

of kidnapping charge (because court failed to make record charge contained no sex act causing Applicant to be classified labeled as sex offender)

(NEVER Received Any Return App 45 or Any advise for hearing)

Applicant received no discovery to submit with application (only plea/sentence transcripts 5-20-09 delivered by family) Applicant wrote Sup. Ct. of S.C. asking whom attorney was June 14 2011, the return showed Carrie Tonnar Hall, sent letter no return. Applicant received no advice, notice, or discovery for Case No. 2009-CP-29-0859 he spoke to M.R. Metts 2-28-12 for five minutes the day of hearing and she mentioned to him something about a 26 year cap. Judge ordered both State attorney and Applicant's attorney to prepare briefs on particular issue of failure to inform giving them fifteen days with a couple extra if needed to debate and send briefs by E-mail (aleej@scjd.state.sc.us) to make final decision whether to grant relief or not (App. 93-95) Applicant never received these briefs or notice of appeal by M.R. Metts dated 4-30-12 with address to contact for advise. Appellate counsel was inadequate for failure to advise client how to appeal. Applicant's cell was searched by SCDL officer 3-18-12, exactly eighteen days after hearing - he was charged with contraband.

Applicant received order to dismiss (dated 4-2-12) with transcript 9-20-12 he never received time extensions 11-19-12, 12-19-12 or 1-22-13 due to SCE-Filing, and per attorney never informed about of appeal

On 2-17-13 SCDC officer Dillard shakes applicants cell at PCI Q3A 206 confiscates legal folder because it contained Fantasy football sign-up sheet charging him with Gambling.

¶ No 2012-212295

Applicant receives Appendix Writ of Certiorari by Lonelle Corty Durant ¶ No. 2012-212295 dated 2-22-13 Remittitur issued 7-29-13 Applicant was never properly advised how to properly appeal direct appeal, PCR for Writ of Certiorari, on new issue of failure to inform.

Applicant filed Habeas Corpus ¶ No. 5:13-cv-02991 8-23-13 Sixth Amendment violation, IAC, counsel failed to convey 20 year plea offer.

¶ No 5:13-cv-02991

On 9-20-13 Applicant's cell was searched Thursday 7:30 AM. by SCDC officer Martin, his cellmate Gary Childers was caught in possession of wine - Applicant was taken to holding cell and a BHAC balloon test was performed by Ofc. Peay and Ofc. Fish - they said the test showed three rings meaning alcohol was present, applicant requested another test because he was asleep when they found wine also the wine was not ready they refused sending him to lock-up, Applicant was sent to Q4 117 9-25-13 missing several property items.

Applicant was sent on Medical run to Richland Memorial Hospital for nerve test five times only to be seen the last time

these dates are 11-7-13, 1-7-14, 1-30-14, 3-17-14, and he seen doctor 5-12-14. Applicant was unable to access law library, PCI was locked down the first week of February 2014 til the second week March 2014 for flu vaccination. Applicant sent two letters asking for help the first date 3-6-14 was sent to Laclede County, Durant SCID, the second was dated 3-24-14 asking for assistance and sent to wrong court S.C. Supreme Court. CA No. 5:13-CV-02991-DCN was dismissed De novo review 6-2-14 giving applicant 20 days to appeal. Habeas Court could not rule on Habeas 40 interim because issue was not properly adjudicated by State Court.

Applicant filed PCR action July 1, 2015 amending application Sept. 22, 2015 exactly 270 days from the finalization of last appeal governing Supreme Court case Missouri v Frye CA No. 2015-CP-29-0925

Motion to dismiss with Conditional order was served on applicant August 15, 2016, Applicant was transferred to MCC1 8-30-16 unable to properly show motion to dismiss was improperly determined. Upon receiving properly applicants legal box was misplaced the prison has been through three different Wardens, Carledge, Stephan, and Williams, The prison has been on constant lock down due to (inherent whether hurricane Matthew Oct. 2016, Phillip Oct. 2017, Florence Sept. 2018), (transfer the entire F-2 Nov. 2017), (LEE County Riot April 2018), and other systematic failures to correct staffing problems. Houston v Lack, 487 U.S. 266 (1988).

Applicant wrote plea/sentence attorney May 2017, per attorney June 2017, SCID attorney June 2017, Sixth Circuit Solicitor June 2017, Clerk of Court Lancaster County June 14, and 17 2017, District Court June 2016 and S.C. Court of Administration June 2017 asking for full discovery, E-mails, briefs, and Court Calendar of Sixth Circuit Terms July 2008 August 2008.

Letter dated 6-27-17 from S.C. Court of Admin. shows where applicant received Calendars for July 2008 Term and August 2008 Term.

Letter dated 6-26-17 from Sixth Circuit Solicitor office shows the Courthouse was burned down the month of August 2008, the same month Solicitor testified his office was torched in PCR App. 73-74, App. 77

GA No. 17-766 (5:13-CV-02291)

Applicant filed Appeal to U.S. Ct. App. 4th Cir by way of informal preliminary brief 12-29-17 No. 17-7666 (5:13-CV-02291) dismissed 5-14-18.

Applicant filed Fee dispute to S.C. Bar Rule 416 SCBCR to Fee dispute Coordinator 4-9-18 (no return) Michelle Dennis (mdennis@sbar.org), Applicant's Complaint to S.C. Sup. Ct. Office of disciplinary Rule #113 SCBCR filed Sept. 13, 2017 was not dismissed by Notice of FINAL DISPOSITION of Matter # 17-DE-L-1113. May 24, 2018

Applicant sent permission to appeal to Attorney General Attn: J. Crown Hunter, Esquire P.O. Box 11549 Columbia S.C. 29211 6-11-18 (no return)

Applicant sent appeal to S.C. Sup Ct. 7-2-18 CA No. 2012-212295 return dated 7-9-18 stating no action will be taken enclosed

Applicant mailed PCR application to Attorney General and Clerk of Court 6-28-18 received return dated filed 7-10-18 CA No. 2018-CP-29-0836

Applicant received Final order of dismissal CA No. 2015-CP-29-0925 with copy of Affidavit showing date served 8-15-16 advising him to secure appeal within 30 days by Rule 207 SCACR directing his attention to Rule 227 SCACR for procedure to file and secure appeal. dated August 30, 2018 see Houston v Lack 487 U.S. 266 (1988)

Applicant sent Notice of Appeal CA No. 2015-CP-29-0925 explaining why dismissal was improperly granted, not successive and not in violation of statute of limitations, with Motion for discovery, and Affidavit Sept. 10, 2018 to Clerk of Court requesting him to send to all parties per Rule 5 SCACR because unable to make copies due to lock down, also sent handwritten N.O.A with reasons to Attorney General office both had SASE for return notarized Sept. 11, 2018.