

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

RECEIVED

FEB 28 2020

S.C. SUPREME COURT

APPEAL FROM GEORGETOWN COUNTY  
Kristi F. Curtis, Circuit Court Judge

Case No. 2015-CP-22-00845

TERRON GERHARD DIZZLEY, #359480

PETITIONER,

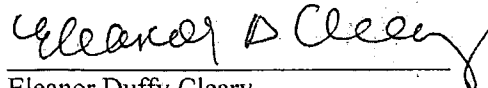
STATE OF SOUTH CAROLINA,

RESPONDENT.

NOTICE OF APPEAL

Terron Gerhard Dizzley, by and through his counsel, hereby appeals the Honorable Kristi F. Curtis's Order Denying Motion for Reconsideration dated February 7, 2020 and filed February 11, 2020, and received by counsel on February 14, 2020.

February 14, 2020



Eleanor Duffy Cleary  
Cleary Law LLC  
Post Office Box 40086  
Columbia, SC 29240  
ellen@clearylalawllc.com

Attorney for Petitioner

Other Counsel of Record:

Johnny E. James, Jr.  
Assistant Attorney General  
PO Box 11549  
Columbia, SC 29211  
jjames@scag.gov  
Attorney for Respondent

The State of South Carolina

In The Supreme Court

Terron Dizzley, #359480

Petitioner

State of South Carolina

Respondent

Case No. 2015-CP-22-00845

Certificate of Service

I Terron Dizzley certifies that on this 20<sup>th</sup> day of February 2020 sent the following parties listed below a Motion For Notice of Counsel pursuant to the aboved matter by placing in U.S. Mail at BRCI postage pre-paid.

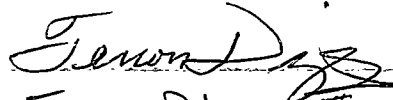
The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
P.O. Box 11330  
Columbia, S.C. 29211

Johnny E. James, Jr.  
South Carolina Attorney General's Office  
P.O. Box 11549  
Columbia, S.C. 29211-1549

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FEB 28 2020

S.C. SUPREME COURT

  
Terron Dizzley, #359480  
4460 Broad River Rd.  
Columbia, S.C. 29210

The State of South Carolina

In The Supreme Court

Case No. 2015-CP-22-00845

Terron Dizzley, #359480

Petitioner

State of South Carolina

Respondent

Motion For Notice of Counsel

Petitioner hereby moves before this Honorable Court to establish the record that Eleanor Duffy Cleary is not his attorney or an agent of Petitioner.

Petitioner contends that Eleanor Duffy Cleary obtained representation of his case fraudulently and Judge William H. Seals authorized Eleanor Cleary's substitution as Petitioner's lawyer was unlawful, fraudulent, without Petitioner's knowledge or consent and was forced upon him and against his wishes. Eleanor Cleary misled Petitioner's mother and had herself substituted as Petitioner's counsel without Petitioner's consent after excepting \$10,000 from Petitioner's mother.

The Notice of Appeal enclosed filed on February 11, 2020 stating, "Terron Gerhard Dizzley, by and through his counsel." is a continuation of Eleanor Cleary's fraudulent actions perpetrating as Petitioner's lawyer without any legal documentation of Petitioner's informed consent in writing as to this representation and the state courts participation in Eleanor Cleary's fraudulent, unconstitutional actions forcing fraudulent and conflicting representation on Petitioner.

Petitioner contends that Eleanor Cleary knows she never got an informed consent in writing from Petitioner and knew that Petitioner has expressed on several occasions that he did not

agree to this fraudulent representation, did not agree to any issues raised through or by Eleanor Cleary or briefs, briefed. Thus, Petitioner has not agreed to Eleanor Cleary filing this appeal on his behalf. Petitioner has filed a Petition For Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 to challenge this unjust, unconstitutional conviction and to challenge the unlawful and unconstitutional actions of Eleanor Cleary and the State Court's fraudulent actions. See Case No. 8:20-cv-00126-SAL-JDA. Petitioner has also filed a civil action against Eleanor Cleary for "Fraud", See: 2019-CP-40-03442, motions to relieve counsel and a Writ of mandamus addressing these concerns before any briefs were filed or any rulings were made.

Petitioner contends that case No. 2015-CP-22-00845 contains false, inaccurate and fabricated accounts of his case through fraudulent representation by Eleanor Cleary who deliberately and maliciously sabotaged Petitioner's case, and is the result and product of "fraud upon the court" which violates Petitioner's right to due process. Petitioner contends that the <sup>courts</sup> must not consider this PCR as the law of his case.

Date: February 20, 2020

With Kind regards,



Terron Dizzle, #359480

4460 Broad River Rd.

Columbia, S.C. 29210

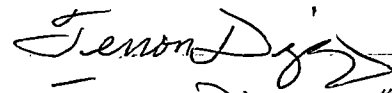
The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
P.O. Box 11330  
Columbia, S.C. 29211

Case No. 2015-CP-22-00845

Dear Mr. Shearouse:

Enclosed please find one original and one copy of Motion For Notice of Counsel and a letter from Eleanor Cleary which proves that she never got consent from Petitioner to represent and proves that Judge Seals unlawfully authorized this representation and then forced it on Petitioner without his knowledge or consent, and also a letter from Leah B. Moody.

Date: February 20, 2020

  
Terron Dizzle, #359480  
4460 Broad River Rd.  
Columbia, S.C. 29210

The State of South Carolina  
In The Supreme Court  
Case No. 2015-CP-22-00845

Terron Dizzley, #359480

Petitioner

State of South Carolina

Respondent

Attachments To Motion For  
Notice of Counsel

Ex. 1: Letter from Eleanor Cleary dated August 31, 2018. See:  
underlined sentences which proves this representation was forced  
upon petitioner without his knowledge or consent.

Ex. 2: Letter from Leah B. Moody dated Oct. 3, 2019 which  
also corroborates Ex. 1. Petitioner contends that Leah B. Moody  
also obtain representation the same way which was fraudulent.

Date: February 20, 2020

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Terron Dizzley, #359480  
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**CLEARY LAW**  
UNRAVELING YOUR LEGAL ISSUES

PHONE: (803) 376-0075  
FAX: (803) 753-9988  
ELLEN@CLEARYLAWLLC.COM

August 31, 2018

Terron G. Dizzley #359480  
Lieber Correctional Institution  
136 Wilborn Ave  
Ridgeville, , SC 29472

Dear Terron:

I am happy to tell you that Judge Seals very hesitantly granted the motion to continue the case to November. Therefore, I am now your counsel and the case will definitely be heard the week of November 26, 2018. He will not allow any more continuances or substitutions of counsel.

I have talked to Ms. Moody and she is going to provide me with the material she has. She has also done a lot of research, which she is going to share with me. After, I process that information, I will visit you again to determine which issues to present.

I will be working on your case very hard in the next three months. However, I do want to let you know that I will be out of the country from October 7 through 15, 2018. Please keep in mind that when I work at bond court at the Richland County jail for my twelve hour shifts I don't have access to my cell phone, so I can't reply to your mother's calls or texts. I will always get back to her as soon as I can.

I need you to sign the enclosed fee agreement and release for information and send it back to me as soon as possible. I will be in touch with you soon.

Sincerely,

Eleanor Duffy Cleary  
ellen@clearylalawllc.com

EDC  
Encl/Motion to substitute counsel  
Fee Agreement  
Release for Information

# Law Office of Leah B. Moody, LLC

Leah B. Moody  
lbmatty@comporium.net

Post Office Box 1015  
Rock Hill, South Carolina 29731

October 3, 2019

Daniel E. Shearouse, Clerk of Court  
c/o Brenda F. Shealy, Chief Deputy Clerk  
Post Office Box 11330  
Columbia, South Carolina 29201

**Re: RETURN TO MOTION TO SURRENDER ENTIRE CASE FILE  
Terron Dizzely, #359480 v. Leah B. Moody  
Appellate Case No. 2019-001027**

Dear Mr. Shearouse:

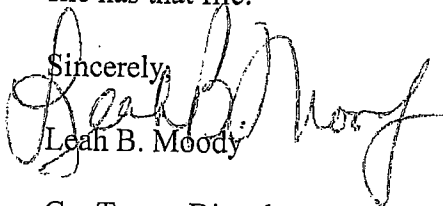
I am in receipt of your letter regarding the above-referenced matter. My law firm is closed July 31, 2019. In response to your letter, Judge William H. Seals, Jr. issued his Court Order relieving me and substituting Eleanor Duffy Cleary, Esquire, the retained attorney for Mr. Dizzely in his Post-Conviction Relief matter on August 31, 2018 in a telephone conference with Johnny James, Esquire S. C. Attorney General Office.

As a result of the Order, my firm provided the entire client file to Mrs. Cleary when she physically came to my office on September 7, 2018. She received all the documents on a disc and the original hardcopies I received from Mr. Dizzely's mother at my first meeting with her and from Mr. Dizzely sent via mail to my office.

In addition, I emailed the Attorney General Transcript of 2<sup>nd</sup> Trial (2014) to Mrs. Cleary on September 18, 2018. The file from the Attorney General's was an email version according to my system. After speaking Solicitor's Office, I obtained a copy the 1st Trial Transcript. I emailed the 1<sup>st</sup> Trial Transcript (2012) in two parts on September 28, 2018 to Mrs. Cleary.

Therefore, in response, I have provided the entire file to Mr. Dizzely by provided it to his retained attorney, Mrs. Cleary, who he directed to my office to take over his case. And to my knowledge, she has that file.

Sincerely,

  
Leah B. Moody

Cc: Terron Dizzely

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM GEORGETOWN COUNTY  
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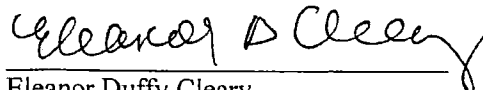
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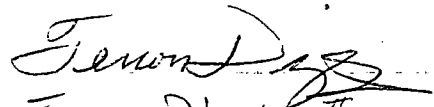
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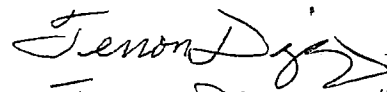
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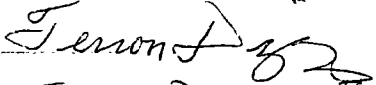
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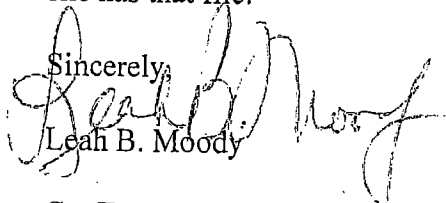
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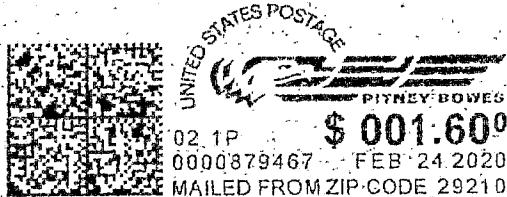
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Cc: Terron Dizzely

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