



ORIGINAL

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March 25, 2019

RECEIVED

MAR 25 2019

S.C. SUPREME COURT

Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
P.O. Box 11330
Columbia, South Carolina 29211

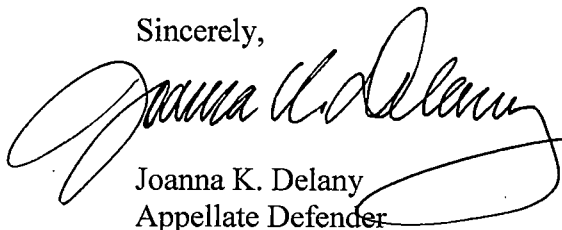
Re: Carl Seager v. State of South Carolina, Appellate Case No. 2018-001805

Dear Mr. Shearouse:

Enclosed is Mr. Seager's pro se response to his *Johnson* petition for writ of certiorari, which Mr. Seager mailed to me instead of to the Court. Mr. Seager's case was transferred to me when his prior attorney, Jennifer Roberts, left our office. I inadvertently failed to send this document to the Court.

I would ask the Court please accept the enclosed document as Mr. Seager's pro se *Johnson* filing. If a motion to file out of time is required, please contact me.

Sincerely,



Joanna K. Delany
Appellate Defender

JKD/csb

Enclosure

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MAR 27 2019

SC Court of Appeals

Mr. Carl Seager 362969

DATE: 2-18-19

Appellate Case No. 2018-001805

V.S.

Pro se Response

The Supreme Court of
South Carolina

Indictment #

2013-GS-12-34

I Carl Seager would like to raise the issue
on my case of the ALLEGATIONS AGAINST ME

1. The plea was IN VOLUNTARY
2. Trial Counsel WAS INEFFECTIVE ASSISTANCE due TO ILL ADVISED FOR DEFENDANT TO PLEA IN THAT,
3. The state did NOT HAVE ANY D.N.A EVIDENCE TO ADEQUATELY CHARGE THE APPLICANT WITH CRIME OF CSC 1st Degree.
4. Trial Counsel FAILED TO FILE NOTICE OF APPEAL WHITE VS STATE.

Also there was nothing EXPLAINED to Mr Seager
REGARDING AN APPEAL of his Guilty Plea.

MR. Seager CLAIMS He WAS UNDER THE INFLUENCE
of strongly medication during His Sentence

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FEB 25 2019

APPELLATE DEFENSE

TVD

CARL SEAGER 362969

ARGUMENTS

V.S

STATE OF SOUTH CAROLINA

PRO SE RESPONSE

APPELLATE CASE NO. 2018-061805

INDICTMENT # 2013-GS-12-34

- 5.) PETITIONER'S PLEA WAS INVOLUNTARY DUE TO PLEA COUNSEL'S INEFFECTIVE ASSISTANCE WHERE PETITIONER DID NOT SEEM TO FULLY UNDERSTAND HIS GUILTY PLEA DUE TO A REASONABLE PROBABILITY OF INCOMPETENCY AND PLEA COUNSEL SHOULD HAVE REQUESTED COMPETENCY EVALUATION.
- 6.) IN ORDER FOR A DEFENDANT TO KNOWINGLY AND VOLUNTARILY PLEA GUILTY THE DEFENDANT MUST HAVE A FULL UNDERSTANDING OF THE CONSEQUENCES OF THE PLEA.
- 7.) THE JUDGE'S APPREHENSION ABOUT PETITIONER'S UNDERSTANDING THE PROCEEDINGS COMBINED WITH PLEA COUNSEL'S EXPLANATION IN MITIGATION THAT PETITIONER EXPERIENCED A SEVERE AUTOMOBILE ACCIDENT THAT CAUSED DEFICIENCIES IN HIS ABILITY TO READ, WRITE AND UNDERSTAND AND THINK WERE ENOUGH TO ESTABLISH A REASONABLE PROBABILITY THAT HE WAS INCOMPETENT AT THE TIME OF THE PLEA.

Arguments Continued

8) Plea Counsel's Failure to request A Competency Evaluation WAS deficient Performance. That deficiency WAS ALSO Prejudicial based ON the standard Cited Above IN RAMIREZ AND MATTHEWS because the Record Shows There WAS A reasonable probability He WAS Incompetent AT the Time of the plea. More over Because the ONLY Issue is petitioner's Competency the P.C.R Judge Should HAVE tolled the Statute of Limitations so That His Allegations Could be Heard AND ruled upon As this Court Noted IN Ferguson v.S State. When AN Applicant is Prevented From Filing For P.C.R by reason of His mental Incompetency He does Not get or Receive His one full bite of the Apple. This Court Held that in Circumstances in which AN Applicant demonstrates the Failure to Timely File for P.C.R. was due to mental Incompetency the state Should Be Tolled.

Carl Seager 362969

Appellate Case NO 2018-001805

V.S

Indictment #

The state of
South Carolina

2013-GS-12-34

Mr Carl Seager is requesting A New TRAIL IN the ABOVE CASE
Also Mr Seager WAS ON the ~~Pro~~ Fawling medications AT the Time
He WAS sentenced. HALDOL, Mr Seager WAS under the Influence OF
This medication AT the Time He WAS sentencing in his CASE. Mr Seager
Feels He WAS unlawfully sentenced Therefore He is Requesting A New Trail
Or Relief ON the Charge He is Charged WITH. This is Grounds For A
Re Trail ON the ABOVE CASE AND defendANT.

Thank you
Carl Seager
362969