

The Hon. Daniel E. Shearouse
Clerk, Supreme Court of S.C.
P.O. Box 11330
Columbia, S.C. 29211

1-13-13

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JAN 17 2013

S.C. Supreme Court

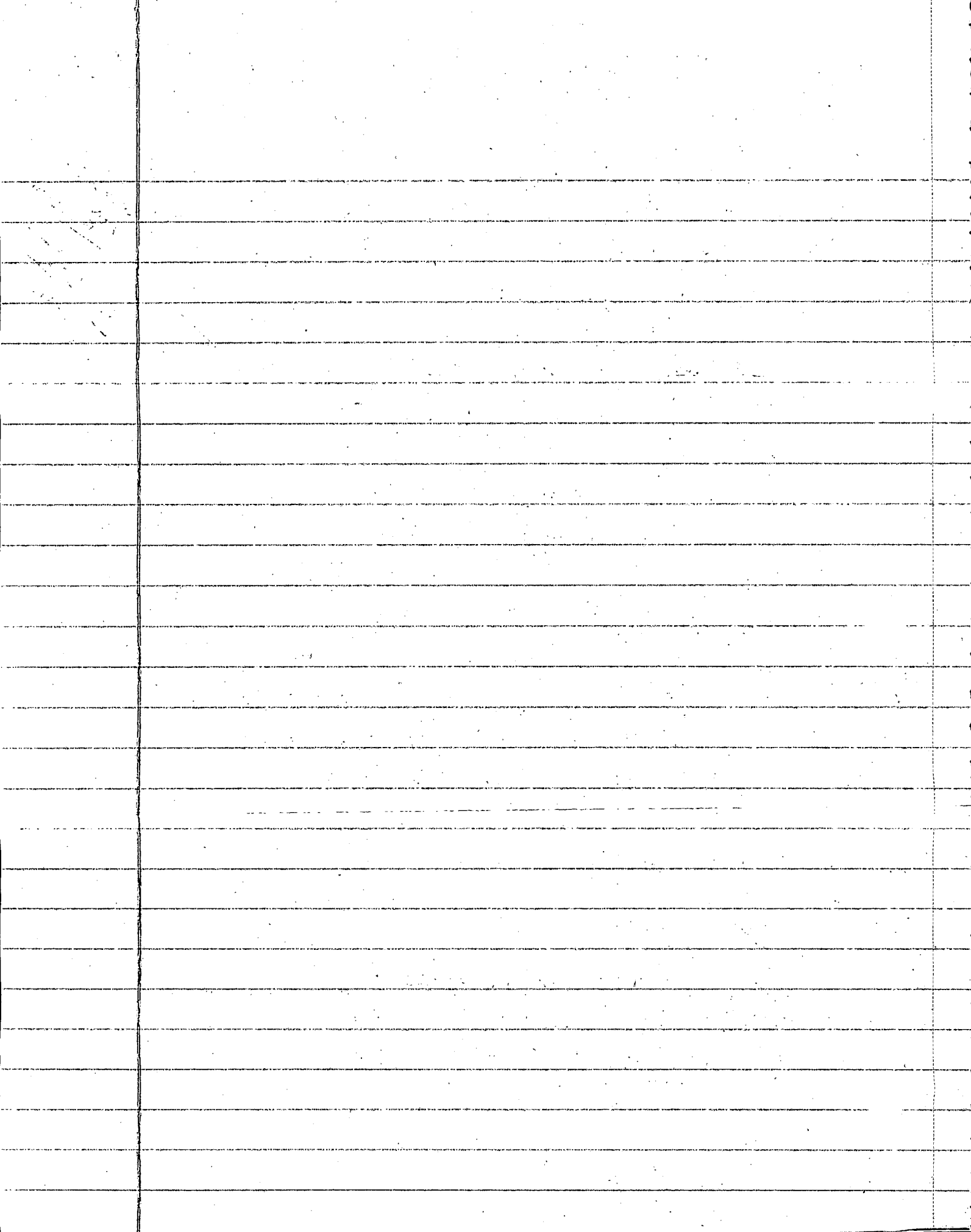
RE: Motion to Reconsider 59(e)
C/A # 2012-CP-10-3627 (PCR - Charleston Cty.)

Dear Mr. Shearouse

Enclosed, please find Motion to Reconsider 59(e)
that I'm asking of you to please clock stamp for filing
and send the following respondents giving them notice
because I can't provide copy because institution that
I'm at my dorm is lock down for security reason and I
have already received my order of dismissal and time
is of the essence. I kindly thank you for your help sir.

Please send copy to:

The Hon. Roger M. Young Sr.
Presiding Judge - 2012-CP-10-3627
100 Broad Street, Ste. 106
Charleston, SC 29401



The Hon. Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

The Hon. Julie J. Armstrong
Clerk of Court for Charleston Cty.
100 Broad Street, Ste. 106
Charleston, SC 29401

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JAN 17 2013

Mark E. Peper, Esq.
The Peper Law Firm P.A.
1637 Savannah HWY. Ste. 202
Charleston, SC 29407

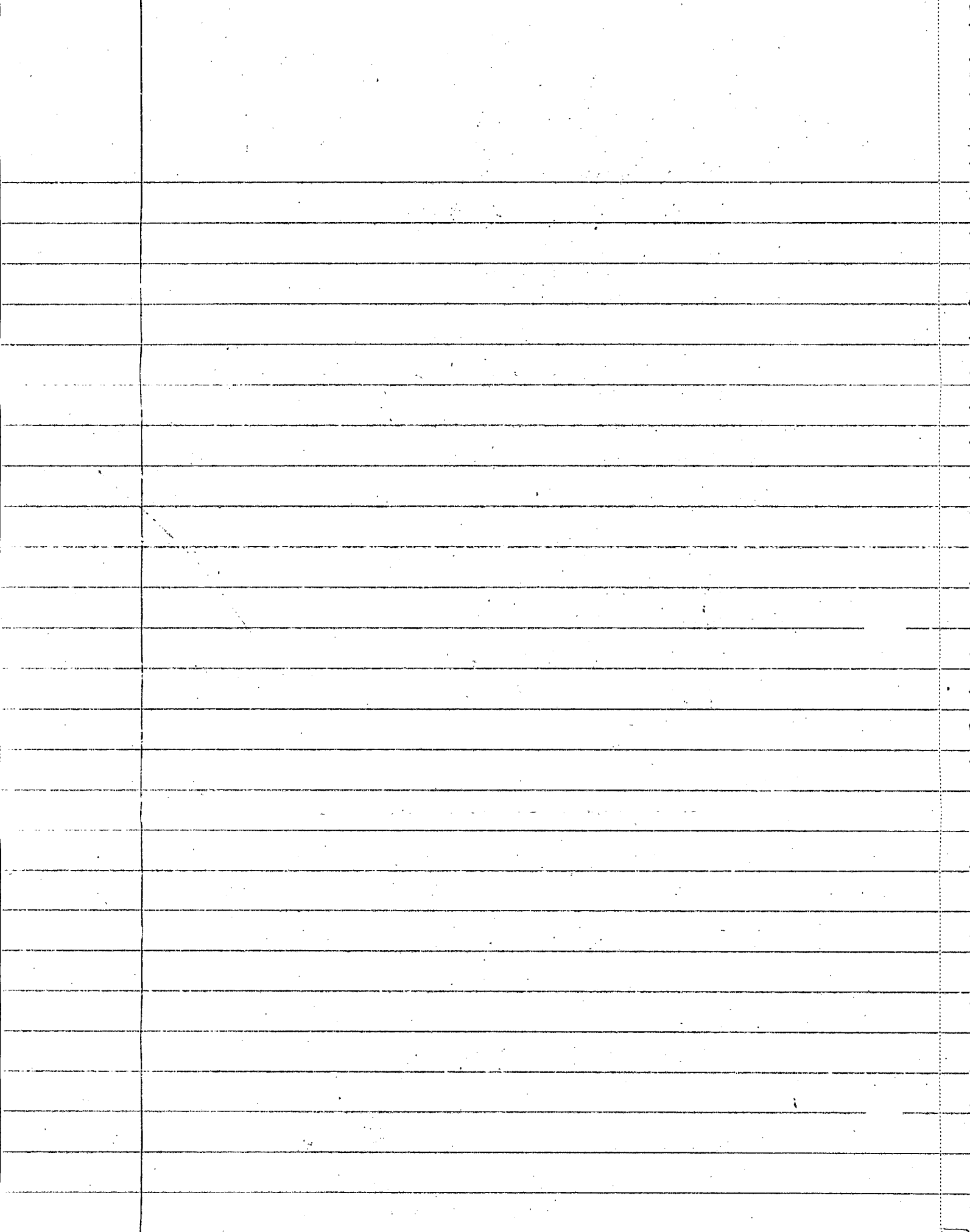
S.C. Supreme Court

Attorney General Ashleigh R. Wilson
P.O. Box 11549
Columbia, S.C. 29211

Stanford Brown #293743
Lieber Corr. Inst. EB-5
P.O. Box 205
Ridgeville, SC 29472

Dated 1-13-13

Respectfully Submitted
/s/ Stanford Brown
Stanford Brown #293743



STATE OF SOUTH CAROLINA) IN THE COURT OF
COUNTY OF CHARLESTON) COMMON PLEAS
STANFORD BROWN 293748) 2012-CP-10-3627.

v

STATE OF SOUTH CAROLINA) MOTION TO RECONSIDER
RESPONDENT) AND CLARIFY ORDER.

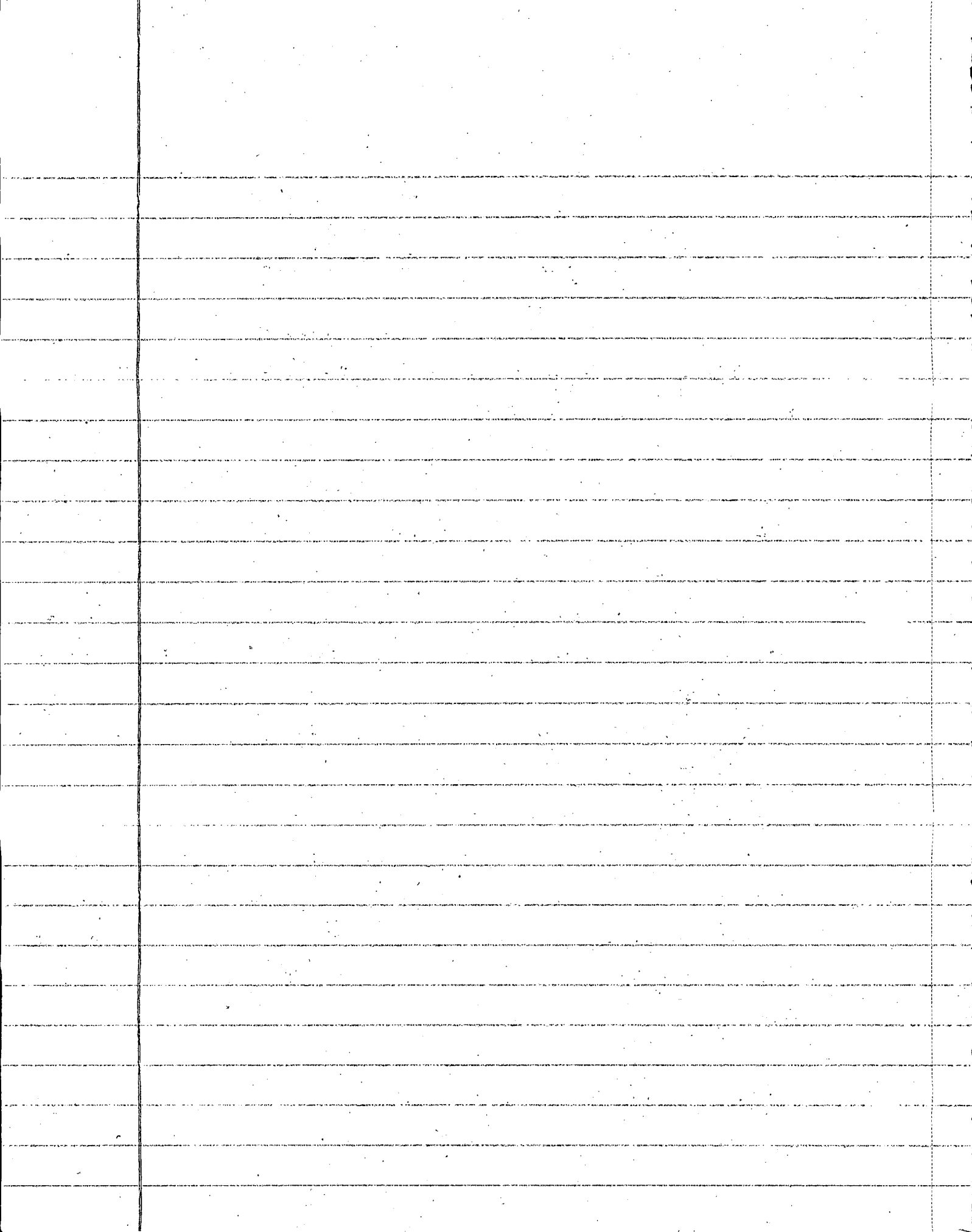
THE APPLICANTS POST-CONVICTION APPLICATION
WAS DISMISSED BY ORDER DATE SIGNED DEC
31 2012 HAVING RECEIVED BY APPLICANT ON
JAN. 10, 2013.

THE APPLICANT ASSERTS THAT THE P.C.R JUDGES
ORDER DOES NOT ADDRESS ALL THE APPLICANTS
ISSUES RAISED

THE FINAL ORDER DOES NOT SUFFICIENTLY
ADDRESS APPLICANTS INEFFECTIVE ASSISTANCE OF
COUNSEL CLAIM AS IT RELATES TO HIS
LACKS OF SUBJECT-MATTER JURISDICTION CLAIM
AND THE COURT USED AN ERRONEOUS STANDARD
IN DISMISSING THIS CLAIM IN VIOLATION OF
17-27-80

FACTS

THE APPLICANT RAISED THE ISSUES THAT
SUBJECT MATTER JURISDICTION WAS LACKING



BECAUSE THE GRAND JURY DID NOT MEET AND THAT COUNSEL WAS INEFFECTIVE FOR FAILING TO INVESTIGATE, AND BRING SUCH IRREGULARITIES TO THE ATTENTION OF THE COURT BY MOTION TO QUASH.

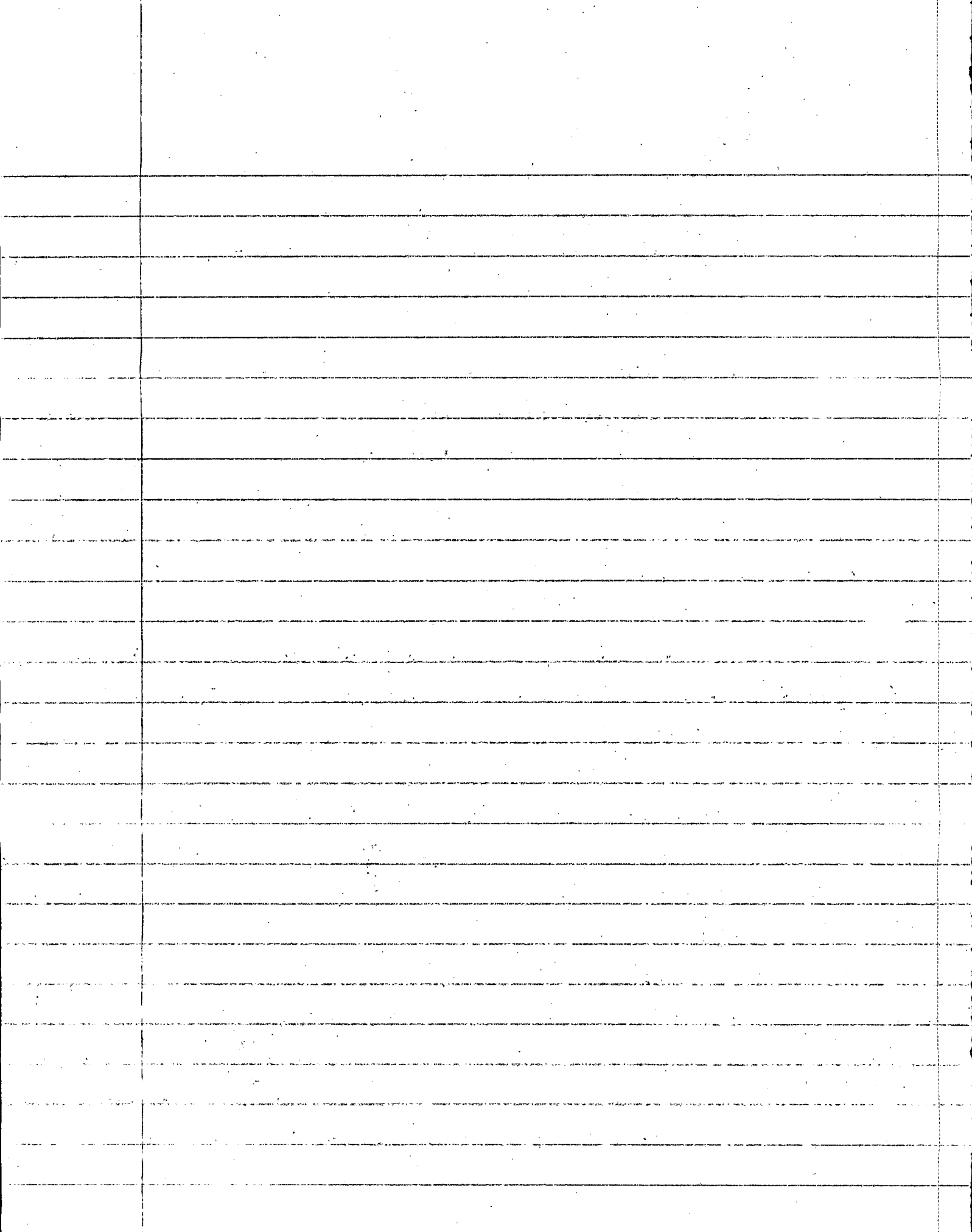
THE COURT CONCLUDED THAT THE INDICTMENT WAS NOT OBJECTIONABLE AND THAT SUCH WAS PROPERLY TRUE-BILLED BY THE GRAND JURY.

THE COURT ALSO FINDS THAT TRIAL COUNSEL WAS NOT INEFFECTIVE FOR FAILING TO QUASH THE INDICTMENT PRIOR TO TRIAL.

THESE FINDINGS AMOUNTS TO ERROR OF LAW AND AN ABUSE OF DISCRETION BY THE JUDGE BECAUSE THE RECORD SUPPORTS APPLICANT'S POSITION AND CONTENTION.

THE INDICTMENT IS A NOTICE DOCUMENT AND ANY CHALLENGES TO ITS SUFFICIENCY MUST BE MADE IN ACCORDANCE WITH S.C. CODE ANN. 17-19-90 (2003).

THE APPLICANT WAS TRIED AND CONVICTED FOR TRAFFICKING HEROIN WITHOUT BEING ARRESTED OR INDICTED FOR SUCH. THIS AMOUNTS TO A VIOLATION OF APPLICANT'S FIFTH AND 14TH AMENDMENT RIGHT NOT TO BE HELD TO ANSWER FOR AN

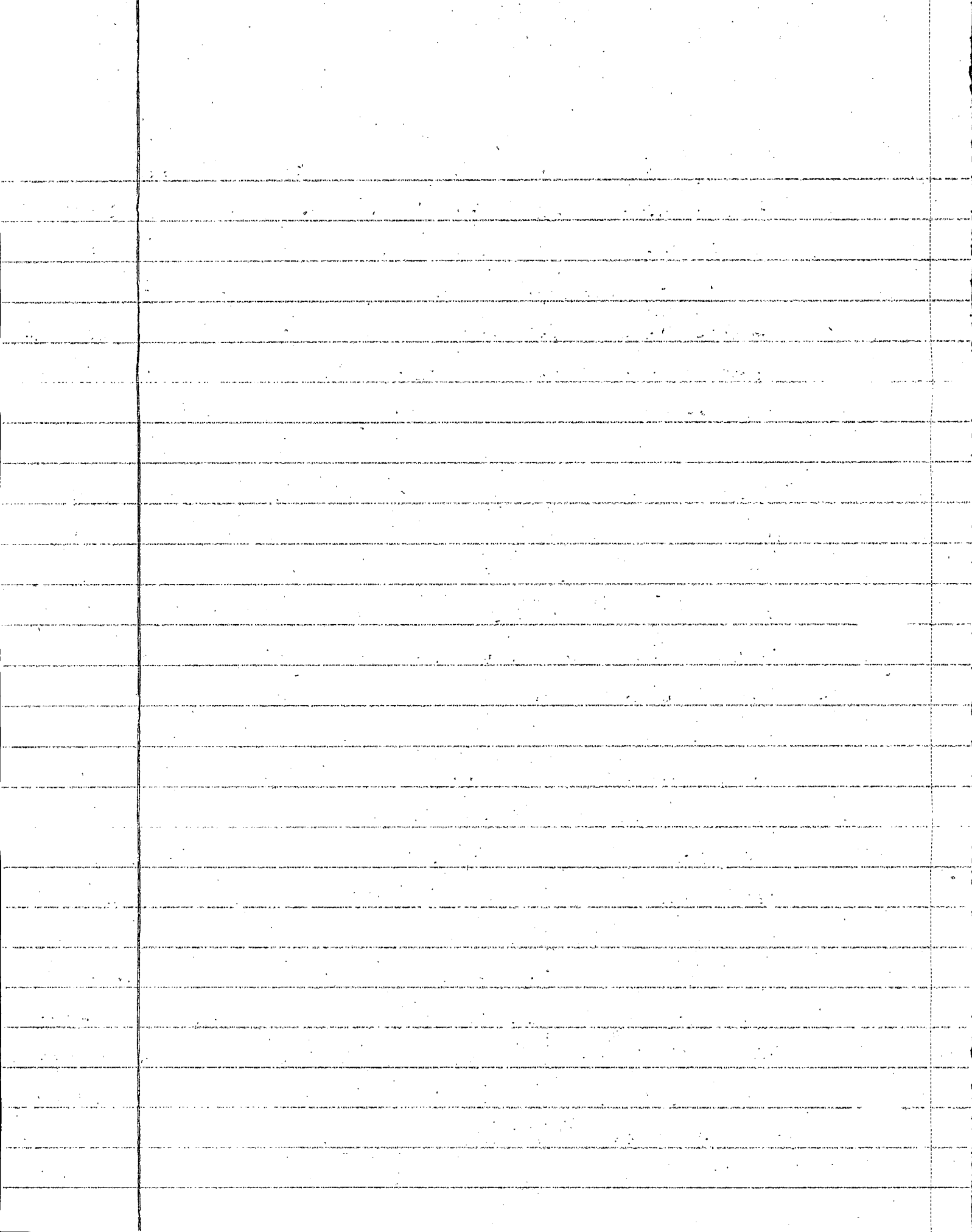


Felony or Infamous Crime unless upon a
Presentation or Indictment of Grand Jury.
THE STATE AND THE COURT CITES STATE V STANLEY
17-19-90 HOWEVER APPLICANTS CLAIM THAT THE
GRAND JURY DID NOT MEET IS A JURISDICTIONAL
DEFECT NOT COVERED BY STATUTE CITING STATE
V LEWIS 321 SC 146 467 SE 2d 265 ct App
1996)

FURTHERMORE THE COURT FINDING IS CONTROLLED BY
AN ERROR OF LAW IN THAT 17-19-90 ONLY APPLIES
TO NOW JURISDICTIONAL DEFECTS SEE STATE V MITCHELL
258 SC 52 187 SE 2d 240 (1972)

SUBJECT MATTER JURISDICTION REFERS TO A COURTS
CONSTITUTIONAL OR STATUTORY POWER TO ADJUDICATE
AN ABUSE OF DISCRETION OCCURS WHEN THE
CONCLUSION OF THE COURT EITHER LACKS EVIDENTIARY
SUPPORT OR ARE CONTROLLED BY AN ERROR OF LAW
STATE V MCDONALD 343 SC 319, 325, 540 SE 2d 464
467, (2000)

THE APPLICANT PRESENTS JUST SUCH A CLAIM
AGAINST THE JUDGE, IN THAT THE JUDGE IN
RELATION TO APPLICANTS CLAIM THAT THE GRAND
JURY DID NOT MEET, COMMITTED ERROR OF
LAW BY STATING THAT " THIS COURT FINDS THAT
THE APPLICANT FAILED TO PRESENT ANY EVIDENCE THAT

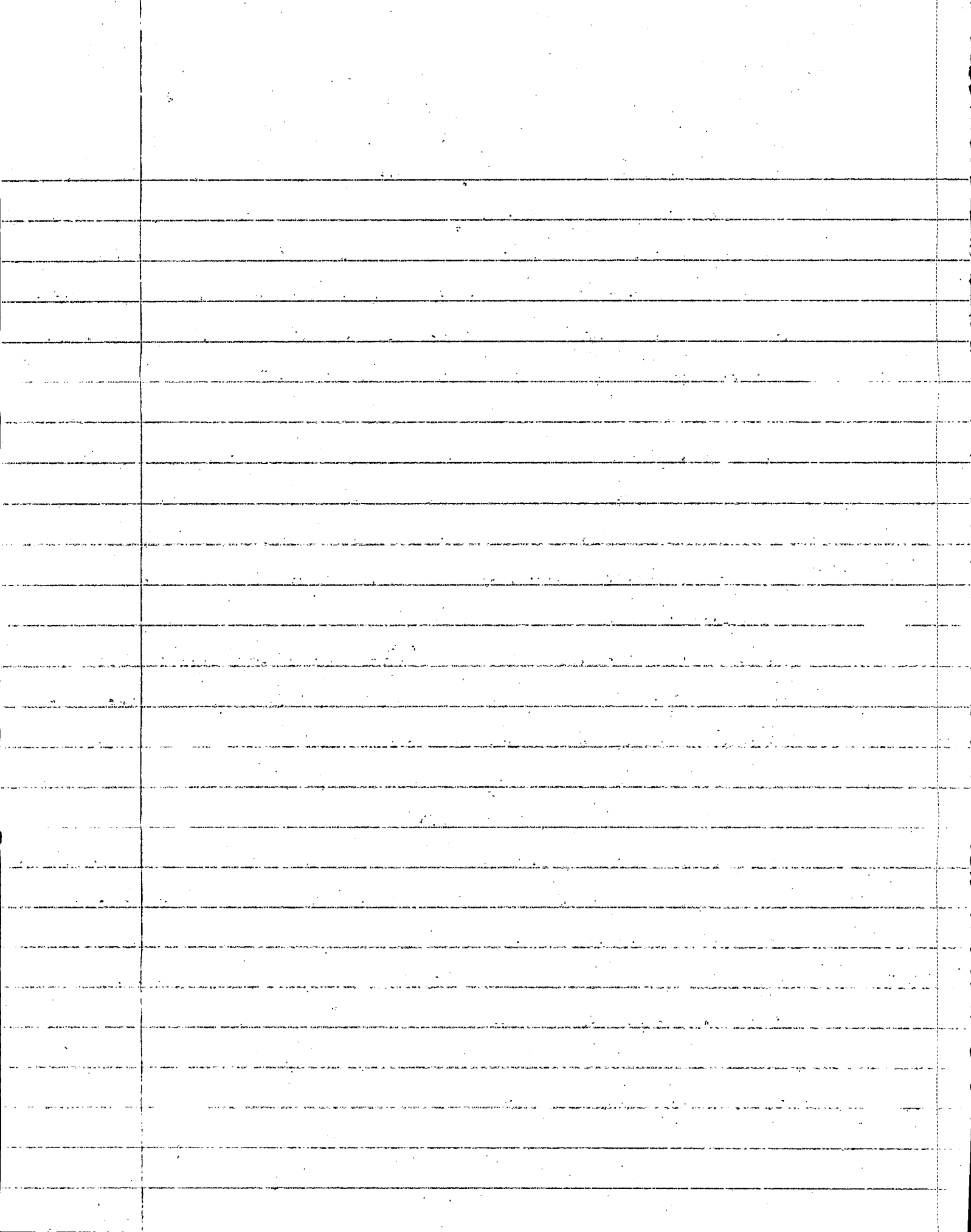


THE GRAND JURY DID NOT MEET ON THE DAY LISTED ON THE INDICTMENT. THE PROCEEDING WORDS DIRECTLY AFTER THESE, THE COURT STATED THE APPLICANT STATES THAT HE RECEIVED FROM THE COURT ADMINISTRATION ON A LIST OF THE TERMS OF COURT FOR THE MONTH LISTED ON HIS INDICTMENT AND THE GRAND JURY DID NOT MEET.

THE COURT COURT IN DISMISSING APPLICANTS CLAIM STATED THAT THE COURT OF ADMINISTRATION HAS NO JURISDICTION OVER WHEN THE COUNTY GRAND JURY MEETS, ONLY WHEN CIRCUIT COURT MATTERS ARE SCHEDULED.)

THIS IS ERROR S C POST-CONVICTION RELIEF MANUAL PAGE 39 AND 40 UNDER THE CHAPTER SUBJECT MATTER JURISDICTION. STATES THAT IN POST-CONVICTION RELIEF AN APPLICANT WISHING TO RAISE CHALLENGES TO AN INDICTMENT MUST DO SO IN THE CONTEXT OF INEFFECTIVE ASSISTANCE OF COUNSEL. ALLEGING THAT COUNSEL FAIL TO MOVE TO QUASH INDICTMENT.

PAGE 39 C 1 " A SPINOFF OF THIS CLAIM IS THE ALLEGATION THAT THE GRAND JURY NEVER MET DURING THE TERM NOTED ON THE INDICTMENT, THUS THE INDICTMENT WAS FRAUDULENTLY TRUE-BILLED



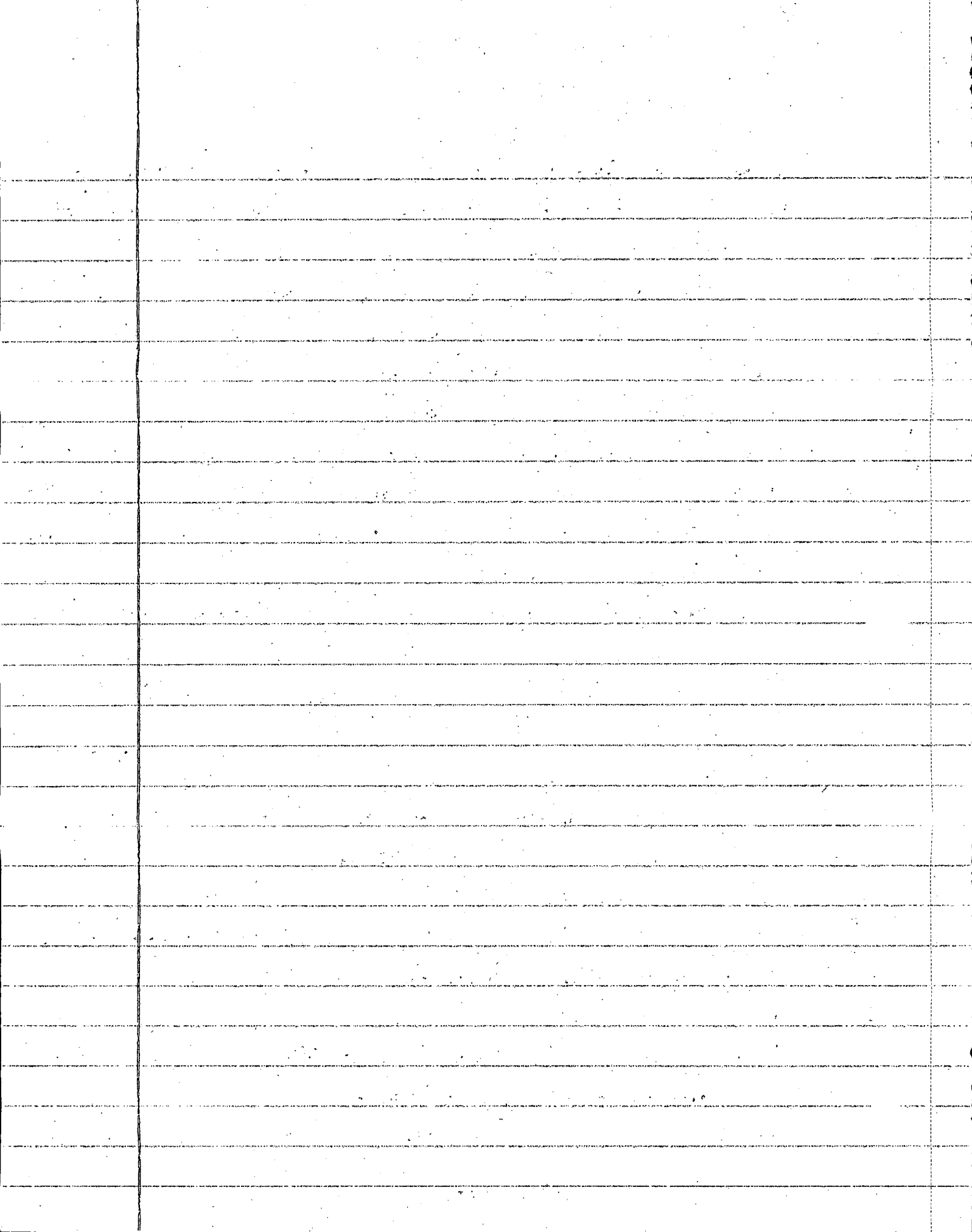
AND IN SUPPORT OF THIS CLAIM THE APPLICANT MUST ATTACH A CALENDAR LIST OF THE TERM OF GENERAL SESSIONS COURT FOR THE SAME MONTH IN WHICH THE GRAND JURY TRUE-BILLED THE INDICTMENT CONTRARY TO THE COURTS CONCLUSIONS OF LAW THE COURT OF ADMINISTRATION HAS JURISDICTION OVER WHEN CIRCUIT COURT MATTERS EITHER (COMMON PLEAS OR GENERAL SESSIONS TERMS ARE SCHEDULE) THEREFORE THE COURT COMMITTED ERROR OF LAW SEE POST-CONVICTION RELIEF MANUAL PAGE 40 FIRST LINE FROM THE TOP.

THE APPLICANT WAS CHARGE WITH VIOLATING STATE LAW THEREFORE THE COURT OF GENERAL SESSIONS WAS TO ACQUIRE AND MAINTAIN JURISDICTION TO THE END.

INEFFECTIVE ASSISTANCE OF COUNSEL.

THE COURT FURTHER ERRED WHEN IT FAIL TO FIND THAT COUNSEL WAS DEFICIENT IN HIS PERFORMANCE AS IT RELATES TO APPLICANTS CONFRONTATIONAL RIGHTS

THE SIXTH AMENDMENT GUARANTEES A CRIMINAL DEFENDANT THE RIGHT TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM.
CRIMINAL LAW KEY 419(1)



Rule 6 Provides That When There is An Objection By The Defendant By The States Action By Trying To Admit Evidence By Testimony The Defendant is Entitled By Law To Confront And Cross Examine Everyone In The Chain Of Possession

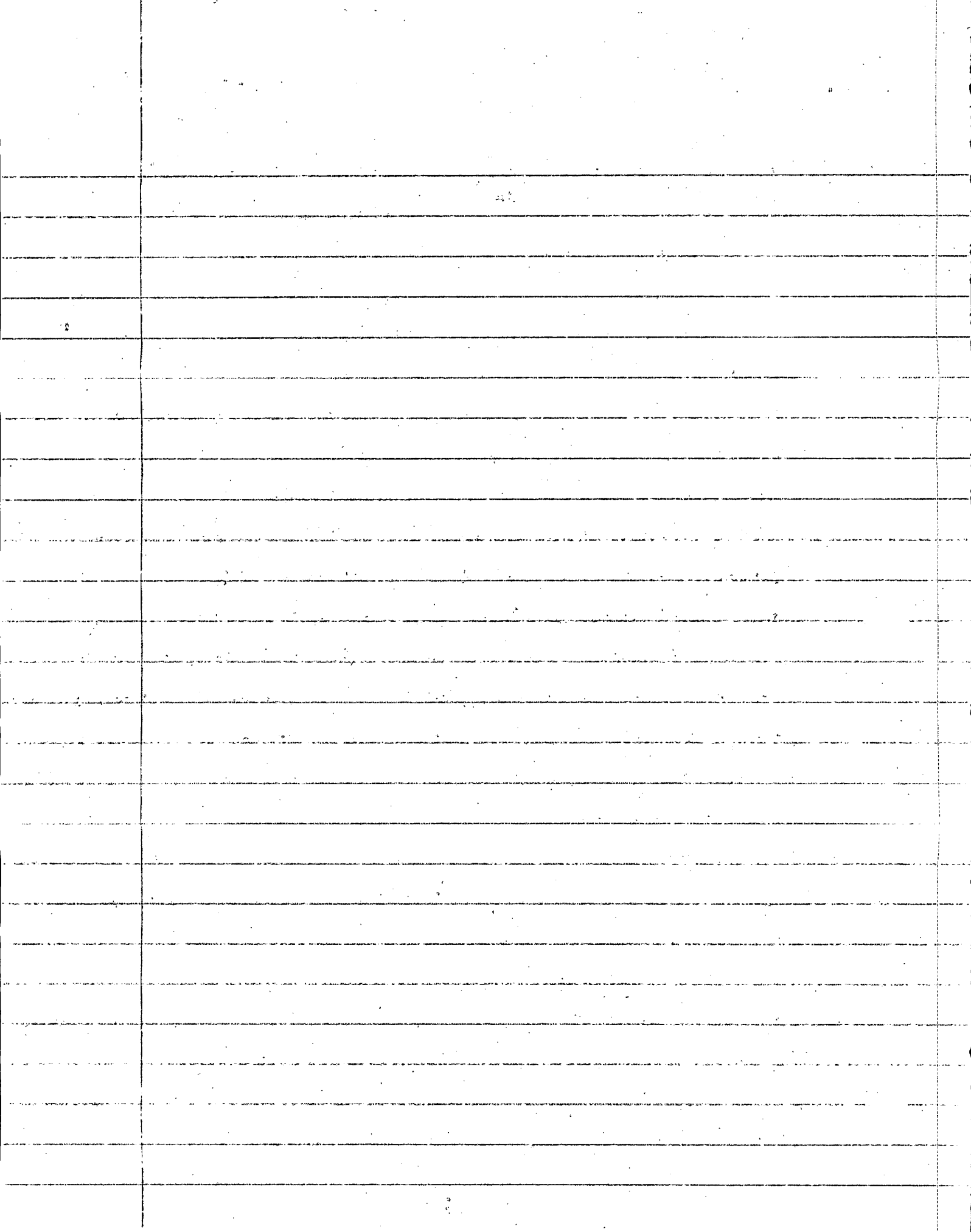
Counsel For Applicant Did Not Provide The Proper Case Law

Had Counsel Provided The Proper Case Law In Which The Court is Bound To Declare Such Pursuant To SC Const Art 5 § 21 The Outcome Would Have Been Different

On Page (1) The Court Found Stated That It Found That Trial Counsel Thoroughly Investigated The Issue Related To The Chain Of Custody.

That Trial Counsel Was Aware Of The Inconsistent Articles In The Chain Of Custody Documents Prior To Trial. And Testified That It Was A Strategic Decision Not To Further Develop The Issue Until Trial.

In The Order The Court Stated That It Finds That The Record Reflects The Trial Counsel Objected To The Chain Of Custody. However The Mandatory Nature Of The Law Created A Right To Be Confronted With All The



WITNESSES IN THE CHAIN OR SUPPRESS THE EVIDENCE

THE COURT DID NOT RULE SO AND COULD NOT BECAUSE OF COUNSEL'S FAILURE TO PRESENT THE LAW IN MY BEHALF BY MOTION IN A PROPER TIME

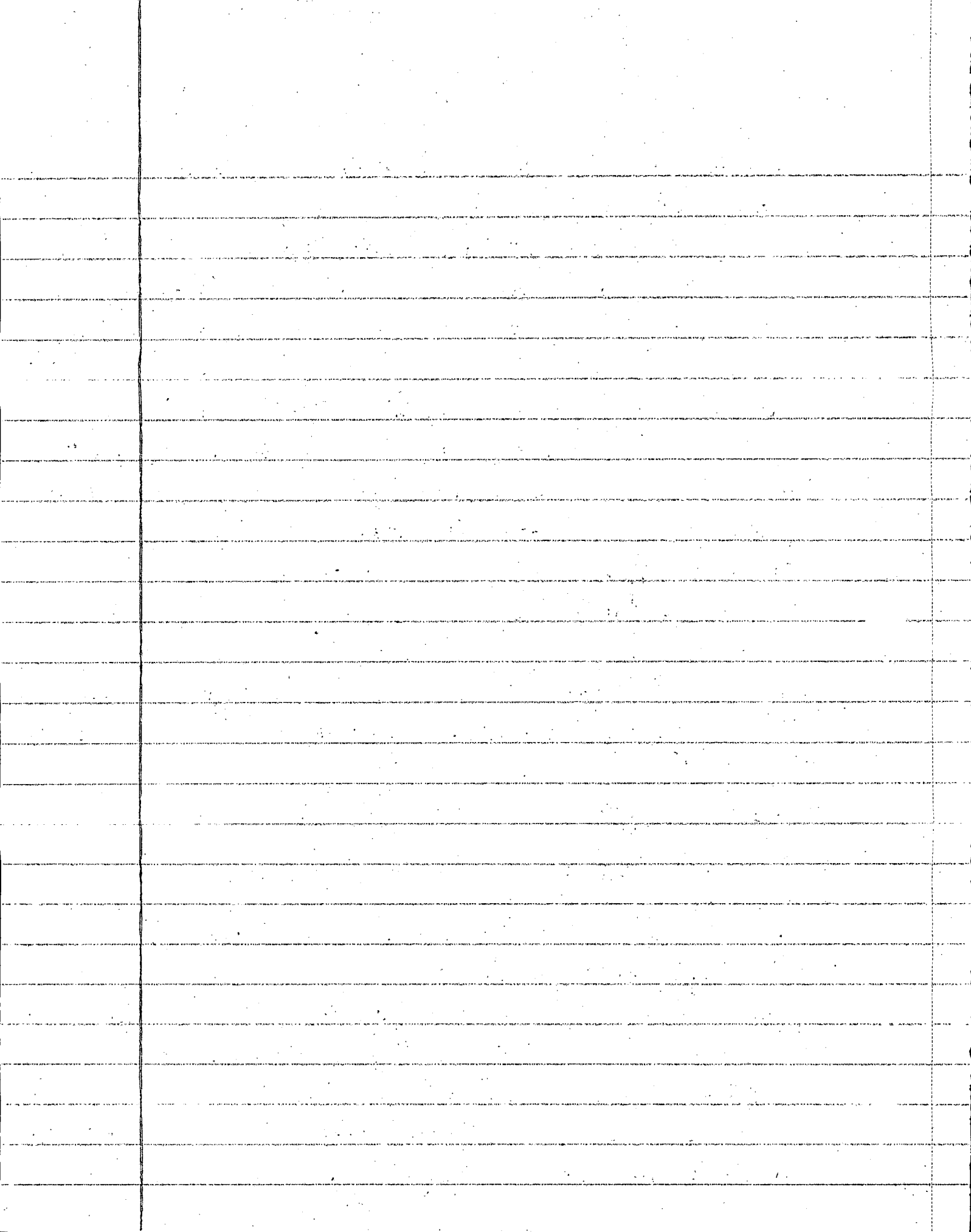
UNDER PROFESSIONAL NORMS AND REASONABLENESS CITED IN CHERRY 300 S.C. 115, 386 S.E. 2d 624 (1989) AND STRICKLAND V WASHINGTON 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed. 2d 674, 692 (1984)

THERE IS A REASONABLY PROBABILITY HAD COUNSEL FILED THE PROPER TIMELY MOTION THE OUTCOME WOULD HAVE BEEN DIFFERENT

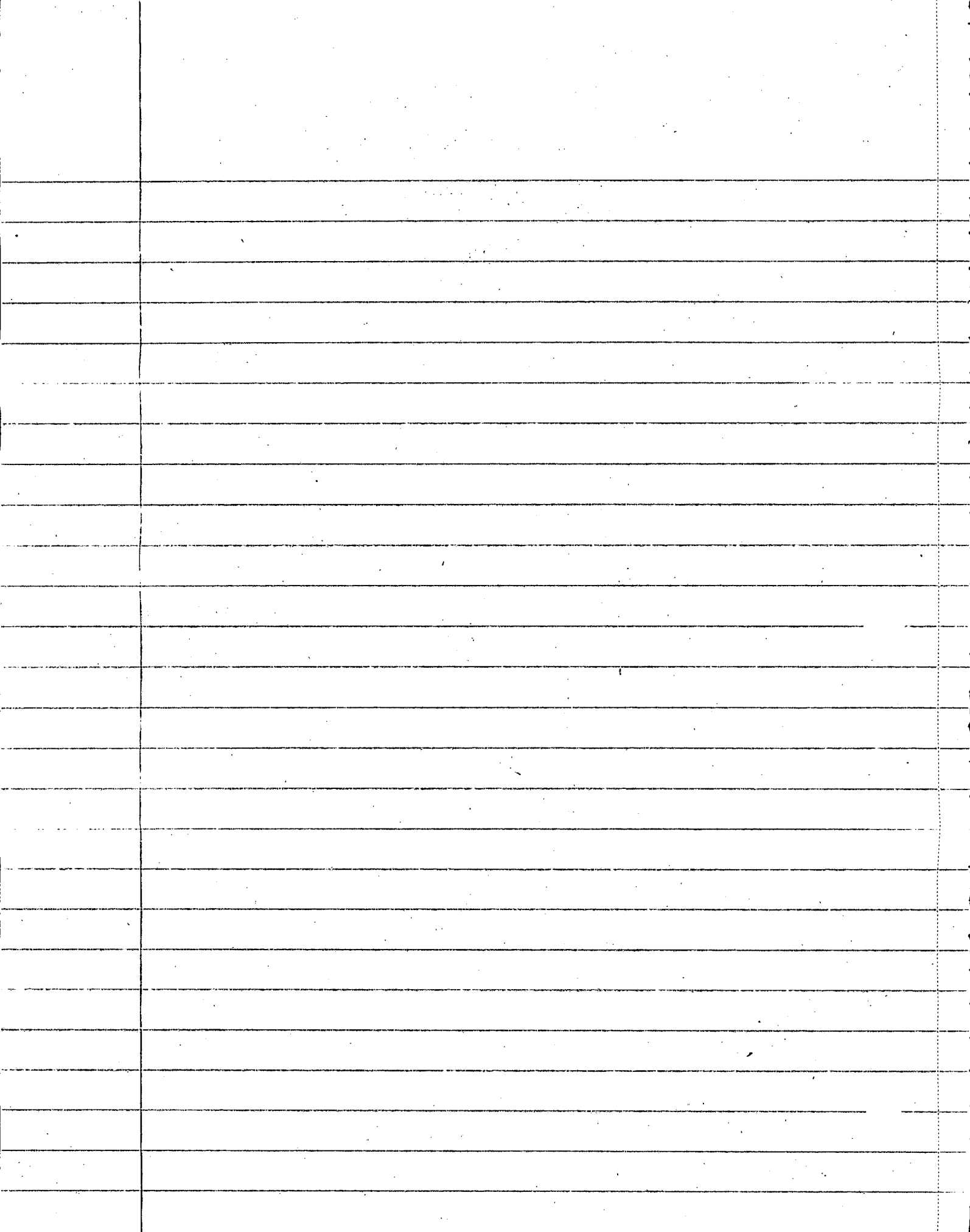
HERE THE COURT DECIDED THIS P.C.R. ACTION USING AN INCORRECT STANDARD AND SUCH WAS NOT BROUGHT TO THE JUDGES ATTENTION BY WAY OF A RULE 59(E) MOTION CITING THURFT 397 S.E. 2d AT 526

IN CLOSING

AFTER A POST-CONVICTION RELIEF ORDER IS FILED COUNSEL HAS AN OBLIGATION TO REVIEW THE ORDER AND FILE A MOTION TO ALTER OR AMEND JUDGEMENT IF THE ORDER FAILS TO SET FORTH THE REQUIRED FINDINGS AND REASONS FOR THOSE FINDINGS CODE 1976 § 17-27-80 RULE CIV PROC RULE 52 (A) 59(E) USCA 6. WHEREFORE APPLICANT MOVE TO PRESERVE SUCH.



(1) The Applicant Had Allegated A Fourth Amendment Claim
Which is not Address in the Order



CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT I STANFORD BROWN
THE APPLICANT HAS CAUSED A MOTION FOR RECONSIDERAT
ION TO BE FILED IN THIS ACTION BY PLACING THE
SAME IN THE UNITED STATES MAIL HERE AT LIEBER
CORRECTIONAL INSTITUTION ON THIS 13 DAY OF JAN 2013

Persons Served

CLERK OF COURT

COUNTY OF CHARLESTON

ATTORNEY GENERALS OFFICE

P-O BOX 11549

COLUMBIA SC 29211

Respectfull submitted

13/ Stanford Brown

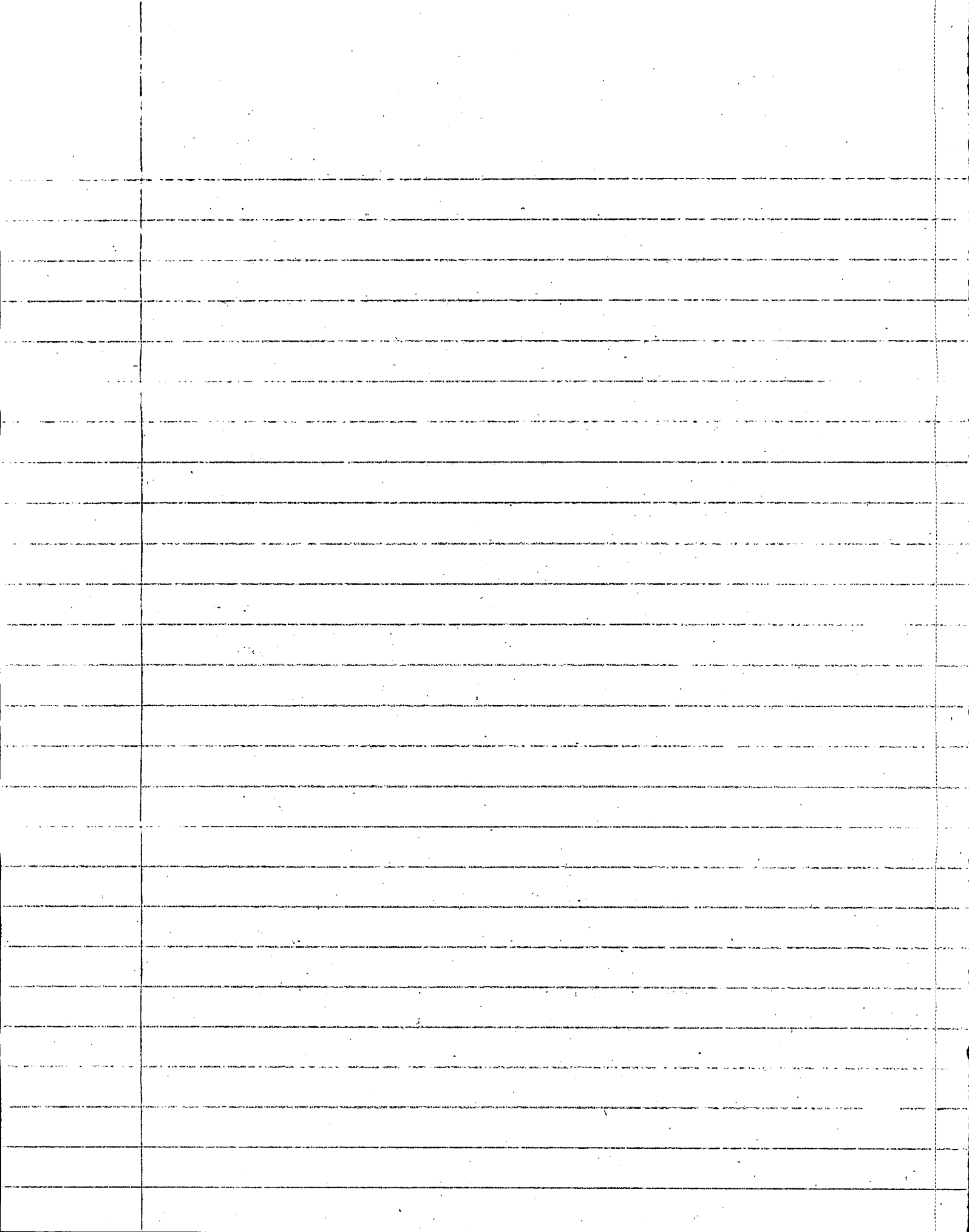
Stanford Brown #293743

SWORN TO AND SUBSCRIBED BEFORE ME

this _____ DAY OF _____ 2013

NOTARY PUBLIC FOR SOUTH CAROLINA

my Commission Expires _____



Stanford Brown #293743
Lieber Corr. Inst. EB-5
P.O. Box 205
Ridgeville S.C. 29472

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Supreme court of
South Carolina
Hon. Daniel E. Shearouse
P.O. Box 11330
Columbia, S.C. 29211

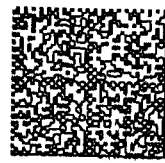
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