

State of South Carolina | In The Supreme Court of South
Terron Dizzley | Carolina
Petitioner | Case No. 2020-000253
v | Motion For Notice To Proceed
State of South Carolina | Prose
Respondent |

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S.C. SUPREME COURT

Petitioner moves before this Honorable Court with a Motion For Notice To Proceed Prose in the aboved matter.

Petitioner contends that he has filed a Habeas Corpus pursuant to 28 U.S.C. § 2254 to raise his issues. This is not a waiver of Petitioner's appeal. Due to extraordinary circumstances resulting in corruption and "fraud upon the court" involving the lawyers Petitioner retained and appointed and the judges during the course of appealing his conviction has intentionally impeded Petitioner from exhausting his state remedies, which violated his constitutional rights to due process causing a 6 year delay making any state corrective process unavailable. Plaintiff has addressed these issues to the Supreme Court of South Carolina countless amounts of times through motions, writ of mandamus, etc. Crying out for help to no avail.

Petitioner filed his Habeas Corpus pursuant to Brooks v. Jones, 875 F.2d 30 (1989); Jackson v. Duckworth, 844 F. Supp. 460 (1994); Simmons v. Reynolds, 898 F.2d 865 (1990).

Petitioner contends that for 6 years these Officers of the Courts unconstitutional actions resulted in an inord-

inate delay and the unlawful substitution of counsel, and the forcing of fraudulent representation by Judge Seals of Eleanor Cleary. This substitution was granted over the telephone without Petitioner knowledge or consent after Attorney Cleary swindled Petitioner's mother out of \$10,000, which also occurred with Leah B. Moody ^{who} ~~was~~ swindled Petitioner's mother out of \$6,500. These substitutions were made in violation of SCRPC, Rule 11(b). See Ex parte Strom, 539 S.E. 2d 699 (S.C. S. Ct. 2000), Culbertson v. Clemens, 322 S.C. 20, 25 (S.C. S. Ct. ¹⁹⁹⁶ ~~2000~~), Smith v. Bryant, 264 N.C. 208 (4th Cir. 1965).

Petitioner contends that there was no motion or petition for substitution of counsel placed before Judge Seals or the judge who authorized Leah B. Moody's substitution which would sufficiently make these substitutions of Petitioner's counsel "cases" that would warrant Judge Seals jurisdiction to authorize substitution of counsel. See Stump v. Sparkman, 435 U.S. 349 (1978); Ness v. Eckerd Corp., 350 S.C. 399 (2002); Heins v. Heins, 344 S.C. 146, (Ct. App. 2001); Bunkum v. Manor Properties, 321 S.C. 95 (1996); Carlisle v. U.S. 416 (1996), States v. Smith, 331 U.S. 469 (1947), Roell v. Withrow, 538 U.S. 580 (2003).

Petitioner contends that according to Cleary established State and Federal Law of the U.S. Constitution, "legally" James K. Falk is still his attorney. See Ex parte Strom. Therefore, Petitioner's PCR was no more than a "sham" which resulted in "fraud upon the court" and impeded Petitioner from raising any of his issues because of hybrid representation pursuant to the fraudulent representation forced upon him.

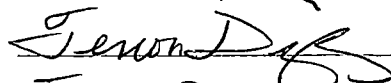
Petitioner contends that this Court (The South Carolina Supreme Court) knew about these fraudulent acts and did nothing to protect Petitioner's rights.

Petitioner contends that he has already filed his Affidavit of Indigency to the Commission on Indigent Defense requesting funds to pay for his PCR transcript.

Petitioner has also filed a motion in this Court requesting that this Court instructs Judge Curtis and Attorney General Johnny James to return his briefs he sent to them of his PCR issues and Anders Brief of his Direct Appeal issues. Petitioner ~~renews~~ renews this request through this motion that all of these briefs be returned to him immediately.

Date: 4-6-2020

Respectfully submitted,


Terron Dizzle, 359480

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