

TAMARCUS LONG, 305486
LEE CI/F4B-1215
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BISHOPVILLE, SC 29010

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HON: SHEAROUSE, DANIEL
CLERK OF COURT
PO BOX 11330
COLUMBIA, SC 29211

CLERK OF COURT
PO BOX 3483
SPARTANBURG, SC 29304-3483

IN RE: LONG V. THE STATE OF S.C., C/A.: 2018-CP-42-1279, SEE
ENCLOSURES, AND SERVICES UPON THE LISTED ABOVE.

PLEASE FILE AND PROCESS FOR THE COURT RECORD AND THROUGH THE COURT
IN REGARDS TO THE CASE OPN RECORDS.

I RESPECTFULLY REQUEST FOR A CLOCKED FILED COPY AS FILED TO THE
RESPECTFUL COURT.

THANKING IN ADVANCE FOR ASSISTANCE AND TIME GIVEN TO ME IN THIS
CRUX MATTERS.

RESPECTFULLY SUBMITTED,

s/ *Tamarcus Long*
TAMARCUS LONG
990 WISACKY HWY.
BISHOPVILLE, SC 29010

AND ACCORDINGLY TO THE ATTORNEY OF RECORD, HE ACKNOWLEDGED THIS SET OF FACTS, AND IN THE ADVANCEMENTS THE APPLICANT FURNISHED PCR COUNSEL TO FILE A RULE 59(e), MOTION TO ALTER/AMEND THE PCR RECORD IF THERE EXIST ANY OMISSIONS TO THE RECORD BY THE RESPONDENT TO THE PCR RECORD, AS THERE IS NUMEROUSLY OMISSIONS TO THE RECORD AND THE APPLICANT'S PCR COUNSEL DID NOT AND REFUSED TO FILE THE MOTION TO HAVE THE PCR RECORD CORRECTED OF THESE OMISSIONS THAT WAS INTENTIONAL EXCLUDED FROM THE RECORDS, etc., THE FOLLOWING OMISSIONS ARE AS:

1. TESTIMONY OF PLEA COUNSEL JOHN C. RECKENBEIL, Esq., THE ISSUE REGARDING THE SEARCH WARRANT, AND THE STATEMENT THAT ATTY. RECKENBEIL MADE DURING GIVING TESTIMONY THAT HE AGREED WITH APPLICANT STATING THAT NO SEARCH WARRANT WAS ISSUED TO SEARCH IN APPLICANT'S CASE MATTER, AND IT WAS A FOURTH AMEND. VIOLATION OF HIS CONSTITUTIONAL RIGHTS OF THE U.S. CONSTITUTION, ie al., OMISSIONS.

THE APPELLANT EXPLICITLY STATES THAT UNDER THE ESSENTIAL PRACTICES OF THE FIXTURES OF THE RECORDS PREPARATIONS, THE RESPONDENT OF THE CASE RECORDS ARE THE SOLE COMPONENT TO HAVE THE RECORD PREPARED FOR THE COURT, AND THIS DEPRIVES THE APPELLANT OF DUE PROCESS, AND AS IT SURELY DOES, IT TURNS THE RIGHTS TO DUE PROCESS OF LAW UPSIDE DOWN BECAUSE BY THE METHODS UTILIZED THROUGH THE PCR PROCESSES, THE WINNER OF THE CASES ARE THE ONES WHO HAVE THE PREPARING TASK OF THE RECORDS, AND THERE STAND A CHANCE FOR THE RECORD TO BE SHORT-CHANGED OF CRUX MATTERS AND ISSUES, AND IN MOST CASES THE PRESIDING JUDGES SIGNS THE FINAL ORDER OF THE CASE REGARDLESS OF THE RESPONDENT AND OR THE WINNERS OF THE CASES. THE APPELLANT FACTUALLY PROFFERS TO THE COURT PRIOR CORRESPONDENCE BETWEEN HE AND THE PCR COUNSEL AND WITH THEM DESCRIBING ALL FACTUAL NOTICES AND REQUEST SUBMITTED TO HIM REGARDING THIS MATTER IF IT HAD

HAPPEN TO HIS CASE MATTERS AS IT DID. THE APPELLANT CAN NOT PROVIDE TO THE COURT A TRANSCRIPT OF RECORD TO THE APPELLATE COURT BECAUSE THE RESPONDENT AND THE PCR COUNSEL DOES NOT HAVE ONE AS PROVIDED TO THE APPELLANT FOR HIS RECORD, AND ACCORDINGLY TO THE FINAL ORDER OF DISMISSAL THE ORDER IS DISPLAYING THAT THERE ARE MANY OMISSIONS TO THE RECORD ON APPEAL, AND THE ORDER OF DISMISSAL IS FULLY DISPLAYING THAT THE APPELLANT'S COUNSEL HAVE CONCEDED TO THE RECORD AND WITH THE RESPONDENT INTENTIONALLY LEAVING OUT VITAL ISSUES OF THE RECORD FROM THE APPELLATE COURT REVIEWING AUTHORITY, AND THIS IS TOTALLY IN CONTRARY TO THE SO MANY REPETITIVE ORDERS ISSUED FROM THE HIGH COURTS AND AMENDED RULES AND ADDED RULES THROUGH CASE LAWS SETTLED BY THE SC SUPREME COURT, ie al., WITH EVENMORESO STATED, THE COURT HAVE SANCTIONED THE LOWER COURTS FOR DEPRIVING THE APPELLANTS OF FULL ADEQUATE AND ACCURATE APPEALS, etc.

CONCLUSION

WHEREAS, APPELLANT TAMARCUS LONG RESPECTFULLY DEMAND THAT THE COURT RESPECTFULLY ENFORCE IT AUTHORITY TO PREVENT THE RESPONDENT FROM INTENTIONALLY KEEPING THE REVIEWED ISSUES AND TESTIMONY THAT RESPONDENT HAVE OMITTED FROM THE RECORDS IN THE FINAL ORDER OF DISMISSAL IN THIS PCR CASE MATTERS. THE APPELLANT IN TURN SHOWS THE COURT THAT THE APPELLATE DEFENSE IS PLACED TO BE ENFORCED TO TAKE ON THE APPEAL MATTER IN ITS PROCESS IN THE BLIND AND THE APPELLATE COUNSEL IS BURDENED WITH RESPONSIBILITIES THAT THE LOWER COURT COUNSEL OF RECORD SHOULD HAVE PERFORMED AND DONE AT THE REQUEST OF THE APPLICANT/APPELLANT, AND TO FURTHER CONCLUDE THE APPELLANT IS ENTITLED TO AN APPEAL THAT IS COMPLETE, FULL, AND WITHOUT ANY INTERFERENCES FROM THE ADVERSE COMPONENT AND RECORDS COUNSELS FOR THE APPELLANT.

THE APPELLANT FOREVER PRAYS THAT THE COURT GRANTS HIS
MOTION AND SEE THAT THE ERRONEOUS PREPARATION OF THE RECORDS
WILL BE A FINDINGS THAT IS ALWAYS TO BE THE CASE AS IN
THIS CASE.

RESPECTFULLY SUBMITTED,

s/ *Tamarcus Long*

TAMARCUS LONG, 305486

990 WISACKY HWY.

BISHOPVILLE, SC 29010

APPELLANT

cc: JOHNNY JAMES, Esq.

ATTY. GENERAL OFFICE

PO BOX 11549

COLUMBIA, SC 2911-1549

RESPONDENT'S COUNSEL

BE AMENDED GIVING TO THE ACCOUNT THAT THE SOLICITOR'S OFFICE HAD THIS STATEMENT OF CONFESSION IN THEIR FILES AND YET AND STILL PROSECUTED THE APPLICANT, KNOWING THAT THE APPLICANT HAD NOTHING TO DO WITH THE CRIME, AND AS THE LAW STATES, THE SOLICITOR DO NOT HAVE JUST DUTIES TO PROSECUTE BUT TO EXONERATE THE INNOCENCE PEOPLE AS WELL, SEE GIBSON V. STATE, 334 SC 515, 514 SE2d 320 (1999); GIGLIO V. UNITED STATES, 405 U.S., 150 (1972); UNITED STATES v. AGURS, 427 U.S. 97 (1976). THE STATEMENT OF CONFESSION GIVEN TO THE OFFICER WAS MATERIAL AND MATERIALS MUST BE DISCLOSED, AND THE APPLICANT WAS PREJUDICED BY THIS OMISSION OF THE STATEMENT, COUNSEL MADE THE STATEMENT A NONDISCLOSURE AND IT WAS SO SERIOUS THAT THERE IS A REASONABLE PROBABILITY THAT THE SUPPRESSED EVIDENCE (STATEMENT OF CONFESSION) WOULD HAVE PRODUCED A DIFFERENT VERDICT, AND UNDER THESE CIRCUMSTANCES, THE APPLICANT WOULD HAVE EXERCISED HIS RIGHTS TO A TRIAL AND WOULD HAVE BEEN RELIEVED FROM THE MADE THREATS MADE BY THE SOLICITOR'S OFFICE IN REGARDS TO FACING A §17-25-45 STATUTE TO BE INVOKED BY THE SOLICITOR'S OFFICE AS THE CASE ATTORNEY RELATED TO THE APPLICANT IF HE GO TO TRIAL; C.) COUNSEL FAILURES TO FILES PRE-TRIAL MOTION TO HAVE CHARGES DISMISSED BASED UPON A STATEMENT OF CONFESSION GIVEN TO OFFICER IN THE SOLICITOR'S OFFICE. (DIRECT VERDICT PROCEDURE OF LAWS EFFECTIVE TO CASE MATTERS, etc.

WHEREAS, THE FOLLOWING TASK IS STILL DUE UNDER YOUR RESPONSIBILITY, AS IT THE PROCUREMENT OF INFORMATION AND DOCUMENTS, etc., HERETO, THE REQUEST I SENT TO YOU TO PROCURE THE SEARCH WARRANT AND THE SEARCH WARRANT RETURN HAVE NOT BEEN DONE, AND I ASK YOU WHY YOU CAN NOT AVAIL THIS MATTER PURSUANT TO RULE 26, SCRPC, AS THE PCR PROCEDURE STAYS. I AM NOT BEING NON SETTLED IN THESE MATTERS BUT JUST ONLY SERIOUS ABOUT HAVING ALL OF MY i's DOTED AND ALL OF t's CROSSED, I ALSO WROTE TO THE SOLICITOR'S OFFICE, CLERK OF COURT, AND JOHN G. RECKENBEIL REQUESTING FOR THIS INFORMATION AND AWAITING RESPONSES, I HAVE HAD MY FAMILY MEMBERS TO ALSO DO THE FOIA TO BE INVOKED TO PROCURE FILES IN THIS MATTERS TO KEEP MY LIBERTY INTEREST SECURED. I WILL NEED TO KNOW ONCE YOU HAVE DONE THE OFFICIAL CASE RESEARCHING BE AS IT MAY, SINCE YOU RECEIVED VIDAL INFORMATION CONCERNING THE PREVIOUSLY STRING OF QUESTIONS THAT ARE NOW IRRELEVANT AS TO THE GUILTY PLEA, AND I PLEAD GUILTY TO CHARGES UNDER THE INFLUENCES THAT I WAS GOING TO RECEIVE 12 YEARS NON-VIOLENT TO INCLUDE BEING ELIGIBLE FOR PAROLE AND INC'S GOOD TIME CREDITS, etc., AND DUE TO MY LACK OF KNOWLEDGE OF THE LAW, ONCE I HAVE BEEN INCARCERATED I BECAME AWARE OF THE RIGHTS TO HAVE MY CASE REVTEWED ON A PCR, WITH ALL ISSUES RAISED AT THIS HEARING FOR A PCR REVIEW.

THANKING YOU IN THE ADVANCE FOR YOUR TIME AND HELP GIVEN TO ME IN THIS CRUK MATTERS AND I LOOK FORWARD IN HEARING FROM YOU IN THIS VERY NEAR FUTURE.

AGAIN THANK YOU!

RESPECTFULLY SUBMITTED.

Jamarcus Long
JAMARCUS LONG

TAMARCUS LONG, 305486
LEE CI/F4-B2237
990 WISACKY HWY.
BISHOPVILLE, SC 29010

RODNEY RICHEY
ATTY. AT LAW
PO BOX 10916
GREENVILLE, SC 29603

JANUARY 3, 2019

RE: T. LONG V. THE STATE OF S.C., ENCLOSED CLIENT'S
CORRESPONDENCE, RESPONSES AND INQUIRES, etc.

DEAR MR. RODNEY:

ALLOW MY CORRESPONDENCE TO SERVE AS MY FORMAL REPLIES TO
YOUR LETTER DATED DECEMBER 27, 2018, THAT I RECEIVED ON
JANUARY 3, 2019.

I HAVE NOTED YOUR QUESTIONS AND YOUR REPLIES AS YOUR
RETURNS TO ME AS TO THE RESULTS TO MY PREVIOUS REQUESTS
SUBMITTED TO YOU IN MY CASE, HOWEVER, I WANT YOU TO READ MY
RESPONSES TO YOU VERY CAREFUL SO THAT YOU WILL CONCLUDE THAT
NE BEING A CLIENT CAN NOT BE MISCONSTRUED AND INCORRECTLY
INTERPRETED BY YOU FROM THIS CORRESPONDENCE THUS ON.

I WISH TO FORMALLY PLACE ON YOU ON NOTICES IN REGARDS
TO THE REQUESTS THAT I SUBMITTED TO YOU FOR YOU PROCURING
DOCUMENTS AND INFORMATION VITAL TO MY CASE AND YOU HAVE YET
TO GIVE ME AN APPROPRIATE RESPONSES TO THESE SUBMITTALS,
PLEASE CHECK THE DATES AS THE FOLLOWING FOR MY REQUESTS
PROVIDED TO YOUR OFFICE: SEPTEMBER 28, 2017, JULY 5, 2018,
AND NOVEMBER 14, 2018, etc., ALL OF THESE REQUESTS ARE
CONSISTED OF YOU PROCURING DOCUMENTS AND INFORMATION FOR MY
PCR CASE AND THERE ARE NO REACTIONS FROM YOUR OFFICE EITHER
WAY SHOWING THAT YOU MADE THE PROPER REQUESTS FOR THEM
PURSUANT TO RULES 26, SCRPC. THERE ARE STANDING A SERIOUS
POSITIONS OF THIS MATTER SOON AS I WOULD HOPE.

IN YOUR DECEMBER 27, 2018, YOU ARE FOUND TO BE TAKING THE
STANCES AS A PROSECUTOR TO ME WHEN YOU STATED THAT I HAVE
MADE STATEMENTS UNDERMINING MY CASE, AS YOU HAVE CHOSEN TO
TAKE THE GUILTY PLEA COLLOQUIAL OUT OF MY CASE AND USE
AGAINST ME, AS YOU HAVE DONE SO, LET ME FIRST INFORM YOU OF
THE NATURAL FACTS, FIRST OF ALL YOU ARE DISPLAYING BY YOUR
LANGUAGE THAT YOU ARE NOT AWARE OF HOW ATTORNEYS OPERATES IN
SUCH CASES AS LIKE MINE, YOU ARE ON MANY COURT RECORD IN
MANY TERMS PLEADING OUT YOUR CLIENTS WHO HAVE HAD FACED LWOP
THROUGH THE TERMS OF THE SOLICITOR'S OFFICE, WHEREAS, THE
APPELLATE COURT FOUND IT TO HAVE BEEN PROPER, BUT ON THE
OTHER HAND, IT WAS NOT!!! MY CASE FROM IT INITIAL BEGINNING
WAS BY THE ATTORNEY OFFICE BEING INTIMIDATED BY THE
SOLICITOR'S OFFICE COUNSELS, LWOP, AND THREATENING TO SEND
OTHER PEOPLE TO JAIL, etc., YOU THINK THAT YOUR NEVER SEEN
THIS HAPPENED BEFORE.. I THINK NOT, IF YOU THINK FOR ONCE

THAT I GOING TO TELL THE JUDGE HOW I REALLY FELT AND WHAT THE THREATS WAS YOU ARE LESS THOUGHTFUL OF THE JUDICIAL PROCESSES ESPECIALLY WHEN THERE ARE AN ALL OUT WITCH HUNT FOR YOU JUST BECAUSE OF WHAT PEOPLE THINK, TO INCLUDE MY PAST CRIMINAL RECORD, . AND BECAUSE I HAD TO RETURN BACK TO MY COMMUNITY AND NOT HAVING NO PLACE TO RESIDE OTHERWISE. IF YOU WILL SEE THROUGH YOUR PROCURING RIGHTS, YOU WILL SEE THE DISPOSITION OF THE SEARCH WARRANT RETURN, YOU WILL SEE THE EXTRINSIC FRAUD COMMITTED WITH THE POLICE REPORTS, POLICES PLACING THE DECISION OF WHO TELLING THE TRUTH AND WHO IS NOT SCENARIOS. YOU WOULD NOT ASK THESE QUESTIONS IF YOU HAVE DOCUMENTS DISCLOSED TO YOU, AND THE STATUTES OF LAWS DEALING WITH PCRS GUIDES YOU TO SEEK THE EVIDENCE THAT WAS LEFT OUT OF THE RECORDS THAT THE STATE CHERRY PICKED THROUGH AGAINST ME etc., YOU AS AN ATTORNEY MUST KNOW THOSE OF US THAT PLEAD GUILTY ARE MOSTLY MANIPULATED IN DOING SO, AND THIS BEING THE CASE, YOU AS AN ATTORNEY LIKE CASES AS LIKE MINE, AND FACTUALLY SPEAKING ABOUT THE CASE COUNSEL OF MY CASE, ONCE THE JUDGE SIGNED THE SCCA-217 SHEET, THERE WAS NO MORE HEARING FROM THIS ATTORNEY, AND FROM THE POINT OF ISSUES, AT THIS PRESENT MOMENT, THERE ARE ISSUES WITH MY SENTENCE, AND TO NO AVAILS THIS ISSUE WILL BE ADDRESSED AND IF I SIMPLY PLACE IT ON THE RECORD, THE RESPONSE WILL NOT BE FAVORABLE BECAUSE EVERYONE WILL PASS THE BUCK AND THIS IS KIND OF GAME THE SYSTEM PLAYS WITH US ALSO. YOU HAVE NOT REVIEWED FIXED LAWS OF THE SC SUPREME COURT JUST LAST YEAR, WHEREAS, THE LAWYER IS INEFFECTIVE FOR ERRONEOUSLY ADVISING THEIR CLIENTS TO TAKE A PLEA WHEN THERE EXISTED NO EVIDENCE TO SUPPORT THE SENTENCE, etc., RECOMMENDED AND OR MAKING DEAL FOR THROUGH THE SOLICITOR'S OFFICE, AND HERE IN MY CASE MATTER THAT JUST WHAT IT WAS, THIS ATTORNEY USED MY PSYCHOLOGICAL HEALTH TO DRIVE ME INTO ACCEPTING WHAT HE HAD SAID TO ME BY COACHING ME TO PLEAD GUILTY TO THE CASES THAT HE CLEARED UP ON THE COURT DOCKET. MY PSYCHOLOGICAL HEALTH NOT NORMAL AND UNDER THE CIRCUMSTANCES I WAS UNDER YOU AND ANYONE ELSE KNEW IT WAS EITHER YOU CHOOSE TO RETURN TO THE COMMUNITY I CAME FROM AND OR CHOOSE TO GAMBLE AND THEN LOOSE MY ENTIRE LIFE BY BEING IN PRISON FOR REST OF MY LIFE I AM NOT GUILTY OF THE CRIMES, etc., YOU GOT TO KNOW THAT WE SEE A LOT OF THIS TYPE OF INJUSTICES OCCURRING TO US THROUGH ATTORNEYS AND WHAT IS DISTURBING THE ATTORNEYS ACT AS THERE WAS NOT ANYTHING DONE WRONG. PLEASE FIND THAT I ASK YOU TO CONTINUE YOUR REQUIRED ASSISTANCE AND NONE OTHER THAT WHAT IS REQUIRED, BECAUSE THE FILES I REQUESTED THAT YOU PROCURE THIS STILL STANDS!! BUT ON THE OTHER HAND IF YOU FIND THAT THIS COULD NOT BE DONE PLEASE PURSUE YOUR RIGHTS TO STATE THAT THERE EXIST A CONFLICT OF INTEREST AND YOU CAN NOT ACCOMPLISH GETTING THE FILES I HAVE REPETITIVELY REQUESTED FOR YOU TO PROCURE AS THE RECORDS I HAVE WILL BE THE PROFFERS REGARDING THIS MATTERS.

I HOPE I HAVE GIVEN YOU THE REQUIRED EXPLANATION THAT YOU ARE VEXING MY CASE FOR, I ALSO HOPE THAT YOU WILL PROPERLY CONCLUDE AS I FIRST STATED I AM A CLIENT THAT HAVE A RIGHT AT A FULL BITE AT THE APPLE, AND I KNOW JUST BECAUSE I PLEADS GUILTY DOES NOT MEAN I AM NOT ENTITLED TO GET MY CASE REVIEWED AND OVERTURNED AND THE CHARGES DISMISSED POION POIN POINT BLANK. I LOOK FORWARD IN HEARING FROM IN THIS

VERY NEAR FUTURE, AND PLEASE DO NOT HESITATE TO FURTHER
INQUIRE WITH ME ABOUT THE PREVIOUS REQUESTS I HAVE ALREADY
SUBMITTED TO YOU IN THE PAST.

CORDIALLY,

JANUARY 3, 2019

S/ *Tamarcus Long*
TAMARCUS LONG
990 WISACKY HWY.
BISHOPVILLE, SC 29010

TM/cm

cc: FILES/t1

TAMARCUS LONG, #305486
LEE C.I./F4B2237
990 WISACKY HWY.
BISHOPVILLE, SC 29010

RODNEY W. RICHEY
PO BOX 10916
GREENVILLE, SC 29603

JANUARY 28, 2019

RE: TAMARCUS LONG V. THE STATE OF S.C., 2018 PCR CASE
MATTERS. tc. CLIENT/ATTORNEY CORRESPONDENCE, etc.

DEAR ATTY. RICHEY:

ALLOW MY CORRESPONDENCE TO SERVE AS MY FORMAL REQUEST, NOTICES AND REPLIES, etc., IN THE ABOVE CASE MATTERS PENDING AND FORTHCOMING. YOU WILL TAKE NOTICE THAT I HAVE MATTERS TO BE AMENDED IMMEDIATELY REGARDING THE AFTER TRIAL DISCOVERED EVIDENCE THAT IS CRITICAL TO MY CASE AND AS YOU HAVE SEEN AND OR UNTOOK SIGHTS TO THE DOCUMENTS, IT IS SELF EXPLANATORY AND CLEARLY EXPOSE THE UNJUSTIFIED POSITION OF THE COPS TAKEN IN MY CASE, etc., NOWAS TO THE RULES OF AMENDING ISSUES TO MY CASE, THE AMENDING PROCEDURES ARE EFFECTIVE AND THEY MUST DONE THROUGH YOUR OFFICE, THESE AMENDINGS ARE TO BE DONE AS FOLLOWS: A. AFTER DISCOVERED EVIDENCE, THIS ISSUE IS BASED UPON THE FOLLOWING MERITS OF LAWS, SEE KYLES V. WHITLEY, 514 U.S. 419 (1995), THE STATE HAD THE DUTY TO DISCLOSE THE EVIDENCE THAT THE APPLICANT WAS NOT GUILTY THE CRIME CHARGED, etc., BY MEANS, THE PERSON WHO WAS GUILTY OF THE OFFENSES CONFESSED TO THE CRIMES BY WAY OF REPORTING TO THE SOLICITOR'S OFFICE AND GAVE A SWORN STATEMENT DETAILING THE CONFESSION. TO ALSO INCLUDE THAT THE OFFICER REPORT THAT A SEARCH WARRANT WAS EXECUTED AND TO THIS DATE THERE WAS NOT A PROOF OF A RETURN TO THE ALLEGED SEARCH WARRANT IN THIS CASE MATTERS, THEREFORE MAKING THE SEARCH WARRANT IN ITSELF ILLUSIONAL, THE EXCULPATORY EVIDENCE IS A KIND THAT EXONERATES THE APPLICANT OF THE CHARGES, AND THE COUNSEL WAS INEFFECTIVE WHEN HE DID NOT PURSUE THIS MATTER TO THE COURT ON BEHALF OF THE APPLICANT, BUT YET AND STILL THIS INFORMATION WAS DISCLOSED TO HIM BEFORE THE GUILTY PLEA WAS DONE, etc., THE APPLICANT WAS PREJUDICED AGAINST AND THE OUTCOME OF THE CASE WOULD HAVE BEEN DIFFERENT HAD THE COUNSEL DID NOT COMMIT THE OMISSION OF THE STATEMENT GIVEN TO THE SOLICITOR'S OFFICE BY THE OFFICER SECREST ON THE DATE OF NOV. 3, 2015, 1:12 p.m., THE CASE COUNSEL USED THE CONDITION OF THE APPLICANT TO WITHHOLD THIS INFORMATION AND PROCEED ON WITH THE GUILTY PLEA, AND THIS RESULTED IN THE COUNSEL VIOLATING THE LOYALTY CLAUSE OF ATTORNEY/CLIENT DESCRIBED IN THE RULES OF PROFESSIONAL CONDUCT, OF S.C.;

B.) PROSECUTORIAL MISCONDUCT ISSUE; THIS ISSUE IS ONE MUST

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG)	
Tamarcus Long,)	Case No.: 2018-CP-42-1279
S.C.D.C. No. 305486,)	
)	
Applicant,)	
)	ORDER OF DISMISSAL
v.)	
)	
State of South Carolina,)	
)	
Respondent.)	
)	

This matter comes before this Court by way of an application for post-conviction relief filed by Tamarcus Long (Applicant) on April 12, 2018. Respondent served its return on August 3, 2018. The Court convened an evidentiary hearing into the matter on March 4, 2019, at the Spartanburg County Courthouse in Spartanburg, South Carolina. Applicant was present at the hearing and represented by Rodney Richey, Esq. Jacob Isenberg, Esq., and Johnny James, Esq., of the South Carolina Attorney General's Office, represented Respondent.

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Applicant testified on his own behalf at the evidentiary hearing. Applicant's plea counsel, John G. Reckenbeil, Esquire (Counsel), also testified. The Court had before it Applicant's records from the South Carolina Department of Corrections, a copy of the plea transcript, and the records of the Spartanburg County Clerk of Court regarding the subject convictions. The Court finds Applicant has not met his burden of establishing any constitutional deprivations or any other grounds entitling him to relief and denies and dismisses this application with prejudice.

I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was indicted at the June

2016 term of the Spartanburg County Grand Jury for possession with intent to distribute (2016-GS-42-3113) and possession with intent to distribute marijuana within one-half mile of a school or park (2016-GS-42-3114). Applicant was subsequently indicted in December 2016 for distribution of marijuana (2016-GS-42-6473) and distribution of marijuana within one-half mile of a school (2016-GS-42-6474). Counsel represented Applicant on all charges. The case was prosecuted by Assistant Solicitor Grady B. Anthony of the Seventh Circuit Solicitor's Office.

On June 8, 2017, Applicant pled guilty as indicted to all charges before the Honorable R. Keith Kelly. Judge Kelly accepted the negotiated sentence of twelve years to run concurrent. Applicant did not appeal his conviction or sentence.

II. PRESENT APPLICATION

In his post-conviction relief application, Applicant alleges he is being held unlawfully for the following reasons:

1. "Ineffective Assistance of Counsel"
 - a. Failure to review discovery before plea
 - b. Failure to pursue valid defenses
 - c. Failure to advise 85% sentence

Applicant requested a new trial and resentencing. At the evidentiary hearing, Applicant proceeded forward on the above-mentioned allegations.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the records submitted to it by the parties and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings based upon all of the probative evidence presented.

A. Ineffective Assistance of Counsel

In a post-conviction relief action, an applicant has the burden of proving the allegations in his or her application. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant alleges ineffective assistance of counsel as a ground for relief, he or she must prove “counsel’s conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result.” Butler, 286 S.C. at 442, 334 S.E.2d 441 (quoting Strickland v. Washington, 466 U.S. 668, 686 (1984)). The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Strickland at 686.

“[C]ounsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Butler, 286 S.C. at 442, 334 S.E.2d at 814 (quoting Strickland, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989). “Judicial scrutiny of counsel’s performance must be highly deferential, as it is all too tempting for a defendant to second-guess counsel’s assistance after conviction or an adverse sentence, and it is all too easy for a court, examining counsel’s defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable.” Strickland, 466 U.S. at 689; Edwards v. State, 392 S.C. 449, 456-57, 710 S.E.2d 60, 64 (2011). “[W]hen counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel.” Smith v. State, 386 S.C. 562, 567, 689 S.E.2d 629, 632 (2010) (citing Caprood v. State, 338 S.C. 103, 110, 525 S.E.2d 514, 517 (2000)).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (citing Strickland, 466 U.S. at 688). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625 (citing Strickland, 466 U.S. at 694). With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. Strickland, 466 U.S. at 696. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice that course should be followed. Id. at 696-97.

1. Failure to review discovery before plea

a. Plea Hearing Statements

Applicant contends Counsel directed him to lie under oath at the plea hearing about reviewing discovery together. An applicant's statements during the plea hearing are considered "conclusive unless [he] presents valid reasons why he should be allowed to depart from the truth" of them. Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007).

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Here, Applicant's statement at the plea hearing that Counsel reviewed all discovery with him is considered conclusive. (Tr. 7, L. 8-9). During the hearing, Applicant, despite multiple opportunities, never altered that statement. (Tr. 7, L. 3-18). Moreover, there is nothing in the record to support Applicant's contention that Counsel directed his answers. However, there is evidence to support Counsel's credible testimony that they reviewed discovery extensively before the plea hearing. (Tr. 12, L. 5-12). Furthermore, Counsel credibly testified to never directing Applicant to lie at the hearing. Thus, Applicant's reasoning is not valid and his deficiency claim fails on this allegation.

b. Deficiency based upon failure to review video

Additionally, Applicant contends Counsel failed to review a material video with him. The disclosure of a material video to counsel instead of the applicant is sufficient for discovery requirements during negotiations when it contains "footage of a confidential informant whose identity would have been compromised" if watched by the applicant. Hyman v. State, 397 S.C. 35, 48, 723 S.E.2d 375, 382 (2012), abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018).

Here, Counsel credibly testified he did not get the video through discovery. Moreover, Counsel gave credible testimony that he never watched the video because the Seventh Circuit Solicitor's Office's policy is to terminate any plea offer, and cease any further plea negotiations, if Counsel or the Defendant elects to view the video involving the confidential informant. This policy is followed by the federal government and a majority of Solicitor offices in South Carolina to ensure the anonymity and the protection of confidential informants. Furthermore, Counsel credibly testified Applicant agreed to forgo video access to accept a negotiated sentence.

Therefore, this Court finds Applicant has not proved Counsel was deficient for failing to review the video involving a confidential informant.

c. Prejudice based upon failure to review

Applicant contends he wanted to go to trial to gain access to this video. An applicant is not prejudiced by deficiencies involving video disclosure when he “was aware throughout negotiations and guilty plea proceedings that videotape was not exculpatory.” Hyman, 397 S.C. at 48, 723 S.E.2d at 382. Counsel credibly testified he advised Applicant a jury could “likely” identify him selling illegal drugs in the video. Furthermore, Counsel credibly testified Applicant agreed a jury could identify him based upon seeing photographs from the video. Accordingly, this Court finds Applicant was aware the video was not exculpatory through negotiations, which means any alleged failure to review was not prejudicial.

2. Failure to Pursue a Defense

Applicant contends Counsel was ineffective for failing to pursue a valid defense of third-party guilt. In reviewing a claim that defense counsel failed to properly investigate a defense to a crime, a court's principle concern is whether the investigation “was itself reasonable.” Taylor v. State, 404 S.C. 350, 364, 745 S.E.2d 97, 104 (2013). However, Counsel is not deficient in conducting a reasonable investigation as long as they interview potential witnesses “when it is reasonable to do so.” Edwards v. State, 392 S.C. 449, 457, 710 S.E.2d 60, 65 (2011). Additionally, an applicant's statements during the plea hearing are considered “conclusive unless [he] presents valid reasons why he should be allowed to depart from the truth” of them. Dalton, 376 S.C. at 137, 654 S.E.2d at 874.

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a) Male witness

Applicant contends Counsel failed to pursue a defense of third-party guilt through a male witness he offered. At the plea hearing, Applicant confirmed he was satisfied with Counsel's services, answered all questions, and "did everything he possibly" could for Applicant. (Tr. 7, L. 6-13). Furthermore, Counsel credibly testified about interviewing this male witness in his office. Counsel also credibly testified about credibility concerns with the male's story. Thereafter, Counsel credibly testified he discussed his concerns about the credibility of the male witness with the Applicant and the problems this would present at trial. This Court finds Counsel's credibility assessment of the witness after conducting an independent interview to be sufficient for a reasonable investigation. Therefore, this Court finds Applicant has failed to prove Counsel is deficient for failing to pursue a defense based on the male witness.

b) Female witness

Applicant contends Counsel was deficient for not using a female witness to present a third-party guilt defense. Specifically, Applicant testified Counsel never interviewed a female witness who wanted to take ownership of drugs used to prosecute him. Furthermore, Applicant testified the police report reflected she was responsible for all drugs recovered. Counsel testified of his awareness with female's story because of the police report. However, Counsel credibly testified the report indicated she could not identify specific details at the scene, which presented credibility concerns. Counsel further credibly testified he met with Applicant and the female witness before entering into the negotiated sentence. Counsel credibly testified the three of them went over all discovery, options, and opinions. Counsel credibly testified, at some point, he advised the Applicant that blaming his girlfriend would probably not sit well with the jury. Thereafter, the Applicant went before the plea judge where he confirmed, under oath, that he wished to waive his

right to call and confront witnesses despite having had knowledge of alleged third-party guilt. (Tr. 6, L. 5). Accordingly, this Court finds Applicant has not proved Counsel was deficient in failing to pursue a defense based upon the female witness.

c) Prejudice based upon failure to pursue third-party guilt

Applicant alleges the failure to pursue a defense for third-party guilt prejudiced his decision to avoid trial. The prejudice prong is dependent upon whether counsel's deficiencies "affected the outcome of the plea process." Frierson v. State, 417 S.C. 287, 789 S.E.2d 762 (Ct. App. 2016), aff'd as modified, 423 S.C. 257, 815 S.E.2d 433 (2018). To establish prejudice through witness corroboration, an applicant "must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing." Bannister v. State, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998). "Hearsay" is a statement, other than one made by the declarant while testifying at the trial or hearing, offered into evidence to prove the truth of the matter asserted. SCRE 801. Mere "speculation" about the details of what a witness would testify about is insufficient to establish prejudice. Dalton v. State, 376 S.C. 130 at 143, 654 S.E.2d 870 at 877.

Here, Applicant testified both of the alleged witnesses were willing to accept ownership of drugs on his behalf. However, neither alleged witness testified or submitted affidavits for his PCR hearing. Without testifying, the female's conversation with police officers at the scene is inadmissible hearsay because it goes towards the truth of the matter asserted. Also, the police report itself is actually a statement from officers at the scene. Accordingly, Applicant's testimony about the male and female's version of events is mere speculation. Accordingly, this Court finds Applicant has presented evidence insufficient to prove prejudice based upon alleged deficiencies in failing to pursue a defense.

informant's testimony and the video. Counsel further credibly testified the State was ready to serve LWOP notice on a second distribution charge if it had lost this trial. Thereafter, Counsel credibly testified Applicant agreed the twelve-year negotiated sentence for all charges was a good deal. During the plea hearing, Counsel actually discussed Applicant's awareness of the "benefit" of not having been subject to LWOP on two occasions. (Tr. 11, L. 25) (Tr. 12, L. 15). Accordingly, Applicant thought this plea deal was more favorable than risking LWOP. Therefore, this Court finds Applicant failed to prove he would have gone to trial if he had received the proper advice regarding delayed eligibility for release under community supervision.

III. CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 753, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 7.1(c), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must advise and file a Notice of Appeal on the Applicant's behalf.

Appellate review PCR counsel must advise and file a Notice of Appeal on the Applicant's behalf. Review of the denial of PCR. Rule 7.1(c), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must advise and file a Notice of Appeal on the Applicant's behalf. Review of the denial of PCR. Rule 7.1(c), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must advise and file a Notice of Appeal on the Applicant's behalf. Review of the denial of PCR. Rule 7.1(c), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must advise and file a Notice of Appeal on the Applicant's behalf.

APR 19 11 30 AM '08

3. Failure to Advise about delayed eligibility for release under community supervision

a) Deficiency based upon the failure to advise

Applicant contends Counsel was deficient for failing to advise him that he must serve 85% of the sentence before he would be eligible for early release under community supervision. However, Counsel credibly testified he customarily provides clients with a sentencing explanation sheet, which includes the mandatory 85% minimum incarceration for third offense sentences.¹ Furthermore, Counsel credibly testified he provided this sentencing explanation sheet to Applicant before the plea hearing. Thereafter, Counsel credibly testified he verbally explained the sentence details to Applicant, including the 85% minimum incarceration requirement before eligibility for release. As a result, this Court finds Applicant has not proven Counsel was deficient based upon a failure to advise about delayed eligibility for release under community supervision.

b) Prejudice based upon alleged failure to advise

Applicant contends he would have gone to trial if he had known about his delayed eligibility for release under community supervision. The South Carolina Supreme Court has found deficient counsel does not prejudice an applicant where the basis for their decision to avoid trial was a favorable plea. Goins v. State, 397 S.C. 568, 575, 726 S.E.2d 1, 4 (2012). (Finding no prejudice where evidence showed Applicant accepted the plea after State offered to dismiss certain charges). Applicant credibly admitted he accepted the negotiated sentence based upon the fear of being exposed to LWOP at trial. Thereafter, Counsel credibly testified Applicant was aware of LWOP risks on multiple charges during plea negotiations. Counsel credibly testified he advised the Applicant the State likely had enough evidence to convict him through the confidential

¹Counsel credibly testified former Seventh Circuit Solicitor Trey Gowdy recommended this sentencing sheet, and he has been using it for many years without issue.

informant's testimony and the video. Counsel further credibly testified the State was ready to serve LWOP notice on a second distribution charge if it had lost this trial. Thereafter, Counsel credibly testified Applicant agreed the twelve-year negotiated sentence for all charges was a good deal. During the plea hearing, Counsel actually discussed Applicant's awareness of the "benefit" of not having been subject to LWOP on two occasions. (Tr. 11, L. 25) (Tr. 12, L. 15). Accordingly, Applicant thought this plea deal was more favorable than risking LWOP. Therefore, this Court finds Applicant failed to prove he would have gone to trial if he had received the proper advice regarding delayed eligibility for release under community supervision.

III. CONCLUSION

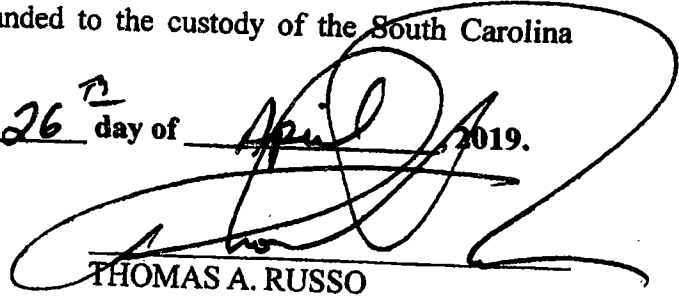
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 26th day of April, 2019.



THOMAS A. RUSSO
Presiding Judge
Seventh Judicial Circuit

Florence, South Carolina

2019/MAY -3 AM 8:39

RICHEY AND RICHEY
ATTORNEYS AT LAW

A PROFESSIONAL ASSOCIATION

RODNEY W. RICHEY
LOLA S. RICHEY

POST OFFICE BOX 10916
GREENVILLE, SOUTH CAROLINA 29603

(864) 467-0503
(864) 467-0646 FAX

January 15, 2019

Tamarcus Long, SCDC#305486
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010

RE: Tamarcus Long vs. The State of South Carolina

Dear Mr. Long:

Please find enclosed a copy of your previous lawyer's file. I will have to review this information before I set up a phone conference. This is a lot of material and it is going to take some time.

RICHEY AND RICHEY, P.A.

Yours truly,


Rodney Richey

RWR/
Enclosure

RICHEY AND RICHEY
ATTORNEYS AT LAW

A PROFESSIONAL ASSOCIATION

RODNEY W. RICHEY
LOLA S. RICHEY

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GREENVILLE, SOUTH CAROLINA 29603

(864) 467-0503
(864) 467-0646 FAX

December 27, 2018

Tamarcus Long, SCDC#305486
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010

RE: Tamarcus Long vs. The State of South Carolina

Dear Mr. Long:

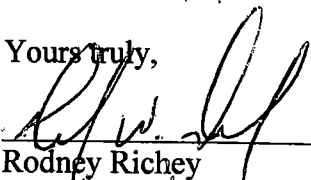
This letter is in response to a letter that I received dated December 10, 2018 and received on December 27, 2018. I believe that you should reread the transcript in this case. You make several statements that undermine your case. You are going to have to have answers for all the responses that you gave to the judge. You stated that you were satisfied with the services of your attorney, etc. These answers will be used against you in a big way. You waived all rights to contest the case. You agreed with the sentence. You stated that you would be out in time to see your daughter graduate. Please review the transcript and get a response for these answers.

The State whole case will revolve around your answers. This will be the only thing they talk about during the hearing. You gave these answers under oath to tell the truth. Therefore, please review them and provide a response to them other than the one you put in your letter.

Lastly, I will schedule a phone conference with you within 2 weeks.

RICHEY AND RICHEY, P.A.

Yours truly,


Rodney Richey

RWR/

TAMARCUS LONG, 305486
LEE C.I./F4A-2237
990 WISACKY HWY.
BISHOPVILLE, SC 29010

RODNEY RICHEY
ATTY. AT LAW
PO BOX 10916
GREENVILLE, SC 29603

DECEMBER 10, 2018

RE: T. LONG V. THE STATE, PCR CLIENT/ATTORNEY CORRESPONDENCE

DEAR MR. RICHEY:

I APPRECIATE YOUR PROMPT REPLY AND INQUIRES.

ANSWERING YOUR QUESTIONS FIRST, YOU ASKED WHY I PLEAD GUILTY TO THE CHARGES, etc., YOUR EXPERIENCES IN HOW THE SYSTEM HANDLES CASE AS LIKE MINE IS NOTHING OF A MYSTERY, BECAUSE THE WAY THE SOLICITOR OFFICE COUNSELS IS PERMITTED TO MANIPULATE THE ATTORNEYS WHO REPRESENT US TO INTIMIDATE THEIR CLIENT AND TRICK THEM INTO HAVING NO OTHER CHOICES BUT TO PLEAD GUILTY JUST TO PREVENT THEMSELVES FROM BEING PUT IN PRISON FOR LIFE, I DO NOT THINK I NEED TO GO ANY FURTHER WITH MY ANSWER IN THIS QUESTION, THE POSSIBILITIES OF BEING SENT TO TRIAL IS SOMETHING THAT YOU WILL NEED TO PREVENT BECAUSE ONCE YOU PROCURE THE CRUX DOCUMENTS THAT I HAVE STATED FOR YOU TO POSSESS IN THE REGARDS TO THE SEARCH WARRANT, YOU WILL SEE THE UNQUALIFIED METHODS THAT THE STATE USED TO PURSUE A CASE THAT NEVER EXISTED FROM THE BEGINNING, AND AS TO RECEIVING MORE TIME THAT I ORIGINALLY HAVE, I DO NOT FORESEE THIS BEING IN THE PICTURE BECAUSE THE §44-53-370, 375, etc., WITHOUT VIOLENCE OFFENSES BEING A SUBJECT MATTERS INTO THE CASE POINT BLANK, THE STATE CAN NOT RECHARGE AS IT WILL BE ONE, NOW AS I HAVE TOLD YOU, I WAS THREATEN WITH A LWOP, AND UNDER THEM CIRCUMSTANCES, THE NOTICE OF SEEKING THIS WAS NOT SERVED AND THIS COULD NOT HAVE BEEN APPLICABLE AND NOR QUALIFIED TO MY CASE MATTERS AND IF YOU DO YOUR RESEARCH TO THIS SPECIFIC ISSUE OF MY OF CASE THE SCENARIO OF THIS LITIGATION OF THE STATE WOULD HAVE BEEN MOOT, NOW AS YOU KNOW THE PCR IS ONE THAT YOU MUST UTILIZE TO SUBMIT ALL ISSUES THAT ARE AVAILABLE OF THE RECORD TO BE EVALUATED BY THE COURT TO RECEIVE A SPECIFIC FINDING OF FACTS AND FOR THE COURT TO GIVE A SPECIFIC RULING OF LAWS TO THEM EACH, WHEREAS, I AM NOT WAVING ANY RIGHTS TO NO ISSUES BEING RAISED TO THIS COURT. I KNOW YOU HAVE TO UTILIZE STRATEGY TO DO THIS, BUT I NEED FOR YOU TO PROCURE ALL OF THESE RECORDS SO THAT YOU CAN HAVE THE PROOF TO PROFFER TO THE COURT WHE WHEN YOU SUBMIT THE ISSUES FORM THE RECORD, I KNOW THERE ARE ISSUES THAT ARE NOT NOTED ON THE RECORD AND THESE ISSUES ARE ONES THAT YOU ARE PERMITTED TO USE YOUR EXPERTISE IN DOING SO, I WILL LOOK FORWARD IN

YOU DOING A SUPERB JOB WITH THIS OBLIGATION.

I APPRECIATE YOU PROVIDING TO ME THE DOCUMENTS AND THE SEARCH WARRANT RETURN DOCUMENT ONCE YOU RECEIVE THEM, IF YOU CAN NOT RECEIVE THEM THEN YOU SHOULD PROCEED WITH THE ISSUE AS LIKE THERE WAS NOT ONE, IF YOU CARE TO FURTHER DISCUSS THIS ISSUE WITH ME I APPRECIATE IF YOU HAVE THE CONFERENCE AND OR CALLS SCHEDULED TO BE DONE IMMEDIATELY.

THANKING YOU IN THE ADVANCE FOR YOUR TIME AND HELP GIVEN TO ME IN THIS CRUX MATTERS AND I LOOK FORWARD IN HEARING FROM YOU IN THIS VERY NEAR FUTURE.

AGAIN THANK YOU!!!

RESPECTFULLY

DECEMBER 10. 2018

S/ *Tamarcus Long*
TAMARCUS LONG
990 WISACKY HWY.
BISHOPVILLE, SC 29010
CLIENT

RICHEY AND RICHEY
ATTORNEYS AT LAW

A PROFESSIONAL ASSOCIATION

RODNEY W. RICHEY
LOLA S. RICHEY

POST OFFICE BOX 10916
GREENVILLE, SOUTH CAROLINA 29603

(864) 467-0503
(864) 467-0646 FAX

November 26, 2018

John G. Reckenbeil, Esquire
Law of John G. Reckenbeil
215 Magnolia Street
Spartanburg, SC 29306

RE: Tamarcus Long vs. The State of South Carolina
Case No: 2018-CP-42-1279

Dear Mr. Reckenbeil:

Please be advised that this law firm represent Mr. Long for a Post-Conviction Relief case. I am requesting a copy of his case file. You can forward the original file to me and I will copy it and return it to you. We have a hearing in January or February next year. I would like to have the file as soon as possible.

If you should have any questions please feel free to call me.

RICHEY AND RICHEY, P.A.

Yours truly,


Rodney Richey

RWR/
cc: Tamarcus Long

RICHEY AND RICHEY
ATTORNEYS AT LAW

A PROFESSIONAL ASSOCIATION

RODNEY W. RICHEY
LOLA S. RICHEY

POST OFFICE BOX 10916
GREENVILLE, SOUTH CAROLINA 29603

(864) 467-0503
(864) 467-0646 FAX

November 26, 2018

Tamarcus Long, SCDC#305486
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010

RE: Tamarcus Long vs. The State of South Carolina

Dear Mr. Long:

Please find enclosed a copy of a letter that I sent to your former attorney. Also, the most important issue in this case is why did you plead guilty. The relief you get in this case is a new trial. This means that you start your case over from the beginning. You could receive more time than you have now. However, it is your case and you have the right to do your case the way you want to.

Lastly, I believe the next court date will be in January or February. I will contact you when I receive a date.

RICHEY AND RICHEY, P.A.

Yours truly,



Rodney Richey

RWR/

TAMARCUS LONG
LEE CORRECTIONAL INSTITUTION
990 WISACKY HWY.
BISHOPVILLE, SC 29010

NOVEMBER 14, 2018

RODNEY RICHIE
ATTORNEY AT LAW
PO BOX 10916
GREENVILLE, SC 29603

RE: TAMARCUS LONG v. THE STATE, CLIENT'S CORRESPONDENCE.

DEAR MR. RICHIE:

THANKING YOU IN FOR YOUR RESPONSES AND REPLIES GIVEN TO ME IN THE PAST, HOWEVER, ACCORDINGLY TO YOUR REPLY TO ME DATED ON AUGUST 07, 2018, YOU INFORMED ME THAT A HEARING WAS SCHEDULED TO BE HELD ON SEPTEMBER 12. 2018, WHEREAS, I DO UNDERSTAND THAT THERE WAS THE STORM THAT CAUSE TREMENDOUSLY DELAYS IN IN THE COURT SYSTEMS, AND I ALSO UNDERSTAND THAT THE ATTORNEY GENERAL OFFICE CONTROLS THEIR OWN COURT DOCKET AND THIS IS WHERE I SUBMIT MY REQUEST TO YOU, I NEED TO KNOW WHEN IS THE NEXT SCHEDULED HEARING FOR MY CASE AND I RESPECTFULLY ASK THAT YOU PROVIDE TO ME THIS INFORMATION ASAP, ALSO LET ME KNOW IF YOU HAVE PROCURED ALL OF THE INFORMATION THAT YOU SHOULD PURSUANT TO RULE 26, SCRPC., THE DISCOVERY OF MY CASE FROM THE SOLICITOR'S OFFICE, NOW TO INCLUDE WITH ME REFORMING YOU TO ATTEND TO THE SPECIFIC DATE OF OCTOBER 15, 2015, THE SEARCH WARRANT RETURN THAT SHOULD BE FILED TO THE CLERK OFFICE AFTER IS WAS EXECUTED, I NEED FOR YOU TO MAKE SURE THAT YOU PROCURE THIS DOCUMENT FROM THE CUSTODIAN RECORD KEEPER OF THIS ITEM, AND I WOULD ASK THAT YOU ALSO PROCURE THE DOCUMENT THAT SHOWED THE PROBABLE CAUSE TO OBTAIN A SEARCH WARRANT IN THIS MATTER AS WELL, ALL OF THIS INFORMATION THAT I ATTENTION YOU TO IS VIDAL TO MY CASE MATTER AND IT WILL ADVANCE YOU IN YOUR REPRESENTATION GIVNE GIVEN TO ME IN THIS CASE. I APPRECIATE IT IF YOU KEEP ME INFORM AS TO YOUR PROGRESS AND ACCOMPLISHING PROCURING THESE SPECIFIC FILES AND DOCUMENTS STATED FOR YOU TO PROCURE.

THANKING YOU IN THE ADVANCE FOR YOUR TIME AND ASSISTANCE GIVEN TO ME IN THIS CRUX MATTERS AND I LOOK FORWARD IN HEARING FROM YOU IN THIS VERY NEAR FUTURE.

AGAIN THANK YOU!!!

NOVEMBER 14, 2018

CORDIALLY,

S' 
TAMARCUS LONG

990 WISACKY HWY.
BISHOPVILLE, SC 29010

RICHEY AND RICHEY
ATTORNEYS AT LAW

A PROFESSIONAL ASSOCIATION

RODNEY W. RICHEY
LOLA S. RICHEY

POST OFFICE BOX 10916
GREENVILLE, SOUTH CAROLINA 29603

(864) 467-0503
(864) 467-0646 FAX

July 23, 2018

Tamarcus Long, SCDC#305486
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010

RE: Tamarcus Long vs. The State

Dear Mr. Long:

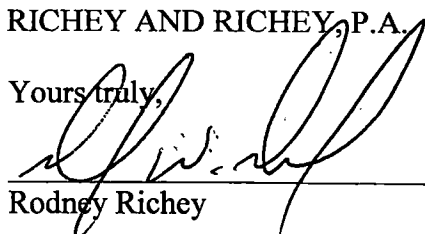
This letter is in response to your letter dated July 5, 2018. Please be advised that I do not have any information regarding your case. The information you requested will be provided to me by the attorney general's office. It will take at least another 2 months to get it. The trial transcript is provided to us at no cost and it comes from the attorney general's office. I will contact you when I receive this information.

Also, in regards to a motion to reconsider, this motion has to be made by your trial attorney. I am not the attorney of record for your criminal case. Therefore, you must consult with your previous lawyer in regards to this motion.

If you should have any questions please feel free to write me.

RICHEY AND RICHEY, P.A.

Yours truly,


Rodney Richey

RWR/tlg

TAMARCUS LONG, 305486
LEE CORRECTIONAL INSTITUTION
990 WISACKY HWY.
BISHOPVILLE, SC 29010

JULY 05, 2018

RODNEY RICHEY
ATTY @ LAW
PO BX 10916
GREENVILL, SC 29603

**RE: CLIENT'S REQUEST, etc., §17-27-150, FILES AND CASE
INFORMATION DISCLOSURES, etc.**

DEAR MR. RICHIE,

PLEASE ALLOW MY CORRESPONDENCE TO SERVE AS MY FORMAL REQUEST FOR YOU TO SUBMIT THE FOLLOWING REQUEST FOR FILES FROM MY ORIGINAL CASE, AS IT BEING THE ATTORNEY WHO PREPRESENTED ME IN THE COURT OF GENERAL SESSIONS, AND I NEED FOR YOU TO SUBMIT A FILES REQUEST IN REGARDS TO THE FOLLOWING SUBJECT MATTERS CONCERNING MY CASE, AND AS IT IS APPROPRIATE TO MENTION TO YOU, I HAVE THE RIGHT TO HAVE ACCESS TO THESE FILES PURSUANT THE PCR STATUTE, §17-27-150, per se RULE 26, SCRCF, AND THE DISCLOSURE PROCEDURES ACCORDINGLY TO THE MOTION OF DISCOVERY PROCEDURES, THE FILES AND RECORDS I NEED AS SPECIFICALLY STATED: TRIAL TRANSCRIPT(S), SEARCH WARRANTS FROM OCTOBER 15, 2015, SEARCH RETURNS, INDICTMENTS, ARREST WARRANTS, HANDWRITTEN NOTES, AND THE INVESTIGATION REPORTS FROM ALLEGED INCIDENT REPORTS.

I ALSO WISH TO INFORM YOU INSPITE OF THE PCR CASE MATTER, I NEED FOR YOU TO KEEP IN MIND THAT I WISH TO EVALUATE THE ALTERNATIVES TO UTILIZE THE MOTION FOR RECONSIDERATION AND THE SUBSTANCE TO TOWARDS THE PCR BEING IN PROGRESS, BY MEANS, IF THE MOTION FOR RECONSIDERATION CAN BE MORE PRODUCTIVE THAN THE PCR I WOULD RATHER EXPLORE MY SUCCESS THROUGH IT INSTEAD OF THE PCR, NOWAS, I AM IN COMPLIANCE WITH THE PCR RULES BY INSTANCE HAVING IT FILED BY THE TIMELY FASHION, AND WITHIN THE ONE (1) YEAR TIME FRAMES, MY RECONSIDERATION MOTION FOR A SENTENCE REDUCTION IS ONLY BASED UPON THE RELEVANT EVIDENCE FROM THE RECORDS, AND IT WAS NOT PRESENT TO THE COURT BY THE ATTORNEY OF MY CASE, WHEREAS, ~~THE ATTORNEY HAD THE TRUE PROCEDURES TO PROFFER~~ THIS RECORD EVIDENCE WHEN IT SHOULD HAVE, etc.,

ALSO, THE COURT WAS NOT PLACED ON NOTICE IN REGARDS TO A FACTUAL ISSUE SHOWING EXTRINSIC FRAUD UPON BY OFFICERS OF THE PROSECUTING COURT, ie a1, DATE OF ARREST WARRANT WAS PROVOCATED BEFORE THE INCIDENT HAD HAPPEN, etc.
MR. RICHEY, I STRONGLY ADVISE YOU TO SEE BY THE SENTENCING SHEETS AND THE ERRONEOUS ARRANGEMENT OF THE SENTENCES ACCORDINGLY TO THE CDR CODES, etc., NOWAS, THE COURT APPLIED THE CDR CODE TO THE CHARGES AS IT SHOULD, BUT THE SOLICITOR COUNSEL CHANGED IT FROM WHAT THE JUDGE INTENDED FOR IT TO BE, AS WHEN I PLEAD THE CDR CODE WAS FOR 0186, ONCE I GOT TO THE SCDC AGENCY, AND I RECEIVED THE SCCA-217 (SENTENCING SHEETS) THE CODE WAS CHANGED TO 0188, HAVING IT TO BE A MORE OF A HARsher SENTENCE, IF IT WOULD HAVE BEEN IN THE ORIGINAL PLEAD FORMS I WOULD HAVE BEEN ELIGIBLE FOR PAROLE AND WORK CREDITS AS THE ATTONRNEY SAID I WOULD BE. IF YOU SEE THE JUDGE MADE THE SENTENCE IN COMPLIANCE TO THE SUBSTANCE ABUSE ACT OF S.C., BY PLACING THE SENTENCES IN A CONCURRENT FORMS AND MADE THE 44-53-370(b)(2), 44-53-0445(A), CDR CODE 0107, AS IT IS SHOULD, THE PREVAILING TO THE COURSE FOR A RECONSIDERATION MOTION WILL BE CONCLUSIVELY BASED UPON THE PROFFERED EVIDENCE FROM THE RECORDS AND NOT SUGGESTIVE, BUT IF IT IS IN MY BEST INTEREST TO UTILIZE THE PCR VEHICLE TO ACHIEVE MY SUCCESS THAN I LET THY WILL BE DONE, BUT IF IT IS ACHIEVABLE THROUGH THE MOTION FOR RECONSIDERATION FOR A SENTENCE REDUCTION IN CORPORATED THROUGH RULE 59, AND 60(b), SO MAY IT BE DONE, BECAUSE IT IS INCUMBENT UPON ME TO SEEK THIS ENTITLED RELIEF FROM THE COURT, BY YOUR PROFESSION AND FROM THE ADEQUATE AND ACCURATE RESEARCH TO THE RECORDS BEFORE YOU AND THE ONES THAT YOU CAN PROCURE FROM THE CUSTODIAN RECORD KEEPERS OF MY CASE YOU WILL FIND THAT THE EVIDENCE IS NOT HIDDEN FROM NO ONE WHO WILL GIVEN REAL CONCERNS FOR MY CASE AND THE RELIEF THAT I CAN RECEIVE FROM IT. I DON'T WISH TO SOUND HARSH, BUT IN MY CASE I WAS FORCED TO ACCEPT BEING GUILTY BECAUSE BASED ON WHAT A POLICE DECIDED THAT WAS NOT A TRUTH WHEN STATED BY SOMEONE WHO SAID THEY WAS IN POSSESSION OF THE ITEMS THAT WAS FOUND BY THE POLICE. MY KINDNESS GOT THE BEST OF ME ALSO BUT JUSTICE IS NOT SERVED WHEN IT JAIL AN INNOCENCE PERSON.

THANKING YOU IN THE ADVANCE FOR YOUR TIME AND ASSISTANCE GIVEN TO ME IN THIS CRUX MATTERS AND I LOOK FORWARD IN HEARING FROM YOU IN THIS VERY NEAR FUTURE. IF YOU HAVE ANY ADDITIONAL QUESTIONS PLEASE DO NOT HESITATE TO CONTACT ME AT THE DISPLAYED ADDRESS IMMEDIATELY.

AGAIN THANK :YOU.

CORDIALLY,

S/ *Tamarcus D. Long*
TAMARCUS D. LONG
990 WISACKY HWY.
BISHOPVILLE, SC 29010
CLIENT/REQUESTER

JULY 05, 2018

cc FILES

TAMARCUS LONG # 305486
LEE C.I. / F4-B-1215
990 WISACKY HWY.
BISHOPVILLE, S.C. 29010

SCDC

JUN 16 2019

MAIL ROOM

DANIEL E. SHEAROUSE
CLERK OF SUPREME COURT
P.O. BOX 11330
COLUMBIA, S.C. 29211

RECEIVED

MAY 21 2019

LEE CI MAIL ROOM

DEPARTMENT OF
THE DEPARTMENT OF CORRECTIONS HAS NOT CENSORED
THIS ITEM. THEREFORE, THE DEPARTMENT DOES NOT
ASSUME RESPONSIBILITY FOR ITS WRITTEN CONTENTS

LEE CORRECTIONAL INSTITUTE
SC DEPARTMENT OF CORRECTIONS