

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

PAGE 1

Supreme Court of South Carolina

Otis Maurice Robinson, Petitioner,

v.

STATE of South Carolina, Respondent

Appellate Case No. 2019-000740

RECEIVED

DEC 18 2019

S.C. SUPREME COURT

~~XXXXXXXXXX~~
DECEMBER 13, 2019

This matter is before the Court by way of a notice of appeal from an order denying Petitioner Otis Maurice Robinson application for post-conviction relief (PCR). At the conclusion of the trial of this PCR case, the circuit court took the decision on the merits under advisement and directed both the state and Robinson to prepare proposed orders. The circuit court eventually signed the order prepared by the state and denied all claims for relief. In preparing the order, however the State did not address each of Mr. Robinson's claims and did not include specific findings of fact or conclusion of law on any of Robinson's claims. Nevertheless the circuit court signed the order. As the law requires when a PCR order does not contain specific findings of fact and conclusions of law, Robinson PCR counsel filed a motion pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure. See Marlar v. State 375 S.C. 407, 410, 653 S.E.2d 266, 267 (2007) holding a Rule 59(e) motion must be filed if issues are not adequately addressed" in the PCR order, as explained the "Order of Dismissal does not contain specific findings of fact and conclusions of law regarding each of the claims that were on the PCR Application.

LEGAL MAIL

IN his petition for a writ of certiorari Robinson take this opportunity to express his concern with the orders in PCR proceedings that fail to address the merits of each issues raised by the applicant. Not only does this deprive the petitioner to a fair PCR hearing, but it violates his constitutional rights also, as in this case a new hearing should be required to secure the rulings which should have been made initially. Counsel preparing proposed orders should be meticulous in doing so. opposing counsel should call any omissions to the attention of the PCR judge prior to issuance of the order, and the PCR judge should carefully review the order prior to signing it. Even after an order is filed, counsel has an obligation to review the order and file a Rule 59(e) SCRPC motion to alter or amend if the order fails to set forth the findings and the reason for those findings as required by § 17-27-80 and Rule 52 (a), SCRPC, see Smalls v. State, 422 S.C. 174, 195, 810 S.E.2d 836, 847 (2018) holding "the PCR court... did not make specific findings). Ramirez v. State 419 S.C. 14, 21 n.6, 795 S.E.2d 841, 845 n.6 (2017) finding error because "there are no findings of fact contained within the PCR court's order to support its conclusion); Simmons v. State, 416 S.C. 584, 592, 788 S.E.2d 220, 225 (2016) (holding. The PCR court's general denial of all claims not specifically addressed in the ^{PCR} court's order does not constitute a sufficient ruling on any issues since it does not set forth specific findings of fact and conclusions of law. Tappeiner v. State, 416 S.C. 839, 849 n.5, 785 S.E.2d 471, 476 n.5 (2016) (reiterating "the PCR court is required to make specific findings of fact, and state expressly its conclusions of law; relating to each issue presented.

IN Robin Gray Reese v. state 425 S.C. 108, the court remand the case to the circuit court for the entry of a new PCR order that complies with the law for the same facts IN Robinson case ~~because~~ because the circuit court erred by signing the PCR order and denying Robinson Rule 59(e) motion. On page "4" of the PCR Transcript it clearly states that the State moved to dismiss the due process issue and the prosecutorial misconduct issue, so that's proof that all of my issues were not properly raised at the PCR hearing according to McGray v. State 305 S.C. 329, 408 S.E.2d 241 (1991) S.C. Code ANN 17-27-80 (1991). stating that a petitioner shall be entitled to have all of his issues address at a PCR hearing; and in Pruitt v. State, 310 S.C. 254, 423 S.E. 2d 127 (1992) finding that petitioner was entitled to review of an order issued by Luke N. Brown, J., denying the petitioner's application for post conviction relief. THE Supreme Court held that the order denying post conviction relief improperly failed to address allegations raised in application for post conviction relief. IN Robinson case it shows that PCR counsel was ineffective for allowing the state to deprive the petitioner the right to have all of his issues address at the PCR hearing. IN McGray v State seek certiorari from denial of post-conviction relief (PCR), alleging that the PCR court failed to make the required findings of fact concerning his claims of ineffective assistance of counsel. We reverse and remand for a new PCR hearing The PCR court dismiss Robinson allegations of ineffective assistance of counsel without making findings of fact on the specific allegations ~~raised~~ raised.

LEGAL MAIL

S.C. Code ANN § 17-27-80 (1976), requires the PCR court to make specific findings of fact and state expressly its conclusions of law relating to each issue presented. The PCR Courts conclusions regarding ineffective assistance are insufficient for appellate review and fail to meet the standard set forth in the statute; accordingly, we reverse the order denying McCray relief and remand for a new hearing
REVERSED AND REMAND

There were 59 crime scene photo's and the ~~the~~ solicitor in Robinson case showed 16 crime scene photo's at trial and withhold evidence. SEE Exhibit A - The Property Control Room Unauthorized items form sign by Officer C. Brooker, AND my PCR Lawyer Christopher Murphy send a letter to my first Lawyer Public defender Jason King and Solicitor Stephanie Linder that they were some more crime scene photo's that was related to Robinson case. SEE Exhibit B - the 2 letter's; the Public Defender Jason King did send copy of my crime scene photo's along with a letter notifying me of what he sent to me SEE Exhibit C. But the SCDC officials did everything possible p. a for me not to receive it, including Lying, tampering with evidence, withhold evidence, ~~and~~ and not going by thier own policies and ~~procedures~~ procedures. SEE Exhibit D the mail-room clerk Miss Washington told me 4 different lies, its a conspiracy. I notified her that those crime scene photo's were very important in my case, she denied me access to court, Under Brady disclosure rule, the prosecution has the duty to disclose material evidence favorable to accused, regardless of whether the accused makes a specific request.

LEGAL MAIL

Petitioner argues the PCR court did not address each of petitioner's claims. "Because a post-conviction judge will ultimately be signing the order on an application for post-conviction relief, the judge must carefully review a proposed order to ensure it includes appropriate findings of fact and conclusions of law as to all issues raised." (Fishburne v. State, 832 S.E. 584)

Trial Counsel was ineffective for failing to communicate ~~the~~ PLEA OFFER. Petitioner argues that the lower court ruling that trial ~~counsel~~ Counsel rendered effective assistance of counsel was erroneous at plea hearing, petitioner testified that trial counsel never disclosed the plea offer to him, "The Court made clear that the negotiation of a plea bargain is a critical phase of litigation for purposes of the Sixth Amendment right to effective assistance of counsel." (Missouri v. Frye 132 S.Ct 1399)

Like Frye defendant argues that with effective assistance he would have accepted an earlier plea offer of 15 years, But instead petitioner was force to go to trial and eventually was sentence to Life without parole, Robinson trial Attorney said at trial that he visit him twice at the County Jail and everytime he said Mr. Robinson said Muther xxxxxx this blank that, because I was asking him about my crime scene photo's, my evidence, we never talk about any plea offer, when I would take a lic detective test to prove I'm telling the truth.

Petitioner argues that trial Counsel rendered ineffective assistance of Counsel by failing to communicate the plea offer. "This Court held as a general rule defense counsel has the duty to communicate formal offers from the prosecution to accept a plea on terms and conditions that maybe favorable to the accused." (Missouri v. Frye)

Petitioner

argues trial counsel failed to investigate any aspect of petitioner's case trial counsel did no pre-trial investigation. "Counsel has a duty to make reasonable investigation or to make a reasonable decision that makes particular investigation unnecessary Walker v. State 756 S.E.2d 144. Petitioner argues that trial counsel failed to do anything for his case (App. 400 L4-6) there was testimony by petitioner and Assistant Solicitor that there was a breakdown in communication between the two. Petitioner testified that Trial Counsel never spoke to him or went over any defense pertaining to his case (App. 392 L1-17). While the scope of a reasonable investigation depends upon a number of issues, at a minimum, counsel has the duty to interview potential witness and to make independent investigation of the facts and circumstances of the case (Troedel v. Wainwright, 667 F. Supp 1456).

Petitioner testified that that he had only spoken with trial counsel twice and both meeting ending in an argument (App. 392 L. 1-8) Petitioner was prejudiced by counsel deficient performance because there is a reasonable probability the outcome of petitioner's trial would have been different if counsel a proper investigation. Petitioner has a constitutional right for counsel to render effective assistance of Counsel.

PCR Lawyer Christopher Murphy told me on a letter he wrote to me on December 6, 2016 and December 20, 2016, This is a major issue and one which would could very well provide you the relief you seek. it will take some research, but we will get to the bottom of the issue I'm hoping that you plead to two Burg 2nd and that one of them would not be classified as violent. That should be enough to get you a new trial, and he said on the other letter he stated the third issue you raise is the failure to challenge a prior conviction. he assume I had a prior most violent conviction which subject you to the

two strike rule. This is always a good issue to raise assuming that the courts improperly relied on a conviction, IN order to prevail on this ground, we would have to show that your prior conviction did not qualify as a most serious offense IF this the case, we have a very good ground to challenge the sentence. but at the PCR hearing & my lawyer Christopher Murphy did not even brought any of what he mention in the letter up at the PCR hearing and it clearly shows that he was ineffective, he lied to me. SEE Exhibit E;

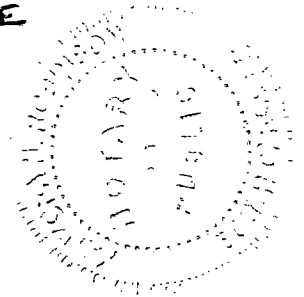
At the PCR hearing the solicitor Stephanie Linder stated on the stand that she knew ~~Mr. Locklair~~ Mr. Locklair my trial Lawyer through law school, either or she still said she knew Jason King. where is the audio tape this transcript has been altered. Sanders v. Ratelle, 21 F.3d 1446, 1455 (4th Cir 1994) Writ granted on basis of conflict of Interest claim.

I Otis Maurice Robinson # 288206, hereby apply for leave to proceed in this action without prepayment of fees or cost or security there for in support of my Writ of Certiorari appeal, I declare under penalty of perjury that the following fact are true.

SUBSCRIBE AND SWORN TO BEFORE
 ME ON THIS 13th DAY, OF December 2019
~~Stephanie Linder~~
 NOTARY PUBLIC FOR SOUTH CAROLINA

Otis Robinson Dec. 13, 2019
 APPLICANT DATE
Otis Robinson
 SIGNATURE

My Commission expires 8/5/2024



→ Exhibit A ←

Receive
July 29, 2018
Under the door
by unknown
PERSON

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

PROPERTY CONTROL ROOM
UNAUTHORIZED ITEMS

WA
284

288206
SCDC Number

Robinson
Name (Last) OHS
(First) (Middle)

The item(s) listed below were received in the Property Control Room and cannot be issued to you under current SCDC Policy and Procedures OP-22.03, Authorized Inmate Property and Unauthorized Property Disposition.

QUANTITY	ITEM
59	Please check excessive pictures

Please check one (30) days to send home)

You must decide which of the following actions should be taken:

- () Pay postage to mail room for return shipment.
- () Donate item(s) to charity.

Check with contractor to make sure these aren't the pictures you are looking for

IF NO ARRANGEMENTS ARE MADE BY YOU, THE DEPARTMENT OF CORRECTIONS WILL TAKE THE NECESSARY STEPS TO DISPOSE OF THE ITEM(S)

[Signature]
Officer's Signature
6-7-18
Date

Inmate's Signature

Date

ACTION TAKEN: _____

Officer's Signature Date Property Disposed

→ Exhibit A ←

→ Exhibit B ←

Christopher L. Murphy
Admitted in SC
cmurphy@rlattorneys.com

 **RESNICK & LOUIS, P.C.**
ATTORNEYS AT LAW

REPLY TO THE CHARLESTON OFFICE
234 Seven Farms Drive, Suite 128
Charleston, SC 29492
(843) 212-0435

August 11, 2017

VIA U.S. MAIL

Jason T King, Esq.
Ninth Judicial Public Defender's Office
101 Meeting Street, 5th Floor
Charleston, SC 29401

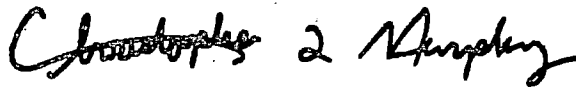
Re: Otis Maurice Robinson v. State of South Carolina
Civil Action No.: 2016-CP-10-5451

Dear Jason:

I know you originally represented Otis Robinson in the Burglary charge before being relieved as counsel. However, I would like to get a copy of your file as Mr. Robinson claimed there were some pictures taken of the residence before he entered which he lost during a shakedown. I would greatly appreciate your pulling the file from storage and calling me to review for the pictures.

With kindest regards, I am

Sincerely,



Christopher L. Murphy, Esq.
For the Firm

CLM/jh

cc: ✓ Mr. Otis Robinson

I never lost anything, the shakedown team took it out of my box while I was in the county jail

→ Exhibit B ←

Christopher L. Murphy
Admitted in SC
cmurphy@rlattorneys.com

RESNICK & LOUIS, P.C.
ATTORNEYS AT LAW

REPLY TO THE CHARLESTON OFFICE
234 Seven Farms Drive, Suite 128
Charleston, SC 29492
(843) 212-0435

August 11, 2017

VIA U.S. MAIL

Stephanie Linder, Esq.
Ninth Judicial Solicitor's Office
101 Meeting Street, Suite 400
Charleston, SC 29401

Re: Otis Maurice Robinson v. State of South Carolina
Civil Action No.: 2016-CP-10-5451

Dear Stephanie:

You prosecuted Mr. Robinson in a Burglary case where I am appointed to represent him on his PCR application. He claims that there were some missing pictures which SCDC confiscated from his cell during a shakedown. In any event, I would greatly appreciate your pulling your file for the pictures. Please let me know if you have any records.

With kindest regards, I am

Sincerely,

Christopher L. Murphy, Esq.
For the Firm

CLM/jh

cc: ✓ Mr. Otis Robinson

SCDC never confiscated anything from my cell, the Charleston County Jail Shakedown crew took it out box during shakedown and did not notify me of anything, I did not told my PCR ~~shakedown~~ lawyer that on the letter I wrote him

ALBUQUERQUE | BAKERSFIELD | CHARLESTON | DALLAS | DENVER | LAS VEGAS | MIAMI | ORANGE COUNTY | ORLANDO | PHOENIX | RIVERSIDE | SACRAMENTO | SALT LAKE CITY | SAN DIEGO | TAMPA | LONDON, UK

→ Exhibit C ←

Berkeley County
219 N. Hwy. 52, Suite E
P.O. Box 1687
Moncks Corner, SC 29461
(843) 899-2777
(843) 899-2701 Fax
David Schwacke
Chief County Public Defender

Ninth Circuit Public Defender
Berkeley & Charleston Counties

D. Ashley Pennington, Circuit Defender
publicdefender@charlestoncounty.org
(843) 958-1850

Charleston County
O.T. Wallace Building
101 Meeting Street, 5th Floor
Charleston, SC 29401-2214
(843) 958-1850
(843) 958-1860 Fax
Lorelle D. Proctor
Chief County Public Defender

June 6, 2018

Otis Robinson, #00288206
Broad River Correctional Institution
WA-0254-B
4460 Broad River Road
Columbia, SC 29210

RE: Requested Documents

Dear Mr. Robinson,

I sent a copy of a disc with the photos and prints of the photos to you. I have no control over SCDC policies about receiving mail.

Sincerely,

Jason King
Jason King

SCDC Policy Procedures
Inmate Correspondence
privileges

→ 7.2
→ S.S.6

→ Exhibit C ←

→ Exhibit D ←

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER**

TO: NAME: Ms Booker or who EVA IS CONCERN	TITLE: Property Control	DATE: JUNE 7, 2018
INMATE'S NAME: Otis Robinson		SCDC #: 288206
INSTITUTION: Broad River		LIVING QUARTERS: WATERREE # 254

MY Lawyer SEND ME a copy of my CRIME SCENE photo's AND My Lawyer SEND it to me ALMOST 3 weeks AGO. I WANT to know whats going ON because those crime scene photo's ARE very, very important to my case. I would very much APPRECIATE some ASSISTANCE or give me some answers because I dont know whats going on here, because policy says I CAN have them, but not to even notify a person that they had receive picture's, mail, etc. AS LONG AS it legal material dealing with your case, please tell me whats going ON AT this place I'm being deprived of my constitutional rights AND its not fair, could you advice me on who telling you to do this to a person, I have not did any-thing to these people here in the department of correction. to deserve to be treated like this

DISPOSITION BY STAFF MEMBER:

Robinson, your photos did not come in to property, Crime Scene photos that are sent from institutions come in to me and are locked up in a case. Being that your photos are coming from an attorney; this is considered legal mail, legal mail must come through the mailroom, Also, be advised crime scene photos cannot be in your possession.

DATE: 7-11-18	SIGNATURE: Afc. C. Booker
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→ Exhibit D ←

RECEIVED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

SEP 05 2018

TO: NAME: Miss J. Washington	TITLE: Mailroom clerk ↑ ↑	DATE: September 4, 2018	BRCI MAILROOM
INMATE'S NAME: Otis Robinson		SCDC #: 288206	
INSTITUTION: Broad River		QUARTERS: Waterrec # 25H	

I look at you as being someone with a whole lot of respect for your self and to protect whats right for an individual who is struggling to get back in court for justice HE did not receive; because of the ~~system~~ system ~~depriving~~ depriving me of the access to get back in court, I dont get it, I have ~~not~~ did anything to deserve this from you or anyone who works here, dont you know that "Due Process" means prison officials are not supposed to restrict your access to courts or lawyer or punish you (take away your property or liberty, even within prison) This is a violation of my first, fifth and fourteenth Amendment, the Equal protection of the law; Those 59 crime scene photos are part of my Brady Rule, How, why, would you lie to me all that time when I been asking you about my legal material since may, you kept on lying to me for your superior, I can understand, all that I want to see you get ~~back~~ back in court was just a bunch of crap "UH" I set it, "OH YEA" Just one more thing; Policy dont say anything about a chaplin receiving ~~anything~~ anything dealing with evidence from your case thats relating with the Brady Rule 5 I thought you were smarter than you look. ~~I~~ I did give you a chance to do the right thing but you ~~did~~ did

DISPOSITION BY STAFF MEMBER:
Please be advised your photos ~~are~~ ^{were} approved. Are now in the chapel area. I will fire out why they have not call you yet. But as of August 28, 2018, they are in the Chapel

DATE: 9-5-18	SIGNATURE: <i>[Signature]</i>
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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

SEP 10 2018

BRCI

TO: NAME: Miss J. Washington	TITLE: Mail Room Clerk	DATE: September 7, 2018	MAILROOM
INMATE'S NAME: Otis Robinson		SCDC #: 288206	
INSTITUTION: Broad River		LIVING QUARTERS: Waterce 254	

Ok why have'nt they respond or notified me of anything, I'm talking about the chaplin, how can you have something that belongs to an inmate in your possession and not to notify him on whats going on, Alright, whats the holdup? time is ~~being~~ being wasted, I need those legal material to proceed with my case because I am entitle to have them, I have a pending case and this is ~~being~~ depriving me from having access to the courts, I also need some legal material from the mailroom, I need some legal envelope about 10 and 2 debit forms, I sure would appreciate the assistance very much Thank you... ~~please~~ please help me!

DISPOSITION BY STAFF MEMBER:

I will get with the chaplin to see what's the process. Now that I gave them to them. (Chaplin).

enclosed are debit forms.

DATE: 9/10/18	SIGNATURE: WazA
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**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER**

TO: NAME: Miss Washington	TITLE: Mail Room Clerk	DATE: 10-9-18
INMATE'S NAME: Otis Robinson	SCDC #: 288206	
INSTITUTION: Broad River	LIVING QUARTERS: WAT. 254	

SCDC Policy PS-10.08 "Inmate Correspondence Privileges" 5.5.6. Authorized photographs or scanned photograph (8x10 in size or smaller) and photo books will be allowed, provided that none of them are sexually oriented, as outlined in section 6.1.6, if multiple photos are received on an 8x10 sheet of paper, that will count as one (1) photo. Polaroid pictures will be allowed provided the entire backing is removed.

MY ATTORNEY send me some crime scene photo's that's dealing with my case, I have a letter from my attorney stating that he sent me a DVD disc and prints of photo's, well according to the policy as stated above in the paragraph, it states I CAN have them, ~~on~~ 2. Employees who are responsible for the inmate mail ensure that all mail is inspected, stored, processed, delivered, and handled in a secure manner to prevent theft, tampering, delay, or other interference, who is responsible. please tell me.

DISPOSITION BY STAFF MEMBER:

Look into policy about Crime Scene Photos.
Send ^{Chapel} ~~Chapel~~ a message so that he can send OTR.

DATE: 10-9-18	SIGNATURE: Washington
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→ Exhibit D ←

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TO: NAME: Miss Washington	TITLE: Mail Room Clerk	DATE: November 1, 2018
INMATE'S NAME: Otis Robinson	SCDC #: 288206	
INSTITUTION: Broad River	LIVING QUARTERS: Waterce #254	

Could you please tell me how can I get the crime scene photos in my possession so I can presented it to the court room, thats the rights I have in dealing with my constitutional rights, I'm doing my best in trying to convince you into somehow & tell them corrupt staff officials to let me have my crime scene photos to my case thats dealing with my Brady Rule 5 AND according to SCDC policies it says I can have prints of photo's, so why deprive me of the right that I have, dont you know I got proof to show the court that you are denying me the constitutional right to have access to court, this is a very serious issue, so use your mind power to make

DISPOSITION BY STAFF MEMBER:
After seeing the photos they will go back to you Attorney. I'm sorry but I make them give you the photos. I did my part.

Manlio

DATE: 11-5-18	SIGNATURE: Washington
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Exhibit E ←

custody. That being said, it may be that we need to raise this issue as a ground if we can get a number of additional errors.

The second issue you raise is a false testimony which violated your due process rights. This is again an impossible issue to prevail because false testimony is often defined by the person whom it hurts. In other words, if the folks testified against you, you have the inclination to find the testimony false whereas the State would argue that the testimony is true. Absent any witness coming forth and testifying that yes, "I in fact lied on the stand.", we will not be able to prove these grounds. However, if you believe any of the witnesses will state that they lied under oath, please send me the name and any contact information so that I may track them down. Testimony often changes in any case. I always tell folks that it doesn't matter what folks said prior to a trial, what matters is what they say on the stand. In addition, if you or your attorney believed they were lying, you had the opportunity to cross examine them in order to demonstrate their untruthfulness.

Very Important
Super Bowl

The third issue you raise is the failure to challenge a prior conviction. I assume you had a prior most violent conviction which subject you to the two strikes rule. This is always a good issue to raise assuming that the courts improperly relied on a conviction. In order to prevail on this ground, we would have to show that your prior conviction did not qualify as a most serious offense. If this is the case, we have a very good ground to challenge the sentence. However, we will run into an issue that the Burgarly-1st sentence carries a 15 year to life possibility. Therefore, since you received a sentence within the statutory range, the courts may find that no error occurred, even if we can prove the prior convictions should not be counted against you.

The charge would have dropped because of the element of the crime

You know this case better than anybody else, including your attorneys. In order to have any chance, I need you to focus and let me know exactly what to look for and what details and issues you think you should raise. I don't care how insignificant you think the issue would be. Regardless, I want you to let me know so that I can research it and determine whether or not it has validity. We will present as strong an application as possible at the time of your hearing and I want to make sure you have all of your questions answered beforehand. We only get one crack at this application and any additional issues we find after the fact would be extremely difficult to raise.

No Investigat

In addition, I see that you included your appellate defender who filed an Anders brief. An Anders brief as you know is what lawyers file if they cannot find any arguments to raise. The appellate counsel is typically pretty good at raising any issue and the fact that they filed an Anders brief probably means you won all of your objections. Therefore, I don't think we would have any grounds against them and should instead focus on your trial attorney, Mr. Locklear.

The dig Noth

With kindest regards, I am

Mr. Otis Robinson, SCDC #288206
December 20, 2016
Page: 2

not violent

False conviction

No good

			conviction (?) Referenced in the 2011 warrant for Burg 1st
2006 GS-10-4812	16-11-311 Burg 1st	06/06/07	16-11-312 (B) 15 yrs suspended on 5 yrs probation. (See website printout)
2006 GS-10-12813	16-11-312 (B) Burg Second	06/06/07	16-11-312 (B) 15 yrs consecutive to the above Burg 1st charge. (See plea sheet you sent)
2011 GS-10-5416	Burg 1st	10/29/13	Life without Parole

Based on the above, I am either missing information on a conviction or it looks like you were indicted for Burglary 1st and plead to a Burg 2nd. I can't tell and will need to see your trial transcript to make sense of your situation.

From what I can see, it looks like you were convicted of Burg 1st at trial and the judge sentenced you to life without parole based on either two prior Burg 2nd convictions (which appears to be the case) or due to a prior Burg 1st conviction.

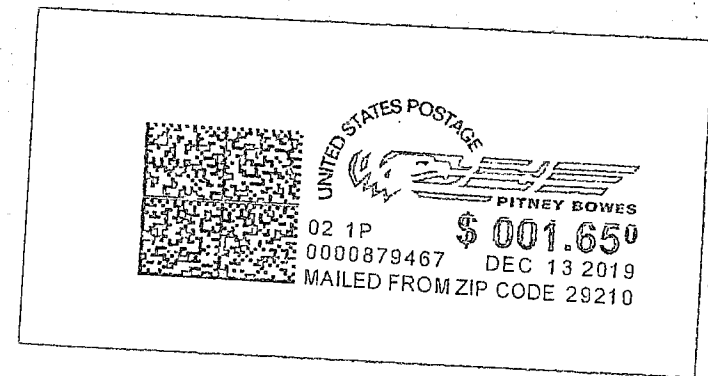
In these situations, the courts go over this type of sentencing with counsel and the prosecutor so I am sure the transcript will explain the reasons for your LWOP sentence. As such I am requesting a full transcript. In South Carolina, you can get LWOP'ed for convictions of three violent offenses or two most violent offenses. Here, it looks like either scenario could apply to your situation.

Very Important

This is a major issue and one which would could very well provide you the relief you seek. It will take some research, but we will get to the bottom of the issue. I am hoping that you plead to two Burg 2nd and that one of them would not be classified as violent. That should be enough to get you a new trial. However, the courts might find that the issue is one of sentencing only and that the remedy is for you to pursue the matter before the administrative law judge. I will discuss this with you as I investigate matter.

Next you raise additional issues in your letter related to your conviction. First, you indicate that you did not have a preliminary hearing despite your request for one. This is not a valid issue to raise and will not get you anywhere. I say this because of the result of the

N# 288206 WATEREE # 254
CTIONAL INSTITUTION
ER ROAD
CAROLINA
29210



THE SUPREME COURT OF SOUTH CAROLINA
DANIEL E. SHEAROUSE, CLERK OF COURT
POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA

29211

LEGAL MAIL