

(11)

THE SUPREME COURT
OF
STATE OF SOUTH CAROLINA
pro - SE: BRIEF

Alfred Bernard Bluford
#220219
4848 Gold Mine Highway
Kershaw Correctional Inst.
Kershaw, S.C. 29067-8069

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APR 05 2013

Dear Sir,

SC Court of Appeals

On July 29, 2010, I, Alfred Bluford, #220219 left my residence at 33 W. 6th Street in Greenville, S.C. at 8:30 P.m. to travel by moped to a shopping center located at Faris and So. 291 by pass, which is about 20th plus miles, I went to the Chinese Restaurant and ordered Pork fried rice and rib tips with extra onions. I am a regular customer here. I ordered my food at approximately 8:45 P.m., the restaurant closes at 9 P.m., so I went (walked) to the opposite end of the same shopping center to a now closed down Bilo Supermarket, I entered the store and selected (2) cases (24) Bud Lite Beer, I then went to the check out line and placed the cases of Beer on the floor and proceeded to the rear of the store to select some milk, 1/2 gallon and one box Frosty Flakes Cereal. I realized that my time had elapsed.

SWORN OR AFFIRMED TO AND subscribed
2 Day of April, 2013
Catherine A. Combs
NOTARY PUBLIC
Alfred Bluford
Applicant
BEFORE ME THIS
My Commission Expires December 22, 2018

THE SUPREME COURT
OF
STATE OF SOUTH CAROLINA
PRO-SE BRIEF

(2)

Alfred Bernard Bluford
220219
4848 Gold mine Highway
Kershaw, S.C 29067-8069

to get my Chinese food, so hurriedly I paid for
the $\frac{1}{2}$ gallon of Milk and Frosty Flake Cereal, then

I went to the beer cases and started to exit
the store from the 4th cashier but when I
got to the 1st cashier nearest the door, I placed
the beer on the floor and was about to exit
the store when an unidentified white male and
a white female approached me and stated

that I was going to steal the beer, I tried
to explain that I was in a hurry and

I didn't have time to purchase the beer
and then I reached into my pocket to
get my wallet to verify that I had
\$100 dollars if he insisted I purchase

the cases but as I looked around

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(3)

THE SUPREME COURT
OF
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PRO-SE: BRIEF

Alfred Bernard Bluford
#220219
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the store to hopefully get some moral support
then the man grabbed me from behind in a
choke-hold and began dragging and kicking me
to take me to some room. I was dragged
and kicked "Naked", I was totally nude from the
waste down with my private parts exposed
to the customers within Bilo. A black guy
some customer who witnessed the entire matter
from its beginning ran over to the guy
and insisted he put me down, he then
threw me to the floor after dragging
me the entire length of the customer
service desk, well my milk and cereal
was spilled all over the floor, so from
the floor I got up and reached into

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THE SUPREME COURT
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PRO-SE: BRIEF

(4)

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My pocket after pulling my pants up and retrieved a 4.1 inch knife with its blade torn away. I told the man to not put his hand on me again and I then proceeded to walk out of the store toward the Chinese Restaurant.

As I was crossing the parking lot one Police car come into the shopping center, I then turned around and walked toward the offices car with the Bilo employee walking behind me stating he was going to get my licence plate number. I never made it to lock to my Chinese food or my moped. I was arrested at approximately 9 P.M on July 29, 2010 and charged with Attempted murder

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THE SUPREME COURT
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PRO-SE BRIEF

(5)

Alfred Bernard Bluford
220 219
4848 Goldmine Hwy,
Kershaw, S.C. 29067-8069

And Armed Robbery, I was escorted to the
Greenville County Detention Center and given
a \$20,000 bond. Days later I was assigned a
Public defender Name Mr. Don Farnsworth Sr.,
He represented me for over (2) years while
I was housed at the Greenville Detention
Center, but 30 days before my (7)th attempt
to go to trial, I was abruptly switched
from Attorney Farnsworth Sr. to John
Kenneth Erwin Jr. from Joffney, S.C..

Over a period of 24 months I was
brought to the Court house but
I was denied a trial, this I know
now as a "Procrastination" to alter
the video tapes (2). I was only allowed

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I was denied permission to witness the videos from Bilo for approximately (2) yrs, then after the change of attorneys, I was permitted to see only one of the C.D.'s that was brought into the trial. The 2nd video or C.D. had the witness or the customer who witnessed the entire matter, this one was denied me, I was now denied all witnesses even though there were numerous besides the one on the video. I requested to have the customer service clerk who made the 911 call or the 1st cashier near the exit, all was denied me. I asked Judge E.C. Burnett, A Supreme Court judge and my initial lawyer Don Farnsworth Sr. to be brought in because they both had viewed the (2) C.D.'s. They had both stated to me, "Mr. Bluford you were assaulted at Bilo and you have a lawsuit at hand. This is what they are covering up."

APPLICANT BEFORE ME THIS

Day of

(7)

THE SUPREME COURT
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During my trial I had never had the opportunity to view the 2nd video the D.A. only had, it was hidden from me on purpose.

The trial started at 9: Am and over by 10:30 Am.

The D.A. were selecting and rejecting jurors with background information that was not privy to me and my lawyer. The blacks were (4) were all rejected and one 70th plus black woman was chosen with an all white juror. A 99% jury which I stated was not wanted.

The D.A. in error but without any objections instructed the jury that a citizen has a right to make an arrest in a felony, but the items in question was (2) Cases of (24) Bud-Lite Beer valued at \$36.00 dollars, there was no felony committed but my new attorney refused to oppose these false instructions to the jury.
Next: The D.A. played the unseen video to me, He stopped

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(8)

THE SUPREME COURT
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the C.D with the Bils employee on the witness stand
He then stopped the C.D. and told the jury that
as, "I was exiting the cashier from paying for the
milk and cereals, I then pulled a knife." But if
you would please go to that place on the C.D.
and roll it forward, you will see I only

had my keys, the milk and the cereal in my
hands, he lied here along with the witness
under oath on the stand. Again NO objection
from my attorney. ALL well rehearsed.

Again, he rolled the hidden video to a spot
where he said I was in a rage and that I
pulled my knife and cut the Bils guy on the
finger, again with NO objections. However, if
you would please go to the video to this some
spot and roll it forward, it will be evident
I only pulled my wallet not a knife.

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(9)

THE SUPREME COURT
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PRO-SE: BRIEF

Alfred B. Bluford
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To Confirm my willingness and capability to purchase the cases of beer in question. Now my new attorney knew all these facts but he refused to fight for my innocence. Which is his sworn obligation sanctioned by the oath he swore and sanctioned by the Bar Association of South Carolina. This is unethical and immoral. I am a 66 yrs old black male and I have never done any physical or bodily harm to anyone in my entire life.

Sir, if you would view the video's it's entirely you would see the dishonesty and fabrication from the D.A.'s office. To cover up Bil's error and child concerns. I am innocent here ~~or~~ I would have taken the plea offered to me by DAN Farnsworth Sr.

Jake Eriem was hand selected for his lack of experience and his lack of time to prepare for a case of this age and seriousness. It said "I have a years of trial experience".
The Bills was closed after my incident to cover and conceal

Witnesses and Affidavits.

Day of _____

APPLICANT

BEFORE ME TIME

THE SUPREME COURT
OF
STATE OF SOUTH CAROLINA
PRO-SE: BRIEF

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Kershaw, S.C. 29607-8069

Sir, my trial Counsel erred in denying appellants motion for a direct Verdict on the offense of armed robbery against him. State vs. James Mc Atee jr. 3/21/2008, 340 S.C. 644, 532 S.C. 2-D says, South Carolina recognizes no common law right of a Citizen to make an arrest without a warrant for a misdemeanor. Again, State vs Davis 17-13-10 (C) says, A person has no right under this section to arrest without a warrant for simple larceny.

State vs. Davis (S.C. 1897) S.C. 405, 27 S.E. -905, 62

It is an error to charge a jury as to right of arrest without distinguishing a larceny that is a misdemeanor from a larceny that is a felony. 2 Cases of Bud Site is \$36.00 a ~~felony~~ misdemeanor not a felony. I brought these case laws to my original attorney and he accepted them as law but when I gave them to Mr. Eruen, he said they did not apply as state law any longer. He knew this would prove my innocence and weigh heavily on my behalf, but again no help from Counsel.

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(11)

THE SUPREME COURT
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Kershaw, S.C. 29067-8069

Mr. Erwin refused to allow me any witnesses on to
prove the asportation element of armed robbery because
appellant never left the store with the beer but
rather abandoned the beer, the beer never did
leave the store. The charge of armed robbery
while armed with a deadly weapon. S.C. Code
Ann 16-11-330, A robbery which is lesser offense
of armed robbery is defined as the felonious or
unlawful taking of money, goods or other personal
property of any value from the person another
presence by violence or by putting such a person
in fear. State vs AL-Amin, 535 S.C. 405, 578 SE
2d 321 Ct App 2003. Also larceny, which is lesser
offense of robbery is the felonious taking and carrying
away of the goods of another against the owners
will or without his consent. Note: That asportation
is central to armed robbery and robbery because
it (Asportation) is the taking or carrying away of the
goods or monies from the victim. State vs Mitchell,
Supra State vs Bullard, 348 S.C. 64, 560 SE 2d 436

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Day of

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(12)

THE SUPREME COURT
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STATE OF SOUTH CAROLINA
PROSE: BRIEF

Alfred Bernard Bluford
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Kershaw, S.C. 29067-8069

Also larceny, which is lesser offense of robbery, is the felonious taking and carrying away of the goods of another against the owners will or without his consent. State vs Mitchell, 382 S.C. 1, 675 S.E. 2d 435 (2009). Note that asportation is central to armed robbery and robbery because it (asportation) is the taking or carrying away of the goods or monies from the victim. State v Mitchell, supra State v Bullard, 348 SC 611, 560 S.E. 2d 436 (2002).

NO asportation occurred in this case because the appellant did not take or carry away the beer from the store. Rather, appellant abandoned the beer

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Prior to any encounter with the Bilo employee engaging him in a fight. The beer in question here never left the store, hence, there was NO taking or carrying away of the property in this instance and thus NO Asportation was established in this case. The Videos x 2 will support these facts.

This case is distinguishable from the Continuous offense theory applicable to armed robbery cases per State vs Keith 283 S.C. 597, 325 S.E. 2d 325 (1985) and its progeny. Under the Continuous offense theory the robber need not be armed at all times during the robbery in order to be guilty of armed robbery but rather he is guilty if he arms himself or becomes armed with a deadly weapon at anytime during the process of the, Taking or while the robbery is being perpetrated or during etc

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THE SUPREME COURT
OF
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PRO - SE: BRIEF

(14)

Alfred Bluford
#220219
4848 Gold Mine Hwy
Kershaw, SC 29067-8869

escape or attempt to escape. This theory presupposes that the, Asportation element of the, Taking exist, here there is Insufficient proof of Asportation as an element of the offense of armed robbery charged against Mr. Bluford.

Mr. Bluford as evidenced by video recordings was assaulted and to there is a "Coverup" to deny him due process under the Constitution.

The Bilo Employee was trained as a security personnel and thus lacked the training to arrest. The Bilo personnel file of this employee will reflect previous reprimands of outburst of anger. The store since this incident has issued a blanket statement that, "NO Bilo Employee is to arrest or attempt to arrest a potential shop lifter."

Here, Mr. Bluford simply armed himself to stop or impede further assault from the Bilo employee. The video will reflect that Mr. Bluford never swung at or cut or even touched the Bilo Employees.

APPLICANT

BEFORE ME THIS

by of

(15)

The Supreme Court
of
State of South Carolina
Pro-SE; Brief

Alfred Bluford
#220219
4848 Goldmine Hwy
Kershaw, S.C 29067-8069

A case should only be submitted to the jury if there is any direct evidence or any substantial circumstantial evidence that reasonable tends to prove the guilt of the accused or from which guilt may be fairly and logically deduce.

State vs Moore 374 S.C. 468, 649 S.C. 2d 84 (2008)

Here there was insufficient proof of the element of ASportation in connection with the offense of Armed Robbery against the appellant. Thus, the Court erred in denying appellants' motion for a direct verdict of the offense of Armed Robbery charged against him. The Armed Robbery conviction violated the due process as guaranteed under the 14th Amendment to the United States Constitution and Article 1, § 3 of the South Carolina Constitution Per Jackson vs Virginia, 443 U.S. 307 (1979)

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_____ day of _____

Notary Public

APPLICANT

Before me

THE SUPREME COURT
OF
STATE OF SOUTH CAROLINA
pro - SE BRIEF

(16)

Alfred B. Bluford
#220219
4848 Goldmine Hwy.
Kershaw, S.C. 29067-8069

Per Jackson v Virginia, 443 U.S. 307 (1979), because every element of the offense charged, i.e. abportation, was not proved beyond a reasonable doubt in this case.

Upon switching my counsel I was given an unprepared and unqualified legal assistance. Mr. John Kenneth Erwin, Jr. violated all my rights to for and impartial counsel under the Constitution.

Rule

407.1.1 Competence

407.1.1(5) thoroughness and preparation

407.1.2(A) scope of representation and allocation of authority between client and lawyer.

407.1.2(2) Comments

407.1.3 Diligence

407.1.3 Comments (1)-(3)

407.1.4 Communication (3)(5)

407 Lawyer Responsibility (1)-(6)

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THE SUPREME COURT
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PRO-SE BRIEF

Alfred Bernard Bluford
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Kershaw, S.C 29067-8069

Rule

407 1.3(5) To prevent neglect of Client matters in the event of A practitioner death or disability, it is the better practice and the duty of diligence may require that each lawyer to review Clients files, notify each Client of the lawyers death or disability and determine whether is need for immediate protective action.

407 1.4 The Client should have sufficient information to participate intelligently in decisions Concerning the Objectives of the representation and the means by which they are to be pursued, to the extent the Client is willing and able to do so. Withholding information. (i.e video's 1 & 2).

A lawyer may not withhold information to serve the lawyers own interest or

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APPLICANT BEFORE ME THIS

THE SUPREME COURT
OF
STATE OF SOUTH CAROLINA
PRO-SE: BRIEF

(18) Alfred Bernard Bluford
#220219
4848 Gold Mine Hwy.
Kershaw, S.C. 29067-8069

or convenience or the interest or convenience of another person.

Rule 1.4 Comments (3). To reasonably consult with the client about means to be used to accomplish the client's objectives, (i.e. denied ALL witnesses).

Rule 1.1. Competence - A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation. Competent handling of a matter includes inquiry into and analysis of the factual and legal elements of the problem and use of methods and procedures meeting the standards of competent practitioners, it also includes adequate preparation. The required attention and preparation are determined in part by "what is at stake"; major litigation and complex transaction ordinary required

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day of

APPLICANT BEFORE ME THIS

(19)

THE SUPREME COURT
OF
STATE OF SOUTH CAROLINA
PRO-SE: BRIEF

Alfred Bernard Bluford
#220219
4848 Goldmine Hwy
Kershaw, SC 29067-8069

more extensive treatment than matters of lesser complexity and consequences. i.e., (I was given 30 days) for my new attorney with no investigative assistance.

Rule 1.3 Diligence (Careful and continued work) (Conscientious) effort governed by ones conscience, marked by or done ~~with~~ with exactness and thought. A lawyer should pursue a matter on behalf of client despite opposition, obstruction, or personal inconvenience to the lawyer and take whatever lawful and ethical measures are required to vindicate a clients course or endeavor. A lawyer must also act with commitment and dedication to the interest of client and with zeal in

advocacy upon the clients behalf. i.e. All witnesses, DNA samples, 911 tape from initial call denied me, the personal file of the Beld Manager who has a history of reprimands from the Beld Company. He has a history of outburst of anger in various incidents.

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(20)

THE SUPREME COURT
OF
STATE OF SOUTH CAROLINA
PRO-SE: BRIEF

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4848 Gold mine Hwy.
Kershaw, S.C. 29067-8069

(3) Perhaps NO professional short coming is more widely resented than, "Procrastination" to put off repeatedly, to keep postponing something suppose to be done. A client interest often can be adversely affected by the passage of time or the "Change of Conditions". In extreme instances, as when a lawyer over looks a statute of limitation, the clients interest and legal position may be destroyed. Even when the client interest are not affected in substance, however, unreasonable delay to act with reasonable promptness, however does not preclude the lawyer from agreeing to a reasonable request for a postponement that will not prejudice the client. i.e. A 2 yr. delay with several pleas offered. Plus the videos were altered to hide facts.

APPLICANT BEFORE ME THIS

DAY OF

NOTARY Public

(22)

THE SUPREME COURT
OF
STATE OF SOUTH CAROLINA
PRO-SE: BRIEF

Alfred Bernard Bluford
220219
4848 Goldmine Hwy.
Kershaw, SC 29067-8069

until after such preliminary hearing
Section 25-5-320 of State of South
Carolina Code of Laws 1976.

Sir, I was deprived of my State of
South Carolina Statutory Rights to
be present, to come to my preliminary
hearing, where I had made a timely
request,

Sir, I am not guilty of these charges. I am asking
for you and your total concern to simply take a look
at the (2) C.D.'s of the incident ~~within~~ the Belo. View
the C.D.'s, you'll see they have been altered and the
claims that were made against me are totally false.

I never (cut) this Belo employee or put my hand
on him at no time. The D.A. fabricated and rehearsed
the allegations, but he stopped the C.D. and told the juror
that's when I cut the Belo employee, but seen the C.D. further please
he lied under oath.

SWORN or AFFIRMED TO AND subscribed Alfred B. Bluford
2 DAY OF April 2013 APPLICANT BEFORE ME THIS

Caroline A. Amador
NOTARY PUBLIC

My Commission Expires December 22, 2018

The Supreme Court
of
State of South Carolina
Pro-SE: Brief

(23)

Alfred Bluford
#220219
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Kershaw, S.C. 29067-8069

Moral Turpitude 410K 33(11)K

State vs. Galf, 332 S.C. 313, 504 S.E. 2d 360.
S.C. APP. 1998

State vs. Galf, 337 S.C. 622, 525 S.E. 2d 246
S.C. 2000, Jan 4, 2000 - Rule 7096

Sir, I was intimidated and frightened off the witness stand by my newly selected attorney by the District attorney. To deny the jury from hearing my side of the case, my lawyer told me that the D.A. would use my entire arrest report to cast a negative shadow over my case but he never inform me that there was a 10 yr. window and that only the relative prior convictions could be mentioned. I am 66 years old and have never had a violent charge of any kind only a non-violent previous 1992. I was wrongly instructed.

The Supreme Court (24)
of
State of South Carolina
PRO-SE: Brief

Alfred B. Bluford
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Kershaw, S.C. 29067-8069

I, Alfred B. Bluford, was denied effective assistance of Counsel in violation of the Sixth Amendment to the United States Constitution and Article 1, Section 14, of the South Carolina Constitution

Strickland v. Washington, 466 US 668 (1984)
The outcome was prejudiced, and it is reasonable probable that the outcome would have been different had Counsel's performance not been deficient. *Strickland*, 466 US. at 694. Defense Counsel was ineffective based on one or more of the following:

1. My defense attorney failed to conscientiously discharge his professional responsibilities while he was handling my case.
2. My defense attorney failed to effectively challenge the arrest and seizure of applicant
3. My defense attorney failed to give me complete loyalty.
4. My defense attorney failed to act as my diligent, conscientious advocate
5. My defense attorney did not have my best interest in mind while he was suppose to be investigating and preparing my case.

(29)

6. My defense attorney failed to leave my case in good faith.
7. My defense attorney neglected the necessary investigation and the preparation of my case.
8. My defense attorney did not do the necessary factual investigation on my behalf.
9. My defense attorney did not do the necessary research.
10. My defense attorney did not conscientiously gather any information to protect my rights.
11. My defense attorney did not advise me of all my rights or take any of the actions that were necessary to protect preserve them; knowing I was ^{not} versed in the law.
12. My defense attorney did not try to have my case settled in a matter that would have been to my advantage.
13. My defense attorney, knowing I was illiterate in the law, never properly ascertained whether or not I actually understood or comprehended all of the issues that were involved in my case.
14. My defense attorney never properly consulted with me or kept me informed with what was going on as far as my case was concerned.

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