

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
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POST OFFICE BOX 11330
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TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

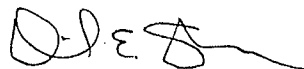
May 21, 2020

Mr. James Rose, #293938
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

Dear Mr. Rose:

This responds to your request to terminate the appeal in Appellate Case Number 2017-002052. Since this appeal is pending before the South Carolina Court of Appeals, no action will be taken on this request by this Court. Instead, it is being forwarded to the Court of Appeals.

Sincerely,


Daniel E. Shearouse

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SC Court of Appeals

cc: ~~The Honorable Jenny Abbott-Kitchings (with copy of request)~~
Robert Michael Dudek, Esquire (with copy of request)
Samuel Leonard Key, Esquire (with copy of request)

Dear Honorable, C.J. Beatty:

I wrote to this Court explaining, I want to terminate my appeal, James Rose v. State, Appellate Case No. 2017-002052, for the following reasons: the state committed misconduct by Detective James B. Perkins, falsely, testifying, eye witness Tawanna Alston told him that James Rose has two unknown co-defendants, and she saw them shoot Leland Shannon.

Specifically, when reviewing the record, it is clear that Mr. Rose doesn't have two co-defendants as alleged and Tawanna Alston gave a signed statement to the Charleston, South Carolina, Police Department, claiming she did not witness a shooting. (App. P. 86-100).

Detective James B. Perkins unchallenged perjured testimony misled the preliminary hearing court and prohibited Mr. Rose from, a guaranteed right to a fair trial under the United States and South Carolina Constitutions, all the while, injecting false evidence into the case, by claiming Mr. Rose has two unknown co-defendants, when the record is contrary.

Detective James B. Perkins' perjured testimony was utilized to prove murder. Even though, Det. Perkins knew, prior to trial, that, Mr. Rose provided a written statement to Charleston, South Carolina Police Department, providing an alibi, which, was confirmed, for Det. Perkins, by Detective Mitchell Wilson, assistant solicitor Jennifer Kneece Shealy, esq. argued, "On January 24th, 2012, James Rose and a tall, masked gunman and a short, stocky gunman killed Leland Shannon." "the other guys... have never been caught". "James Rose is a principle..." (App. P. 152-156). Trial counsel Martha Kent Runey, esq. failed to object because Mr. Rose do not have a tall gunman or a short, stocky gunman as a co-defendant. (App. P. 1-677). Mr. Rose was found guilty under the hand of one hand of all theory. (App. P. 1-677).

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On direct appeal, Mr. Rose asked appellate counsel Susan B. Hackett, esq., to challenge the hand of one hand of all issue, since it was properly preserve for appellate review, and she told Mr. Rose no. (App. P. 758 - 768). Mr. Rose filed a P.C.R., alleging, prosecutorial misconduct, and presented evidence, during the evidentiary hearing, Detective Perkins misled the preliminary hearing court, by claiming, Mr. Rose has two unknown co-defendants, and they shot Leland Shannon, according to Ms. Alston. (App. P. 712 - 769). The Honorable William H. Seals, Jr., p.c.r. judge, findings, "resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented." Miller-E1 v. Cockrell, 537 U.S. 322 (2003) (Miller-E1), Appellate counsel, Robert Michael Dudek, esq., after Mr. Rose asked to challenge this issue on appeal, refused and challenged his own issue. (Petition For writ of Certiorari) please see.

Mr. Rose asserts that his public defenders at trial and on appeal violated his constitutional rights by conspiring with the trial judge, the South Carolina Court of Appeals and other named and unnamed state officials to secure his unconstitutional conviction and sentence on a felony charge brought by the State of South Carolina.

The record clearly shows, without the misleading testimony of Det. Perkins, at preliminary hearing, there is a reasonable probability of a different outcome.

WHEREFORE, James Rose demands 'Action' from this Court's Original Jurisdiction pursuant to South Carolina Appellate Court Rules: Rule 229(c), SCACR, and pray for immediate release and bail on personal recognizance until this matter is resolved. Should Mr. Rose cry for justice not be heard and denied relief; may this Court also cry and not be heard "For whoever shut their ears to the cry of the poor will also cry themselves and not be heard." Proverbs 21:13.

Respectfully,

James R. Rose

James R. Rose, #293938

May 11, 2020

McCormick, South Carolina

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