

March 19, 2018

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MAR 20 2018

S.C. SUPREME COURT

The Honorable Daniel E. Shearouse  
Clerk  
South Carolina Supreme Court  
P.O. Box 11330  
Columbia, S.C. 29211


RE: *Ricky Lee Blackwell v. State of South Carolina*, 2018-CP-42-00928  
Initial PCR Application Filed  
Appellate Case No. 2014-000610

Dear Mr. Shearouse,

For your records, please find enclosed the initial Application for Post-Conviction Relief filed on behalf of Mr. Ricky Lee Blackwell in the Spartanburg Court of Common Pleas. As Mr. Blackwell's former counsel indicated in the Motion for a Stay of Execution and for the Appointment of a Post-Conviction Relief Judge, Mr. Blackwell intends to pursue post-conviction relief and the initial application was filed in accordance with that intention.

If you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,



Lindsey S. Vann

cc: Charles Grose, Esq.  
Donald J. Zelenka, Esq.

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )  
 Ricky Lee Blackwell, #6033, )  
 )  
 Applicant, )  
 )  
 vs. )  
 )  
 State of South Carolina, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 SEVENTH JUDICIAL CIRCUIT

Case No. 2018CP4200928

APPLICATION FOR POST-  
 CONVICTION RELIEF

CLERK OF COURT  
 SPARTANBURG COUNTY  
 2018 MAR 14 PM 2:23  
 HOPE BLACKLEY

1. Place of Detention: Kirkland Correctional Institution, 4344 Broad River Rd, Columbia, SC 29210.
2. Name and location of Court which imposed sentence: Spartanburg County Court of General Sessions.
3. Name(s) of co-defendant(s) (if any): Not applicable.
4. The indictment number or numbers upon which and the offense or offenses for which sentence was imposed: 2009-GS-42-3910—murder; 2009-GS-42-3609—kidnapping.
5. The date upon which sentence was imposed and the terms of the sentence: March 12, 2014 - death sentence for murder; kidnapping sentenced subsumed in death sentence.
6. A finding of guilty was made: after a plea of not guilty.
7. The applicant did appeal from judgment of conviction and sentence.
8. The Courts to which applicant appealed:
  - (a) The Supreme Court of South Carolina.
  - (b) The Supreme Court of the United States.

The result in each Court to which applicant appealed:

  - (a) Sentence and conviction affirmed.
  - (b) Petition for Writ of Certiorari denied.

The date of each result:

  - (a) May 31, 2017.



11(b) **Supporting Facts:** Trial counsel's performance during the sentencing phase was both unreasonable and prejudicial. *See Strickland v. Washington*, 466 U.S. 668 (1984). Counsel's specific unreasonable and prejudicial acts or omissions are:

- (1) Counsel failed to call hospital chaplains to testify regarding Applicant's remorse shortly after the crime where records from the chaplains were excluded by the trial judge as inadmissible hearsay;
12. (a) Applicant has not filed any petition in state court other than the mandatory appeal to the South Carolina Supreme Court.
- (b) Applicant has not previously filed an application for post-conviction relief or petition for a writ of habeas corpus in State or Federal court.
- (c) Applicant has not filed any petitions to the United States Supreme Court other than the petition already specified *supra* in (8).
- (d) Applicant has not filed any motions, petitions, or applications in this or any other Court.
13. Not applicable.
14. Applicant has not raised any ground set forth in (10) in this or any other court.
15. Not Applicable.
16. These grounds rely on additional facts outside the record which was before the previous courts.
17. Applicant was previously represented by counsel.
18. Applicant was represented at trial by William Sean McGuire, South Carolina Commission on Indigent Defense, 1330 Lady St., PO Box 11433 Columbia, SC, 29211; Clay T. Allen, Spartanburg Circuit Public Defender, 366 N. Church St. Ste. 3000, Spartanburg, SC 29349, and Boyd Young, South Carolina Commission on Indigent Defense, 1330 Lady St., PO Box 11433 Columbia, SC, 29211.
- On direct appeal applicant was represented by Robert M. Dudek and David Alexander, of the South Carolina Office of Appellate Defense, 1330 Lady Street, Columbia, SC 29201.
19. Applicant seeks relief from his conviction and sentence.
20. Applicant is not under sentence from any other court that he has not challenged.

Respectfully prepared by,

**E. CHARLES GROSE**

Grose Law Firm  
404 Main Street



APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF

I, Ricky Lee Blackwell, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Ricky L Blackwell  
Applicant

SWORN or affirmed to and subscribed before me this  
12<sup>th</sup> day of March, 2018.

Ladley Davis  
Notary Public

My Commission Expires: 2/11/2024

CLERK OF COURT  
SPARTANBURG COUNTY  
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M. HOPE BLACKLEY