

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RONNIE A. MITCHELL

CASE NO. 2012-212180

PETITIONER

VS.

PETITIONER'S FINAL

STATE OF SOUTH CAROLINA

BRIEF

RESPONDENTS

THIS MATTER COMES BEFORE THE COURT OF PETITIONERS
APPEAL FROM THE HONORABLE EUGENE GRIFFITH'S JR.
ADMINISTRATIVE ORDER DATED MARCH 30TH 2012

PETITIONER FILED A PETITION FOR WRIT OF STATE HABEAS
CORPUS WITH THE CLERK OF COURT'S OFFICE. ON MARCH
16TH 30, 2011 THE HONORABLE EUGENE C. GRIFFITH JR.
ISSUED A JUDGEMENT AND A FORM(4), GRANTING THE
PETITIONER TO PROCEED WITHOUT COST ON HIS STATE
HABEAS CORPUS SENDING A Clocked AM STAMPED
COPY, FILED WITH THE CLERK OF COURT IN NEWBERRY
(CASE NO. 2011-CP-36-00176) SEE: EXHIBIT (A)

PETITIONER RECEIVED HIS COPY, WHICH WAS FILED, AND A
COPY SENT TO THE ATTORNEY GENERAL'S OFFICE.

PETITIONER FILED AND SERVED A NOTICE AND MOTION
FOR JUDGEMENT ON PLEADINGS, BECAUSE THE STATE
DID NOT ANSWER WITHIN THE ALLOTTED 30 DAYS
IN WHICH THE STATE HAD TO ANSWER
THE WRIT.

(6) MONTHS LATER, THE STATE SENT A LETTER;
SEE: EXHIBIT (B) STATING THAT PETITIONER
MUST FOLLOW SPECIFIC RULES TO PURSUE ANY
ACTIONS CHALLENGING HIS CONVICTION AND SENTENCES
ONE BEING, THAT PETITIONER IS REQUIRED TO
SEND A NOTARIZED AFFIDAVIT CERTIFYING THAT
THE PETITION IS MADE IN GOOD FAITH AND IS
NOT FRIVOLOUS. (2) THE PETITION MUST BE APPROVED
BY A ADMINISTRATIVE JUDGE, THAT BEING THE
HON. EUGENE C. GRIFFITH JR. HE MUST ALSO SEND
A AFFIDAVIT CERTIFYING THAT THE PETITION IS
PROPER.

THE PETITIONER CAN SHOW THAT HE MADE HIS
REQUIRED AFFIDAVIT, THAT THE STATE REQUESTED;
SEE: EXHIBIT (C.) IT WAS FILED WITH THE
CLERK OF NEWBERRY ON SEPTEMBER 29TH 2011

PETITIONER SUBMITS, THAT THE RECORD AND THE
EXHIBITS (A) (B) (C) SHOWS THAT THE PETITIONER
FOLLOWED THE REQUIRED RULES ON HIS PART.
THE RECORD WILL ALSO SHOW THAT HONORABLE
JUDGE EUGENE GRIFFITH JR, GRANTED PETITIONER'S
MOTION TO PROCEED WITH HIS STATE HABEAS
CORPUS ON MARCH 30TH 2011

ONE YEAR LATER THE JUDGE DENIED THE PETITIONER'S STATE WRIT, BUT ONLY AFTER HE RECEIVED A LETTER, FROM THE STATE ATTORNEY ASKING THE JUDGE TO SEND A NOTARIZED AFFIDAVIT STATING THAT PETITIONER'S STATE HABEAS WAS IN GOOD FAITH AND NON-FRIVOLOUS.

THE PETITIONER ARGUES THAT HE SHOULD BE GRANTED HIS APPEAL, AND A HEARING ON THE ONE (1) ISSUE IN HIS STATE HABEAS CORPUS. PETITIONER FOLLOWED THE REQUIRED RULES IN FILING HIS PETITION, IT IS NOT THE PLACE FOR THE PETITIONER TO MAKE SURE THAT THE JUDGE FOLLOWS THE SAME REQUIREMENTS.

CONCLUSION

BASED ON THE FOREGOING FACTS THE PETITIONER ASK THIS HONORABLE COURT TO GRANT THE APPEAL, NOT ONLY WAS PETITIONER SHOWN PREJUDICE BY THE JUDGE TAKING BACK THE ORDER, BUT THE JUDGE WAITED A WHOLE YEAR TO DO THIS, ONLY BECAUSE HE DID NOT FOLLOW THE REQUIRED RULES

PROOF OF SERVICE

I RONNIE A. MITCHELL CERTIFY THAT I HAVE SERVED THE ATTORNEY GENERAL'S OFFICE AND THE COURT OF APPEALS CLERK A COPY OF MY FINAL BRIEF BY DEPOSITING (2) COPIES OF THE SAME IN THE U.S. MAIL POSTAGE PREPAID AND ADDRESS TO

HON. JENNY A. KITCHINGS
CLERK OF S.C. APPEALS COURT
P.O. Box 11629
COLUMBIA, S.C. 29211

ALAN WILSON
ATTORNEY GENERAL
OF SOUTH CAROLINA
P.O. Box 11549
COLUMBIA, S.C. 29211-1549

SWORN TO AND SUBSCRIBED BEFORE ME;
THIS _____ DAY OF _____ 2013.

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES _____

3/
PETITIONER

THE HONORABLE JENNY A. KITCHINGS
CLERK, SOUTH CAROLINA, COURT OF APPEALS
P.O. Box 11629
COLUMBIA, S.C. 29211

RONNIE A. MITCHELL #219691

VS.
STATE OF SOUTH CAROLINA
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FINAL BRIEF
ENCLOSED IS MY FINAL BRIEF, AS
PROVIDED IN RULES 210(B) AND 211(A) OF
THE S.C.A.C.P. RULES.

RESPECTFULLY SUBMITTED
Ronnie A. Mitchell
PRO-SE

RECEIVED

AUG 14 2013

SC Court of Appeals