLY appearing before me Tavish D. Yeargin, #317173 first being duly sworn upon my oath/depse and say that he is the defendant in this foregoing action, and that he FULLY understands and subscribed to the contents therein; that it contains and includes grounds known thereof; for either correcting / Rev. d / Remand / New Trial or vacate his conviction or sentence. All information therein are true and correct to the best of my knowledge.

Sworn to and subscribed before me
this 1st day of February, 2017

LeeAnn Bryant
NOTARY PUBLIC

Tavish D. Yeargin #317173

MY COMMISSION EXPIRES: May 26, 2020

2017 FEB 10 PM 3 42
STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS
CLERK OF COURT
COUNTY OF PICKENS WAGNER COUNTY THIRTEEN JUDICIAL CIRCUIT
SOUTH CAROLINA

Tavish D. Yeargin #317173 }
Defendant }

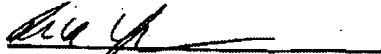
vs. }

STATE OF SOUTH CAROLINA }
Respondent }

"DECLARATION"

I, Tavish D. Yeargin #317173, hereby declare and attest that I am the defendant in this matter, depose and say under the Penalty of Perjury that all relevant information therein; are true and correct to the best of my knowledge and that contains matters that may be subjected to the correction, Rev.d, Remanded, new Trial or Vacation of conviction and Sentence being challenged

Respectfully Submitted,



Mr. Tavish D. Yeargin #317173
LCI. Wando-B#2
P.O. BOX 205
Ridgeville, SC 29472

2017 FEB 10 PM 3 40

CLERK OF COURT
 PICKENS County
 214 E. MAIN STREET
 Pickens, SC 29671

CLERK OF COURT
 PICKENS COUNTY
 SOUTH CAROLINA

2017-CP-39- D170

Dear Honorable Clerk,

Enclosed is an DNA Testing application /
 Post-conviction Relief application along with
 an motion to be relieved from judgment
 in Pursuant to the SCRPC Rule#(6)(b),(3)&(4).
 To be Presented to the Court in which the
 Applicant was convicted and adjudicated.
 Please be advised that the Applicant would
 like a clocked, stamped filed copy for
 his record.

Thank you for your cooperation in this matter.

Dated: _____

Respectfully Submitted.

Tavish D. Yeargin
 Tavish D. Yeargin #31713
 LCI, Wando - B#2
 P.O. BOX 205
 Ridgeville, SC 29472

2017CP39 0170

Pickens County Clerk of Court
Office of the Clerk
214 E Main St
Pickens SC 29671



Richard B BEEKMAN #347134
LEE CORRECTIONAL INSTITUTION
F-1-A UNIT ROOM # 1115
990 WISACKY HWY
Bishopville, South Carolina

29010

2017 FEB 10 PM 4 27
CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

* emailed to Judy Carey
2/13/17 MB ✓

THE STATE OF SOUTH CAROLINA
In The Court of Common Pleas
[In The Supreme Court]

APPEAL FROM PICKENS COUNTY
Court of Common Pleas
Letitia H. Verdin, Circuit Court Judge

CASE NO.

STATE OF SOUTH CAROLINA Respondent,
v.
Tavish Yeargin Appellant,

NOTICE OF APPEAL

Tavish Yeargin #317173, Appeal the order [Denying Application For DNA testing] of the Honorable Letitia H. Verdin, dated May 30th, 2017. Appellant received written notice of entry of the order [Denying Application For DNA testing] on June 8, 2017.

June 9, 2017

Other Counsel of Record:
Brandi Hinton
214 E. Main St. B220
Pickens, South Carolina 29671

B/T. Alanna Yeargin
LCI - Wando #231
Post Box 205
Ridgeville, SC 29472
Pro-se - Litigant

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S.C. SUPREME COURT

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JUN 12 2017

THE STATE OF SOUTH CAROLINA

In the Court of Common Pleas
in the Supreme Court

S.C. SUPREME COURT

APPEAL FROM PICKENS COUNTY
COURT OF COMMON PLEAS

Letitia H. Verdine, Circuit Court Judge

Case No.

STATE OF SOUTH CAROLINA Respondent
vs
Tavish Yeargin #317123 Appellant

NOTICE OF APPEAL

I certify that I have mailed the notice of appeal on Brandi Hinton by depositing a copy of it in the United States mailbox, postage prepaid, on June 9, 2017 addressed to her attorney or record, Brandi Hinton, 214 E. Main Street, B-220, Pickens, South Carolina 29671 (by mailing a copy of it to her attorney or record, Brandi Hinton at her office's at 214 E. Main, B-220, Pickens, South Carolina 29671)

June 9, 2017

by Tavish Yeargin
Tavish Yeargin
Post Office Box 205
Ridgeville, SC 29472
Case Litigant

IN THE STATE OF SOUTH CAROLINA
In the Court of Common Pleas
[In The Supreme Courts]

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JUN 12 2017

S.C. SUPREME COURT

APPEAL FROM PICKENS COUNTY

Leitia H. Verdin, Circuit Court Judge

CASE NO.

STATE OF SOUTH CAROLINA Respondent,

v.

Tamara Yeargin, #217123 Appellant,

I certify that I have ~~provided~~ notice of Appeal on Brandi Hinton by depositing of it in the United States Mail, postage prepaid, on June 9, 2017 addressed to her attorney or record, Brandi Hinton 214 E. Main Street, B226, Pickens County, South Carolina 29671 [by mailing a copy of it to her attorney or record, Brandi Hinton at her office at 214 E. Main Street Pickens County, South Carolina 29671, on June 9, 2017.

June 9th 2017

6/1 Tamara Yeargin #217123
LEC - WR 231
P. O. Box 205
Ridgeway, SC 29472
Pro-se Litigant