

SEP 25 2019

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SC Court of Appeals

SEP 24 2019

STATE OF SOUTH CAROLINA)

COUNTY OF CHEROKEE)

Joey Clark)

Petitioner)

vs)

State of South Carolina)

Respondent)

IN THE SUPREME COURT S.C. SUPREME COURT

APPELLATE CASE NO. 2018-001627

OBJECTIONS TO THE ERRONEOUS DENIAL OF THE PETITIONER'S

DUE PROCESS OF LAW BY INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL

The Petitioner moves by objection to the erroneous filing of only (1) one issue, I object. There is 33 issues at hand.

Pursuant to S.C. App. Ct. R 243 (e) Appellate Counsel was supposed to include a list of the questions presented for review, a statement of the relevant material facts, and a argument in support of each question presented.

Appellate Counsel Kathrine H. Hudgins Esq, for the petitioner failed to do this.

Appellate Counsel Kathrine H. Hudgins Esq, has a mandated duty pursuant to Sutton v. State, 606 S.E.2d 779, 781 (S.C. 2004). Over ruled on other grounds by Bray v. State, 620 S.E.2d 743 (S.C. 2005), PCR cases are treated differently from traditional civil cases, requiring for example, that Appellate Counsel brief all arguable issues despite Counsel's belief the appeal is frivolous and requiring, by Statute, Court appointed Counsel for an indigent applicant who is granted a

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hearing." Id. (citing Wade, 559 S.E.2d at 847).

Appellate Counsel Hudgins was to be sure that every issue raised in the petitioner's writ of Certiorari be presented in order to prevent Procedural default.

Also, the State Court appointed Counsel, are hired to represent the Petitioner to the best of their abilities, and not cause the indigent to crash and burn. And the Petitioner can not be responsible for failing to offer evidence or raise the issues due to a State Created denial of Hybrid Representation citing Miller v. State, 388 S.C. 347, 697 S.E.2d 527 (2010); Jones v. State, 348 S.C. 13, 558 S.E.2d 517 (2002); State v. Stickey, 333 S.C. 56, 508 S.E.2d 564 (1998); Foster v. State, 298 S.C. 306, 379 S.E.2d 907 (1989); U.S. v. Singleton, 107 F.3d 1091 (4th Cir. 1997). The petitioner's hands are tied due to hybrid representation. Once Counsel is appointed, the Rule 21.1(e) SCRCP falls on Counsel.

By Appellate Counsel not raising all of the petitioner's issues, they will be procedurally defaulted due to a State Created Structural Defect that will violate a indigent's Due Process of law under the Fifth and Fourteenth Amendments under the U.S. Constitution.

Therefore, I move Appellate Counsel to refile her Brief and raise all of the petitioner's issues at hand to preserve for Federal Review.

cc:File

Respectfully Submitted
Goy Clark

Joey Clark #187595
BRCI/Marion #128
4460 Broad River Rd.
Columbia, SC 29210

September 1, 2019

The Honorable Daniel E. Shearouse
Clerk of Court
In The State Supreme Court
P.O. Box 11330
Columbia, SC 29211

RE: Objections to Appellate Counsel's Failure to Preserve all Issues for Federal
Review. Case NO. 2018-001627

Dear Mr. Shearouse

Please find enclosed for filing Petitioner's Objections to the denial
of due process of law by Appellate Counsel Hudgins. The failure to
preserve my issues by law is depriving me of my Protected Liberty
Interest under the 5th and 14th Amendments under the U.S. Constitution.

Please clock stamp the copy enclosed in the self addressed and
stamped envelope enclosed and return it to the petitioner.

(All parties are served.)

Respectfully Submitted
Joey Clark
Petitioner

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S.C. SUPREME COURT

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)
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Petitioner)
)
V.)
)
State of South Carolina)
)
Respondent)

SC Court of Appeals
IN THE SUPREME COURT

APPELLATE CASE NO. 2018-001627

SWORN AFFIDAVIT OF PETITIONER
AND
CERTIFICATE OF SERVICE

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S.C. SUPREME COURT

I Joey Clark, petitioner, swears under the penalty of perjury that everything contained here in are true and correct to the best of my knowledge and belief.

Also, the same has been deposited in the U.S. Mail postage pre-paid and addressed to the following parties:

1. The Honorable Clerk of Court Daniel E. Shearouse, P.O. Box 11330, Columbia, SC 29211
2. The South Carolina Attorney General's Office, P.O. Box 11549, Columbia, SC 29211
3. Kathrine H. Hodgins Esq. Division of Appellate Defense, 1330 Lady St. Suite 401, P.O. Box 11589, Columbia, SC 29211-1589

SWORN AND SUBSCRIBED BEFORE ME
on this 19th day of September, 2019

Kathrine H. Hodgins Esq.
Notary Public for South Carolina

My Commission Expires on 8/5/2024

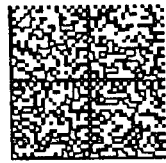
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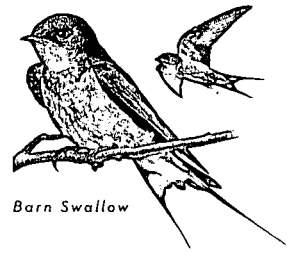
Respectfully Submitted

Joey Clark
Joey Clark # 187595
Petitioner

Joey Clark SCDC. 187595
Broad River Correctional Institution
4460 Broad River Road
Columbia S.C. 29210



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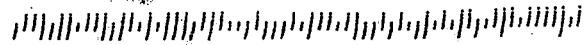
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P.O. Box 11330
Columbia, South Carolina 29211

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

BROADRIVER CORRECTIONAL INSTITUTION
S.C. DEPARTMENT OF CORRECTIONS

