

Exhibit A-1

The Supreme Court of South Carolina

x Suzanne Cook 369011
VS
The State of South Carolina

2017-002195
Appellant's files this Brief
Pursuant to S.C.R.A.P. Rule 211b
Affidavit of Service

The above captioned (Appellant) hereby moves upon the above court, pursuant to S.C.R.A.P. Rule 211b and S.C.R.A.P. Rule 211c.

The (Appellant) raises the following issues that are mentioned in the County Plea Hearing in lieu of the filing of this P.C.R. claim.

- (1) S.C. Code Ann LAW - (Section) (17-20-10) Voluntary Intoxicant.
- (2) 6th ammendment U.S.C.A. / Capable Negligence of Counsel.
- (3) Legal Technical ERRORS by the Attorney General in acting over the case, based on the following facts
- (4) 18th U.S.C.A. 3161 (h) (8) (A).
- (5) Uniform Post Conviction Relief Procedure, Rule 12(b).

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on this ^x30th DAY of MAY 2018
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MY Commission Expires

x
x

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S.C. SUPREME COURT

EXHIBIT A-2

THE Supreme Court of South Carolina

Suzanne Cook 369011

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Statement of FACT

The State of South Carolina

Affidavit of Service

The (appellant) counsel uses ineffective for failing to acquire, Qualified Medical Expert to give open testimony on the use of multiple drug use in addition with a RAP expert on (Seizures). The (counsel) failed to raise the issue of Unentional cause of the car accident due to a physical medical condition of the (Seizures) without an expert opinion in open court. The (appellant) has been deprived of equal Protection of the law, The (Defense) gave his own personal opinion as to what he believed what was or what would have caused the car accident. See T-T (Page 55-Line 9) (P-12 Line 7, 8, 9, 10, 11, 12) (Page 13-Line 15-16, 17-18). Defense Attorney does not obtain a Ph.D. nor is he an expert in Medical Science, or (cdc.)

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MY COMMISSION EXPIRES

Exhibit A-3

The Supreme Court of South Carolina

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Smith - v - Robbins, 528, U.S. 259, 288, 120, S.Ct. 746, L.Ed. 2d, 756

Sutherland - v - State -- 337, S.E. 610, 524, S 2d, 833, (1999)

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After Discovered Evidence

5th Amendment U.S.C.A. / Denied the rights to Preliminary Hearing

6th Amendment U.S.C.A. Attorney and Client Doctrine - Breached

8th Amendment U.S.C.A. Double Jeopardy and Entrapment

14th Amendment U.S.C.A. / Denied Due Process / Procedural ERRORS

18th Amendments U.S.C.A. 1505, 1506 Model Penal Code

18th Amendment U.S.C.A. 3161 (H) (8) (A)

18th Amendment U.S.C.A. 3161 (H) (18) (c)

State - v - Stuckey, 337, S.C. 56, 508. S & ad. 564 (1998)

Sharper - v - State, 279. S.C. 318, 364 S & ad 247 (1983)

S.C. Code Ann LAW (17-20-10)

S.C. Code Ann LAW (Rule of Pretrial Matters, Rule 23

S.C. Code Ann LAW (17-27-130) (Supp 2001)

S.C. Code Ann LAW (17-27-150) (Supp 2001)

Weathers - v - State, 319 S.C. 59, 459, S & ad 838 (1995)

Gibson - v - State, 334 S.C. at 523, 514, S & ad at 234

United States - v - Avellino, 136, F. 3d, 249, 255 (2nd Cir 1988)

Fraiser - v - State, 306, S.C. 158, 410 S & ad, 572 (1999)

Bannister - v - State, 333, S.C. 298, 509 S & ad 807 (1998)

EZELL - v - State, 345, S.C. 312, 548, S & ad 852 (2001)

Exhibit A4

The Supreme Court of South Carolina

Suzanne Cook 369011

2017-002195

The State of South Carolina

The (Appellant's) Reply Brief
Affidavit of Service

I Certify under penalty of perjury that I have
Submitted a Reply Brief to the Supreme Court by
Order of the court to show cause as to why
my appeal should be overturned and set for a new trial.
Notice sent on this (30th) DAY of May 2018

S.S.

S.C. Supreme Court

P.O. Box 11330

Columbia, S.C.

Sworn to AND Subscribe before me

on this (30th) DAY of May 2018

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Exhibit B-1

The Supreme Court of South Carolina

Suzanne Cook 369011

the State of South Carolina

2017-002195

The Appellants Brief and
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(Defense counsel, P.C.R. Counsel) 6th AMENDMENT U.S.C.A.

1. Alibi Witness → Bannister - v - State, 333 S.C. 298, 509 S + 2d, 807,

(1998). The (appellant) States that Defense Counsel and PCR.

Counsel failed to acquire medical expert opinion, to give

open court testimony on the affects of the prescribed drugs,

(Percocet) a phyc. medicine, combined with (Meth-amphetamine)

along with the ingredients from her chemotherapy and

Marijuana, the appellant had used on the day of the car

accident. The question is what affect and effect of these

combined drugs would have on the appellant. Under S.C. Code

Ann Law; Section (17-20-10) The Voluntary intoxicant defense

Should have been applied to the appellants case. Under

this defense the Supreme Court ruled that any person

under the influence of drugs; Cocain, crackcocain, Prescription

Drugs, marijuana, combined with other substances, such as

alcohol and the above, will render that persons judgement

impaired at the time or during the course of their

alleged crime. In Bannister - v - State, 333, S.C. 298, 509 S + 2d

807 (1998) The Supreme Court ruled. The most common claim

is that Counsel and PCR counsel failed to call critical witness

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As an alibi witness. The appellant states that trial counsel and P.C.R. Counsel failed to present evidence from an independent expert to DNA evidence of the appellant's CBC blood work which revealed that the appellant was actually overdosed according to trial counsel. See page 13 & 8

She had used drugs and had seizures. Line 15-16 tested positive for Meth; Page 9-10 line 4. Nurses found (4) four Percocet in the appellants back pocket when the nurse cut off appellants clothes. Bloodwork (CBC) revealed (56) fifty six liter of meth-amphetamine found in her CBC bloodwork. These combined medications can cause seizures

note that on pages 10, 12, 13. There was no qualified expert witness presented at trial or at the PCR hearing as mitigating evidence in support of the S.C. Code ANN LAW; (17-20-10) The Voluntary Intoxicant Defense is applicable

and should have been applied to this case at Bar Quoting case LAW →; Underwood - v - State, 309 S.C. 560,

425, S & 2d, 20, (1992) The Supreme Court ruled: in Underwood - v - State that failure to present testimony at the P.C.R. hearing or to at least present evidence of that testimony in some other fashion means that

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the claim must fail. Quoting → Frazier -v- State 306, S.C. 158, 410, S + 2d 576 (1991). In Frazier -v- State the circuit court denied Appellants relief on the allegations that counsel failed to attain expert to counter DNA evidence presented at trial. The appellant can show that trial counsel and P.C.R. counsel failed to acquire any qualified medical expert on DNA, CBC to give open court testimony about the combination of affects and effects of mixing the following. Percocet, meth-amphetamine, liquor, and marijuana can bring on mental impairment rendering the appellants action to be reckless mens rea lacking the ability to distinguish morally right from morally wrong. Combined with radiation from the chemotherapy itself renders the appellant incoherent and emotional and mentally unstable to drive a vehicle. Trial counsel failed to acquire qualified expert for the defense. The appellant states that she would not have pled guilty had she known that she had an overdose of meth, which caused her to have a seizure which would cause her to not be liable for the death and wreck. Quoting → Gibson -v- State 334, S.C. 515, 514 S + 2d 320 (1999). In Gibson, the Supreme court ruled that when a defendant lacks knowledge of material evidence in the prosecutions possession, the

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Waiver of Constitutional rights cannot be deemed knowing and voluntary; Gibson, 334 S.C. at 523, 514 S+2d at 324.

The governments obligation to make such disclosure of Brady material is pertinent not only to an accused preparation for trial, but also to his determination if whether or not to plead guilty. The defendant is entitled to make that decision with full awareness of favorable material evidence known to the government, Id 334, SC at 523-24, 514 S+

2d at 324; Quoting United States -v- Avellino, 136 F. 3d, 249, 255 (2nd Cir. 1998). The appellant would have gone for a jury trial.

If appellant had prior knowledge of the overdose that caused the seizure which was the direct and approximate cause of the accident which caused the death and bodily injury of the

(2) siblings. The Supreme court ruled in Roseboro -v- State, 317, S.C. 292, 454, S+2d, 312 (1996); that other matter could

otherwise be reviewed on direct appeal, if not for counsels failure to properly preserve the issue. The defense counsel

failed to inform the appellant that she should proceed with a jury trial based on the evidence findings in

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—
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The Appellants Brief & table of
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Exhibit B-5

Appellants DNA was an overdose in conjunction with a seizure which breaks the chain of homicide under DWI. Defense Counsel should have charged the jury on recklessness, unintentional cause of bodily injury that lead to the (2) Siblings and the death should have been ruled accidental. The Supreme court ruled counsel may also render deficient performance if counsel fails to request a jury trial instruction that the defendant is entitled to have the judge charge to the jury. The appellants' case is a (Prime Facie) case of false representation by all those who had possession of the case and subject matter jurisdiction over the appellants trial and appeal.

The attorney and client doctrine is the one and only strongly most (iron-bar) known to the constitution. It is almost sacred the only way the attorney can disclose of a matter concerning his ability to represent the client is only if the client asked

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The appellants Brief
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Exhibit B-6

his attorney to commit a crime. That's the only time an attorney can go against his client, The defense attorney and P.C.R. attorney must consult with their client fully on matters of the constitutional magnitude without such consultation the representation of the defendant becomes only, another method of manipulating persons in situations where their counsel over their lives is precisely what is at stake.

The appellant further states that appellants Defense counsel failed to make an appeal that would be of use to her: the appeal submitted was defective, it did not raise any other issue other than ineffective assistance when there were numerous issues that could have been raised. Quoting *Ezell-v-State*, 345, S.C. 312, S+2d, 852 (2001) the Supreme Court held that: appellant counsel may also be ineffective for failing to make a record sufficient for review contrary to the case law; In \rightarrow *Sutherland-v-State* 337, S.C. 610, 524 S+2d, 833 (1999) of course it can issue

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it's not preserved for appeal then appellant counsel cannot be ineffective for failing to raise the issue; consequently to that fact; In \Rightarrow Smith-v-Robbins 528, U.S. 259, 288, 120. S.Ct. 746, 765, 145, L.Ed. 2d, 756 (2000) Appellant counsel may render ineffective assistance of counsel, appellant counsel, for failure to present an issue on appeal. The appellant has been prejudiced by the appellant counsel based on the fact of procedural errors, where appellant counsel failed to perfect the appeal by requesting the attorney general to submit: ① Medical Records ② pre-trial Inditment ③ Discovery evidence which has been Limine-out of the trial court and the P.C.R. court in Lieu of the above Supreme Court.

The appellant could have filed a motion to amend the record pursuant to S.C.A.C.R. Rule 211(b) to acquire the evidence of the appellants Medical condition in lieu of the affects and or effects

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of the combined drugs which caused the appellants' overdose. Quoting \Rightarrow State - v - Stuckey 333, S.C. 56, 508, \downarrow 2d, 564 (1998). Since there is no right to Hybrid representation are not accepted. However counsel risk objections from the state and may be precluded from raising the issues found in the Pro-Se brief. However the Supreme Court held that; exception to the rule for Pro-Se briefs motion to relieve an appellants counsel. Appellant defense counsel requests to be relieved because their appeal brief is and was or were defected. In Sharper - v - State, 279, S.C. 310, 364 S \downarrow 2d, 247. The Supreme court held that allegations that raise questions of facts not (conclusively) refuted by the record, require an evidentiary hearing to be convened closing argument.

The Appellant has been prejudiced and deprived of due process of law guaranteed by the U.S. Constitution. The counsel either retained

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The appellant's Brief
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or appointed by the court concealed the Discovery Evidence to entrap the appellant to enter a guilty plea. In Lieu of failing to provide an independent qualified medical expert to give open testimony about the effects and affects of meth, percocet, marijuana, alcohol, etc. which caused the appellant to have a seizure which was the direct cause of the accident that resulted in a death and bodily harm to the others. Trial counsel prejudiced the appellant by vouching that the drugs was not why the seizure was caused. The death of the deceased and the bodily injury to the (2) siblings. Appellant counsel failed to raise the issue that, counsel prejudiced the appellants claim because the trial counsel was at fault and erred by giving an opinion on what the affect or effect the combination of drug use would have or have not caused the appellant

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to have a seizure. The trial counsel is not an expert on medical science nor does he obtain a PhD. nor is he qualified as a physician or Medical Tech etc. The conviction was based on hear-say evidence from trial counsel not supported by probative evidence. The conviction should be overturned on procedural Error. of LAW.

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on this 30th Day of May 2018

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MY COMMISSION EXPRESS

Exhibit C-1

The Supreme Court of South Carolina

Suzanne Cook 369011

2017-002195

The State of South Carolina

The appellant files the motion
for a writ of MANDAMUS

The appellant files this notice and motion for a writ of MANDAMUS. Pursuant to Toal Et. Al. appellant practice in South Carolina pg. 281 (1999) citing → Wiblen-v-long, 262, S.C. 430, 205. S+2d, 174 (1976).

The appellant can show how the Attorney General failed to provide the appellant with the DNA Medical Report of the overdose in lieu of having a seizure which would free her from the death of the deceased. The appellant was entrapped to enter a guilty plea under the fact that she was the driver of the vehicle, she caused the accident but it was unintentional. The mere fact that she was coming from a chemotherapy is a mitigating factor in this case at bar; In conjunction with the prescribed medication given to the appellant for her pain.

The appellant legally was under the influence of prescribed medication, although the appellant did abuse the medication. It was not foreseeable what the accident would have occurred. She (appellant) has a legal standing.

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The Supreme Court of South Carolina

Suzanne Cook 369011

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Motion for a Writ of

Mandamus / S.C.A.C.R. 211(b)

Affidavit of Service

final judgement.

The Attorney's and Attorney General has excluded -
LIMINE out of court. The medical records and failed
on both sides to acquire a qualified Medical Expert
to give open court testimony about the affect or
effect of the combination use of Meth., Marijuana, Percocet,
etc. Pursuant to SCACK Rule 211(b). The Supreme Court
can order the Attorney General to present the Medical
evidence to the court for review and inspection, as a
burden of proof that the appellant had O.D. (overdosed).

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on this ~~30th~~ DAY of May 2018

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Exhibit D-1

The Supreme Court of South Carolina

Suzanne Cook 369011

2017-002195

The State of South Carolina

The appellants Brief on
Prosecution Misconduct

5th, 14th Amendment U.S.C.A.

The appellants raises the issue of violation under the 5th and 14th Amendment USCA. which is also consistent with procedural legal technical errors, pursuant to S.C. code Ann Law, section: (17-27-150 (Supp 2001). Pursuant to S.C. Unifor Post Conviction Relief Act. Pursuant to (Rule 12) of (17-27-70(b)) The state has violated the conditions of the rules governed the P.C.R. under (rule 12). A guilty plea must be responded to within 60 days, after filing. The Attorney General in acting over the case failed to file a motion for extension in which to respond to the appellants' claim pursuant to 18 U.S.C.A. 3161 (H)(8)(A) Ex parte NIX. In order to obtain a motion for a continuance, or an extension to be granted lies strongly with the judge presiding over the case; although motions for continuance is prohibited pursuant to 18 U.S.C.A. 3161 (H)(P)(c). The attorney general failed to file any motions for enlargement of time in which to respond to the claim, failed to put in writing on the face of the

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The appellants Brief on
Prosecution misconduct + Attorney Gen
5th, 14th Amendment U.S.C.A.

record an EX PARTE NIX motion which is consistent with S.C. Code Ann LAW: section (17-27-70)(b) in lieu of S.C.A.C.R. Rule 211(b) of the rules of Uniform Post Conviction Procedure Act.

The appellant conviction must be reversed based on the delayed defect indictment crime occurred on April 4, 2015. The appellant was indicted March 2016 approximately (11) eleven months later in violation of F.R.C.P. + S.C.R.C.P. rule of paragraph (A) (b). South Carolina rule criminal Procedure - pre-trial Act. which is also consistent with the 5th And 14th Amendment U.S.C.A. The appellant did not waive her rights to appear before a state grand jury for her preliminary hearing. Trial counsel did not ask the appellant if she wished to appear for her pre-trial hearing nor did trial counsel inform the appellant that her pre-trial hearing had been waived there is no physical written document proving or tending to show the appellant had waived her rights to appear for her pre-trial. Pursuant to S.C.R.C.P. pre-trial matters, an indictment must be issued within (90)

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The appellant's Brief on Prosecution
and Attorney General Misconduct

Pursuant to the 5th and 14th Amendment

ninety days, pursuant to S.C. Code Ann LAW criminal Procedure.

The appellant in this case at bar was indicted in the March term of 2016 which exceeded the (90) days; consequently to that issue, the state failed to file a motion and notice for enlargement of time. (to prefect the alleged indictment against the appellant in this case at bar. In addition with that issue the appellant conviction is unconstitutional and unlawful because of technical procedure legal errors, of the law in violation of the appellant's state and federal civil protected rights, which is guaranteed to her by the United States constitution that cannot be denied or deprived of equal protection and Due process of law, without fundamental fairness and bitterness. The state did not have legal Subject Matter jurisdiction over the appellant or the case based on procedural irregularities by the solicitor and Attorney General.

The totality of the facts in this case is supported by the rules of South Carolina code Ann LAW, which is

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The Supreme Court of South Carolina

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The appellants Brief on Prosecution
and Attorney General Misconduct

Pursuant to the 5th & 14th Amendment-USA.

Consistent with the U.S. Constitution.

The facts that can not be disputed are (1) State failed to file
EX PARTE NIX Motion. (2) failed to put in writing on the face of
the record any said reasons for the delay for response to the P.C.R.
(3) The statute of limitations had expired on both the criminal
trial and the P.C.R. hearing final conclusion.

The attorneys failed to submit an arguable appeal (limine-out
of court) on record of appeal) (the retrial motions, hearing (2) Limine out)
medical data, only mention medical data without a qualified expert
being present for open court testimony.

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On this 30th Day of May 2018

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The Missing Link of the
evidence S.C. Code

Ann (17-7-80)

The appellant raise the issue of the (Missing Link), the Solicitor in acting over the case at bar. Purposely (Limine) out of court. The toxicology / DNA, CBC medical data, or discovery of the deceased was not submitted to the court. The defense attorney did not provide the appellant with the deceased discovery - medical - data nor did the P.C.R. Counsel acquired or sought after the deceased medical record. In the guilty plea trial transcript states that the deceased was returning from store. It could be said that the deceased was under medication and she could have caused the accident. For example by way of illustration, both cars collided, and all those in both cars went to the hospital. The medical report gave cause of injuries but at no time in the transcript revealed the CBC, DNA, toxicology report. was presented as evidence. What has been said is that the deceased died as a result of the car accident. It did not say she was on medication etc. That is the missing link in this case at bar. The appellant had possession of (4) four

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The Missing Link of the Evidence S.C. Code Ann (17-7-80)

Percocet and had a seizure, the totality of the car accident was placed on the appellant, according to S.C. Code Ann (17-7-80) The coroner shall examine any predeceased or any driver who dies within (4) hours of a motor vehicle accident, and take or cause to have taken by a qualified person such blood or other fluids of victims as are necessary to determine the presence or percentage of alcohol and or drugs. The arresting officer who responded to the crime scene was prejudiced towards the appellant. There was no video recording of the accident in conjunction with non-compliance nor was there any sworn affidavits that is required by Law. This mandata a reversal in opposition of Subsection B of this Statute.

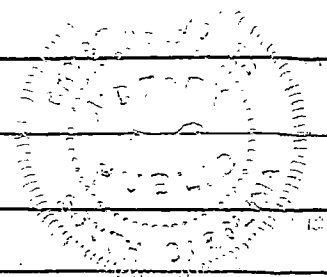
Sworn to and subscribe before me
 on this 30th DAY of MAY 2018

Suzanne Cook

Notary Public for the State of South Carolina

Crystal Jones

MY Commission Expires July 22nd, 2026

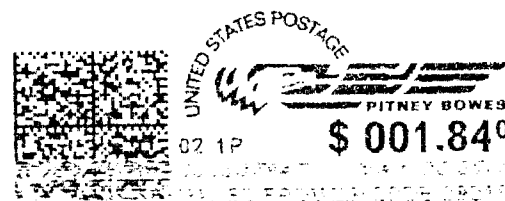


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