

To: Daniel E. Shearouse, Clerk of Court  
Supreme Court Building  
1231 Gervais Street  
Columbia, SC 29201

From: George Smith #329531  
Lee Correctional Institution  
990 Wisacky Hwy.  
Bishopville, SC 29010

Re: Appellate Case No. 2017 - 000027

Date: March 12, 2018

Dear: Daniel E. Shearouse, Clerk of Court

Please note that Peitioner, George Smith #329531 is forwarding you a copy of letter I have written to my attorney Susan B. Hackett that only (1) issue was raise for me in the form of "Petition for Writ of Ceriorari" which is equal to a "Johnson Petition" also impeded my remaining meritorious issue. Petitioner points out this problem could have or can be resolve easily by captioning brief "Johnson Petition" when only (1) issue was raised.

Sincerely,

*George Smith*

George Smith #329531

cc: Appellate Counsel,  
Dusan B. Hackett

**RECEIVED**

MAR 15 2018

**S.C. SUPREME COURT**

To: Susan B. Hackett  
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
P.O. Box 11589  
Columbia, SC 29211

From: George Smith #329531  
Lee Correctional Institution  
990 Wisacky Hwy.  
Bishopville, SC 29010

Re: Appellate Case No. 2017 - 000027

Date: March 9, 2018

Dear: Attorney Susan B. Hackett

On March 5, 2018 I, George Smith received the State's Return to Petition for Writ of Certiorari. From the beginning of the Appellate process, starting with the "Petition for Writ of Certiorari", up to the State's return, Petitioner acknowledge only (1) one meritorious issue was raised by you on his behalf. Petitioner's position based on the caption of "Petition for Writ of Certiorari" and only raising (1) issue is equivalent to a "Johnson Petition". In this case, although only (1) issue was raised on my behalf, it also impeded Petitioner from raising any additional meritorious issues that was preserve on the pcr level. In otherwords, Petitioner wishes the (1) issue you raised on his behalf should have been caption as a "Johnson Petition" leaving Petitioner the opportunity to raise and preserve his additional issues for federal review.

It's also clear to Petitioner that by law, appellate counsel is obligated to raise at least (1) issue on Petitioner behalf pursuant to Johnson vs. State. In this case, I'm perplex for the fact that only (1) issue was raised on my behalf leaving Petitioner constrain from raising additional issues due to the fact that Petitioner's petition is not a "Johnson Petition."

Petitioner's position is worse case scenario, if additional issues are not raise on the appellate level, then he would be left with only (1) issue to be raise in federal habeas when there are over several meritorious issues preserve from the pcr stage, in which this fatal blow could be cured with the caption of a "Johnson Petition."

In my opinion, it's obvious PCR Attorney Tricia Blanchette is one of the most prominent attorney in the State of South Carolina, along with many months setting the ground work raising and preserving meritorious issues at the pcr level, in which would be futile to "drop the ball" on the appellate level. At this time Petitioner request to you in good faith for the following issues be amended to his appellate petition or Petitioner beleive it would be nearly impossible to perpetuate on the next level.

#### Amended Issues Requested

1. Ineffective assistance of trial counsel for failure to make a pre-trial objection to the identification of Applicant.
2. Ineffective assistance of trial counsel: and
  - a. Failure to prepare and investigate.
  - b. Failure to utilize witnesses
3. Ineffective assistance of trial counsel for failure to advise Applicant of conflict of interest due to representation of Kelvin and Broaddus Black.
4. Ineffective assistance of trial counsel for failure to raise the victim's motive in bringing the instant charges due to a prior break-in allegation against Applicant.

Lastly, Petitioner points out to you that there was a large amount of focus and lengthy arguments surrounded the issue of the trial counsel failure to investigate. In fact, Trial Counsel testified that he goes to the scene of the crime a day before trial, never informing Petitioner that there was a trial approaching, and even admitted on the record of his extensive case load and more time if he had on Petitioner's case, he's certain that the outcome would have been different. This argument can be a "structural error" for the facts of the record shows trial counsel literally done nothing in this case.

Please, considered my notion or even the very least, the change of the caption from "Petition for Writ of Certiorari" into a Johnson Petition will clearly cured the subject of matter.

Sincerely I Pray

*George Smith*

George Smith #329531

George Smith

Petitioner

v.

State of South Carolina

Respondent

Appellate Case No. 2017-000027

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PROOF OF SERVICE

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I, George Smith do certify that on the day of March 12, 2018 he dropped this "proof of service" in the institutional mailbox here at Lee Correctional Institution, also forwarding Appellate Counsel Susan B. Hackett on the same day.

Sincerely,

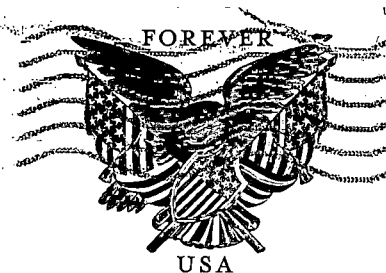
*George Smith*

George Smith #329531

George Smith #329531  
Lee CORR. Inst.  
990 Wisacky Hwy.  
Bishopville, SC 29010

COLUMBIA SC 290

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Daniel E. Shearouse, Clerk of Court  
Supreme Court Building  
1231 Gervais Street  
Columbia, SC 29201

29201-329531



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