EN CLOSED ARE A LIST OF EXHIBITS FROM PETITIONER IN RESPONSE BACK TO THE ORDER DATE: 5/22/2020

APPELLATE CASE NO. 2020-000241

1. WILLIAMS V. STATE, (SC 2003) 583 SE 2d 52
2. MOTION TO ADDRESS ALL ISSUES.
3. ORDER OF DISMISSAL - CASE NO. 2010-CP-32-3755
4. APPLICATION FOR POST-CONVICTION RELIEF. #2010-CP-32-3755
5. ADDITIONAL GROUNDS FOR POST-CONVICTION RELIEF. #23-ISSUES
6. AMENDMENT ISSUES-#2 FILE-2011 SEPT-15
7. ADDITIONAL GROUNDS FOR POST-CONVICTION RELIEF. FILE DATE - 2010 - OCT - 7 2-PGS
8. RE: GRAND JURY IMPANELMENT DOCUMENTS - FILED - 2011 AUG - 19
9. HOW TO IDENTIFY COURT FRAUD.
10. MAR LAR V. STATE, SC-APP. 2007, 644 SE 2d 769
11. TABLE OF AUTHORITIES. 2-PGS
12. SCDC CLASSIFICATION - NON-VIOLENT
13. "MOST SERIOUS OFFENSES" AND SERIOUS OFFENSES"
14. CASE OPENING MEMORANDUM - DATE 10/5/92 / $100-BOND BAIL / INDICTMENT - OCT-3-1992 / FOOD STAMP TRANSACTION WORK SHEET. (4-PGS)
15. STATE V. MASON, UNPUBLISHED OPINION NO. 2002-UP-744 - VACATED

10/20/2020

DEFENDANTS FILING OF FOUR POST-CONVICTION RELIEF ACTIONS, ONE OF WHICH WAS SUCCESSFUL, WAS NOT REPETITIVE, NUMEROUS / OR TOTALLY FREVOLOUS, AND THUS DEFENDANT "WAS NOT" SUBJECT TO STRICT RESTRICTIONS ON FUTURE POST-CONVICTION RELIEF FILINGS.

WILLIAMS V. STATE (SC 2003) 583 SE 2d 52
CRIMINAL LAW - 1668(3)

APPELLATE CASE NO. 2020-000241

FILE AT 9/12/2011

BUT THE OFFICERS OF THE

COURT STILL, IGNORE THE LAW.

17-27-80. DUE PROCESS RIGHTS.

COUNTY OF LEXINGTON

ELEVENTH JUDICIAL CIRCUIT

Exh

LEXINGTON COUNTY JUDICIAL CENTER
205 EAST MAIN STREET-SUITE 128
LEXINGTON, S.C. 29072

TELEPHONE: 803 785-8394

GENERAL SESSIONS
FAMILY COURT
COMMON PLEAS

FAX: 803 785-2215

BETH A. CARRIGG
CLERK OF COURT

9/12/2011

Mr. Golson # 200479

We have received your inquiry:

Your charge is: _____ Pending _____ Dismissed _____ Bench Warranted _____ A Conviction

Your charges (s) on file here have been faxed to SCDC; they clear up detainers.

XX All Pleadings Your motions must be filed through your appointed attorney.

XX A copy of enclosed has been forwarded to:
XX Your Attorney _____ Solicitor's Office _____ Public Defender's Office

(Please contact your attorney or the above office to inquire about your case.)

For matters concerning PCRs, please contact the Attorney General's Office at: (803) 734-3737.

To obtain a transcript, write to SC Court Administration, 1015 Sumter Street, Suite 200, Columbia, SC 29201. You will need to have the case number, judge's name, and date of trial. If you have questions, call (803) 734-1800.

This office cannot help you in this matter.

SCDC calculates credit for time served.

This office does not provide legal advice or legal forms.

There is no record of warrant #_____ for _____on file in this office. You will need to contact the arresting agency.

You need to contact the charging agency to get pending warrants served on you.

Please speak with your attorney with regard to any legal matters concerning your PCR Application.

Other: _____

C: **Lena Pelishenko, South Carolina Attorney General's Office**
Nicholas Riley, Attorney at Law
Mark Taylor, Attorney at Law

STANLEY GOLSON - 200479
386 - REDEMPTION WAY
McCORMICK CORRECTIONAL INST.
McCORMICK, SOUTH CAROLINA - 29899

RE: MOTION.

CASE No# 2010-CP-32-03755
MOTION TO ADDRESS ALL ISSUES.

DEAR CLERK,

PLEASE MADAM CLERK, PLEASE STAMP CLOCK AND FILE THIS MOTION, AND SERVE A COPY BACK TO ME FOR MY FILES.

THANKING YOU IN ADVANCE, FOR YOUR EFFORTS IN MY BEHALF.

SINCERELY,
s/ Stanley Golson

SEPTEMBER - 9TH, 2011
McCORMICK, SC

THE STATE OF SOUTH CAROLINA COUNTY OF LEXINGTON	IN THE COURT OF COMMON PLEAS 11th Judicial Circuit Case No: 2010-CP-32-03755
Stanley Golson #200479, Applicant, v. The State of South Carolina, Respondent.	MOTION TO ADDRESS ALL ISSUES

NOW COMES THE ABOVE NAMED APPLICANT, who ask this Honorable Court to require the Court appointed attorney involved in this Post-Conviction Relief Action to be meticulous in the preparation of any "Order" prepared in this case. Specifically, Applicant ask that each and every issue raised in the Post-Conviction Relief Application and any amendment thereof; at the hearing, to be addressed in the "Order" of the Court to be issued at the conclusion of the evidentiary hearing in this matter. The reason for this motion is that in Pruitt v. State, 423 S.E.2d 127 (1992). The Court state that this is a legal requirement under the Laws of South Carolina; pursuant to statute, § 17-27-80. Also see, Bryon v. State, 328 S.C. 236, 493 S.E.2d 500 (1997). Furthermore, in Land v. State, 262 S.E.2d 737, pursuant to S.C. Code § 17-27-110, the Supreme Court of South Carolina, has adopted rules designed to aid in the Post-Conviction process such as (words omitted) Rule 5. Places upon appointed counsel the duty to ascertion from the applicant whether he has included all grounds known to the applicant as a basis for attacking the

judgement and sentence and to amend the application to include any claims not already included. Land, supra.

The Applicant, therefore requests this Honorable Court grant the motion for the above stated reasons.

CONCLUSION

For the reasons cited in the Post-Conviction Relief Application, and the amendment motions thereof, the Applicant's conviction and sentence should be vacated, and Post-Conviction Relief granted.

SWORN AND SUBSCRIBED to before me

this 9th day of September 2011

Penny G. Metton

Notary Public

My Commission Expires: Feb 28, 2018

Respectfully submitted,

S/ Stanley Golson

Stanley Golson #200479

McCormick C.I. F4

386 Redemption Way

McCormick, S.C. 29899

STANLEY GOLSON - 200479
386 - REDEMPTION WAY F-4-A
MC CORMICK CORR. INST.
MCCORMICK, SOUTH CAROLINA - 29899

AUGUSTA, GA 309
09 SEP 2011 PM 1 T

BETH A. CARRIGG
CLERK OF COURT
LEXINGTON COUNTY JUDICIAL CENTER
205 - E - MAIN ST, SUITE - 128
LEXINGTON SC 29072

29072\3599

ORIGINAL

STATE OF SOUTH CAROLINA COUNTY OF LEXINGTON Stanley Golson, S.C.D.C. No. 200479, Applicant, v. State of South Carolina, Respondent.	)	IN THE COURT OF COMMON PLEAS ELEVENTH JUDICIAL CIRCUIT **Case No. 2010-CP-32-3755** **ORDER OF DISMISSAL**

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed September 2, 2010. Respondent made its Return on December 30, 2010. An evidentiary hearing into the matter was convened on April 17, 2013 at the Lexington County Courthouse. The Applicant was present and was represented by Charles T. Brooks, III., Esq. The Respondent was represented by Walt Whitmire, Esq., of the Office of the Attorney General. Applicant and counsel testified at the hearing. As a preliminary matter, at the call of this case the Court also denied Applicant's *pro se* motion for continuance. This Court found PCR counsel conducted numerous consultations with Applicant in preparation for the hearing, and the case had been continued numerous time. Counsel understood Applicant's allegations and was fully prepared to present his case. In short, a continuance was wholly unnecessary and worked no prejudice upon Applicant or his counsel.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. The Applicant was

indicted at the October 2006 term of the Lexington County Grand Jury for distribution of crack-cocaine (2006-GS-32-3494) and distribution of crack-cocaine within proximity of a school (2006-GS-32-3491). He was represented by Josh Kendrick, Esq. (counsel). On April 3, 2007, Applicant underwent trial and was found guilty as indicted. He was sentenced by the Honorable R. Knox McMahon to life imprisonment without the possibility of parole (LWOP).

A Notice of Appeal was filed on the Applicant's behalf and perfected. The South Carolina Court of Appeals affirmed Applicant's conviction and sentence in an unpublished opinion (Op. No. 2010-UP-347 filed on July 6, 2010). The Remittitur soon followed

At the PCR hearing, Applicant moved forward on the following allegations:

1. Ineffective assistance of counsel:
   a. Failure to object to the prior convictions used to enhance Applicant's sentence to life to LWOP;
   b. Failure to make a motion to suppress the audio recordings from the informant's wire as the fruits of an illegal search;
   c. Failure to make a motion to suppress the audio recordings from the informant's wire for lack of foundation;
   d. Failure to object to the jury's review of exhibits during deliberations.
2. Prosecutorial Misconduct:
   a. Failure to disclose unspecified exculpatory evidence.

SUMMARY OF TESTIMONY

First, Applicant alleged counsel was ineffective for failing to object to prior conviction used to enhance Applicant's sentence to LWOP. Applicant claimed counsel should have challenged the State's record of his prior convictions used for enhancement prior to trial. Applicant stated that his 1990 conviction had been reversed. He claimed he was never properly indicted once his PCR was granted. Applicant subsequently entered a guilty plea to time served with the remainder of the active sentence suspended on the service of probation in 1998.

Applicant reasoned that because he was never indicted, his sentence was illegal. He claimed the sentence was invalid because he received the benefit of a suspended sentence not allowed by statute. Applicant explained that he filed another PCR Application on the matter and appeared *pro se*. He acknowledged that PCR action had been denied and dismissed. In addition, Applicant asserted he was illegally sentenced in 2002 for distribution within the proximity of a school (2002-GS-32-727). Applicant asked counsel to look these matters when he was served with the solicitor's intent to seek LWOP. Applicant also cited to a "possession charge," where he was charged despite the police not discovering drugs. Lastly, he claimed four other convictions that he served concurrent sentences on should have only counted as one prior offense for enhancement purposes.

Second, Applicant alleged counsel was ineffective for failing to object to the use of an unqualified informant in the controlled buy that led to his arrest and conviction. Applicant announced that he recently learned that an informant must be certified through the South Carolina Law Enforcement Division "SLED" prior to aiding police in narcotics interdictions. Applicant acknowledged that he had known the informant, "Jaime," for most of his life. He also acknowledged he invited her into his home and that she implicated him for the commission of this offense. Lastly, he acknowledged ~~this~~ that his phone lines were never tapped.

Third, in the alternative, Applicant alleged counsel was ineffective for failing to object to the alleged illegal controlled buy because the police failed to get an anticipatory warrant to conduct the operation. Thus, Applicant asserted the fruits of the informant's wire were rendered inadmissible absent sufficient authorization. Applicant stated counsel never advised him on the extent of his Fourth Amendment privacy expectations.

Fourth, again in the alternative, Applicant alleged counsel was ineffective for failing to object to audio recording from the wire because it was not properly authenticated and thereby constituted inadmissible evidence. Applicant stated "you couldn't hardly hear nobody's voice. You couldn't definitely hear my voice on the tape."

Fifth, Applicant alleged counsel was ineffective for failing to object to trial judge providing a cassette player, or its functional equivalent, that allowed the jury to listen to evidence during deliberations. Applicant reasoned the failure to object here compounded the prejudice from the tape recording which, as explained above, Applicant had maintained was inadmissible as violative of his Fourth Amendment rights.

Sixth, Applicant alleged counsel was ineffective for failing to object to the solicitor's untimely discovery disclosures. Applicant claimed the untimely disclosures constituted violations of both Rule 5, and Brady. Applicant indicated the prejudice occurred because the "U.S. Code of Laws" demanded that discovery disclosures be made at least ten (10) days prior to trial. He also claimed similar protections under South Carolina law.

Counsel testified to his course of conduct during the representation. Applicant never asked counsel to investigate additional witnesses or defenses. He independently reviewed the solicitor's notice of intent to seek LWOP. He obtained the prior sentencing sheets from the Clerk Court, and upon examination, counsel determined the convictions listed in the notice comported with the Clerk's records. Counsel discussed the accuracy of the notice with Applicant. He explained to Applicant that there was no way to challenge the numerous prior convictions that supported the notice. Instead, he advised Applicant that he would mount an Eighth Amendment challenge to the LWOP statute. Counsel independently reviewed the State's evidence and determined the audio recordings from the informant's wire constituted admissible evidence.

Counsel was adamant that there were not "any Fourth Amendment issues in this case." He noted the audio tape "was probably authentic." Furthermore, counsel noted he had no basis to object to an admissible court exhibit entering the jury room during deliberations. Counsel also noted that he vigorously raised a Rule 5, SCRCrP violation during the pretrial motions. Counsel apprised Applicant of the strength of the State's evidence and strongly advised him to consider the plea offer. Counsel testified he was fully prepared to take Applicant's case to trial. He hired an investigator in Applicant's case. Counsel developed a trial strategy to attack the informant's credibility. Even with the benefit of hindsight, counsel noted that there was nothing else he could have done to more effectively to present Applicant's case. For the reasons outlined below, this court agrees.

APPLICABLE LAW

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, (1984); Butler, 286 S.C. at 441, 334 S.E.2d at 813. The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 668, 104 S.Ct. at 2064. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland, *supra*. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court reviewed the Clerk of Court's records regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, the transcripts and exhibits from the prior proceedings, and legal arguments of counsel. Pursuant to S.C. Code Ann. §17-27-80 (2003), this Court makes the following findings of fact based upon all of the probative evidence presented.

As a matter of general impression, this Court finds trial counsel's testimony more credible than Applicant's testimony. This Court finds counsel conducted a thorough investigation into Applicant's case as well as a thorough, independent evaluation of the State's notice to seek LWOP. All this information was properly discussed with Applicant in anticipation of trial. A defense attorney is not compelled by a duty to honor the wishes of an unreasonable client with regard to frivolous objections to clearly admissible evidence. Here, counsel appropriately devoted his resources and efforts to a reasonable trail strategy and thorough advocacy at trial. As

 JM

a result, counsel was certainly effective and proficient pursuant to Strickland's reasonableness standard.

A.

This Court finds Applicant's allegation that counsel was ineffective for not objecting to the use of prior convictions for enhancement purposes is wholly without merit. This Court finds the trial judge meticulously reviewed the clerk's records for possible error. (Trail Transcript pp.210-11; pp.219-22). See S.C. Code Ann. § 17-25-45; see also State v. Payne, 332 S.C. 266, 271, 504 S.E.2d 335, 337 (Ct. App. 1998) ("However, our case law has a long history of embracing the presumption of regularity that attaches to final judgments. The defendant bears the burden of proving his prior conviction is invalid."). The allegation that Applicant's numerous prior convictions were invalid rested merely on hearsay and speculation. This Court agrees with counsel that this allegation is without merit. Counsel carefully advised Applicant on the propriety of the use of his prior convictions to meet the LWOP statute's requirement. Furthermore, the trial judge carefully scrutinized Applicant's certified prior convictions. Therefore, this allegation is denied and dismissed.

B.

This Court finds Applicant's various allegations that counsel was ineffective for not making objections and suppression motions are without merit. "When the defendant claims that counsel's failure to articulate a Fourth Amendment claim was ineffective assistance, [the] defendant must show that such claim is **meritorious** and that the verdict would have been different absent the evidence that **should** have been excluded." McHam v. State, 404 S.C. 465, 475-76, 746 S.E.2d 41, 47 (2013) (citing Sikes v. State, 323 S.C. 28, 30, 448 S.E.2d 560, 562 (1994) (emphasis supplied). "The Fourth Amendment to the United States Constitution

guarantees the right of the people to be free from unreasonable searches and seizures and provides that no warrants shall be issued except upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized. Id., at 476, 746 S.E.2d at 47 (citing U.S. Const. amend. IV). "A search compromises the individual interest in privacy; a seizure deprives the individual of dominion over his or her person or property." Id. (internal citations and quotations omitted). This Court finds Applicant had no privacy interest in the wire worn on the informant's person. At the PCR hearing, Applicant acknowledged that he invited the informant into his home as a social guest. Additionally, Applicant had a close personal association with the informant. The record also clearly shows the informant's identity was properly disclosed to counsel. See State v. Humphries, 354 S.C. 87, 90, 579 S.E.2d 613, 615 (2003). Again this Court agrees with counsel's decision to refrain from making a frivolous objection. Therefore, this allegation is denied and dismissed.

This Court finds Applicant's allegation that counsel was ineffective for failing to object to the admission of the audio tape from the informant's wire based on authenticity is without merit. A proper foundation for the evidence was established. See State v. Aragon, 354 S.C. 334, 336, 579 S.E.2d 626, n.3 (Ct. App. 2003). Next, this Court finds Applicant's allegation that counsel was ineffective for not objecting to the jury having access to exhibits during deliberations to be wholly without merit. See State v. Steadman, 257 S.C. 528, 542, 186 S.E.2d 712, 717 (1972).

C.

Last, Applicant failed to meet his burden to prove counsel was ineffective for failing to challenge an alleged discovery or Brady violation.[1] "The Brady disclosure rule requires the

[1]Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963)

prosecution to provide to the defendant any evidence in the prosecution's possession that may be favorable to the accused and material to guilt or punishment." Porter v. State, 368 S.C. 378, 384, 629 S.E.2d 353, 356 (2006) (citation omitted). Brady evidence is either favorable exculpatory evidence or favorable impeachment evidence. Porter, 368 S.C. at 384, 629 S.E.2d at 356 (citing United States v. Bagley, 473 U.S. 667, 676, 105 S.Ct. 3375, 87 L.Ed.2d 481 (1985)). "Materiality of evidence is determined based on the reasonable probability that the result of the proceeding would have been different had the evidence been disclosed to the defense." Id. (citing Kennerly, 331 S.C. at 453, 503 S.E.2d at 220). A "reasonable probability" is demonstrated when the suppression "undermines confidence in the outcome of the trial." Id. (quoting Bagley, 473 U.S. at 678, 105 S.Ct. 3375). The State must disclose Brady evidence even when a criminal defendant does not specifically request the evidence. Id. (citing United States v. Agurs, 427 U.S. 97, 107, 96 S.Ct. 2392, 49 L.Ed.2d 342 (1976)). "Rule 5 permits inspection of evidence in the State's possession which [is] material to the preparation of his defense or [is] intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the defendant" upon request by the defendant. Rule 5(a)(1)(C), SCRCrP." Hyman v. State, 397 S.C. 35, 47, 723 S.E.2d 375, 381 (2012) (internal quotations and citations omitted). Here, counsel's representation was vigorous and competent. The issue was properly raised and ruled upon by the trial judge. This Court finds Applicant has produced no credible evidence to substantiate this allegation. Therefore, this allegation is denied and dismissed.

D.

Except as discussed above, this Court finds that the Applicant affirmatively abandoned the remaining allegations set forth in his application at the hearing. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas

Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282 (Ct. App. 1987). The Applicant's failure to address these issues at the hearing indicates a voluntary and intentional relinquishment of his right to do so. Therefore, any and all remaining allegations are denied and dismissed.

CONCLUSION

Based on all the forgoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes that Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this Order to secure the appropriate appellate review. See Rule 203, SCACR. Rule 71.1(g), SCRCP; Bray v. State, 336 S.C. 137, 620 S.E.2d 743 (2005), for the obligation of Applicant's counsel to file and serve notice of appeal. The Applicant's attention is also directed to South Carolina Appellate Court Rule 243 for appropriate procedures after notice has been timely filed.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief is denied and dismissed with prejudice; and

2. Applicant is remanded to the custody of Respondent.

IT IS SO ORDERED this 17th day of February, 2014.

FRANK R. ADDY, Jr.
Presiding Judge
Eleventh Judicial Circuit

Greenwood, South Carolina

Feb-26-2014

FORM 5

ORIGINAL
SCANNED
FILED

STATE OF SOUTH CAROLINA

County of Lexington

Stanley Golson, #200479

Full name and prison number (if any) of Applicant

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

2010 SEP -2 P 1:53

BETH A. CARRIGG
CLERK OF COURT
LEXINGTON SC

APPLICATION FOR

POST-CONVICTION RELIEF

2010CP 3203755

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention McCormick Correctional Institution F
386 Redemption Way, McCormick, SC 29899

2. Name and location of Court which imposed sentence Lexington County
General Session Court, Lexington, SC 29072

3. Name(s) of co-defendant(s) (if any) N/A

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:

(a) 2006-GS-32-3491

(b) 2006-GS-32-3494

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.

closed CA file #19800039
pending CA file # 20072346
closed PCR file # 20024808
closed PCR Appeal file # 20025724
no previous SVP file 59E; 59407

ATTORNEY GENERAL'S OFFICE

RECEIVED 09/27/2010

ADMINISTRATIVE INSTRUCTIONS

_____ FILE _____ OPEN _____ END

_____ HAVE _____ COPIES MADE

_____ ROUTE TO _____

_____ ORDER: _____ TRANSCRIPT

____ PEN RECORDS ____ CLERK RECORDS

_____ OTHER: _____

(c) N/A

5. The date upon which sentence was imposed and the terms of the sentence:

(a) April 4, 2007, Life without parole

FILED

(b) April 4, 2007, Life without parole

(c)

2010 SEP -2 P 1:53

6. Check whether a finding of guilty was made:

BETH A. CARRIGG
CLERK OF COURT
ARLINGTON SC

(a) after a plea of guilty N/A

(b) after a plea of not guilty After a plea of not guilty

(c) after a plea of nolo contendere N/A

7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. South Carolina Court of Appeals

ii. N/A

iii. N/A

(b) the result in each such Court to which you appealed:

i. Appeal Dismissed

ii. N/A

iii. N/A

(c) the date of each such result:

i. July 6, 2010

ii. N/A

iii. N/A

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. Unpublished Opinion No. 2010-UP-347

ii. N/A

iii. N/A

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) N/A

(b) N/A

2010CP3203755

(c) N/A

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) SEE ATTACHMENT

(b)

(c)

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) SEE ATTACHMENT

(b)

(c)

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? Yes

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No

(d) any other petitions, motions or applications in this or any other Court? No

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. Appeal

ii. N/A

iii. N/A

iv. N/A

(b) the name and location of the Court in which each was filed:

i. South Carolina Court of Appeals, Columbia, SC 29211

ii. N/A

iii. N/A

iv. N/A

(c) the disposition thereof:

i. Appeal Dismissed

ii. N/A

iii. N/A

iv. N/A

(d) the date of each such disposition:

i. July 6, 2010

ii. N/A

iii. N/A

iv. N/A

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. Unpublished Opinion No. 2010-UP-347

ii. N/A

iii. N/A

iv. N/A

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. N/A

ii. N/A

iii. N/A

(b) the proceedings in which each ground was raised:

i. N/A

ii. N/A

iii. N/A

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

FILED

2010 SEP -2 P 1:53

BETH A. GARRIGG
CLERK OF COURT
LEXINGTON SC

(a) SEE ATTACHMENT

(b)

(c)

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? N/A

(b) your trial, if any? Yes

(c) your sentencing? Yes

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
No

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Joshua Snow Kendrick, 1924 Barnwell St., Cola., SC 29201

ii. Elizabeth Franklin-Best, SC Appellate Defense, Cola., SC

iii. N/A

(b) the proceedings at which each such attorney represented you:

i. Trial & Sentencing

ii. Appeal

iii. N/A

Revised 3/2003

2010CP3203755

19. State clearly the relief you seek in filing this application:
Vacate Conviction and Sentence

FILED

2010 SEP -2 P 1:53

20. Are you now under sentence from any other court that you have not challenged?
No

BETHIA CARRIGG
CLERK OF COURT
LEXINGTON SC

ORIGINAL

STATE OF SOUTH CAROLINA)
) VERIFICATION
County of Lexington)

I, Stanley Golson, #200479, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Stanley Golson

SWORN to and subscribed before me this 31 day of August, 2010.

Joyce L Young (L.S.)
Notary Public

My Commission Expires: 8 28 2011

FILED
2010 SEP -2 P 1:53
BETHIA CARRIGG
CLERK OF COURT
LEXINGTON SC

Revised 3/2003

2010CP3203755

ORIGINAL

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

I, Stanley Golson, #200479, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

(1) I am the applicant in this action and I believe I am entitled to redress.

(2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Stanley Golson
Applicant

SWORN or affirmed to and subscribed before me this 31 day of August, 2010.

Joyce L Young
Notary Public

My Commission Expires: 8 28 2011

FILED
2010 SEP -2 P 1:53
BETTIA CARRIGG
CLERK OF COURT
CHARLESTON SC

Revised 3/2003

2010CP3203755

Mr. Stanley Golson, #200479

McCormick Corr. Inst.

386 Redemption Way

McCormick, SC 29899

PCR ATTACHMENT

10. (a) Trial Counsel, Joshua S. Kendrick, Ineffective Assistance of Trial Counsel

    (b) Appellate Counsel, Elizabeth Franklin Best, Ineffective Assistance of Appellate Counsel

11. (a) Ineffective Assistance of Trial Counsel, failure to object to the two (2) invalid convictions.

    (b) Court was without jurisdiction to impose, sentence and convictions.

16. (a) Ineffective Assistance of Trial Counsel, Post-Conviction Relief Remedy.

    (b) Ineffective Assistance of Appellate Counsel, Post-Conviction Relief Remedy.

ORIGINAL

SEP 02 2010

FILED

2010 SEP -2 P 1:53

BETH A. CARRIGG
CLERK OF COURT
LEXINGTON SC

Mr. Stanley Golson, #200479
McCormick C.I. F4A-162
386 Redemption Way
McCormick, SC 29899

August 31st, 2010

Ms. Beth A. Carrigg, Clerk of Court
Lexington County, 11th Judicial Circuit
205 East Main Street
Lexington, SC 29072

2010CP3203755

Re: PCR
Case Nos: 2006-GS-32-3491; 3494

Dear Clerk,

Would you please stamp clock and file this Post-Conviction Application and, serve a copy on all said parties and please serve a copy back to me, for my files.

Thanking you in advance, for all your efforts in my behalf.

/s/ Stanley Golson
Mr. Stanley Golson, Pro se

cc: File

ORIGINAL

SCANNED

STATE OF SOUTH CAROLINA FILED IN THE COURT OF COMMON PLEAS

COUNTY OF LEXINGTON C/A No: _____

2010 SEP -2 P 1:53

Stanley Golson, #200479,

BETH A. CARRIGG
CLERK OF COURT
LEXINGTON SC

Applicant,

vs.

MEMORANDUM OF LAW IN SUPPORT OF POST-CONVICTION RELIEF

STATE OF SOUTH CAROLINA,

Respondent.

2010CP3203755

Now comes the Applicant's move before this Honorable Court on the following matter; pursuant to S.C. Code of Laws, § 17-27-10.

STATEMENT OF THE CASE

On November 6th, 2006, the Lexington County Grand Jury indicted Stanley Golson on the charges of Distribution of Crack Cocaine and Distribution Crack - Proximity School Zone and on April 3rd and 4th, 2007, Golson proceeded to trial before the Honorable Knox M. McMahan, and a jury. He was represented by Joshua Snow Kendrick, Esquire. The jury returned a verdict of guilty, on both charges. Judge Knox M. McMahan sentenced Golson to life without parole on both charges, ran concurrently. Golson's Attorney filed a Notice of Appeal.

This Appeal follows.

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.

ARGUMENT

The Applicant was denied his sixth and fourteenth Amendment right to effective assistance of Appellate Counsel for failure to raise Applicant's subject matter jurisdiction issue, and prosecution retaliation issue. And any other issues, that could have been raised. Even Applicant's subject matter jurisdiction issue, that could have been raised at anytime, even for the first time on Direct Appeal.

Applicant's claim of Ineffective Assistance of Appellate Counsel "must" be alleged according to S.C. Code Ann., § 17-27-45 (c) If the Applicant contends that there is evidence of material facts not previously presented and that requires vacation of conviction or sentence, the application must be filed under this chapter within one year after date when the facts could have been ascertained by the exercise of reasonable diligence.

obviously, since it was dealing with a State conviction, the Court had to utilize the Due Process Clause of the fourteenth Amendment to apply the constitutional standard to the State's, "The right to a fair trial is a fundamental liberty secured by fourteenth Amendment." 425 U.S. at 503, 96 S.Ct. at 1692, 48 L.E.2d at 130. Also cite at State v. Ex Rel McMannis, 254 S.E.2d 805.

Ineffective Assistance of Appellate Counsel in violation of the sixth Amendment. A defendant in A criminal case has a sixth Amendment right to the effective assistance of Counsel on direct Appeal. Evitt v. Lucey, 105 S.Ct. 830-885). An accused is entitled to Assistance of Counsel on an Appeal as a matter of

right. Southerland v. State, 524 S.E.2d 833 (1999). FILED

The test to establish a claim that Appellate Counsel was ineffective for failing to pursue a claim on direct Appeal is the same Strickland standard. Smith v. Robbins, 120 S.Ct. 746 (2000). In applying this test to claims of ineffective assistance of Counsel on Appeal, reviewing Court must accord Appellate Counsel the presumption that he decided which issue were most likely to afford relief on Appeal. Pruett v. Thompson, 996 F.2d 1560 (4th Cir.), 397 S.E. 2d Thrift indeed, "Winnowing out weaker arguments on Appeal and focusing on those more likely to prevail far from being evidence of incompetence, is the hallmark of effective Appellate advocacy. Smith v. Muray, 106 S.Ct. 2061.

Although recognizing that notwithstanding Barnes it is still possible to bring a Strickland claim based on Counsel's failure to raise a particular claim, "On direct Appeal, the Supreme Court has recently reiterated that" when ignored issued are clearly stronger that those presented, will the presumption of effective Assistance of Counsel be overcome. Robbins, 102 S.Ct. 765.

On Record of Appeal, Appellate Counsel Elizabeth Franklin-Best "never" raised any issue, after numerous attempts to get her to do so, she completely ignored my requests. Trial Court erred by using the numbers 1-7 on the front page of the Life Without Parole Notice, because they "do not exist". Conviction was "vacated" November 6th, 1996, at a PCR Hearing, verbally by the honorable Thomas J. Ervin signed on March 19, 1997 and "voided" by the Lexington County Clerk of Court's Office on March 24, 1997.

Trial Court was clearly without jurisdiction to use Applicant's prior convictions.

Counsel did not perfect the Appeal despite a clear request by the Appellant to do so, and the Court, relying upon circuit precedent, determined that this was the equivalent of complete denial of Counsel which did not require a prejudice showing. Fern v. Gramley, 99 F.3d 258 (7th 1996). Cite at Robbins, 120 S.Ct. 765. Appellate Counsel who files a meritorious brief need not, and should not raise every nonfrivolous claim, but rather may select from among them in order to maximize the likelihood of success on Appeal. Nonetheless, it is possible to bring a Strickland claim based on Counsel's failure to raise a particular claim, thought it is difficult to demonstrate that Counsel was incompetent and generally only ignored issue - are clearly stronger that those presented will the presumption of effective assistance of Counsel be overcome. Constitutional Amendments sixth, fourteenth. Applicant has Exhibit to support his claims where Applicant notified Counsel to the aforementioned issue.

As the Records show in State v. Stanley Golson, Op. No. _____. Appellate Counsel may render Ineffective Assistance of Counsel for failure to present an issue on appeal. However, Counsel is not required to raise every non-frivolous claim, but instead may select among them in order to maximize the likelihood to a favorable outcome. Smith v. Robbins, 528 U.S. 259, 288, 120 S.Ct. 746, 145 L.Ed. 756, Jones v. Barnes, 463 U.S. 745, 103 S.Ct. 3308, 77 L.E.2d 987.

Additionally, in Ezell, the Supreme Court found that the appropriate remedy for Ineffective Assistance of Appellate Counsel is a new trial. Id. Ezell v. State, 345 SC 312, 548 S.E.2d 852 (2001).

In Applicant's case, State v. Stanley Golson, Op. No. _____, Appellate Counsel Elizabeth Franklin-Best would be Ineffective Assistance of Counsel for failing to raise this meritorious issue on Appeal, of Prosecution Retaliation and subject matter jurisdiction, which may be raised at anytime, even for the first time on Direct Appeal. See Exhibits presented.

CONCLUSION

Wherefore, for the foregoing reason, Applicant should be granted a new trial based upon Appellate Counsel's failure to raise his claim on Appeal.

Date: August 31st, 2010.

Stanley Golson

Mr. Stanley Golson, #200479
McCormick C.I. F[illegible]
386 Redemption Way
McCormick, SC 29899
Pro se Applicant

State of South Carolina
County of Lexington

In The Court of Common Pleas

Stanley Golson)
)
vs)
)
State of South Carolina)

Case No. # H-500825
829.

2010CP3203755

The Applicant in addition to the grounds previously stated set out the following grounds for Post-Conviction Relief.

1. Counsel was ineffective for not attacking the arrest warrant, which state(s) Distribution of Crack Cocaine, offense 4th or more. The arrest warrant is invalid, and places applicant, "Falsely Imprisoned".

The Honorable Scott D. Whittle was without jurisdiction to sign the arrest warrants.

And at this point, the Applicant only has (1) one conviction for crack cocaine. His crack cocaine conviction was on July 29th 1993.

Distribution of Crack Cocaine. The Magistrate Court was without jurisdiction to sign the arrest warrants.

A/W Nos.

1. H-500825
2. H-500829

Therefore, the indictments are Nullity and conviction should be Vacated.

2. Court appointed Counsel, was ineffective. Because at the time Magistrate signed A/W there wasn't "No Analysis of any Drugs" of the incident date of 5-25-04, which left the Court without jurisdiction. The Magistrate Judge should have been afforded some type of analysis of the said drugs.

Court was without Jurisdiction.

Case Must Be Vacated.

See; State v. Williams 376 S.E. 2d 773(1989)
The State Must establish a complete Chain of Custody.

3. Counsel was ineffective because he knew there wasn't "No Sworn Statement" of the Informer. Because it was mentioned inside the Affidavit that it was a Confidential Informant of Law Enforcement. There was nothing as a matter of record, to show the credibility, of the Informant before the Magistrate.

Therefore renders counsel ineffective; a violation of Applicant's 6th Six Amendment Rights. U.S.C.A. Which guarantees him effective assistance of counsel.

Case "Must" Be Vacated.

4. Counsel was ineffective for not attacking A/W(s) because of the last statement of the Affidavit which state(s), "The defendant does have three convictions for drugs." It prejudices because they're not (3) convictions of crack cocaine.
There it invalidates the arrests, and left the Magistrate without jurisdiction to sign arrest warrant.
In which the sentences and convictions was Reversed and Vacated, on Nov. 6th 1996.

The Honorable Thomas J. Ervin, of Anderson South Carolina was the presiding Judge. The only other crack cocaine conviction(s) is 4-4-07. Which should be the only conviction of Distribution of Crack Cocaine.

The Constitution State(s);

> The right of the people to be secure in their person, houses, papers and effects against unreasonable searches and seizures, Shall Not Be Violated, and "No" warrants shall be issued, but upon "Probable Cause" Supported by Oath or Affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

If Court appointed Counsel would have did a factual and legal investigation, he would have known this wasn't the Applicant's 4th or more conviction. Counsel should have did a factual and legal investigation and if he didn't it renders him ineffective.

Case "Must" Be Vacated.

5. Court appointed Counsel was ineffective because he had knowledge from the Applicant that he demanded for preliminary hearing following arrest on the warrants issued by Magistrate charging offenses Distribution and School Zone was made ten days before convening of the next term of Court of General Session, "But" such hearing was not held, because indictments were submitted to Grand Jury and True Billed and returned. The Court was without jurisdiction and the jurisdiction of the Grand Jury being coextensive the criminal jurisdiction of the Court, the indictment was a Nullity and conviction is required to be Vacated.
Code 1962 §43-232; Const. Art. 1 § 11.
See; State v. Funderberk cite as 191 S.E. 2d 520.

6. Court appointed Counsel was ineffective and should have known the Court was without jurisdiction because the indictment did not present no identity, of any human being or agent. The Grand Jurors should have been afford some type of identity of the person who the drugs supposedly been delivered or sold to. To convict a defendant of distribution, the defendant "Must" deliver the drugs to another person, transfer or attempted to transfer the drugs to another person. The Indictment is vague, and didn't establish that element.

The "Court was without Jurisdiction" and the jurisdiction of the grand jury being coextensive with the criminal jurisdiction of the Court.
The Indictment was a Nullity and conviction is required to be Vacated.
Const. Art. 1 § 11
State v. Bissette, 250 N.C. 514.

7. Counsel was ineffective and should have knew that;
The Court was without jurisdiction to sentence the Applicant as a (3rd) third

offender under South Carolina Law 17-25-45 three (3) -- Serious Offense. Because it's Applicant's 1st first conviction for distribution of crack cocaine, which makes his sentence(s) and convictions illegal and places him Falsely

Imprisoned.

Trial Counsel allowed the court to sentence Applicant as a (3rd) Third offender of Distribution of Crack Cocaine, without objecting to the sentence and conviction.

Case "Must" Be "Vacated".

8. Counsel was ineffective and should have

Objected

to the court when giving the jurisdiction which was susceptible of the interpretation that when a "Vote" was taken and there was a majority. Either for conviction or acquittal the minority had to then case their "Vote" with the majority and make the verdict unanimous before returning the verdict in the open Court. Art 1 § 24

See Transcript Page_____ Line_____

Citing Case Law; State v. Parker cite as 224 S.E. 2d 280.

9. Counsel was ineffective and should have known the sentence and conviction was grossly disproportionate to the crime. A violation of the Applicant(s) 8th and 14th Amendment violation of the Constitution of the United States Constitutional Rights; which are guaranteed to Applicant.

See Sentence and Conviction(s).

1. Distribution of Crack Cocaine 3rd, Value $40.00, Amount 0.3 grams
Sentence Date 4-4-2007
2. Distribution of Cocaine 1st, Value $100.00, Amount .44 gram
Sentence Date 6-24-03
3. Distribution of Cocaine 1st, Value $0.00, Amount .00 gram
See - Freedom of Information Act Letter
From: Mr. Michael J. Brown.

Case "Must" Be Vacated.

10. Counsel was ineffective and should have known;

The elements of a cause "Must" be inside the body of the indictment for the

grand Jurors can see their evidence so they will know how to vote on the indictment(s) before them and for the Court(s) to have jurisdiction. Whereas, the Court was without Subject Matter Jurisdiction.

There's

elements missing out of the Indictment.

1. No mention of an Agent of Informer
2. No mention of an Amount of Drugs
3. No mention of an Amount of Money
4. No mention of a place of the incident or, no address of a resident's house or Apartment.
5. This Indictment doesn't state that the Applicant sold Drugs to anyone.

Therefore the Court was without

Jurisdiction.

When the elements of the crime is missing out of the body of the Indictment, leaves Court without

Jurisdiction,

to have brought this case to trial which makes the sentence and conviction invalid / and illegal -- which places me "Falsely Imprisoned".

Therefore

case should be Reversed / and Vacated. Counsel was ineffective for not asking for a Direct Verdict.

Case Law; State v. Curtis 591 S.E. 2d 600 and,

State v. Bullock 574 S.E. 2d 17 (2002).

State v. Bissette, 250 NC 514.

Sincerely,

s/ Stanley Golson

Stanley Golson Pro Se
386 Redemption Way

August - 31st 2010

McCormick SC

COUNTY OF LEXINGTON

ELEVENTH JUDICIAL CIRCUIT

LEXINGTON COUNTY JUDICIAL CENTER
205 EAST MAIN STREET-SUITE 128
LEXINGTON, S.C. 29072

TELEPHONE: 803 785-8394

GENERAL SESSIONS
FAMILY COURT
COMMON PLEAS

FAX: 803 785-2215

BETH A. CARRIGG
CLERK OF COURT

9/12/2011

Mr. Golson: # 200479

We have received your inquiry:

Your charge is: _____ Pending _____ Dismissed _____ Bench Warranted _____ A Conviction

Your charges (s) on file here have been faxed to SCDC; they clear up detainers.

All Pleadings ~~Your motions~~ must be filed through your attorney.

A copy of enclosed has been forwarded to:
_____ Your Attorney _____ Solicitor's Office _____ Public Defender's Office
(Please contact your attorney or the above office to inquire about your case.)

For matters concerning PCRs, please contact the Attorney General's Office at: (803) 734-3737.

To obtain a transcript, write to SC Court Administration, 1015 Sumter Street, Suite 200, Columbia, SC 29201. You will need to have the case number, judge's name, and date of trial. If you have questions, call (803) 734-1800.

This office cannot help you in this matter.

SCDC calculates credit for time served.

This office does not provide legal advice or legal forms.

There is no record of warrant #_____ for _____on file in this office. You will need to contact the arresting agency.

You need to contact the charging agency to get pending warrants served on you.

Please speak with or write your appointed attorney regarding PCR legal issues.

Other: _____

C: **Nick Riley, Attorney at Law**
Mark Taylor, Attorney at Law

Mr. Stanley Golson, #200479
McCormick Corr. Inst. F4
386 Redemption Way
McCromick, S.C. 29899

Date: SEPTEMBER - - 2011

Clerk of Court, Lexington County
205 East Main St.
Lexington, S.C. 29072

Re: Amended PCR Issues
Case No: 2010-CP-32-03755

Dear Honorable Clerk,

Please stamp clock and file this amendment to the other amended issues before your honorable court. Also, please serve a clock stamped copy,back to me for my files.

Thank you kindly,

/s/ Stanley Golson
Mr. Stanley Golson

CC: File

STATE OF SOUTH CAROLINA	In The Court of Common Pleas
County of Lexington	Case No: 2010-CP-32-03755
Stanley Golson, #200479, Applicant, v. State of South Carolina, Respondent.	ADDITIONAL GROUNDS FOR POST-CONVICTION RELIEF

The Applicant in addition to the grounds previously stated set the following for Post-Conviction Relief.

1. Counselor was ineffective for not attacking, the **invalid, vacated, void, and nonviolent conviction**, 2002, 14th Amend. U.S.C.A. Due Process violation. See Exhibits

2. ~~Counselor was ineffective for not attacking the illegal use of the tape,~~ and ~~ears dropping, communication device. **He should have filed a motion to suppress**. United States Code Annotated Title 18 § 2511, **Alderman v. United States**~~, S.Ct.

3. Counselor was ineffective for not attacking the invalid, uncounseled conviction, invalid conviction may not be used to enhance punishment for another offense. See, June 24, 2003 Guilty Plea. 14th Amend. U.S.C.A. See also, Fretta v. California, S.Ct.; Lipscomb v. Clark, 468 F.2d 1321 (1972).

4. Appellate Counselor and Trial Counselor was ineffective, for several reasons:

(1) 6th Amend. U.S.C.A.
(2) 8th Amend. U.S.C.A.
(3) 14th Amend. U.S.C.A.

5. Trial Counselor and Direct Appeal Attorneys, for failure to attack the prior convictions of 1993, the fifty-seven (57) month imprisonment, and the probation sentence of February 1, 1999, the probation sentence violation, 2002, the Honorable Clifton Newman. Which consist of the 1980, 1982 and 1993, there all **non-violent**. 8th Amend and 14th Amend. violation. The Applicant is false imprisonment.

6. Counselors was ineffective for not attacking the sentence of Life without Parole, for Distribution of Crack Cocaine, 3rd offense, weight 0.25, which is not in § 17-25-45 or § 16-1-60, of the South Carolina Code of Laws. Trial Counselor and Appellate Counselor, Elizabeth Franklin Best, it's not a recidivist charge under statute § 17-25-45 (C)(2) S.C. Code of Laws. 8th Amendment cruel and unusual punishment.

7. Ineffective for not motion, to attack the charges, knowing it was "double jeopardy" for the Lexington County Solicitor office to use the 1993 conviction, for enhancement, because that conviction does not exist. See, United States v. Curry, 512 F.2d 1299 (4th Cir. 1975); United States v. Atkinson, 512 F.2d 1235 (4th Cir. 1975).

8. Counselors was ineffective, and should have known there cannot be a conviction for February 1, 1999, because the Application was never re-indicted, after his release on March 2, 1998, from Kershaw Correctional Institution. The conviction was vacated. Strickland v. Washington, S.Ct.

9. Counselor was ineffective, for not attacking the conviction. Because the Applicant was indicted in 1993, by the Lexington County Grand Jury. But was never re-indicted in February of 1999. This is the two prong test of Strickland v. Washington, 104 S.Ct.

10. Trial Counselor should have motioned to have charges

dismissed, because of the inaccurate and incomplete Grand Jury impanelment, of the supposedly person of the Grand Jury convening, on November 6, 2006. There were also "Motions" filed with the Clerks office, and impanelment documents. See, Means v. State, S.E.2d, Evans v. State, 611 S.E.2d 510, Lounds v. State, S.E.2d, see Exhibits.

11. Both Trial and Appellate Counselors were ineffective, for not attacking the nonexisting indictments of the February 1, 1999; Guilty Plea.

12. Trial Counselor, Mr. Kendrick was ineffective for not filing a, Motion in Opposition of the Life without Parole Notice, knowing the LWOP Notice was invalid, and voided.

13. The 1993, indictments and convictions of July 29, 1993 stems form a "Trafficking Food Stamp" charge. U.S.C.A. Chapter 51, § 7-2024 (8) (1), which was later vacated. A federal offense. Strickland v. Washington, S.Ct.

14. Counselor failure to investigate, the prior convictions was invalid, and there was never a complete change of custody, of the supposedly drugs. See, letter form SLED by Mr. Michael J. Brown; Lounds v. State, S.E.2d.

15. Counselor was ineffective, and court was without jurisdiction, because theres no Grand Jury impanelment documents, for the 1999 Guilty Plea convictions. See, Evans v. State, 611 S.E.2d 510, Strickland v. Washington, 104 S.Ct.

16. Counselor failure to investigate, and failure to attack the portion of the sentence, whereas these convictions are still being used, and is a part of the Life without Parole sentence and convictions. 1980, 1982 and 1993 non-violent convictions. Double jeopardy, North Carolina v. Pearle, S.Ct.; Lounds v. State, S.E.2d.

17. Failure to investigate, because the 1980 conviction is a marijuana conviction, which invalidates the sentence and conviction. Nor does it "exist". See, Burgett v. State of Texas, 88 S.Ct. 258 (1967); Gideon v. Wainwright, 83 S.Ct. 792 (1963); United State v. Tucker, 92 S.Ct. 589.

18. Failure to investigate, because the 1982 L.S.D. conviction is invalid, and non-violent, which is a portion of this conviction. Which invalidates this sentence, of Life without Parole. Lounds v. State, S.E.2d; see Exhibits.

19. Failure to investigate, failure to file Motion for New Trail, failure to file a Motion for Reconsideration, failuer to file a Motion to Vacate, where both priors are invalid. Gideon v. Wainwright, 83 S.Ct. 792 (1963). Lounds v. State, S.E.2d.

20. Counselor failure to investigate, the July 29, 1993, sentence and conviction, which was a **non-violent** conviction. Failure to attack the use of it for enhancement, "as a serious offense", under § 17-25-45. Lounds v. State, S.E.2d Opinion No. # 26571.

21. Counselor was ineffective, and he knew evidence presented at trial was insufficient to support the jury's determination that he was an habitual offender. Moore v. Parke, 148 F.3d 705, 711 (7th Cir. 1998).

22. Mr. Kenrdicks, failure to investigate, and his trial strategy rendered his performance constitutionally deficient. The Applicant is entitled to relief. See, Berryman v. Morton, 100 F.3d 1089, 1105 (3d Cir. 1996); Lounds v. State of South Carolina, Opinion No. 26571; Fern v. Gramley, 99 F.3d 255, 258 (7th Cir. 1996).

23. Counselor was ineffective, for not attacking the Trial Court's action in revealing Applicant's habitual offender status

to jury was Due Process violation. See, Bonner v. Holt, 26 F.3d 1081; Alabama v. Bonner.

24. Counsel was ineffective at sentencing for failing to recognize that sentence was longer than it would have been if counsel had secured the proper guideline sentence. Cabello v. United States, 884 F.Supp. 298, 302 (N.D. Ind. 1995).

25. Counselor was ineffective, and the Applicant's rights was violated by the Trial Courts failure to specifically instruct the jury that the Applicant priors had to be offenses of "**serious offense**" under § 17-25-45. This is denial of effective assistance of counsel, 6th Amend. U.S.C.A. violation. And a Due Process and Equal Protection, 14th Amend. U.S.C.A. violation. Barker v. Yukins, 199 F.3d 867, 873-874 (6th Cir. 1999).

CONCLUSION

Based on the above arguments the Applicant believes that he has grounds for vacation of conviction and prays this Honorable Court will grant him such relief.

SUBSCRIBED AND SWORN to before me
this 9th day of September, 201

Penny G. Morton

Notary Public for South Carolina:
My Commission Expires: July 28, 2018

Respectfully submitted,

/S/ Stanley Golson

Mr. Stanley Golson
Pro se Applicant

Stanley Golson-200479
386-Redemption Way F-4-A
McCormick Corr. Inst.
McCormick, South Carolina-29899

AUGUSTA GA 309
09 SEP 2013 PM 2

USA 44

SEABISCUIT

Beth A. Carrigg
Clerk of Court
Lexington County Judicial Center
205 E-Main St. Suite-128

29072383557 Lexington SC 29072

COUNTY OF LEXINGTON

ELEVENTH JUDICIAL CIRCUIT

2010CP3203755

LEXINGTON COUNTY JUDICIAL CENTER
205 EAST MAIN STREET-SUITE 128
LEXINGTON, S.C. 29072

TELEPHONE: 803 785-8394

GENERAL SESSIONS
FAMILY COURT
COMMON PLEAS

FAX: 803 785-2215

BETH A. CARRIGG
CLERK OF COURT

9/15/2011

Stanley Golson # 200479

We have received your inquiry:

Your charge is: _____ Pending _____ Dismissed _____ Bench Warranted _____ A Conviction

Your charges (s) on file here have been faxed to SCDC; they clear up detainers.

XX **ALL PLEADINGS REGARDING YOUR PENDING PCR APPLICATION MUST BE FILED THROUGH YOUR APPOINTED ATTORNEY.**

XX A copy of enclosed has been forwarded to:
XX Your Attorney _____ Solicitor's Office _____ Public Defender's Office
(Please contact your attorney or the above office to inquire about your case.)

For matters concerning PCRs, please contact the Attorney General's Office at: (803) 734-3737.

To obtain a transcript, write to SC Court Administration, 1015 Sumter Street, Suite 200, Columbia, SC 29201. You will need to have the case number, judge's name, and date of trial. If you have questions, call (803) 734-1800.

This office cannot help you in this matter.

SCDC calculates credit for time served.

This office does not provide legal advice or legal forms.

There is no record of warrant #_____ for _____on file in this office. You will need to contact the arresting agency.

You need to contact the charging agency to get pending warrants served on you.

Please speak with your attorney.

Other: _____

C: **Nicholas Riley, Jr., Attorney at Law**
Lena Pelishenko/ South Carolina Attorney General's Office

STANLEY GOLSON-200479
386-REDEMPTION WAY
McCORMICK CORRECTIONAL INST.
McCORMICK, SOUTH CAROLINA 29899

A TRUE COPY
Lex. Co. C.C.P., G.S. & F.C.

RE: AMENDMENT ISSUES #(2)

CASE No# 2010-CP-32-05155

DEAR CLERK,

WOULD YOU PLEASE STAMP CLOCK AND FILE THESES AMENDMENTS ISSUES, AND SERVE A COPY BACK TO ME, FOR MY FILES.

THANKING YOU AS ALWAYS IN ADVANCE FOR ALL YOUR EFFORTS IN MY BEHALF.

SEPTEMBER 9TH, 2011
McCormick, SC.

/s/ Stanley Golson

2011 SEP 15 P 4:17
RECEIVED
CLERK OF COURT
LEXINGTON, SC

Second Amended issue is a statutory requirement in violation of an indictment of the statutory requirement of Statute 17-19-20, based on the legislators language drafted in the body of statute 17-19-20, requires that each indictment embeded in its body the penalty prohibiting the statutory penalty of the statute prohibiting the crime, as the legislators language drafted in state 17-19-20; the penalty prohibiting the crime must be cooperative into the body of the empanelment of the indictment to appraise an accuser of the statutory penalty that prohibits the statutory crime of the penalty of the prohibiting crime statute that governs the particularly penalty of such statute; that prohibits the penalty being charged against an accuser. Applicant raise this statutory claim in violation of 17-19-20 under the jurisdiction of the uniform of chapter 27 Title 17, Subsection 17-27-20 (a) (b): "Collateral attack upon any ground heretofore available under common law; statutory." Applicant raise this statutory claim of 17-19-20; under the jurisdiction of 17-27-20 (a) (b) due to the violation of 17-19-20; requires that such statutory penalty prohibiting crime must be embeded into the indictment; which 44-53-375 should have been embeded into indictment no 93-GS-32-1793 along with 44-53-110; to show what penalty that prohibits the statutory crime by the Applicant indictment did not appraise him of the statutory penalty that prohibits the crime was unfairly and prejudice because of the

defectness in the Applicant's indictment for not employing penalty statute of section 44-53-375, into the Applicant' indictment where as the Applicant could have been appraise on such penalty to defend himself against. Applicant will demonstrate below the following law and facts.

(a) (2)

Applicant contends that the raise this second amended issue of statutory claim in violation of statute 17-19-20; because of the prohibiting penalty which constitute the penalty of the crime statute was not embeded into the language in the Applicant's original indictment # 93-GS-32-1793, because of the Applicant's indictment failed to appraise him on such statutory penalty prohibiting crime statute which the Applicant was unfairly and prejudice because of the defectness in the Applicant's indictment # 93-GS-32-1793; which this indictment did not embed the penalty prohibiting the statutory crime as statute 17-19-20; requires which the Applicant indictment # 93-GS 32-1793, empanelled in its body section 44-53-110 et. seq; reads as follow:

Indictment # 93-GS-32-1793

Distribution Count Three

"That Stanley Golsen did in Lexington County on or about October 3, 1992; distribute to one agent of S.C. Law enforcement division a quantity of Crack Cocaine, a controlled substance under provision 44-5-110, et. seq."

Applicant asserts that this indictment # 93-GS-32-1793; which embody Section 44-5-110. Applicant asserts that the statutory offense penalty prohibiting the offense crime must be empanelled into the indictment, whereas an accuser can be appraise of the statutory penalty prohibiting crime, to defend himself against, and whereas the court can pronounce the proper judgement as it was held in State vs. McIntire 71 S. E. 2d 410 (2) "Generally; offense must be so described in indictment that accused may know how to answer the charge and court what judgement to pronounce and that conviction."

Applicant asserts in this case at bar the prosecutor placed in the face of his indictment # 93-GS-32-1793, Section 44-53-110; of Chapter 53, of Title 44, the definition of narcotic drug, which 44-53-110, is the definition of narcotic drug which Section 44-53-110 does not constitute the penalty prohibiting the crime alleged in the Applicant's indictment for distribution of Crack Cocaine, as Statute 17-19-20, et. seq.; requires that the penalty prohibiting statutory crime must be cooperate into the indictment which the Applicant's indictment employed only Section 44-53-110, which this Section is only the definition of narcotic drug, which 44-5-375 is the prohibit penalty, should have been added into the face of the Applicant indictment, whereas the Applicant could have been appraise of the prohibiting penalty as the legislators drafted in statute 17-19-21: whereas the Applicant could have defend himself against such penalty and whereas the court could have pronounce what type of judgement to such penalty as it was held in State vs. McIntire 71 S. E. 2d 410 (2), "Generally; offense must be so described in indictment that

accused may know to answer the charge and court what judgement to pronounce." In support of, State vs. Adams, 283 S. E. 2d. 582 (11), State vs. Gun 437 S.E. 2d 75 (1). Applicant submits under Due Process of Law of the Fourteenth Amendment of the United States Constitution and South Carolina Article 1, Section 3; that he was denied Due Process of Law, because his indictment failed to meet the legislators requirement of statute 17-19-20, by not placing the penalty prohibiting crime, in the Applicant's indictment # 93-GS-32-793, by the statute penalty was not placed in the Applicant's indictment denied him Due Process of Law; whereas the Applicant could have been appraised of such penalty to defend himself against and whereas the court could have pronounced what judgement by this defective the Applicant was unfairly and prejudiced from this indictment as it was held Supra State vs. McIntire, because of this indictment failed to meet the statutory requirement of 17-19-20, because of this statutory violation of 17-19-20, and the standards set out in Supra State vs. McIntire, the Applicant's conviction and sentence should be reversed and remanded for a new Trial, because of the defectness in this indictment.

THIRD AMENDED ISSUE

Applicant raises this Due Process and equal protection claim, of Rule (98). 7 (a) & (b) of South Carolina Rules of Criminal Procedures, due to the fact that the Applicant was denied Due Process and Equal Protection of the Laws under the Fourteenth Amendment of the United States Constitution and South Carolina Constitution Article 1, Section 3: "Due Process and Equal Protection of the Laws." Due to the way the eminent domain power failed to follow the proper Rules of Regulation of Rule (98). 7; when any control substance be seized by a County of City Narcotic Department, that Department must deliver to South Carolina Law Enforcement Division of SLED, the said Narcotic was seized from the crime as Rule (98).7 requires; in this case at bar the Applicant was denied this type of Due Process of Law under Rule (98).7 of SCRCP.

(a) (3)

Applicant contends that he raised this third Amended Issue on Constitutional violation of Due Process and Equal Protection of the law, of the Fourteenth Amendment of the United States Constitution and South Carolina Constitution Article 1, Section 3. Applicant raised this claim of denied equal protection of the law in violation of Rule (98).7 (a) & (b), of South Carolina Rules of Criminal procedures, under the jurisdiction of chapter

27, 17-27-20, (a) (6): "Constitutional or Statutory or Common law violation."

Applicant contends that he was arrested in Lexington County on October 3, 19 _____ and charged with the offenses of Distribution of Crack Cocaine. Applicant asserts according to South Carolina Rules of Criminal procedures; Rule (98).7 (a) & (b), states the following:

> Rule for Chemical analysis and chain of custody
> (a) for the purpose of establishing that physical evidence of a controlled dangerous substance; as defined by Title 44; Chapter 53; of the code of Laws or Rule 61-4 of the Department of Health and Environmental Control. A report signed by the chemist or analyst who performed the test or tests required concerning its nature."

Applicant asserts under Due Process and Equal Protection of the Law under South Carolina Rules of Criminal procedures, Rule (98).7 (a); require that a SLED analyst report be performed and signed by the chemist or analyst; which in the Applicant's case the eminent domain power of Lexington County Sheriff Department arrested the Applicant on October 3, 19_____ and seized one crack cocaine substance. See arrest warrant # _____ _____ and indictment # _____, where this allegedly substance was seized according to Rule (98).7 (a); when an officer made a narcotic arrest and seized any control

substance the officer must fill a form 3, according to SCR Criminal Rule (98).7; where as SLED Narcotic Division must do an analyst or chemist test on such substance that was seized during an arrest of Narcotic Drug; according to Rule (98).7 (a) a report must be done which this procedure under Due Process of Law must be follow to establish chain of custody and SLED analyst chemist report-testing. Applicant asserts in this case at bar the eminent domain power have violated Rule (98).7 (a) by not sending the alleged narcotic drug that was allegedly seized during the Applicant arrest on October 3, 19 _____. See Exhibit (A) attach to this issue showing where the Applicant wrote SLED Low Enforcement Narcotic Division requesting for such examination of the SLED analyst chemist report on the narcotic drug that was seized in arrest warrant # _____ and indictment #: _____; as Rule (98).7 (a) requires for an arresting officer to serve upon SLED for examination analyst/chemist report of such seized narcotic, which in this case at bar the Applicant was denied Due Process and Equal Protection of the Law; because there was no proof of any SLED analyst/chemist report to show any testing of the alleged substance as Rule (98).7 (a) requires. Applicant contends that if his Trial Counsel would have done a factual investigation in regard of the drug analyst/chemist report examination before advising the Applicant to enter a plea of guilty, which there was no chemist/analyst report, if the Applicant was advised of this before entering his plea of guilty, the Applicant would have insisted on standing Trial rather than pleading guilty; because of Trial Counsel erroneous advise before doing a factual investigation in regard of the chemist test report. From this

omission denied the Applicant Due Process of Law of Rule (98).7, Due to the procedure was not used in this case; which rendered the Applicant ineffective assistance of counsel. The Applicant's conviction and sentence should be reversed and remanded for a New Trial based on the procedures used by the eminent domain power in this case at bar, by not following the mandated standards set out in Rule (98).7 (a) denied the Applicant Due Process and Equal Protection of the Law.

STANLEY GOBSON - 200477
386 - REDEMPTION WAY
McCormick Corr. Inst.
McCormick, South Carolina - 29835

AUGUSTA GA 309
13 SEP 2011 PM 1 T

BETH A. CARRIGG
CLERK of COURT
LEXINGTON COUNTY JUDICIAL CENTER
205 EAST MAIN STREET - SUITE - 128
LEXINGTON, SC. 29072

29072+3533

IN VIOLATION of APPELLANTS
DUE PROCESS RIGHTS, 17-27-80,
17-27-90.

NEVER RULE UPON.

ORIGINAL

STATE OF SOUTH CAROLINA)
County of Lexington)

IN THE COURT OF COMMON PLEAS

Stanley Golson, #200479,
Applicant,

vs.

State of South Carolina,
Respondent.

Case No.: 2010-CP-32-03755

ADDITIONAL GROUNDS FOR POST-CONVICTION RELIEF

The Applicant in addition to the grounds previously stated sets out the following for Post-Conviction Relief. Court appointed counselor, Mr. Kendrick, was ineffective for not protecting the Applicant's constitutional rights. These right are guaranteed to the Applicant, which are mandatory, and "shall" **never** be violated. And if they are, it gives rise to civil action. Here are the Applicant's additional claims of violations:

1. Applicant's 4th Amendment Constitutional Rights has been violated.

2. Applicant's 5th Amendment Constitutional Rights has been violated.

3. Applicant's 6th Amendment Constitutional Rights has been violated.

4. Applicant's 8th Amendment Constitutional Rights has been violated.

5. Applicant's 14th Amendment Constitutional Rights has been violated.

6. False imprisonment.

7. Entrapment.

8. Perjury/false information.

9. Obstruction of justice.

10. Miscarriage of justice.

11. Mockery of justice.

12. Prosecutorial Retaliation.

13. Malicious Prosecution.

14. Prosecutorial Misconduct.

CONCLUSION

Where Applicant prays that his sentence(s) and convictions be vacated.

Dated- 4th, 2010

McCormick, S.C.

Sincerely,

Stanley Golson

Stanley Golson - pro-se

COUNTY OF LEXINGTON

ELEVENTH JUDICIAL CIRCUIT

LEXINGTON COUNTY JUDICIAL CENTER
205 EAST MAIN STREET-SUITE 128
LEXINGTON, S.C. 29072

TELEPHONE: 803 785-8212

GENERAL SESSIONS
FAMILY COURT
COMMON PLEAS

FAX: 803 785-1281

BETH A. CARRIGG
Clerk of Court

August 19, 2011

Stanley Golson
#200479 McCormick Corr.
386 Redemption Way
McCormick, SC 29899

Dear Mr. Golson:

RE: Lexington County Grand Jury

We are in receipt of your request for records pertaining the Lexington County Grand Jury.

In response, please be advised the Grand Jury proceedings are private and, therefore, no written/recorded records are available. Unfortunately, we cannot honor your request.

Please feel free to contact the office if we can assist you in the future.

Sincerely,

Clerk of Court Staff
General Sessions

Exhibits.

Stanley Nelson #200479
3816 Redemption Way
McCormick Corr. Inst.
McCormick, South Carolina 29899

#2006-GS-32-3494

Docket No.: 2010-CP-32-03755

93-GS-32-1808, (1806), (1804) (1802) (1799), (1797), (1794), (1809), (1800) (1795), (1803), (1809), (1805), (1801), (1798), (1796), (1793).

RE: Grand Jury Impanelment Documents:

Dear Honorable: Ms. Beth Carrigg :

Please stamp clock and file this letter and serve a copy back to me, along with my requested information. Which area copy of the Grand Jury Impanelment Documents that pretains to the docket number.

Also, I have a (P.C.R.) pending before your Court, and here's the docket number: 2010-CP-32-03755 .

Now, the Fed. Rules Crim.P. 6(c) requires the foreman of a grand jury, or some other juror designated by him, to keep records of the number of jurors concurring in the finding of every indictment and to file such record with the Clerk of Court.

It's also stated in Evans v. State, cite at 611 S.E.2d 510 (S.C. 2005) that, "defendant was entitled to release of Impanelment Documents from grand jury that had indicted him, in post-conviction relief proceeding".

I look forward to receiving the requested documents in the very near future, and I appreciate all the assistance to you render in this very important matter and I send my kindest regards, as I remain.

August 18th, 2011
McCormick, S.C.

s/ Stanley Nelson

FILED
2011 AUG 19 PM 1:16
BETH A. CARRIGG
CLERK OF COURT
LEXINGTON SC

Sworn to or Affirmed To and Subscribed Before me this
18 day of August, 2011
Joyce L Young
Notary Public
My Commission Expires 8 28 2011

RECEIVED
OCT 26 2020
S.C. SUPREME COURT

How To Identify Court Fraud.

F.R. Civ. P. 52.(A)

There are four ways to identify if Court fraud occurred in your case. This "first way" is to determine if the Court made findings of fact and conclusion of law on the issue's you presented.

The federal statutes F.R. Civ. P. 54(b) The "Second way" to identify Court fraud is to determine if the Court made findings on all issues presented in your case.

2010-CP-32-03755

17-27-90. Grounds for Relief.

RECEIVED
OCT 26 2020
S.C. SUPREME COURT

There was no Evidence to Support Post-Conviction Relief (PCR) Courts finding that defendant failed to present any Evidence in Support of his PCR Claims. Such that Vacation of Order dismissing defendants Petition on basis of Lack of Evidence was Required, as well as Remand for a New PCR Hearing.

Marlar v. State, SC App. 2001
373 SC. 275 644 SE 2d 769

2010-CP-32-03755

TABLE OF AUTHORITIES.

TABLE OF AUTHORITIES.

CMTI330D
OMCOMITA
SCDC# > 200479
GOLSON, STANLEY -

SCDC OFFENDER MANAGEMENT SYSTEM
RELEASE DATE SCREEN

10/04/10
C023981

LOC: MCCORMICK
OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE
SCDC CLASSIFICATION..: NON-VIOLENT
SEXUAL REGISTRY..: N
SEXUAL PREDATOR..: NOT APP
DNA STATUS.....: COMPLETED
GPS REQUIREMENT..: N
PREA DECISION....:

CURRENT SENTENCE:
LIFE

PROJECTED COMPLETION DATES
MAXOUT DATE .....: 99/99/9999
YOA SIX YEAR DATE:
INITIAL PAROLE DATE: 00/00/0000

CONSECUTIVE SENTENCE ..:
CURRENT SENT START DATE: 08/15/2006

CURRENT EWC .:
CURRENT EEC .:
NEXT PAROLE HEARING DATE: 00/00/0000

TOTAL GT DAYS EARNED .....: 000000
TOTAL EARNED WORK CREDITS ..: 000000
TOTAL EDUCATION CREDITS ....: 000000
TOTAL EXTRA EARNED CREDITS .: 000
TOTAL SERVICE TIME EARNED ..: 000000

LABOR CREW/WORK PROG DATE: 99/99/9999
LABOR CREW DISQ REASON:
PENDING RECALCULATION

PFKEYS: 5:HISTORY OF DATE CHANGES

4-© 1 Sess-1 167.7.50.33 SCDC1134 3/11

EXHIBIT

"MOST SERIOUS OFFENSES" AND "SERIOUS OFFENSES"

AS OF JANUARY 1, 1996 THERE ARE TWO NEW CATEGORIES OF CRIME. "MOST SERIOUS OFFENSES" AND "SERIOUS OFFENSES" SC CODE ANN. § 17-25-45 (SUPP. 2000).

THIS LEGISLATION IS POPULARY KNOWN AS "TWO STRIKES" OR "THREE STRIKES" BECAUSE IT MANDATES LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE ON A SECOND CONVICTION OF A "MOST SERIOUS OFFENSE" OR A THIRD CONVICTION OF A SERIOUS OFFENSE.

STATE V. BELL, 286 SE 2d 234

STATE V. MILLER, 400 SE 297 (W.VA. 1990).

STATE V. KILMER, 808 SE 2d 867 (W.VA. 2017).

NOS 1-7 ON FACE OF LIFE WITHOUT PAROLE NOTE.
ARE NON-VIOLENT.

DATE: 10/5/92

REPLY TO
ATTN OF: At 2747-695

SUBJECT: Case Opening Memorandum [ ] "STANLEY", and [ ]

TO: RIG GREG A. SHUBERT
THRU: ARIG JERALD D. MEISSEN

On 10/3/92, information was received from [ ] b(6),b(7)(C) [ ] SC, that [ ] [ ] was buying food stamp coupons for cash and for Crack Cocaine.

At approximately 6:30 PM, 10/3/92, after being thoroughly searched by S/A [ ], [ ] made contact with [ ] at [ ] residence, located at [ ] [ ] SC, and offered [ ] food stamp coupons for cash. [ ] told [ ] that [ ] knew who would buy them. [ ] entered [ ] [ ] car and directed [ ] to the area behind [ ] [ ], SC. [ ] then introduced [ ] to "STANLEY", B/M, mid 20's YO, dark complexion, who was driving an Oldsmobile 98, with CDN885 SC tag. [ ] entered STANLEY's car and traded four, $65 books of food stamp coupons for $100 in cash and one rock of purported Crack Cocaine. [ ] then provided [ ] with one, $65 book of food stamp coupons for [ ] help in introducing [ ] to STANLEY. [ ] tried to negotiate for more Crack Cocaine, but STANLEY said [ ] would have to come back in an hour.

At approximately 7:40 PM, 10/3/92, [ ] made contact with [ ] again to try and find STANLEY. [ ] introduced [ ] to [ ] [ ] who led [ ] to the parking lot of Advance Auto Parts, N. 12th Street, West Columbia, SC. [ ] provided [ ] with four, $65 ($260) books of food stamp coupons as payment for one "slab" of purported Crack Cocaine (approximately 1 gram).

Upon completion of the transaction, [ ] turned the evidence over to S/A [ ] and [ ] car was subsequently searched again, which met with negative results in locating any contraband.

Two transactions were conducted in order to bring the amount of Crack Cocaine up to approximately one "slab". A "slab" is a one gram, bar-shaped piece of Crack Cocaine that can be be cut up into five or six $20 "rocks". Prior coordination with Agent [ ] Narcotics Division, South Carolina Law Enforcement Division (SLED), Columbia, SC, on 10/2/92, revealed that SLED's preferred minimum transaction is at least one "slab" or one gram in the case of Crack Cocaine. [ ] agreed to accept the purported Crack Cocaine for drug analysis and placement in their evidence depository. SLED will also initiate a case regarding the above transaction.

Please schedule and investigation, based on the above information.


THE UNITED STATES OF AMERICA
THIS NOTE IS LEGAL TE
FOR ALL DEBTS, PUBLIC AN
WASHINGTON, D.C.
SERIES 1990
Secretary of the Treasury
ONE HUNDRED DOLLARS
100
12
[b(6), b(7)(c)]
103-92

FORM 6 (12/87)

Ex. 3

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

INDICTMENT FOR UNLAWFUL DRUGS
DISTRIBUTION OF CRACK COCAINE

At a Court of General Sessions, convened on June 14, 1993, the Grand Jurors of Lexington County present upon their oath:

COUNT ONE — POSSESSION

That _____ did in _____ County on or about _____, knowingly and intentionally possess a quantity of _____, a controlled substance under provisions of §§ 44-53-110, *et. seq.*, *Code of Laws of South Carolina* (1976), as amended, such possession not having been authorized by law.

COUNT TWO — POSSESSION WITH INTENT TO DISTRIBUTE

That _____ did in _____ County on or about _____, possess with intent to distribute a quantity of _____, a controlled substance under provisions of §§ 44-53-110, *et. seq.*, *Code of Laws of South Carolina* (1976), as amended, such possession not having been authorized by law.

COUNT THREE — DISTRIBUTION

That STANLEY GOLSON did in Lexington County on or about October 3, 1992, distribute to one agent of the South Carolina Law Enforcement Division a quantity of crack cocaine, a controlled substance under provisions §§ 44-53-110, *et. seq.*, *Code of Laws of South Carolina* (1976), as amended, such distribution not having been authorized by law.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

SOLICITOR

United States Department of Agriculture

Office of Inspector General

Food Stamp Transaction Worksheet

Date: 10/3/92	Case Number: A+-2747-695
Food stamps sold to: "Stanley" B/M, mid 20's Yo, dk complexion	Other persons involved: [b(6), b(7)(C)] ~~Description~~: [b(6), b(7)(C)]
OIG Case Agent: [b(6), b(7)(C)]	Additional agents/law enforcement officers: N/A

Items/cash received (list serial numbers of U.S. currency received and complete description of other items):

1- piece of purported crack cocaine

1- $100 dollar bill, U.S. currency, Serial Number: [ ]

CAST ITEM

Note: $65 book #: [ ] was provided to [b(6), b(7)(C)] as payment for [b(6), b(7)(C)] [b(6), b(7)(C)] The remaining 4, $65 books were provided to Stanley [b(6), b(7)(C)] as payment for the crack cocaine and $100 dollar bill.

No. of Books	Serial Numbers From	Serial Numbers To	Series	Book Value	Dollar Value
3	[b(6), b(7)(C)]	[ ]	1992B	$65	$195
2	[ ]	[ ]	1992B	$65	130
		Total:	$ 325		

*Continue on plain bond paper, as needed

OIG-4832-5 (SEPT. 1.

Distribution: One copy to case file
One copy attached to OIG-4832-4

file copy

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

The State, Respondent,

v.

Tyrone Mason, Appellant.

Appeal From Aiken County
William P. Keesley, Circuit Court Judge

Unpublished Opinion No. 2002-UP-774
Heard November 7, 2002 – Filed December 11, 2002

VACATED

Assistant Appellate Defender Eleanor Duffy Cleary, of Columbia; for Appellant.

Attorney General Charles M. Condon; Chief Deputy Attorney General John W. McIntosh; Assistant Deputy Attorney General Charles H. Richardson; Senior Assistant Attorney General Harold M. Coombs, Jr., of Columbia; Barbara R. Morgan, of Aiken; for Respondent.

EXHIBIT

The indictment charging Mason contains the following language:

POSSESSION OF CRACK COCAINE

> That TYRONE RODNEY MASON did in Aiken County on or about February 8, 1999, possess a quantity of Crack Cocaine, a controlled substance under provisions of §44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended, such possession not having been authorized by law.

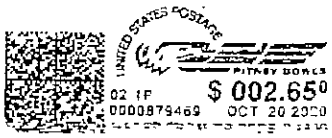
The indictment does not include the element of knowing or intentional possession of crack cocaine. In State v. Beam, 336 S.C. 45, 518 S.E.2d 297 (Ct. App. 1999), this court held that an indictment which failed to charge knowledge of possession was sufficient because it referred to the specific code section which charged the offense within the body of the indictment. "Despite Beam's claim that the mens rea element was omitted from the indictment, . . . the indictment was sufficient, particularly in light of the fact the statutory citations were included, thereby incorporating the knowledge element." Id. at 50-51, 518 S.E.2d at 300.

However the indictment in this case does not refer to section 44-53-370, which states the knowledge element, but instead refers to section 44-53-110 which is the general definitional portion of the statute and contains no reference to the requirement that possession of the substance must be knowing or intentional. Accordingly, viewing the entire indictment with a practical eye, we find it failed to include an essential element of the offense and was insufficient to confer jurisdiction upon the circuit court. Mason's conviction is

VACATED.

CONNOR, ANDERSON, and STILWELL, JJ., concur.

STANLEY GOLDSON - 200479 F-1-B
McCormick Correctional Inst.
386 - Redemption Way
McCormick, SC 29899



THE SUPREME COURT of SOUTH CAROLINA
DANIEL E. SHEARHOUSE, CLERK of COURT
POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA, 29211