

RECEIVED

APR 27 2018

S.C. SUPREME COURT

Exhibit - 2 Transcripts

Page 2

Page 3

Page 4

Page 9

1 (Matter came before the Court on April 6, 1995, at
2 approximately 10:45 A.M.)

3 MR. PENNINGTON: Your Honor, based on some pleadings
4 there were filed, there is a motion by my office to have the
5 Court renew the question of our appointment as counsel.

6 THE COURT: What's he charged with?

7 MR. PENNINGTON: Your Honor, this is State versus
8 Terrance Wright, 93 GS 10 6252, 6253, 5254, indictments for
9 burglary in the first degree, criminal sexual conduct in the
10 first degree, murder and kidnapping, from an event that
11 arose--from events that allegedly arise from August 17th of
12 1993, approximately some twenty months ago.

13 THE COURT: Mr. Wright is present. Mr. Roddey, that
14 letter that you handed back, he wrote the letter to Judge
15 Dennis and they sent it up to me.

16 MR. RODDEY: That's correct, Your Honor.

17 THE COURT: Could I have it?

18 MR. RODDEY: Oh, yes.

19 THE COURT: Somebody put it on my desk up here, and
20 he's asking Judge Dennis to modify a bond. I didn't know
21 Mr. Pennington represented him, and that is the reason I
22 was going to ask him who represented him. Now I know, so we
23 can proceed.

24 All right, Mr. Pennington.

25 MR. PENNINGTON: The first matter that I would like to

1 take up with the Court is that some events have developed
2 which in my view would call for the Court to assess the ap-
3 pointment of my office in this case.

4 I have--I need to give you some factual background in
5 order to understand what's going on. As I indicated, Mr.
6 Wright was charged in August of 1993 with a homicide and other
7 related charges. At that time I was appointed to represent
8 him and have represented him continuously since then.

9 During the first twelve months of the period of time,
10 I received--I filed a motion for discovery and received dis-
11 covery and learned that around nine months into the proceeding
12 that DNA testing was being undertaken. There was a DNA report
13 rendered last September that was far less than conclusive. One
14 in 37 African-Americans would fit the profile that was rendered
15 by SLED, and on that basis we began to prepare for trial.

16 However, I was then advised that there had been a sub-
17 sequent review of evidence by the Mt. Pleasant Police and the
18 local medical examiner, and other swabs that were allegedly
19 taken at the time of the autopsy were sent up to SLED for re-
20 newed testing.

21 We didn't know at that time how long it would take and
22 in December a motion essentially for a speedy trial was filed
23 and heard by Judge Dennis as the Chief Administrative Judge.

24 At that time, Judge Dennis articulated some ground rules
25 He wanted the State to attempt to try to speed this testing

1 along so we would get on to trial.

2 Since that time--I should shift gears and tell you that
3 in March I learned by accident that on the civil docket of
4 the Court of Common Pleas for Charleston County that an action
5 had been filed apparently by Mr. Wright in August of 1994.
6 That would have been roughly a year into his incarceration,
7 and I would ask that this be marked as exhibit for purposes
8 of this hearing.

9 THE COURT: Are you saying you never were served with
10 it?

11 MR. PENNINGTON: That's correct. I was never served
12 with it.

13 THE COURT: The Rules say it is supposed to be struck
14 if it's not served within a certain period of time.

15 MR. PENNINGTON: That's my understanding, Your Honor,
16 and that certainly would be the position I would take on behalf
17 of my office and myself.

18 THE COURT: I can't grant that though.

19 MR. PENNINGTON: No, sir, I wouldn't ask you to do
20 that.

21 THE COURT: It isn't whether you ask me to do it or
22 not. It has to be addressed to Judge Rawl who is over civil.
23 I'm over criminal. I don't have the authority to do that.
24 Judge Rawl should do that.

25 MR. PENNINGTON: I couldn't agree more, Your Honor.

1 again. If you do it, Mr. Wright, I'll either have you removed
2 from the Court or have you bound and gagged. Sit down.

3 You may continue.

4 MR. RODDEY: The reason I brought that up is the fact
5 that the murder, as far as this case is concerned--it doesn't
6 have any relevance other than the fact that there is the con-
7 tention that we send him back to North Carolina for that
8 trial for strategy reasons first, and if he was convicted of
9 the murder in North Carolina then bring him back because that
10 could also have an effect on the--on whether we'd charged him
11 with the death penalty here.

12 So I just wanted to clarify that for you.

13 THE COURT: You're saying that within the next several
14 weeks unless the Defense or whoever the Defense Attorney is,
15 if not Mr. Pennington--unless they move for a continuance,
16 then the State would be prepared to proceed for setting a
17 trial date?

18 MR. RODDEY: Yes, sir.

19 THE COURT: All right.

20 MR. RODDEY: Or allow North Carolina to try him for mur-
21 der there.

22 THE COURT: Well, North Carolina doesn't have the
23 right to necessarily try him unless he is extradicted or he
24 agrees to go up there.

25 MR. RODDEY: I'm aware of that. I just wanted that

(6)

Petitioner Terrence Wright El is indigent, as shown by the attached Affidavit in Support of Request to Proceed *In Forma Pauperis*.

(7)

Petitioner is a layman at law, is unable to retain counsel, and the Court below failed to appoint counsel. Petitioner asks that this petition be liberally construed, that Petitioner be appointed counsel to provide representation in further proceedings, and that the relief sought in Petitioner's Post Conviction Relief be granted.

WHEREFORE, Petitioner asks that this Court issue its Writ of Certiorari to the Superior Court of said county, that said Order be reversed or modified in Petitioner's favor, and that Petitioner be granted such other and further relief as appears to this Honorable Court to be just and proper.

Respectfully submitted, this 24 day of April, 2018.

Petitioner

Signature

Address

#0505358

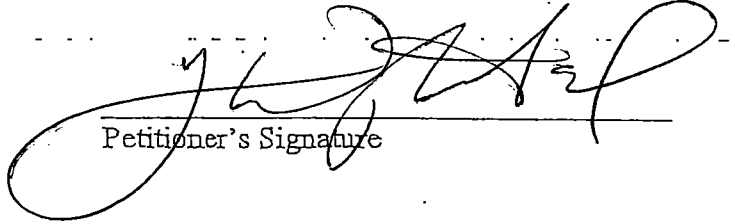
PO Box 600

Nashville, NC 27856

STATE OF SOUTH CAROLINA
COUNTY OF Charleston

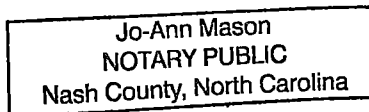
PETITIONER'S VERIFICATION
OF CERTIORARI PETITION

I, Terrence Wright El, being first duly sworn, depose and say that I am the Petitioner in the above matter, that I have read the foregoing PETITION FOR WRIT OF CERTIORARI and the contents thereof are true of my own knowledge, except as to those matters stated "upon information and belief," I am informed and believe them to be true.


Petitioner's Signature

Sworn and subscribed before me this
24th day of April, 2018.

JoAnn Mason
Notary Public



My commission expires: 2/28/19

CERTIFICATE OF SERVICE

This is to certify that the foregoing PETITION FOR WRIT OF CERTIORARI was duly served upon the following by placing a copy of same in the United States Mail, postage prepaid, and properly addressed as follows:

Office of the Attorney General
P.O. Box 11549
Columbia SC 29211

This 24 day of April, 2018


Petitioner's Signature

RECEIVED

APR 27 2018

S.C. SUPREME COURT

Appendix - A

1. Order denying
motion

page 17-23

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

TERRANCE WRIGHT, #0505358)

Plaintiff,)

vs.)

STATE OF SOUTH CAROLINA)

Defendant.)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

CASE NO: 2015-CP-10-2332

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney:
Terrance Wright, #0505358, Pro Se
Address: Nash Correctional Institution
PO Box 600
Nashville, NC 27856
Phone: _____ Fax _____
E-mail: _____ Other: _____

Defendant's Attorney:
Rasheeda Cleveland, Esquire.
Address:
PO Box 11549
Columbia, SC 29211
Phone: _____ Fax _____
E-mail: _____ Other: _____

- ☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
☒ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: _____

Estimated Time Needed: _____

Court Reporter Needed: ☐ YES/☒ NO

SECTION II: Motion/Order Type

☐ Written motion attached

☒ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Rasheeda Cleveland
Signature of Attorney for ☐ Plaintiff / ☒ Defendant

March 19, 2018
Date submitted

SECTION III: Motion Fee

☐ PAID - AMOUNT: \$ _____

EXEMPT:

(check reason)

- ☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status ☐ State Agency v. Indigent Party
☐ Sexually Violent Predator Act ☒ Post-Conviction Relief
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter: _____
☐ Other: _____

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached order.

☐ Other: _____

JUDGE CODE _____

Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

☐ MOTION FEE COLLECTED: \$ _____

☐ CONTESTED - AMOUNT DUE: \$ _____

) IN THE COURT OF COMMON PLEAS FOR
) THE NINTH JUDICIAL CIRCUIT

2015-CP-10-2332

FINAL ORDER OF DISMISSAL

v.

FILED
2018 APR 11 PM 2:39
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____
MISSAL

Respondent.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal signed October 31, 2017 and filed November 3, 2017, provisionally denying and dismissing this action, while giving the Applicant 20 days from the date of service of said Order in which to show why the dismissal should not become final.¹

1. "North Carolina Gen. Stat. Rules prevents me from making parole because of the pending detainer from South Carolina Dept. of Corrections which makes this case in a perpetual loop of stagnation."
2. "When the Order was issued in PCR File No. 2003-CP-10-1894 in 7 September 04 under the impression that I would be released 5 July 05 was done without the defense attorney knowing that in order for my parole, I'd

Page 1 of 4

have to resolve this issue, in which the initial prosecuting agent knew of the legal disabilities it would create for me to unravel."

3. "Out of all the PCR Motions filed, I'm trying to be brought back to Charleston that I may end this stagnation of a sentence because everyone in North Carolina with the same sentence as I without a detainer has already paroled or/and completed their parole and is free."
4. "Because of the South Carolina Dept. of Corrections Detainer, I've done (12) twelve years more in prison than what I should've done and until South Carolina issue is resolved, I will never get out of North Carolina prison system."
5. "I motion this court to allow appointment of counsel to assist me in presenting 'all' the arguments and transcripts under my U.S. Const. Amendment rights that is raised in all PCR motions filed."
6. "Everytime I've filed an PCR motion it was dismissed without prejudiced 'citing I'm not in South Carolina' etc. which allows the prosecution to still use its illegal tactics to make me stay in prison longer unconstitutionally when they know by allowing me to present evidence of misconduct ineffective assistance of counsel then the South Carolina sentence would become void with relief mandated."
7. "In all the PCR motions filed there was never any attorney appointed that contacted me of such that I contacted the South Carolina State Bar against William Tracy Brown whom the State Bar agreed with me against for negligence and ineffective assistance ... "

Applicant then filed an "Amendment to Objection to Conditional Order of Dismissal and Motion for Evidence Hearing" on October 16, 2017. In this motion, Applicant again requests an evidentiary hearing in South Carolina, but offers a new ground in support of his request. Specifically, Applicant argues that he is entitled to a hearing so that his "state remedies may be exhausted for federal review." Applicant believes that he is being denied federal habeas corpus relief because he has not exhausted all of his state remedies, and has attached a February 2, 2012 Order issued by the District Court of South Carolina in support thereof. Applicant also filed a Motion for Appointment of Counsel on October 16, 2017. The Motion for Appointment of Counsel renews Applicant's July 9, 2015 request for the

appointment of PCR counsel to aid him with this application.² Applicant simultaneously filed a Motion for Writ. In this motion, Applicant asks this Court to issue an Order of Writ ordering his transfer from the Hyde Correctional Center in Swan Quarter, North Carolina to Al Cannon Detention Center in North Charleston, South Carolina.

This Court has reviewed Applicant's responses to the Conditional Order of Dismissal in their entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

The Court further finds that the statute of limitations was properly raised as a defense in this case, and, in turn, the Application was properly summarily dismissed for failure to file within the time mandated by the Act. The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). Applicant was convicted of the offense he currently challenges on March 4, 1999, and the remittitur from Applicant's direct appeal was issued on February 22, 2002. "The time limitation in S.C. Code §17-27-45(A) provides that, where a defendant appeals his conviction (as Applicant did here), the one-year period begins the date the remittitur is sent by the appellate court—not the date of conviction." See McCoy v. State, 401 S.C.363, 368-69, 737 S.E.2d 623, 626 (2013). Thus, the statute of limitations runs from the date of remittitur from the appeal of the underlying conviction. Any application for post-conviction relief submitted by Applicant was therefore due on or before February 22, 2003. However, Applicant did not file this Application until April 23, 2015, well after the statutory filing period had expired.

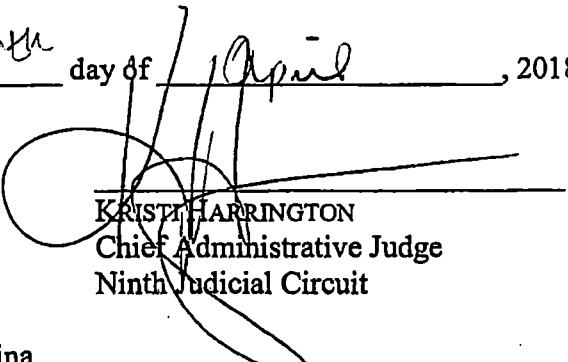
² The Court declines to appoint Applicant post-conviction relief counsel in accordance with South Carolina Supreme Court Administrative Order 2008-10-06-01.

Additionally, this Court also finds that the Application is successive to Applicant's previous PCR applications, filed on August 7, 2000 and May 27, 2004. The Application currently before the Court seeks post-conviction relief on the basis of ineffective assistance of counsel and lack of jurisdiction. Applicant has failed to establish any sufficient reason why he could not have raised his current allegations in his previous applications for post-conviction relief. Applicant could certainly have raised his current allegations against trial counsel in his first application for post-conviction relief filed on August 7, 2000. Applicant also had the opportunity to set forth any evidence that the Court lacked jurisdiction to hear his case in his first post-conviction relief application. Moreover, Applicant did in fact make allegations of ineffective assistance of counsel in his first application. Accordingly, this Court finds that that the Application is successive.

IT IS THEREFORE ORDERED that for the reasons set forth in the Court's Conditional Order of Dismissal, the Application for post-conviction relief is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

This Court hereby advises the Applicant that he must file and serve a Notice of Appeal within 30 days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 9th day of April, 2018.


KRISTI HARRINGTON
Chief Administrative Judge
Ninth Judicial Circuit

Charleston, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS

TERRANCE WRIGHT

Applicant,

v.

STATE OF SOUTH CAROLINA

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Final Order of Dismissal** has been served upon the applicant by mailing one copy in the United States mail, postage prepaid, addressed to:

**Terrance Wright, #0505358
Nash Correctional Institution
PO Box 600
Nashville, NC 27856**

This 13th day of April, 2018.


Jennifer Jennison
Legal Assistant for the Respondent

SWORN to before me this 13th day of April, 2018.


Notary Public for South Carolina.
My Commission Expires: May 1st 2024

RECEIVED

APR 27 2018

S.C. SUPREME COURT

Appendix B

Copy of Post Conviction
Relief pages 24-30

Copy of Amended argument
31-63

COUNTY OF Charleston

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

Terrence Wright El

Plaintiff(s)

vs.

Charleston County, S.C.

Defendant(s)

(Please Print)

Submitted By: Terrence Wright El

Address: #0505358

PO Box 600

Nashville, NC [27856]

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

FILED
2015 APR 23 PM 12:32
JULIE J. ARMSTRONG
CLERK OF COURT

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

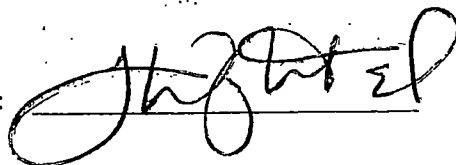
**If Action is Judgment/Settlement do not complete*

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☒ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|---|--|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ Employment (120)
☐ General (130)
☐ Breach of Contract (140)
☐ Other (199) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 <u>-CP-</u>
☐ Notice/ File Med Mal (230)
☐ Other (299) | Torts - Personal Injury
☐ Assault/Slander/Libel (300)
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Other (399) | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) |
| Inmate Petitions
☒ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Other (799) | Administrative Law/Relief
☐ Reinstate Driver's License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Administrative Law Judge (980)
☐ Public Service Commission (990)
☐ Employment Security Comm (991)
☐ Other (999) |
| Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Sexual Predator (510) | | |

Submitting Party Signature:



Date: 20 April 2015

FORM 5

STATE OF SOUTH CAROLINA

County of CharlestonTerrence Leroy Wright EI
IN PROPRIA PERSONA SUI JURIS NUNC

Full name and prison number (if any) of Applicant

PRO TUNC # 0505358

v.

State of South Carolina

2015-CP-10-2332
IN THE COURT OF COMMON PLEAS

APPLICATION FOR

POST-CONVICTION RELIEF

2015 APR 23 PM 12:32
JULIE J. ARMSTRONG
CLERK OF COURT
FILEDINSTRUCTIONS - 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 Nash Corrections 2869 U.S. Hwy 64-A Nashville
NC 27856
2. Name and location of Court which imposed sentence Chas. Co. General
Sessions Court
3. Name(s) of co-defendant(s) (if any) Calvin Anthony Frayer
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 93-GS-10-6252, 6253, 6254 & 94-GS-10-4868

- (b) _____
- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 5 March 2000 life, 30 life, 5
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty Plead not guilty
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. S.C. Supreme Court
- ii. Common Plea Court
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. S.C. Supreme Court did not reply appropriately
- ii. Common plea Court said I was in another state so they
- iii. would wait
- (c) the date of each such result:
- i. S.C. Supreme Court Ruling: 10 January 2002
- ii. Common plea Court in 2003 (I guess)
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results: S.C. Supreme Court per curiam: Affirmed pursuant to Rule 220(b)(1), SCAR, And the following Authority: State V. Ashbury, 328 S.C. 187, 493 S.E. 2d 349 (1997) decision to grant continuance is within sound discretion of trial judge.
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____

- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) ① the Attorney didn't subpoena any defense witness
- (b) ② defense Attorney was on record stating Not to Answer any of my
- (c) ③ Motions. defense Attorney was telling lies during the trial and at other hearings
11. State concisely and in the same order the facts which support each of the grounds set out in (10): failure to establish status and jurisdiction
- (a) It took 6 years to get a trial After 80 letters and Petitions
- (b) State Court didn't have delegation of Authority to prosecute
- (c) that lawyer went on record stating I didn't want him lying but he still lied during trial
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? Yes
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? Yes
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? Yes
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. U.S. Dist Court challenge Jurisdiction of Sentence & detainer
- ii. and other stuff
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. US Dist Court Charleston County
- ii. _____
- iii. _____

iv. _____

(c) the disposition thereof:

i. UNKNOWN

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. UNKNOWN

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. UNKNOWN

ii. _____

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

Yes

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. Status and Jurisdiction

ii. No Delegation of Authority

iii. Improper Venue

(b) the proceedings in which each ground was raised:

i. _____

ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) don't have Law library or access to one
- (b) _____
- (c) _____

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? yes
- (b) your trial, if any? yes
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? No

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

- i. Ashley Pennington Charleston Public Defender
that lied and bogusly under cut my whole case
- ii. _____
- iii. Joseph Savitz Appellate Defender who listen only to
Ashley who refuse to raise vital issues up & only raised
one issue that was bogus

(b) the proceedings at which each such attorney represented you:

- i. Ashley Pennington All the way until
Sentence
- ii. _____
- iii. Joseph Savitz Appellate Defender that was really
lazy and was Ashly puppet.

- (Will AMEND ONCE CASE Number is Assigned.)
19. State clearly the relief you seek in filing this application: I seek to be establish
in my proper status and jurisdiction that we may have a New trial
and hearing. I seek Administrative relief against Charleston County General
Sessions Court that these convictions be vacated.
20. Are you now under sentence from any other court that you have not challenged?
No

Revised 3/2003

STATE OF SOUTH CAROLINA)

County of Charleston)

VERIFICATION

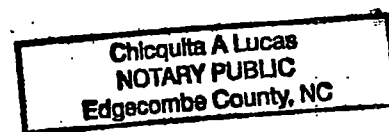
I, Terrence Wright El, being duly ^{Affirm} sworn
upon my oath, depose and say that I have subscribed to the foregoing application; that I know the
contents thereof; that it includes every ground known to me for vacating, setting aside or
correcting the conviction and sentence attacked in this application; and that the matters and
allegations therein set forth are true.

[Signature]

SWORN to and subscribed before me this 20
day of April, 15.

[Signature]
Notary Public

(L.S.)



My Commission Expires: 12 Nov 18

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

FOR THE NINTH JUDICIAL CIRCUIT

Terrence Wright El

v.

STATE OF SOUTH CAROLINA

2015-CP-10-2332

Amended Arguments

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Argument (a) page 1-8

- (a) Violation of Due Process of law with unreasonable post accusational delay to a Speedy trial and trial transcript for Appeal.
U.S. Const. Amend. 5th, 6th, 7th, 8th, 9th and 14th.

Argument (b) page 8-12

- (b) Unconstitutional tactical tactics of delayed hearings and violations of Equal Protection Clause of Due Process.
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(e) Violation of the U.S. Const. Art 3 sections 1 & 2 with No Delegation of Authority on record and ineffective assistance of Counsel.

U.S. Const. Amend. 4th 5th 6th 7th 8th 9th and 14th.

Relief Sought

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Wright El's Due Process Rights were violated in the U.S. Const. Amend. 4th 5th 6th 7th 8th 9th and 14th and this Post Conviction Relief should be granted vacating all sentences.

Argument (a)

(a) Wright El was arrested in Aiken County South Carolina and transported to Charleston County Mt. Pleasant Police Department for interrogation where they attempted to obtain D.N.A but then changed tactics and transported Wright El to Charleston County jail within (12) twelve hours after the initial arrest; that the prosecution had adequate time to try him within the (23) twenty-three months of being in their custody. 16 August 93 - 25 July 95

On October 93 Wright El was indicted and then requested a speedy-trial by Motion to the Courts. It was the beginning of a series of speedy trial motions, petitions, and request filed by Wright El from October 1993 to December 1998.

On December 1994 a hearing was held before Judge Don Rushing concerning a Speedy trial (Hearing transcript page 3 lines 2-25 page 4 lines 1-8)

Prosecution manipulated the court with undue delays of any trial date by stalling with an allege D.N.A. test when they clearly stated Wright El will be sent to North Carolina for strategy reasons.

Prior to this hearing the Prosecution stated they had no intention on answering Wright El's Pro. Se. Motion for a Speedy trial. (Hearing transcript page 9 lines 4-8)

Wright El filed numerous more Speedy trial motions and

dismissals against the Prosecutions insufficient evidence warranting Wright El's stay in jail.

The same argument went on for (5) five more years. This subjected Wright El to unreasonable delay that violates his U.S. Const. Amend. Bill of Rights 5th, 6th, 7th and 8th, which these convictions should be vacated.

Prosecution contended that the charges shouldn't be dismissed because they're not ready to try the case after (5) five years pending (Hearing transcript page 13 lines 7-12)

Prosecution stated that Wright El did not request a Speedy trial (Pre trial Hearing transcript page 5 lines 6-13) which Wright El did so for (5) five years through Motions, letters, and verbally to the Clerk of Court, the Prosecution and the defense attorney.

Wright El was told by defense attorney Ashley Pennington that the charges were being dropped and agreed only then to go to North Carolina for interrogation which was a lie.

North Carolina's main state witness was Calvin Anthony Frayer whom claimed Wright El confessed the crime to him when Frayer didn't know Wright El's name and was told by the investigating officers whom Wright El is by Charleston County Detectives.

Wright El did not waive his rights to a Speedy trial. The Prosecution, and defense attorney and the court negligence to acknowledge Wright El motions was a harmful error which

violated Wright El's Federal and State Constitutional Rights to Due Process and to avoid unreasonable delays.

The trial court reporter has filed (8) eight motions of extensions nearly (30) thirty days after each deadline of when the trial transcripts were due to perfect the appeal. Trial transcript wasn't produced until almost (2) two years after the conviction. This violates Wright El's statutory rights under South Carolina General Statute Rules and the U.S. Const. Amend. and these convictions should vacated with prejudice.

A. Successive delays subjected Wright El to tactical disadvantage and undue continuances that violates the Due Process Clause.

The basis of the Sixth Amendment protection against Pre and Post accusation unreasonable delays is that a person shall have the right to a speedy trial and appeal; has both constitutional and statutory underpinnings.

Federal statutes of limitations and the Due Process clause of the 5th Amendment to the U.S. Const. provides in relevant part that "[N]o person shall... be deprived of life, liberty, or property without Due Process of law." The 14th Amend. of the U.S. Const. imposes the identical limit on the states.

The Due Process Clause also guarantees reasonably speedy appeals and sentencing determinations. Courts, however, are reluctant to find a due process violation absent a showing of actual prejudice.

Compare. Simmons v. Reynolds, 898 F.2d 865, 868 (2nd Cir 1990) (Six year delay between conviction and appeal due to Counsel's incompetence violated due process)

Burkett v. Cunningham, 826 F.2d 1208, 1225-26 (3rd Cir 1987) and Coe v. Thurman, 922 F.2d 528, 531-32 (9th Cir 1990) (Four year delayed caused in part by government during which time appellant continuously asserted rights violated Due Process.)

The Sixth Amendment provides in relevant part that "[I]n all criminal prosecutions the accused shall enjoy the right to a speedy trial and appeal. This U.S. Const. Amend. guarantees speedy trial and is binding on States through Due process clause of the 14th Amendment.

Klopper v. North Carolina, 386 U.S. 213, 222-23 (1967) See Fed. R. CRIM. P. 48(b) (authorizing courts to dismiss indictments for governments unnecessary delays)

(Hearing transcript page 9 line 4-11) the Prosecution pacifically stated that they're using tactical advantage

against Wright El to insure a conviction that violated his rights to a fair trial or dismissal of charges.

(Due Process Clause may provide basis for dismissing indictments if defense shows prosecutorial delay prejudiced rights to a fair trial; Merely alleging delay due to government negligence or indifference insufficient) Marion, 404 U.S. at 324 U.S. V. Gouveia, 467 U.S. 180. 192 (1984) (DICTUM)

(Claim that preindictment intentional delay violated Due Process valid if defendant prove government intentionally delayed to gain tactical advantage and actual prejudice resulted.)

U.S. V. Smith, 80 F.3d 1188, 1191 (7th CIR 1996) (defendant must show actual and substantial prejudice; Once shown, burdens shift to government to justify delay.

Such delays goes to the heart of the 6th, 7th, 8th and 14th Amend. protection. Where tactical delays are successive for the prosecution's advantage over the defendant are at stake, the Due Process Clause serves a Constitutional policy of finality for Wright El's benefit protecting him from attempts of unreasonable delays by the Prosecutions or State agent in additional undue impairment of liberty. see: Marion, 404 U.S. at 325-26.

B. Successive delays violated Wright El's Constitutional Due Process Rights

Barker V. Wingo, 407 U.S. 514. 521-22 (1972) see:

per 5 of 28

Strunk V. U.S., 412 U.S. 434, 439-40 (1973)

(Barker requires dismissal for violation of the 6th Amendment Rights; District Courts may not fashion less extreme remedies such as reduction of sentence) The Supreme Court recognizes that unreasonable delays violates the Due Process Clause when it appears that such a course of action entails "fundamental unfairness." Thus, an accused will be held to have been denied Due Process by having been subjected to successive delays against him violated those "Fundamental Principles" of liberty and justice which lie at the base of all our civil and political institutions."

see: Doggett V. U.S., 505 U.S. 647, 651-52 (1992) Courts generally hold that approximately one year is presumptively prejudicial. Barker, 407 U.S. at 530.

The Prosecution stated that he would not go to trial until a plea is done for Calvin Anthony Frayer against Wright El to not seek the death penalty against him (Hearing transcript page 11 lines 15-25; page 12 lines 1-12)

U.S. V. Holyfield, 802 F.2d 846, 848 (6th CIR 1986)

(Delayed due to government's decision to delay trial for appeal of defendant's co-defendant weighed against government)
Cert. Denied, 479 U.S. 1090 (1987)

In more recent years, the Courts has also intimated that Due Process would require the dismissal of an indictment

"if it were shown at trial that the delay... caused substantial prejudice to appellee's rights to a fair trial and that the delay was intentional device to gain tactical advantage against the accused."

South Carolina Prosecution agent's act and later the Court reporter in said case filed (8) eight motions for extensions and at times none at all. All-in-which were filed days and weeks to nothing at all after its dead line to produce the trial transcripts (2) two years after the Appeal was entered. see (South Carolina Supreme Court Clerk of Court files Terrence Wright Charleston County 93-GS-10-6252 etc)

From 1993-1995 Wright EI has filed numerous motions for a Speedy trial that fell on death ears. Wright EI was elated when --- even in light of the vast resources available to the State, was manipulated in thinking that the charges were dropped so he could go to North Carolina, by doing so it successfully delayed the trial for (4) four more years. The Prosecution violated Wright EI's "Fundamental Principles" of liberty and justice which lie at the base of all civil and political institutions. Marion, and the fairness guaranteed by the Due Process Clause of the Federal and State Constitutions were violated by the Charleston County Solicitor and their public defenders Office.

It's reasonable to infer that, in delaying the case, the

Prosecutor was seeking to ensure that if Wright El was convicted in North Carolina under circumstantial evidence Wright El would be sentenced to imprisonment terms of Natural life in South Carolina as it happened. Comparable to what Wright El otherwise would have been set free. These sentences and indictments should be dismissed with prejudice.

Argument (b)

(b) U.S. Const. legislature made clear its own intent to protect criminal defendants from successive delays unreasonably.

In Barker V. Wingo, 407 U.S. 514, 521-22 (1972) the Supreme Court announced a four part test for Speedy trial claims. The test balances ^{1.} the length of the delay; ^{2.} the reasons for the delay; ^{3.} whether and how the defendant asserted the Speedy trial right; ^{4.} the prejudice to the defendant.

Id. No single factor is necessary or sufficient to establish a deprivation to the Speedy trial right; rather a court must consider all of the factors and any other relevant circumstances Id. at 533. Nevertheless, the length of delay is to some extent a triggering mechanism. Id. at 530.

The Prosecutor with the defense attorney denied knowledge

of Wright El requesting a Speedy trial (Hearing transcript page 5 lines 11-13) When Wright El did in fact do so for (5) five to (6) Six years, in motions, letters to the District Attorney's office, to the Clerk of Court, as well as to the defense attorney.

see: Case Files of Pro. Se. Motions.

Prosecutor was wrong and masterfully violated Wright El's V.S. Const. Rights and all charges should be vacated.

"[I]f Wright El shows that the Prosecution successively delayed his Speedy trial with defense counsel solely in order to circumvent a tactical advantage then Wright El's entitled under Fed. R. CRIM. P. 48(b) to a dismissal of all charges and indictments in question.

When Charleston County indicted Wright El in October 93 they intended to use a tactical advantage unconstitutionally for a conviction (Hearing transcript page 9 lines 4-11) Thus, Marion, in which the prosecutor gained additional strength to ensure a conviction against Wright El by the plea with Calvin Anthony Frayer and by the successive delays of Frayer eating human feces in Charleston County jail.

The significant thing that changed between Wright El's arrest and appeal delays now shifted to the Court reporter whom took almost (2) two years to produce.

U.S. V. HENSON, 945 F.2d 430 (1st CIR 1999) (9½ Month delay triggered inquiry into Barker factors)

A. Wright El was prejudiced

In sum, Wright El's Post Conviction Relief Motion should be granted dismissing all convictions with prejudice.

The Prosecutor and its agent Court reporter are both Constitutionally and Statutorily in harmful error. Prejudice to Wright El, in the form of significantly longer imprisonment terms is apparent when he didn't have any initial criminal history the magnitude.

Due to the Constitutional Violations involved, the burden is upon the State to prove beyond reasonable doubt that Wright El was not prejudiced. All convictions should vacated.

Wright El filed a Petition in General Sessions Court in December 99 (9) Nine Months after his conviction requesting the trial transcripts. There was no reply while the Court reporter continued to display a pattern of "continuous transactions" of negligence to Wright El's Due Process Rights, thus constituted a complete dismissal of all convictions, when violations of Federal and State Constitutional Rights to due process and to be free from multiple punishments.

The Courts not acknowledging Wright El's Pro. Se Motions

are improper exercise of discretion. Cotton, 318 N.C. at 668
276, S.L. 2d at 280.

The Courts allowed unreasonable delays with the extensions of the court reporter delivering the trial transcripts in a timely fashion.

1. Motion for Extension filed on 13 July 99 for transcripts to be completed on 15 August 99.

2. Motion for Extension filed (4) four days after deadline on 19 August 99 for transcripts to be completed on 15 September 99.

3. No Motion for Extension was filed after deadline was up.

4. Motion filed for Extension on 2 December 99 for transcripts to be completed by 15 December 99.

5. Motion for Extensions filed on 22 December 99 (7) Seven days after the deadline requesting to 15 January 2000.

6. Motion for Extension filed on 27 January 2000
(7) Seven days after deadline requesting extension
until 15 February 2000

7. Motion for Extension filed on 8 March 2000
(21) twenty-One days after deadline requesting
extension to 15 March 2000

8. Motion for Extension filed on 19 April 2000
(34) thirty-four days after deadline requesting
extension to 15 May 2000.

See: South Carolina Supreme Clerk of Court Case files on Case No.
93-GS-10-6252 etc.

Wright El's rights to Due Process and a fair Appeal was impaired
by the State's Court reporters' unreasonable delays that under Morgan
and Barker this Post Conviction Relief Motion should be granted
dismissing all convictions in violations of the U.S. Const. Amend.
5th, 6th, 7th, 8th, and 14th.

Argument (c)

(c) The Supreme laws of the United States and all other free National Governments uphold there can be no legal proceeding without the establishment of "Proper Status" and correction of jurisdiction. These (2) two pillars of law must be in place and precedence before the adjudication of all formal matters and alleged offenses can be addressed.

see Exhibit (a) page 1-3 • Moorish American National Nationality ID.

see Exhibit (b) page 4-10 • Legal Proclamation & Judicial Notice

Filed with Berkeley County Register of Deeds

File No* 2014-00005687 pg# 109-110

See Exhibit (c) page 11-18 • United States Constitution Art § 3 sections 1 & 2 Art § 6

See Exhibit (d) page 19-26 • U.S. Moroccan Treaty 1787 Article 20, 21, and 24.

See Exhibit (e) page 27-34 United Nation Charter for the Moorish American National Government.

"The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceeding"
Hagan v. Lavine, 415 U.S. 533

"Federal jurisdiction can not be assumed but must be clearly shown"
Brooks V. Yawkey, 200 F2d 633

The Moorish American National Government is not to be mis-
construed as a religious organization subject to the United States.
see Exhibit (e) pages 27-34

The cited Supreme Court decisions Amistad Mutiny of 1841
and Dred Scott V. Sanford case of 1857 combined with resolve as
Elian Gonzales of Cuba Vs. The laws & Citizens of the United States,
were the lawful gnosis personifying the supreme issues of status
and jurisdiction; these issues are relevant to the immediate
matters of nationality and manumissions of the Indigenous
Moorish in America.

I, Terrence Wright El, in Propria Persona, Sui juris Nunc
Pro tunc is a Moorish American National and not a Negro, Black,
colored or African American.

see Exhibit (a)(b)(f) pages 1-3/4-10/35

See: Charleston County Clerk of Court Race listing of Terrence Wright El
and numerous letters written to correct it from 1993.

Basso V. Utah Power & light Co. 495 F.2d 906,910. Jurisdiction can be
challenged at anytime and jurisdiction once challenged can not be assumed
and must be decided.

According to Federal Rule Title 18 Section 241-242

No one has the right (especially under caddes and courts) to denationalized, deprive any rights, privileges, or immunities by reason of color or race.

While still after(80) eighty letters and motions submitted to Charleston County Clerk of Court office to make such corrections still has no been done.

This issue of my Proper Person status is to be corrected in this Post Conviction Relief Motion and hearing, unless this Court can prove my race and nationality otherwise.

Rosemond V. Lambert, 469 F.2d 416. The burdens shifts to the Court to prove ... otherwise.

Argument (d)

(d) When provisions are not made to address Foreign-Relations and Intercourse in a Consular Court or proper court as prescribed by law then no jurisdiction exist.

Main V. Thiboutot, 100 S.Ct. 2502 (1980) the law provides that once state and federal jurisdiction has been challenged, it must be proven.

A Court of General Sessions Congressionally sanctioned in accord with National Constitutions and Treaties with Consuls and officials representing both Nations / Nationals present and In Propria Persona would be a proper jurisdiction. All parties would operate by DE JURE Constitutional and Treaty law.

see Exhibit (a) page 24-25 • U.S. Moroccan Treaty 1787
Art. § 20, 21 & 24

The Moorish Court was abolished in 1956 in America when Morocco won its independence from France to resurrect the Moroccan Flag once again there. Any controversies that came before the courts in America was then addressed in the United States District Court of its jurisdiction under the United States Constitution Article § 3 court sections 1 & 2 ; Article § 6

see Exhibit (c) page 14-15 • United States Const.

Art. § 3 sections 1 & 2 ; Art. § 6

The South Carolina Officials both proceeded without proper jurisdiction and venue which constitutes no lawful or legal trial to be valid against Wright El or the detainer from South Carolina Dept. of Corrections.

Louisville RR V. Motley, 211 U.S. 149 29 S.Ct. 42. IF any tribunal Court finds absence of proof of jurisdiction over person and subject matter, the case must be dismissed.

"When government officials supersede their jurisdiction or deny lawfull Due Process, redress, recourse, and remedy "at law" then they are the criminals and are traitors to the Constitution and Treaty to which they are bound by law and from whence they derive any authority at all."

Under federal law which is applicable to all states, the U.S. Supreme Court stated that, "if a Court is without authority, its judgments and orders are regarded as NULLITIES. They are not voidable but simply void and form no bar to a recovery sought even prior to a reversal in opposition to them. They constitute no justification and all persons concerned in executing such judgments or sentences are considered in law as trespassers.

Brook V. Yawkey, 200 F.2d. 633

Elliot V. Piersol, 1 Pet. 328, 340 26 U.S. 328 (1828)

Charleston County Solicitor violated Wright El's Rights by prosecuting him under an "assumed jurisdiction" of Color-of-law to create legal disabilities within its administrative courts of

hinderance to establish his Proper self In Propria Persona Sui juris Nunc Pro tunc. Wright El was violated under Color-of-law that had no jurisdiction and when Notices were filed with such courts they failed to investigate his claim where a change of venue should have been automatically recognized by inferior Courts.

Any jurisdiction claimed without mutual agreement by Wright El in Propria Persona sui juris Nunc Pro tunc within the prescribed proper forum is Void of law. Federal and State State officials must set up Article § 3 Court to have lawful jurisdiction in Moorish Affairs.

see Exhibit (c) page 14-15 • United States Constitution Art. § 3 sections 1 & 2 ; Art. § 6.

see Exhibit (d) page 24-25 • U.S. Moroccan Treaty, 1787 Art. § 20, 21, & 24.

Moorish American National(s) in Propria Persona sui juris Nunc Pro tunc are not citizens of the Union States society [see: Dred Scott v. Sanford] but are the people of the Continental United States being part and parcel of the Government to which the Union of States are obligated.

The Constitutions of the two (2) Nations, in conjunction with Treaties are the working tools for adjudication in jurisdictional arguments, procedures, and venue.

Wright El in his proper status Propria Persona sui juris

Nunc pro tunc, any non-Federal sanctioned court is improper jurisdiction. Charleston County General Sessions Court did not operate with Constitutional law and Treaty, it's color-of-law and fraudulent. It's trial court were Colorable Court that's improper and have no jurisdiction.

Every judge of every territory, province or State are bound by the Constitution and Treaties and should be well aware of the status of Moorish American National(s).

see Exhibit (c) page 14-15 - United States Constitution
Article § 6

The Constitution and Treaties obligate the European side of the Nation to uphold the law of the land with proper procedure and law in any court suit case Status determines what law operates and how its applied. Proper jurisdiction and venue is determined based on that "Status", either Moorish Moslem law or the laws governing European Christians and their Negro, Black, Colored property and African Americans that now becomes Ex Post Facto in the 14th Amendment which then declares the same Negro, Black, Colored property, and African Americans as "Citizens" disguised under the word "Person" and made subject to their jurisdiction.

see: Amistad Mutiny of 1841

see: Dred Scott V. Sanford of 1857

see: Black's law Dictionary for Word "Person."

Constitutions and Treaties resolve any confusion of Status jurisdiction and proper venue.

see Exhibit (F) page 35 • Moorish Divine Constitution and by-laws

see Exhibit (g) page 36-41 • Moorish Zodiac Constitution

Wright El in Propria Persona sui juris Nunc Pro tunc was prosecuted in improper jurisdiction in Charleston County Court without "Status" and "Constitutions" entered into evidence which makes the proceedings already unlawful

see Exhibit (c) page 15 • United States Constitution Art. § 6

Constitutions and Treaties limit the authority of judges and determine whether or not a court has jurisdiction in a particular case. None of these Constitutions and laws has ever been changed and still stands as law today.

By not establishing Wright El proper status and jurisdiction the prosecution using Color-of-law is the de Facto labeling Wright El as Black, African American in which the Negro Act of South Carolina was used to assumed jurisdiction and venue that's the foundational bases of the illegal Black Codes of 1724 that its court system operates under a disguise of assumed jurisdiction of Color-of-law it don't have by misrepresentation of authority,

threats, and coercion, like in the way Fayer blatantly lied against Wright El to avoid the death penalty despite he testified that he was being paid to testify and was caught in several perjured statements.

This Post Conviction Relief Motion should be granted to vacate all sentences in violation of the U.S. Const. Amend. 5^m, 9^m and 14^m; U.S. Const. Art. § 3.

Argument (e)

(e) The Prosecution violated Wright El's Due Process Rights and United States Const. Article 3 sections 1 & 2 with no delegation of Authority to prosecuted by law.

The Rights of Wright El as an Moorish American National is protected by the written Constitution and Treaty law.

The Prosecution with the defense attorney failed to put into evidence their Delegation of Authority while failing to establish Wright El proper status and jurisdiction.

Charleston County General Sessions Court Now "In Personam jurisdiction" must prove it has the power over the personage Wright El [Not "quasi in rem" Power over Property]

A. Ineffective assistance of Counsel

Wright El was appointed the neglectful, deceitful, lying, Manipulative, among other things Ashley Pennington a public defender in said case. Wright El submitted Motions to the Court to have him replaced numerous times while Motioning for a Speedy trial and access to the D.N.A. testing that was NEVER released by the prosecution to him.

There was over 25 speedy trial Motions along with 60 letters written and sent to the Courts and Jack Sinclair Asst. Solicitor

all of which Pennington notified them not to answer my letters or Motions. (Hearing transcripts dated 1 March 99)

After (2) two years in the County jail Pennington came to Wright El stating that the charges were dropped and that he's free to go but was served with a Warrant from North Carolina so Wright El agreed to go to settle that case only to learn that lying deceitful devil was working against him from the Notice of the South Carolina Still had pending charges against him and that he'd have to return back to Charleston for trial despite the (2) two year stay in the County jail.

Peter Beck, Solicitor testified that Pennington told him not to answer any of Wright El's Motions, letters, or request for a Speedy trial, which Beck then stated of Pennington's foul conduct.

Beck testified to over 100 letters Motions etc sent to the Solicitor's office for a Speedy trial over the (4) four plus years. While Pennington then notified various people in the clerk's office to deny me access to the courts.

Pennington done everything in his power to sabotage Wright El's case by not subpoena no defense witnesses on his behalf for trial nor was any of Wright El's witnesses notified and the alibi North Park Village entry receipt somehow got missing.

At the trial Judge Short stopped it to make Pennington be seated at the defense table because he was near the jury box and wouldn't object to the lies being said despite Wright El had to get the judges attention to Order Pennington to be seated.

There was no appropriate objections nor did he conduct any DNA testing despite Wright El Motioned the Court for it himself when he never did. S.L.E.D. sent a copy of discovery to Wright El that said his DNA was no match and inconclusive to their testing.

Pennington invited the S.L.E.D. technician to lie on the stand about Wright El's DNA that wasn't even there on the projector screen.

The trial lasted three (3) days of lies with different officers testifying that they arrested Wright El in Aiken, S.C. at the trial in North Carolina and there was a different one at the Charleston trial. Pennington refused to address this in objection or produce the trial transcript from North Carolina to rebutt that officer and to rebutt Calvin Anthony Frayer, whom testified in North Carolina that he knew Wright El because they were best friends.

Pennington refused to entered into record Wright El's D.S.S. files to rebutted everything frayer testified to along with refusing to put Wright El's family members on the stand that could tell the truth of the lies frayer was telling.

Frayer was in the Mental health hospital for eating feces and he's a child rapist lying to avoid the death penalty. Pennington refused to call Wright El's D.S.S. and D.V.S. case youth Managers to testify once he'd learned they'd be able to exonerate Wright El against frayer's lies.

Frayer had family members testified at trial that all had

pending charges from Assault with intent to Kill and various other charges that they all came to testify for the prosecution in a plea deal to dismiss their unrelated Murder charge.

Cleveland Richardson Jr., Willie Bob Rivers, Shannon Jenkins, and some woman whose son was in jail for Murder claimed she met Wright EI on the night of the Murder which she lied and testified to the fact that she knew all of the state's witnesses and she was doing her testimony to help her son with his murder case.

The Appeals Attorney notified Wright EI that Pennington contacted him with explicit instructions NOT TO RAISE any issues up on appeal other than (1) One that only consist of the extradition rule and violation of the 180 day rule where Charleston Co. Police department officers showed up in North Carolina on the 181 day. Appeal Denied and No real issues was raised despite Wright EI numerous attempt to file Pro. Se Motions in which Appellant lawyer said he told the Courts Not to respond.

see: South Carolina Supreme Court Clerk of Court files on Terrence Wright EI Case No. 93-GS-10-6252 Charleston County.

Wright EI due process rights were violated in the U.S. Const. Amend 4th, 5th, 6th, 7th, 8th, 9th and 14th and this Post Conviction Relief should be granted vacating all sentences.

Relief Sought

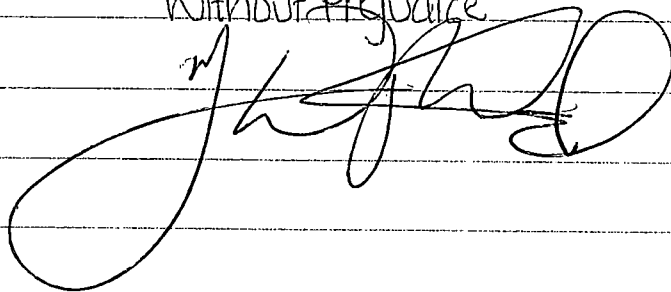
- A) For Wright EL defense to be able to review the actual DNA testing that was submitted excluding him that was documented then later perjured and contradicted at trial.
- B) For the court to familiarize itself with the Sundry Moors Act of South Carolina and undocumented Moors born in United States and South Carolina that are actual Moorish American Nationals as myself
- C) That a co-counsel be appointed to further assist to resolve this issue once and for all
- D) That a Writ be issued to bring Wright EL back to Charleston immediately.
- E) That the sentences be dismissed with prejudice and fully repealed. that was issued to be served after/Consecutively to the North Carolina sentence that's in violations presented

F) If need be, a new trial and sentencing where Wright's defense may present witnesses and actual facts to rebut all of the States witnesses and alleged evidence.

G) And any other appropriate relief that the court deems fit that was not mentioned.

10 October 2017

Without Prejudice

A large, stylized handwritten signature in black ink, appearing to be 'J. H. [unclear]', written over the 'Without Prejudice' text.

CERTIFICATION OF SERVICE

I, Terrence Wright El, In Propria Persona Sui juris NUNC pro
tunc hereby certify that copies were sent to the listed parties:

Hon. Deadra Jefferson
Chas. Co. Judicial Center
100 Broad St. # 336
Charleston, SC 29401

Rasheeda Cleveland, A.G.
PCR Div. - 9th CIR.
PO Box 11549
Columbia, SC 29211

Julie J. Armstrong, Clerk
100 Broad St #106
Charleston, SC 29401

10 October 2017

Without Prejudice

0506358

PO Box 600

Nashville, NC 27856

RECEIVED

APR 27 2018

S.C. SUPREME COURT

Appendix - C

Objection to Condition order
to dismiss pages 65-71

STATE OF SOUTH CAROLINA
CHARLESTON COUNTY

IN THE COURT OF COMMON PLEAS
FOR THE NINTH CIRCUIT

Terrence Wright El)

2015-CP-10-2332

v)

STATE OF SOUTH CAROLINA)

Objections to Conditional order to
dismiss

I, Terrence Wright El a pro.se. North Carolina State prisoner, present this matter before the court in response to the Conditional order to dismiss issued on 31 October, 2017 and filed on 3 November, 2017. I was given twenty (20) days to file my objection to this order. Factoring the Veteran's and Thanksgiving Day holidays, twenty (20) working days requires me in accordance with Houston V. Lack, 487 U.S. 266, 273-76 108 S. ct 2379 (1988) known as the "Mail box Rule", to have this objection logged in the Nash Correctional Institution mailroom no later than 8 December, 2017.

Objection to untimely filing

- 1) As a pro.se. litigant. I was under the impression that the 365 day deadline for filing my Post Conviction Relief No. 2003-CP-10-1894, was working days. I did not understand that it was calendar days. Even with my misinterpretation, I only missed the deadline.

by NINE (9) weeks.

Resnick v. Hayes, 213 F.3d 443, 446 (9th CIR 2000) agreeing with the district court's liberal construction of pro.se. pleading

Gomez v. USAA Fed. Sav. Bank, 171 F.3d 794-795-96 (2nd CIR 1999)

(per curiam) noting that pro.se. complaints must be read liberally.

2) As noted in Memo from Nash Correctional Institution case manager Herring (See Exhibit A) from the period of 6 April, 2001 thru 16 March 2003. I was housed at Corrections Corporations of America (CCA) facilities known as Mt. View and Pamlico. Both of these facilities were taken over by the North Carolina Division of Prisons (NCDOP) due to the management of CCA interfering with inmates access to courts by way of not allowing pro.se. litigants the material to properly prepare their legal documents and interfering with the sending and receiving of legal mail. I wasn't able to properly prepare my Post Conviction Relief, No. 2003-CP-10-1894, until I was transferred to Hyde Correctional Institution, a NCDOP facility on 16 March, 2003 (see Exhibit A)

3) As shown in correspondence with the South Carolina Office of Disciplinary Counsel (see Exhibit B) and the South Carolina Bar (see Exhibit C), there was a total lack of communication between myself and the court appointed attorney Brown. Had my court appointed attorney acted in a proper, legal, ethical

MANNER, the issues of my case could have been settled at the 15 June 2004 evidentiary hearing before the Honorable Judge Doyett A. Early III. I found out about this hearing when I received a copy of the order to dismiss my Post Conviction Relief No. 2003-CP-10-1894 without prejudice on procedural grounds (I'm Not present in court)

Fogle V. Pierson, 435 F.3d 1252, 1258-59 (10th CIR 2006)

Jones V. Blanas, 393 F.3d 918, 929 (9th CIR 2004) to deny tolling would effectively insulate from legal challenge the very confinement that may unconstitutionally restrict a detainee's access to justice in the first place.

Walker V. Jastremski, 430 F.3d 560, 564 (2nd CIR 2005) exceptional circumstances must be beyond party's control.

Langella V. Bush, 306 F. Supp. 2d 459, 467 (SDNY) (2004) Plaintiff met requirements of "exceptional circumstances" and diligence where he was pro se, and he missed the deadline by three (3) days.

Objection To Successive Post Conviction Relief Applications

The State claims that successive Post Conviction Relief applications are frowned upon by the courts. However, Post Conviction Relief No. 2003-CP-10-1894 was dismissed by the court without prejudice

with leave for me to refile upon my return to South Carolina. This creates a circular situation. The only way I can return to South Carolina is if North Carolina grants me parole. North Carolina will not grant me parole due to a detainer placed on me by South Carolina. In order to have South Carolina remove this detainer, I need the court to rule on the merits of my Post Conviction Relief application. Yet the state had my Post Conviction Relief application dismissed on procedural grounds. I wasn't present in court. How do I receive justice when the State continually has my motions dismissed on procedural grounds?

The State is requesting my latest Post Conviction Relief application be dismissed on procedural grounds of being successive, saying that I must provide a new issue for the court to rule on. The truth of the matter is as the court has "never" ruled on any of the merits of any of my Post Conviction Relief applications, everything in Post Conviction Relief application No. 2015-CP-10-2332 is new to the court and available for the court to rule on.

CONCLUSION

As a Pro-Se. litigant I have, to the best of my ability, made every attempt to follow the rules to receive justice through applications for Post Conviction Relief. However, due to my lack of knowledge of the intricacies of the procedural rules of the South Carolina Court system, all my attempts have been dismissed.

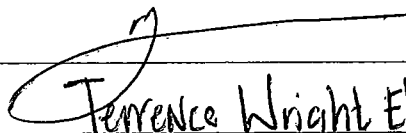
As I have shown, exceptional circumstances have severely hampered my ability to know about and follow the procedural rules of the courts.

In the name of justice, I request the following mercy from the court:

- 1) Set aside the conditional Order to Dismiss.
- 2) Appoint an attorney that will communicate with me in North Carolina.
- 3) Hold an evidentiary hearing so the court may rule on the Merits of my Post Conviction Relief application.

So Mate It Be this
22nd day of November 2017

Without Prejudice


Terrence Wright El

0505358

P.O. Box 600

Nashville, NC [27856]

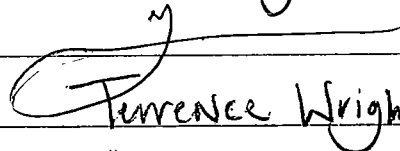
CERTIFICATION OF SERVICE

I Terrence Wright El hereby certify that copies of this Objection to Conditional Order to dismiss was placed in the Nash Correctional Inst. Mail box on this 22nd day of November, 2017 to be sent to the listed addresses below.

Julie J. Armstrong Clerk
100 Broad St. #106
Charleston, SC 29401

Rasheeda Cleveland Esq AAG.
PCR DIV. 9th CIR
PO Box 11549
Columbia, SC 29211

Without Prejudice

 Terrence Wright El

#0505358

PO Box 600

Nashville, NC [27856]



North Carolina Department of Public Safety

Prisons

Roy Cooper, Governor
Erik A. Hooks, Secretary

W. David Guice, Chief Deputy Secretary
Kenneth E. Lassiter, Director

To: Terrence Wright, #0505358

From: Mr. Herring, Case Manager

Re: Contact

Date: 11/21/17

Per your request please see below information regarding your Control housing assignments during this incarceration:

11/04/97	Assigned to Restrictive Housing at Odom Correctional
11/07/97	Assigned to Restrictive Housing at Odom Correctional
11/14/97	Assigned to Restrictive Housing at Odom Correctional
10/14/98	Assigned to Restrictive Housing at Odom Correctional
4/06/01	Assigned to Restrictive Housing at Mt. View Correctional
8/01/02	Assigned to Restrictive Housing at Pamlico Correctional
8/21/02	Assigned to Restrictive Housing at Pamlico Correctional
3/16/03	Assigned to Restrictive Housing at Hyde Correctional
4/02/03	Assigned to Maximum Control at Hyde Correctional
9/05/03	Assigned to Maximum Control at Caledonia Correctional
02/26/04	Assigned to Intensive Control at Scotland Correctional

MAILING ADDRESS:
P.O. Box 600
Nashville, NC 27856
www.ncdps.gov

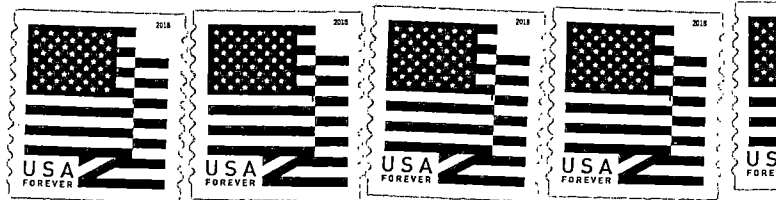


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Nashville, NC 27856
Telephone: (252) 459-4455
Fax: (252) 462-4046

0505358

. Box 600

Wille, NC [27856]



South Carolina Supreme Court
Attn: Court of Appeals

PO Box 11330

Columbia, S.C. 29211

MAILED FROM
NASH CORRECTIONAL INSTITUTION

MAILED FROM
NASH CORRECTIONAL INSTI