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S.C. SUPREME COURT

The State Of South Carolina

For The State Supreme Court

CERTIORARI to Charleston County

Honorable Michael G. Nettles, Circuit Court Judge

Timothy Wright,

Petitioner,

vs.

State Of South Carolina,

Respondent.

Dkt # 2019-001872

Pro Se Petition For Writ Of Certiorari

Timothy Wright #306187
Lee Correction Institution
990 Wisocky Highway/F2A 2113
Bishopville, S.C. 29010

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What is a "critical stage"? What Parts of a criminal Proceeding have the Supreme Court and our State Supreme Court heretofore treated as such a stage?

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Question Two:

Whether this court may review Procedurally Defaulted constitutional claims where Petitioner can demonstrate by clear and convincing evidence that he is innocent of conduct him minimally eligible for an increase in the statutory maximum sentence?

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A) A core Purpose of South Carolina Code Ann. Sec. 17-27-20(A) 1-6 (Cum. Supp. 19) is to ensure that Persons are not subject to sentences for which they are statutorily ineligible?

B) Whether manufacture, distribute, dispense, deliver, and Purchase under South Carolina Code Ann. Sec. 44-53-370 subsections are means or elements, and should, this court consider whether the statutory alternatives carry different Penalties or whether the statute identifies which things must be charged

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Questions Presented

Question One:

What is a "critical stage" What Parts of a criminal Proceeding have the Supreme Court and our State Supreme Court heretofore treated as such a stage?

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What analysis properly follows from a finding that given component of a criminal Proceeding is a critical stage? Is prejudice presumed, or do we engage in an inquiry for either prejudice or harmless error? As part of this inquiry, how does the total absence of counsel at guilty plea stage affect court's analysis?

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B) Whether manufacture, distribute, dispense, deliver, and Purchase under South Carolina Code Ann. Sec. 44-53-370 subsections are means or elements, and should this court consider whether the statutory alternatives carry different Penalties or whether the statute identifies which things must be charged.

(a)

Statement of Facts

Counsel absent at "Critical Stage"

One of Petitioner's critical arguments was that Mr. Stavrinakos was not present at Guilty Plea (App. PG 54) and that court was forcing Petitioner to proceed with Mr. Cochran or Pro Se (App. PG 10; lines 18-25; PG 11-17)

What the Per courts misapprehends and the Guilty Proceedings reflect, is that Petitioner vehemently objected to Mr. Cochran's representing him on the trafficking charge and another attorney was hired for (App. PG 70; lines 5-13) and Petitioner was well within his right to object

Despite Petitioner's failure to inform court, that Mr. Cochran was not attorney of record for (Trafficking offense) and was appointed by court to represent him only on the (distribution charges) (App. PG 83; lines 20-25; PG 84; lines 1-4) Petitioner's silence was overshadowed by court insistence on proceeding without Mr. Stavrinakos.

Similarly, the Plea was entered involuntarily (App. PG 48-49) and court also failed to conduct an inquiry of Petitioner waiving counsel who was not present and the following colloquy:

The Court: You're prepared to cross-examine your witnesses?

Mr. Wright: No, sir. I need time to prepare for my ---

The Court: --- NO SIR. YOUR FIRING YOUR LAWYER YOU'RE TELLING ME I'M READY TO GO.

Mr. Wright: I need time to prepare

The Court: --- You don't have it

Mr. Wright: I Guess I'm ready to Go. If You tell me I have to Go I'm ready to Go.

The Court: -- I'm telling You this case has been set for trial and Your lawyers, whether You agree with them or not-- Frankly do You have any legal training at all?

Mr. Wright: Yes Sir, kind of. I have some

The Court: Tell me what Your legal training is

Mr. Wright: I need time to Prepare---

The Court: -- no Sir. I want You to tell me. I Just asked You a question, its a simple question. Do You have any legal training?

Mr. Wright: Yes Sir

The Court: What is that?

Mr. Wright: Studying law

The Court: Okay, when did You start studying law?

Mr. Wright: (No response)

App. PG 12; lines 8-25; PG 13; lines 1-8

This colloquy in no way satisfies a voluntary waiver of counsel and as a consequence, it can be reasonably said Petitioner had no other option but to Proceed with Mr. Cochran as counsel (App. PG 19; lines 17-23)

Similarly, Mr. Cochran failed to inform court that Petitioner had another attorney for (trafficking offense) and the Prosecution was in collusion as well in

violating Petitioner right to counsel (APP. PG 7; lines 12-19) Prosecution knew that Mr. Staurinakis was protected by court order (APP. PG 131; lines 9-21)

Similarly, the courts factual analysis is not supported by any official court documents, that Petitioner terminated Mr. Staurinakis (APP. PG 202) especially when counsel testified at hearing that:

A: so we had a status conference on the 18th according to my notes and a bond hearing. The status conference I think Mr. Cochran was present, Mr. Smiley was present even though he had been terminated but not replaced; he was kind of in a similar place that I was...

APP. PG 130; lines 20-24

This testimony does not support an inference, that he was replaced and the silent record does not constitute a waiver.

Illegal Sentence:

During time of Petitioner Plea, the drug laws had changed and it was never brought to courts attention that such sentence was not 85% (Eighty-Five Percent) violent but now non-violent (APP. PG 35; lines 2-6)

Court went on to erroneously inform Petitioner his sentences would be non-parolable (APP. PG 34; lines 20-25) when in fact the distribution charges are all non-violent and in fact, the court imposed a violent and non-violent parole eligible offense, which increases amount of time Petitioner must serve.

During the Plea colloquy for trafficking the court said:

The Court: Okay. 2015-5652 charges you with trafficking cocaine while the indicted amount would be 25-30 you're pleading you to a second which allows me to sentence you to 25 years. It would be five to 30 I think or five to 25. Five to 25 isn't it?

Ms. Frizeron: It's five to 30 your honor

The Court: Five to 30. Do you understand I'm going to sentence you to 25 years for that, sir?

Mr. Wright: Yes, sir

The Court: How do you plead?

Mr. Wright: I plead guilty, sir

App. PG 29 lines 21-25; PG 28 lines 1-6

The Court: 2014-3515 another trafficking charge and based on the second offense I could sentence you up to 25 years and could go up to 30 but I would accept the 25. How do you plead?

Mr. Wright: Guilty

App. PG 28 lines 18-22

counsel failed to inform court that Petitioner had no other trafficking convictions on his record, inter alia, even though he did not. Prosecution did so of

Plea colloquy:

Ms. Fairson: And his Prior record, Your Honor, is a 2003 voluntary manslaughter and PWID crack; 2004 Driving under suspension, PWID crack, distribution of crack close proximity and a distribution of crack; and in 2012 false information and failure to appear. . . .

App. PG 39 lines 10-14

With no other triggering offenses, this would not be a second offense but only first offenses. Considering that these offenses were adjudicated on same day, does not trigger sentencing provision of second offense

Because the statutes sentencing provisions were not meant to trigger and enhance petitioner sentence, when offenses were adjudicated same day, despite them occurring on separate days

The following colloquy took place on distribution charges as follows:

The Court: Okay, understanding then Mr. Wright that on indictment 2015-5649 charging you with distribution of cocaine while I could have sentenced you up to 30 years on that I would impose a 25 year sentence and give you credit for time served. How do you plead; Guilty or not Guilty?

Mr. Wright: Guilty Sir.

App. PG 29 lines 14-20

The Court: 2015-5651 charges you with distribution of cocaine. Do you understand that?

Mr. Wright: Yes sir

The Court: And for the level you would be pleading to I could sentence you to 25 years for that. do you understand that? I could sentence you up to 30 but I would accept and impose the 25 year sentence. do you understand that?

Mr. Wright: Yes sir

The Court: How do you plead?

Mr. Wright: Guilty

App. PG 28; lines 7-17

While Petitioner does have prior distribution charges, is of no consequence as the law now affords parole for these offenses and the court said that

The Court: --- if he's pleading to that it removes the 25 mandatory --- so I would give you 25 on all the drug charges. The distribution would carry the same thing.

App. PG 26; lines 17-20

Under both non-violent and violent sentence imposed by court, if the mandatory sentence is removed according to the court. Then Petitioner is entitled to parole and earned

work credits and Good-time and not (Eighty-Two Percent) as calculated by courts and the sentence is excessively imposed

Question One:

What is a "critical stage"? What part of a criminal proceeding have the Supreme Court and our State Supreme Court heretofore treat as such a stage?

Argument

What analysis properly follows from a finding that a given component of a criminal proceeding is a critical stage? Is prejudice presumed, or do we engage in an inquiry for either prejudice or harmless error? As part of this inquiry, how does the total absence of counsel at Guilty Plea affect this court analysis?

The Sixth Amendment to the Federal/State constitution provides that "in all criminal prosecutions the accused shall enjoy the right... to have the assistance of counsel for his defense. United States Constitution Amendment VI. Prior to 1963, however, the explicit protection of the Sixth Amendment was granted only to those defendant's prosecuted under the federal system. See, *Beltz v. Brady*, 316 U.S. 455 (1942) (declining to make the sixth amendment applicable to the states) overruled by *Gideon v. Wainwright*, 372 U.S. 335 (1963)

In 1963 the right to the assistance of counsel was recognized as a fundamental right and made applicable to the states via the Fourteenth Amendment. *Gideon*, id

Considering the vast sums of money "Spent by the Government to Prosecute defendants and by defendants to hire lawyers, the Gideon court Proclaimed that lawyers in criminal court are necessities, not luxuries" Gideon, id, at 346.

Common law teaches that the Sixth amendment views "critical stage" of a defendant's Pre-trial and trial differently from other Parts. The Supreme Court began developing a nationwide critical stage doctrine in earnest in Hamilton v. Alabama, 368 U.S. 52 (1961) in which the court unanimously reversed the Alabama Supreme Court's denial of a criminal defendant's writ of error coram nobis in a capital case where the defendant's counsel had been absent at his arraignment. The Court wrote that:

"whatever may be the function and importance of arraignment in other Jurisdictions, we have said enough to show that in Alabama it is a critical stage in a criminal Proceeding"

Hamilton, id at 54

It was necessary to make a showing that the defendant suffered a disadvantage through absence of counsel, id at 53. The Possibility that something might have been "irretrievably lost" in this way sufficient to warrant reversal "when one Pleads to a capital charge without benefit of counsel, we do not stop to determine whether Prejudice resulted... id at 55. In such a case, the court concluded that:

"the degree of Prejudice can never be known only the Presence of counsel could have enabled the accused to know all the defenses available to him and Plead intelligently"

Hamilton, id

In *White v. Maryland*, 373 U.S. 59 (1963) another capital case, the Supreme Court, *Per curiam* applied its *Hamilton* ruling to a Maryland Pre-trial Procedure that had functioned similarly to an arraignment; the defendant, unrepresented by counsel, Pleaded Guilty even though he was not obligated to enter any Plea at the hearing, and the Prosecution later used evidence of that Plea against him in a trial that followed a subsequent not Guilty Plea.

Although the Supreme Court did not offer an explicit definition of a "critical stage" it had declined to follow the Maryland Appellate Court reasoning that *Hamilton* had functionally defined a "critical stage" as one "where rights are preserved or lost" *White*, *id.* at 60.

In 1984, the Supreme Court decided *United States v. Cronin*, 466 U.S. 648 (1984) a case of special interest for our inquiry. The opinion in this case included a strong statement that no Prejudice need be shown where counsel was absent at a critical stage of a criminal proceeding. Two Preliminary comments are useful here before we make our extended examination of the decision.

First, this case was not about a critical stage, nor did it involve an absent lawyer. Second, *Cronin* was handed down the same day as *Strickland v. Washington*, 466 U.S. 668 (1984) from time to time, this has caused confusion. *Strickland* set forth the court's two-part inquiry into ineffective assistance of counsel, requiring a Petitioner to show ineffectiveness and Prejudice. *Cronin*, specified circumstances of alleged ineffective assistance of counsel understood by the court to require no showing of Prejudice. Chief among these was the absence of counsel at a critical stage. *Strickland's* Prejudice analysis covered all other circumstances.

Two cases from the Sixth Circuit Court of Appeals, support Petitioner's argument that Guilty Plea constitutes as a "critical stage" of adversarial proceedings

First, in *Sheely v. Wheaton*, 525 F.2d 713 (6th Cir. 1973) the Sheely court held an Ohio Plea hearing was a critical stage and that, where the trial court did not ask the defendant whether he had the advice of counsel before his entry of a Guilty Plea, the court was not permitted to infer the defendant's waiver of his attorney's presence through his silence on the matter. The defendant's Plea later was introduced into evidence at his trial. The rationale of *Hamilton*, does not rest on a showing of prejudice, *id.* at 716. The court decided not to proceed with an analysis of Sheely's other claim. Having found that the defendant's counsel was absent at a critical stage of his proceedings, the court wrapped up its inquiry and ordered that a Writ of habeas corpus be issued unless the state held a new trial "within a reasonable time" *Sheely*, *id.* at 717. The Supreme Court affirmed unanimously. In *Iowa v. Tovar*, 541 U.S. 77 (2004) held a Plea hearing is a central stage of a criminal proceeding, even where defendant is charged with operating a motor vehicle while intoxicated and driving while license barred.

Second, in *King v. Bobby*, 433 F.3d 483 (6th Cir. 2006) the King court reiterated its view that "Plea negotiations, Guilty Plea hearings, and sentencing hearings are all critical stages" at which the right to counsel attaches.

It is settled that a complete absence of counsel at a critical stage of a criminal proceeding is *per se* a Sixth amendment violation warranting reversal of a conviction, a sentence, or both, as applicable, without analysis for prejudice or harmless error. *Smith*, *id.* at 736-37 / "it is not for this court to speculate as to

the extent of Prejudice that may have resulted from the absence of counsel") Sheely, id. at 716.. Although Petitioner did not object to the introduction of this evidence (of the Guilty Plea) entered at a critical stage without benefit of counsel at the trial, the rationale of Hamilton does not rest on a showing of Prejudice. When a defendant is deprived of the presence and assistance of his attorney, either throughout the Prosecution or during a critical stage in, at least, the Prosecution of a capital offense, reversal is automatic. Cronin, id. at 659-60.

Question Two:

Whether this court may review procedurally defaulted constitutional claims where Petitioner can demonstrate by clear and convincing evidence that he is innocent of conduct making him minimally eligible for an increase in the statutory maximum sentence

Argument

A) A core purpose of South Carolina Code Ann. Sec. 17-27-20 (A) 1-6 (Cum. Supp) is to ensure that persons are not subject to sentences for which they are statutorily ineligible?

The Uniform Post Conviction Procedure Act (U.P.C.P.A) functions as the bulwark against convictions that violate fundamental fairness. See, Blume, An Introduction To Post Conviction Relief in South Carolina, 45 S.C.L. Rev. 235, 236-37 (1994)

Recognizing the costs associated with Post conviction review, *Simmons v. State*, 264 S.C. 417 (1995) this court has held appellate courts may not reach merits of a Procedurally defaulted claim absent a showing of cause and Prejudice. See, *Mangal v. State*, 421 S.C. 85 (2017) At the same time, the court has adhered to the Principle that WPCPA is, at its core, an equitable remedy that must operate to correct a fundamental miscarriage of Justice. See, *Gibson v. State*, 329 S.C. 37 (1998) For this reason, the court has consistently held that in appropriate cases the Principles of comity and Finality that inform the concepts of cause and Prejudice, must yield to the imperative of correcting a fundamentally unjust incarceration. See, *Odum v. State*, 337 S.C. 256 (1999)

This court has linked the Fundamental miscarriage of Justice exception in *Green v. Maynard*, 349 S.C. 535 (2002); *Butler v. State*, 302 S.C. 466 (1990) to actual innocence in order to accommodate "the systemic interest in Finality, comity and conservation of Judicial resources, and the overriding individual interest in doing Justice in the extraordinary case" *Green*, id at 538; *Odum*, id. at 263. State Precedents have used innocence as a touchstone. *Butler*, id at 468, because a sufficient showing of actual innocence is the ultimate equity on the Prisoner's side. See, *Withrow v. Williams*, 507 U.S. 680 (1993)

The Fundamental miscarriage of Justice exception applies to instances of Factual innocence of an offense and Factual innocence of the Prerequisites for a sentence. In *Mangal*, the court held that the Fundamental miscarriage of Justice exception Permits a appellate court to reach a Procedurally defaulted claim, absent a showing of cause and

Prejudice " where a constitutional violation has probably resulted in the conviction of one who is actually innocent of the crime " Green, id., Butler, id.,. In a companion case, the court simultaneously recognized this exception could apply in the context of one who is guilty of an offense, but actually innocent of fact that would render him or her eligible for capital sentence. See, State v. Starnes, 340 S.C. 312 (2000) Starnes set forth the standard for evaluating whether a Petitioner is "actually innocent" of a capital sentence. Starnes, id

Starnes test requires a Petitioner show by clear and convincing evidence that but for constitutional error no reasonable juror would have found him eligible for the death penalty under the applicable state law. Once that test is met, appellate courts may reach the merits of a defaulted constitutional claim without a showing of cause and prejudice. See, Sawyer v. Whitley, 505 U.S. 333 (1992)

Starnes and Sawyer are not unprecedented extensions of the fundamental miscarriage of Justice exception. Rather, their focus, detention without legal authority reflects one of the core concerns that the UCPA was historically intended to address. As noted by Mr. Blume, in his influential article advocating UCPA's Purpose, broadly speaking, the original sphere for collateral attack on a conviction was where the tribunal lacked jurisdiction either in the usual sense or because the sentence was one the court could not legally impose. See, Ex Parte Lange, 18 Wall (85 U.S.) 163 (1873) (granting relief from unlawful sentence)

There is, in fact no principled reason to limit Starnes, Sawyer to capital sen-

tences. Availability of the actual innocence exception depends not on the nature of the Penalty State imposes, but whether the constitutional error undermined the accuracy of the Guilt or Sentencing determination. See, *State v. Stocumb*, 426 S. C. 297 (2019); *Bowman v. State*, 422 S. C. 19 (2018) Except for the obvious difference in the severity of the sentence, there is no principled difference between a defendant who is innocent of the acts required to make him eligible for a death sentence, and a defendant who is innocent of the acts required to confine him beyond the legislatively established statutory maximum. *Stocumb*, id at 309-12; *Bowman*, id at 37-40. In either case, the defendant faces the same result if the claim is not heard, he or she will be subjected to a Punishment for which he or she is not eligible. *Bowman*, id. *Stocumb*, id. Because the harshness of the sentence does not affect the appellate review analysis and the ultimate issue, the Justice of the incarceration, is the same, there is no reason why the actual innocence exception should not apply to non capital sentencing. See, *State v. Graham*, 2019 WL 3815144

Finally, there is no basis for distinguishing *Starnes*, *Sawyer* on the Ground that death is somehow more Permanent or Final than incarceration. Just as a capital sentence Permanently and Finally deprives a Person of his or her life, so too does a non-capital sentence Permanently and Finally take away a Period of one's liberty. It is self-evident that Just as a Person life can not be returned, the liberty taken from one who is unjustly confined can never be restored either.

B) Whether manufacture, distribute, dispense, deliver, and Purchase under South Carolina Code Ann. Sec. 44-53-390 subsections are means or elements, and should this court, consider whether the statutory alternatives carry different Penalties OR whether the statute identifies which things must be charged?

When faced with a statute like this, the sentencing court must first determine whether statute is "divisible" or "indivisible" a divisible statute sets out one or more elements of the offense in the alternative. See, *Descamps v. United States*, 570 U.S. 254 (2013) An "indivisible statute" creates an implied list of every means of commission that otherwise fits the definition of a given crime. *Descamps*, id at 271.

Put another way, the first task for a sentencing court faced with an alternatively phrased statute is to determine whether its listed items are elements or means. If they are elements the court should review the record materials to discover which of the enumerated alternatives played a part in the prior conviction, and then compare that element along with all others to those of the crime. But instead if they are means the court has no discretion to decide which of the statutory alternatives was at issue in earlier prosecution

Petitioner contends, state precedents explicitly held that trafficking, and similarly-worded drug statutes list alternative means by which drug crime can be committed in South Carolina not separate elements. See, *State v. Raffoldt*, 456 S.E.2d 390 (1995); *State v. Harden*, 602 S.E.2d 40 (2004) *State v. Gordon*, 2009 WL 6396012

Petitioner also avers, that if statute is divisible, indictments that lists all of the statutory alternatives under sec. 44-53-370(A)(1) are duplicious in violation of South Carolina law and the United States constitution.

To ascertain whether the actions listed in an alternatively phrased statute like section 44-53-380(A)(1) are elements or means, the Supreme Court directs sentencing courts to consider state court decisions and the statute itself. See, *Mathis v. United States*, 136 S. Ct 2243 (2016) Specifically, the *Mathis* court instructs sentencing courts to consider whether the "statutory alternatives carry different punishments" or whether "the statute identifies which things must be charged" if state law fails to provide clear answers *Mathis* authorizes sentencing courts to refer to prior conviction.

Keeping with *Mathis*, this court must first determine whether section 44-53-370(A)(1) lists elements or means. The language and structure of section 44-53-370(A)(1) and several decisions of this court and the Court of Appeals, should lead this court to conclude that the numerous forms of conduct listed in section 44-53-370(A)(1) are means as opposed to elements. See, *State v. Miles*, 805 S.E.2d 204 (2019)

Initially, Petitioner finds section 44-53-370(A)(1) is at least divisible by three. First, in *State v. Brown*, 461 S.E.2d 828 (1995) the appellant was convicted

of Possession with intent to distribute crack cocaine, Possession with intent to distribute crack cocaine within Proximity of a school, distribution of crack cocaine and distribution of crack cocaine within Proximity of a school.

The Court of Appeals found distribution and Possession with intent to distribute were different crimes ruling that:

"We wish to emphasize that there is no prohibition against the contemporaneous Prosecution by the State for both Possession with intent to distribute and distribution of crack cocaine and the related school charges, where like this case, they arise out of the same conduct"

Brown, id at 831-32..

Although the court was discussing a different statute section 44-53-375 as opposed to section 44-53-370, the court in Carter v. State, 495 S.E.2d 773 (1998) explained that section 44-53-375 defines an enhanced Punishment for violation of section 44-53-370 carries a greater sentence than the sentence provided for in 44-53-370 for other schedule two drugs. Thus, section 44-53-375 does not define a separate crime but only an enhanced Punishment.

Second, section 44-53-370(e) which Prohibits drug trafficking states "the offense of Possession with intent to distribute is the only action from section 44-53-370(A)(1) that is listed as a lesser included offense from trafficking. See, State v. Watson, 2013 WL 8558756 n. 2 (courts in South Carolina treat the Purchase of a controlled substance

as a distinct crime from Possession with intent to distribute under section 44-53-370) State law also regards Simple Possession as a lesser included offense of PWID (Possession with intent to distribute) heroin but not of Purchasing heroin. By requiring the Jury to address PWID heroin and Purchasing heroin separately, the trial court ensured the Jury (1) understood the relationship of lesser included existed only between Simple Possession and PWID heroin; (2) examined the evidence of Purchasing heroin separately. As to conspiracy under section 44-53-370(A)(1)

In *Harden v. State*, 602 S.E.2d 48 (2004) our State Supreme Court explained that "conspiracy is a separate offense from the substantive offense, which is the object of the conspiracy. A defendant may be separately indicted and convicted of both the conspiracy, and the substantive offenses committed in the course of the conspiracy"

Harden, id at 50.

Moreover, conspiracy under section 44-53-370(A)(1) carries a different penalty than the other two crimes. At the time of defendant's section 44-53-420 provided that:

"Any person who attempts or conspires to commit an offense made unlawful by the provisions of this chapter shall, upon conviction be fined or imprisoned in the same manner as for the offense planned or attempted; but the fine or imprisonment shall not exceed one half of the punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy"

State v. Fowler, 289 S.E.2d 412 (1982)

Under section 44-53-420 the maximum sentence for conspiracy to commit a drug offense is one-half the maximum punishment for the offense which was the object of the conspiracy

Third, Petitioner notes that section 44-53-370(a)(1) repeats the terms "manufacture, distribute, dispense, deliver, and purchase, which is significant because as the statute repeats these terms, it modifies them with different phrases. The second repetition of these terms is modified by the words "aid, abet, attempt, or conspire to" section 44-53-370(a)(1). The third repetition of the terms is modified by the phrase "possess with intent to" "aid, abet, attempt, or conspire to" and "possess with intent to" must be modifications because if they are not read in conjunction with the terms "manufacture, distribute, dispense, deliver, and purchase" parts of the statute would be nonsensical.

For example, if "aid" stood alone, the statute would make it unlawful to "aid" a controlled or a controlled substance analog. The same would be true if "aid, abet, attempt or conspire to" are read together, but not as modifiers in that case the statute would make it unlawful to "aid, abet, attempt, or conspire to" a controlled substance or controlled substance analog. As these readings of statute make no sense, the court should reject an interpretation when such interpretation leads to an absurd result the legislature did not intend. See, Lancaster Bar Association v. South Carolina Commission On Indigent Defense, 670 S.E.2d 371, 373 (2008)

Conclusion

Wherefore, it is Prayed that Grant writ on question one as it addresses a novel question of law, or Grant writ on question two, or in the alternative, Grant writ on both questions.

Date: 7 day of 10, 2020.

Respectfully Submitted
sl Timothy Wright
Timothy Wright / Pro Se

violating Petitioner right to counsel (APP. PG 7 lines 12-19) moreover, Prosecution knew that Mr. Stavainokas was protected by court order (APP. PG 13 lines 9-21)

contrary to the court's assertions, there is no record of Petitioner at anytime terminating Mr. Stavainokas (APP. PG 202) especially when subsequently

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