

SOUTH CAROLINA SUPREME COURT

Randy Drummond  
116 Elliott St  
Spartanburg SC 29306

Case NO. \_\_\_\_\_  
to be applied by clerk

Clerk of Court  
South Carolina Supreme Court  
P.O. Box 11330  
Columbia SC 29211

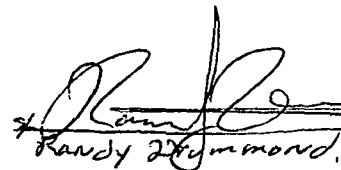
Dear Clerk of Court

Please find enclosed the original document of the following i.e.  
Request for appeal, Affidavit to proceed without costs, Certificate of  
Service to Respondents.

RECEIVED

MAR 05 2013

S.C. SUPREME COURT

  
Randy Drummond

dated 3/1/13

SOUTH CAROLINA SUPREME COURT

Randy Drummond  
Petitioner,

Case No. 2011-CP-23-8002

The State of South Carolina et al  
Respondents

REQUEST FOR EMERGENCY APPEAL

Comes now the Petitioner who hereby seeks an emergency appeal. In support of Petitioner assert the following:

The records will show that Respondents was granted Summary Judgment by Greenville County General Session Court. see attachment mark as document (A). The said Summary Judgment was granted to Respondent's base upon the following:

Petitioner has fail to comply with  
SC Code 17-27-10,

Petitioner states in opposition to above that his failure to comply with SC Code 17-27-10 was not the Petitioner's fault. See attachment mark as document (B).

Petitioner states that he could not possibly comply with SC Code 17-27-10 due to the following facts for which can be supported by Courts records.

(a). Petitioner was confine in Greenville County Jail through out all Court proceedings. see attachment mark as document (B).

(b). On October 10, 2003 Petitioner was tried and convicted on his absents of Citation No. A255371 by Greenville Summary Court. see exhibits of 2011-CP-23-8002 (PCR) application.

IN AND FOR SOUTH CAROLINA SUPREME COURT

Case No. 2011-CP-13-8002

Randy Drummond  
Petitioner,

Case No.  
To be Applied By Clerk of Court

Greenville County Court et al,  
Respondent,

EMERGENCY APPEAL

Comes now the Petitioner who hereby respectfully seek's Emergency Appeal. Whereby in support of Petitioner states and assert the following facts.

Petitioner states that attachment's mark as document LAJ is contrary to to South Carolina Law, and bias to Petitioner.

HISTORY

IT'S Petitioner's contention that his Conviction of Citation No. A255371, and the Conviction of Indictment No. 2003GS-2309072 was in direct violation of rights to protection of 5, 6 Amendments of State, and United States Constitution laws.

The Respondent's was granted summary Judgment see attachment mark as Document (A). The said Judgment was base upon the following Contention of Respondent's. "Petitioner has failed to comply with South Carolina Code ANN. 17-27-10."

Petitioner CONCUR to the above by Respondent's. Thus I the petitioner fail to assert the said 5, 6, Amendments Violation's within the one year Law, Statute. Sec SC Code 17-27-10.

## ARGUMENTS

Petitioner's states Imposition to the above is as follows. Petitioner's Failure to Comply with SC Code 17-27-10 Was of NO FAULT OF PETITIONER See attachment mark as document (B).

The said document with Courts records Will Support and Substantiate the facts that petitioner was Confine in Greenville County Jail throughout all Courts proceeding including the said Conviction of Citation No. A255371

Petitioner further states that on or about October 10, 2003 he was tried, and convicted of said Citation No. A255371 in his absents.


Petitioner states that he did not become aware of said Conviction of Citation No. A255371 until statutory time to Comply with SC Code 17-27-10 had expire. Thus petitioner's argument of due process and double jeopardy violation was not submitted in Petitioner's first PCR application.

## CONCLUSION

Petitioner states that due the above facts Petitioner's Compliance to SC Code ANN. 17-27-10, as stated by the Respondents was not possible.

Petitioner further states that he was Imposed from Complying with S.C. Code ANN. 17-27-10. See above facts. Thus Petitioner seeks review.

WHEREFORE Petitioner states that he is pro se and respectfully request that this untimely appeal be granted by the Court. Petitioner states that the records will support the fact that Petitioner had timely ask for a appeal. However said Recourt for appeal was filed in the wrong Court see Courts records. Petitioner seeks reversal of Summary Judgment

  
Randy Drummond  
dated 3/1/13.

SOUTH CAROLINA SUPREME COURT

Case No. 2021-CP-23-8002

Randy Drummond  
Applicant,

vs

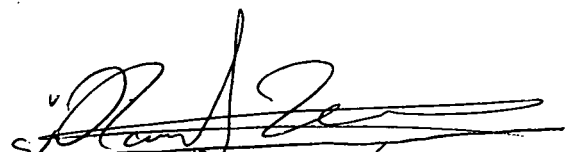
CERTIFICATE OF SERVICE:

The State of South Carolina  
Respondents,

I hereby certify that I have on this day served the  
below with a true copy of attach by United States  
mail as follows.

Karen C. Ratigan  
Post Office Box 11549  
Columbia SC 29211-1549

West Greenville Summary Court  
Diana D. Cagle  
6247 White Horse Rd  
Greenville, SC 29611

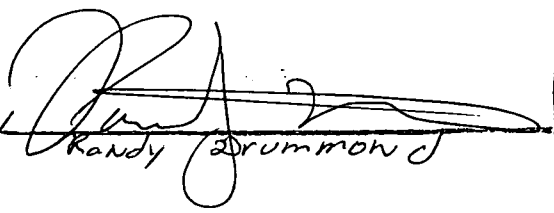
  
Randy Drummond  
Dated 3/1/18

Clerk of Court  
Greenville County  
305 E. North Street  
Greenville SC 29601

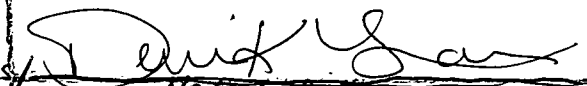
APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF

X Randy Drummond, hereby apply for leave to proceed in this action  
without payment of fees or costs or security therefore. In support of  
my application I declare under penalty of perjury that the foregoing  
facts are true.

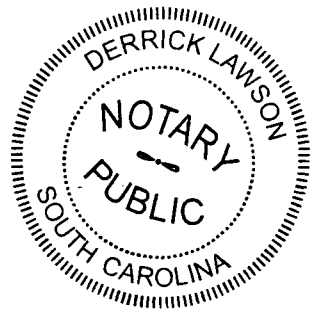
- (1) I am the applicant in this action and I believe I am entitled to  
Redress of above actions.
- (2) Because of my poverty (0) dollars I am unable to pay  
the costs of said proceedings or give security thereof.

  
s/ Randy Drummond

SWORN or affirmed to and subscribed before me this  
1 day of March

  
Notary Public

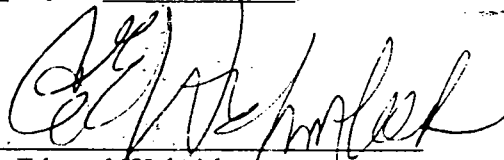
my Commission Expires 6/22/19



ATTACH DOCUMENT  
(A) and (B)

County, South Carolina, and also by filing a copy of his reasons with the Office of the Attorney  
General, Attn: Karen C. Ratigan, Post Office Box 11549, Columbia, South Carolina, 29211.

AND IT IS SO ORDERED this 14 day of March, 2012.



G. Edward Welinaker  
Chief Administrative Judge  
Thirteenth Judicial Circuit

Greenville, South Carolina.

conditional order, Judge Few issued a final order of dismissal dated December 31, 2009 and filed January 13, 2010. The Applicant did not appeal.

II.

In his current PCR application, the Applicant alleges he is being held in custody unlawfully for the following reasons:

1. "The State of SC infringement of Applicant's right's to protection under due process, and double jeopardy clause."
  - a. "Applicant was tried and convicted twice in two separate court on same or related charges."
2. Ineffective assistance of counsel.
  - a. "Counsel coerce applicant to plead guilty to sentence that exceed beyond maximum penalty that's allowed by law."
3. Newly discovered evidence.

III.

This Court finds this matter should be summarily dismissed because the Applicant has failed to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §§ 17-27-10, et. seq. (2003). Specifically, South Carolina Code Ann. § 17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. See Pelouin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996).

The Applicant pled guilty to the offenses he challenges in this application on November 1, 2004.

The Applicant was therefore required to file his application before November 1, 2005. This application was filed on December 1, 2011, which was more than six (6) years after the statutory

July 19, 2006



STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS. Randy Drummond

AKA:
Race: 9/17/57 Sex: M Age: 46
DOB: 00-00-0000 SS#: 000-00-0000
Address: 2500 E 970

DL#: SID#:

In disposition of the said indictment comes now the Defendant who was TO: Traffic / Failure to stop for a blue light, great bodily har

in violation of § 56-05-0750(C)(1) of the S.C. Code of Laws, bearing CDR Code # 2397

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Solicitor: Defendant: Attorney for Defendant: Bill Gidrey

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 3 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 7486
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. SINCE 8/23/03 (436 days) ATY

SPECIAL CONDITIONS:

RESTITUTION: Heard, Waived, Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
set by SCDPPPS

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 35.13 (Public Def/Prob) \$500, § 73.3, 1B TP (Law Enforce. Funding) \$25, § 33.7, 1B TP (Drug Court Surcharge) \$100, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments), TOTAL \$

Paul B. Wickensm
Clerk of Court/ Deputy Clerk

Court Reporter: D. Koffel

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2003GS2309072
A/W#: 2003GS2309072
Date of Offense: 08-23-2003
S.C. Code § : 56-05-0750(C)(1)
CDR Code #: 2397

CASE RESTORED SENTENCE

PLEA TRIAL

CONVICTED OF or PLEADS

of the S.C. Code of Laws, bearing CDR Code # 2397

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Solicitor: Defendant: Attorney for Defendant: Bill Gidrey

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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SPECIAL CONDITIONS:

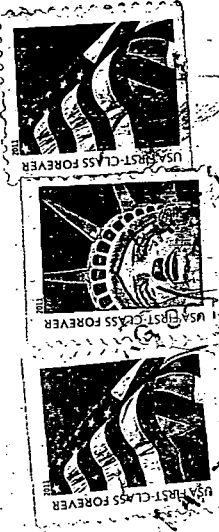
PTUP
days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel, § 35.13 TP Requires \$500 be paid to Clerk during probation.

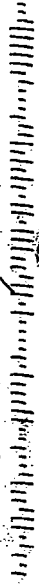
PRESIDING JUDGE: Judge Code: Sentence Date:

Certified Copy
B. Wickensm
Clerk of Court C.P. & G.S.
Greenville County, SC
9/30/02

*Jandy Drummond  
116 Elliott St  
Spartanburg SC 29306*



*Clark of Court  
South Carolina Supreme Court  
P.O. Box 11330  
Columbia SC 29211*



29211481930