

RECEIVED

AUG 17 2018

This is the prose response S.C. SUPREME COURT  
to the letter I received dated Aug.  
7, 2018 regarding Appellate Case # 2018-  
000052.

The PCR court determined that  
I didn't prove ineffective assistance of  
Counsel. I don't understand how not,

#1 I requested my attorney to obtain  
a copy of the sled drug analysis and  
he did not. Had he done so he would  
have seen that there was virtually no  
drugs confiscated during the search  
of my house. Cobbs v. State, 305 S.C. 299,  
408, S.E.2d 223 (1991). Failure to investigate  
possible defenses constitutes ineffective  
assistance of Counsel. I'm not saying  
that just because there was a  
discrepancy in the amount of drugs that  
my lawyer was at fault. I'm saying  
that there were NO drugs and my  
attorney not knowing, because he

didn't have a copy of the Sled drug Analysis, could not correct the Judges false assumption that "when you have several bottles going at one time that indicates for the Court that this was not just for your own personal Amusement or medication. This was something a little more substantial." That false assumption led me to be sentenced to 12 years because of the "sheer amount of drugs involved." Had my attorney had that evidence I would not have plead guilty that day or at all probably because the state couldn't prove trafficking. There's a reasonable probability that the result would have been different. Cherry v. State, 300 S.C. 117-118, 386 S.E.2d 624 (1989).

Sincerely,

David S. Mooney

LEGAL

MOONEY-186128

David Mooney 7180128  
Kershaw CI  
RHU #40  
4848 Goldmine Hwy  
Kershaw SC.  
29067

The Supreme Court of South Carolina  
P.O. Box 11330  
Columbia SC.  
29211

**LEGAL**

RECEIVED BY THE COURT

