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SEP 29 2017

The State of South Carolina
In The Supreme Court

S.C. SUPREME COURT

Appeal from Marlboro County
Court of Common Pleas
The Honorable Roger E. Henderson, Circuit Court Judge

Case No. 2015-CP-34-268

Ravell McLaughlin, #356142.....Petitioner

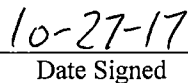
VS.

State of South CarolinaRespondent

Dear Mr. Shearouse,

Please let this serve as Petitioner's response and explanation to his notice of appeal which was filed in this Court on September 12, 2017, pursuant to *Dennison v. State*, 371 S.C. 221, 639 S.E.2d 35 (2006).


Signed by Ravell McLaughlin


Date Signed

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The State of South Carolina

In The Supreme Court

Appeal from Marlboro County
Court of Common Pleas

The Honorable Roger E. Henderson, Circuit Court Judge

Ravell McLaughlin, #356142

Petitioner,

Date: September 27, 2017

VS.

Case No.: 2015-CP-34-268

State of South Carolina

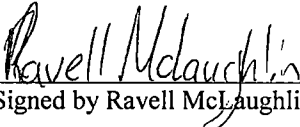
Respondent

Petitioner's explanation pursuant to *Dennison v. State*, 371 S.C. 221, 639 S.E.2d 35 (2006)

Applicant was advised that he has (20) twenty days from the date of this appeal being filed to file a pro se explanation as to why he believes that this determination by the P.C.R. Court was improper. Applicant will first address the issue dealing with trial counsel being ineffective for not consulting his client about his rights to appeal and failing to file an appeal. In *Turner v. State*, 380 S.C. 223, 224-25, 670 S.E.2d 373, 374 (2008), trial counsel is required to make certain the defendant is made fully aware of the right to appeal. Also in *Anders v. California*, 386 U.S. 738 (1967). *Turner*, 380 S.C. at 224-25, 670 S.E.2d at 374, in the absence of an intelligent waiver by the defendant, counsel must either initiate an appeal or comply with the procedure in *Anders v. California* and *Turner*. This case would be different because the applicant plead guilty. This case presents an extraordinary circumstance in which trial counsel and this court can see a reason to think a rational defendant would want to appeal. Because there are an issue which is non-frivolous grounds for appeal. Applicant has demonstrated to the court that he requested to his trial counsel through letters concerning an appeal. The second issue would be that if trial counsel would have fully investigated the applicants past history from childhood, he would have discovered a troubled past history in

which applicant was in foster care and received mental health treatment as a child. An effective attorney would have fully investigated their client's history and discovered these facts and would have had their client mentally evaluated as to the mental state of their client considering such facts. These are mitigating facts that an effective attorney would have presented to the trial court for a motion for reconsideration or appeal. A trial judge could have easily considered applicant's age of the time of sentencing which the applicant was 18 years of age at the time, and the applicant's childhood history and possibly reconsider sentencing applicant to 25 years in prison considering the facts. In too many cases are defendants left to defend for themselves in court, when the U.S. Constitution gives defendants the right to a fair trial and representation. The applicant argues in his P.C.R. application that he was under the impression that his lawyer filed an appeal on his behalf, which led him not to file his P.C.R. application timely and that he was not fully aware of his right to an appeal. The applicant respectfully request that this court allow this appeal to be heard and granted in the applicant's favor due to the fact that an appeal wasn't filed timely on behalf of trial counsel's failure to fully advise applicant of his right to appeal and honoring applicant's request to have an appeal filed on his behalf, and to allow his application for P.C.R. to be heard and ruled upon by facts and conclusion of law.

Sincerely and Respectfully Submitted,


Signed by Ravell McLaughlin

10-27-17
Date Signed

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VS.

State of South CarolinaRespondent

Proof of Service

I Ravell McLaughlin hereby certify this 27th day of September 2017, that I have placed in the United States Postal Service mail box through the prison mail room here at Lee County Correctional Institution in Bishopville, S.C., my response to the P.C.R. Court Order of Dismissal and Appeals with a copy to the Attorney General's Office, Mr. Johnny E. James, P.O. Box 11549, Columbia, S.C. 29201


Signed by Ravell McLaughlin

10-27-17
Date Signed

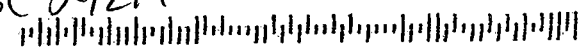
Ravell McLaughlin #356142
FH-A-2129
cc Correctional Inst
990 Wilsack Hwy
Bishopville, SC 29010

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The Supreme Court of South Carolina
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