

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY  
COURT OF COMMON PLEAS

RECEIVED

APR 08 2019

Case No. 2018-001245

S.C. SUPREME COURT

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Breif  
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**Competency Hearing**

Applicant states "he did not have a competency hearing in which his lawyer failed to get an order to get a opinion of his mental illness." He was diagnose with mental health problems every since he was a child.

Counsel was ineffective for failing to obtain his mental records

Appilcant believes that his Post-Convection Relief Counsel was ineffective due to that he (counsel) did not try to attempt to amend PCR, get a continuance, and / or see / contact client to see if he understand what he was doing when he filed his application.

Had acounsel obtained clints mental health records there would be a better outcome for Applicant.

**Newly Discovered Evidence**

\*\*\* When a prisoner, either state or federal, seeking PCR, assert with substantial facts to back up his allegation at the time of the trial he was mentally competent to stand trial and that there was no resolution of that precise before he was tried convicted and sentenced , the protection of the fourtheeth amendment to the constitution requires "that such conviction and sentence be set aside unless upon adequate hearing it is shown that he was mentally competent to stand trial".(386 F2d at 105). As a matter of procedual of law a criminal defendant is entilted to an evidentiary hearing on claim of mental incompetence if he presents clear and convicing evidence to create a real substantial and legitmate doubt as to his mental capacity

to meaning fully participate and cooperate with counsel. Adams v Wainwright 764 F2d 1356.

Petitioner's claims of incompetency to stand trial indanity at time of act, and an unknowing and involuntary guilty plea were not barred by proceduaral default rule of Wainwright v Sykes.

The petitioner agrues that his counsel was ineffective for failing to request a mental evaulation which may have formed tth basis of an insainty defense or a determination that he was not competent to stand trial.

Under Strickland v Washington 104 SCT 2052, 80 LEd2d 674 674 (1984). Applicable to guilty pleas under Hill v Lockhart 106 S.CT. 366, 88LEB2d 203 (1985)). A petitioner must show both prejudice to prevail on an ineffective assistance of counsel claim.

#### Conclusion

Wherefore applicant claims of failing to get mental exanatio should be heard along with any motion the is in favor of the Applicant

IN THE STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

Roberts Woods 385393  
Petitioner

C/W 2018-001245

✓  
State

Respondents

CERTIFICATE OF  
SERVICE

I hereby swear that I served a  
true copy of "BRIEF" to the Supreme Court  
of South Carolina by placing in the United  
States Postal Mailbox

The Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, S.C. 29211

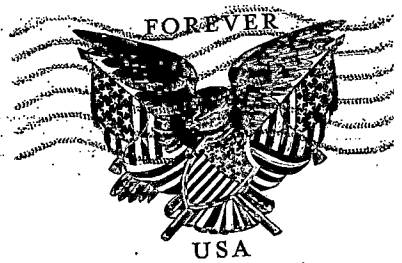
Date: 04-03-09

Robert Woods

Roberts Woods 305393  
Broad River Corr Inst #10  
4760 Broad River Rd  
Columbia, S.C. 29210

COLUMBIA SC 290

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The Supreme Court  
P.O. Box 11330  
Columbia, S.C. 29211

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*Handwritten signature*

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