

STATE OF SOUTH-CAROLINA County of RichLAND	IN THE Supreme COURT OF SOUTH-CAROLINA
John J. Smith # 246646 Applicant	CASE NO: 2018-CP-400-0919 Appellate CASE No: 2020-001502
V.	Respond to Rule 243 (c) From action being barred IN The Lower courts.
STATE OF SOUTH-CAROLINA	

RECEIVED

DEC 03 2020

History of CASE

S.C. SUPREME COURT

Applicant was charge with 16-3-95(A) of Code ANN: Inflicting or Allowing inflicting of great Bodily injury upon his daughter. Applicant was charge with unlawful conduct Towards a child 20-7-50 on May 5, 2008 that got Dismissed and upgraded to 16-3-95(A) where he plea guilty, Before Honorable Howard P. King on December 18, 2008 and was confined to the department correction for 18 years. Applicant was represented by Kris Hines who was a STATE attorney. Applicant gotten his motion discovery Dated June 20, 2008 prepare by C. Jones. After sentenced applicant Request that his attorney Filed a Appeal That was filed December 23, 2008 and they wrote back to the Applicant give him 30 days to Respond with a arguable Basis. Applicant went in on January 16, 2009 and was dismissed and Remittitur was on February 3, 2009 what Applicant had until February 3, 2010 to filed a Post-conviction Relief Application. Doing this time Applicant family hire ATTORNEY Steven S. McKenzie To Filed a P.C.R. Application and Represent him at the hearing, what was held August 31, 2011. Applicant was unaware that his Application was Filed 54 days late after the statute of limitation and none of the Issue on the Application was Related to what Applicant was argument. The attorney General Requested the Judge to dismissed the application because of Late Filing, and attorney McKenzie tried to tell Judge Barber that applicant filed the Application. By attorney General argument was application was done by computer InK and the S.C.D.C do not have computer that print the Ink, so at this point ATTORNEY McKenzie Request that Applicant withdraw his p.c.r. hearing and he would bring Applicant Back on a Rule 29(B) New-Trial Newly discovery evidence. Applicant agree with his attorney because out of Trust for him and at that hearing he learned about his daughter and Applicant Relizes he made a mistakes By Plea guilty. ATTORNEY McKenzie co-cered him and his family to withdraw the application Not to help Applicant, but to save himself from punishment, Because of his late filing. So when Applicant mother went to visit ATTORNEY McKenzie about the matter he was going to do a motion Rule 29(B) McKenzie Requested more money what the Applicant did not have, so he had No choice But to Filed the Application himself pro-se, Applicant Requested ATTORNEY to Relieve himself as counsel and Requested his motion discovery from

ATTORNEY what he received December 6, 2011, where he made the discovery of S.C.D.SS child and family Assessment, with Physician / Provider Phyllis Poyner Dated April 13, 2009 and daughter's condition. This came out after Applicant was Sentenced and Applicant had no idea this evidence existed until ~~before~~ after he gotten his motion discovery from attorney McKenzie and this evidence did not come with his motion discovery he gotten on June 20, 2008, Because it did not existed at the time, and IF Applicant was aware of this he would nt Plea guilty and went to trial. But, after the discovery Applicant filed a Pro-se motion Rule 29(B) New Trial of After discovery evidence on August 7, 2012 with the Richland County General session COURT. Applicant was giving the Run-around for 2 years before he did a writ of mandamus and filed with this COURT where this COURT gave a order to have this motion heard in the next 30 days. A hearing was held on April 3, 2014. Before the Honorable Judge hood where he denied Applicant motion STATING The evidence Applicant provide with the COURT was not New, and he also Issue an order prohibiting the release of the child's medical Record. So Applicant Appeal The circuit court decision with the Court of Appeals, But late denied To, 2 years later. Then Applicant Appeal the decision with the Federal habeas corpus, But later denied there To. AT This time Applicant learned about a up coming case The was won in the Federal habeas corpus called JAMISON V.S STATE 410 S.C. 456, 765 SE 2d 123 (2014 Newly discovered evidence challenge guilty Plea. And he filed a New Post conviction Relief Application under this Rule because now it's went Retroactive.

FACTS and Conclusion

1. Applicant was never giving a full motion discovery, Because if he had knew of the S.C.D.SS child and family Assessment Plan sheet with his daughter's mother signature on the bottom of the page agreeing to his daughter condition was Good and it do not add-up to what Applicant is charge with it could have been a different out-come. what is a Brady violation.
2. Applicant never had a fair bite of the Apple Because of his P.C.R. ATTORNEY untruthful advice to Applicant and By his late filing of Application what was suppose to be filed No Later then Feb 3, 2010, But filed March 22, 2010 And attorney knew he was in violation's because of late filing, Instead of Taking full ~~Responsibility~~ Responsible, he just threw Applicant under the Bus and Now with this New evidence it hard for Applicant to get a hear on the evidence.

(3) (Jamison v. STATE)

Jamison v. Cohen 211 F3d 754 (2016)

Successful concerning The preponderance of the evidence with Criteria associated with traditional test Rule for New-Trial on After Discovered evidence for Jamison ATTACKED the guilty Plea. A New Rule of Constitution Law made Retroactive to case on collateral Review by the Supreme courts, That was previously unavaible of A Factual predicate that could not been previously discovered through the exercise of due dilligence and facts underling to Claim would be sufficient to establish by clear and convincing evidence that, but For constitution error, no Reason fact Finder would have Found Applicant guilty of underlying offense. The narrow issue presented to this court is whether and ~~the~~ to what extents an otherwise valid guilty Plea ~~may~~ may be vacated in P.C.R. Proceeding on the basis of Newly discovered evidence.

4. COURT Rules are Applicant could not Be in 2 courts at the same time, so when applicant was Filing these Appeals he had to wait on order's from what COURT he was in ~~in~~ In order to move forward.

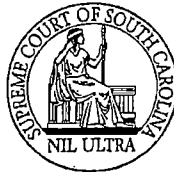
(5) ~~A~~ Affidavits- Filed with P.C.R. Application from mother of the child stating The child condition and a Sworn testament from mother that charge do not add-up to my daughter condition. Dated Jan 18, 2019. This is a New Application Filed with New Issue's of Newly discovery evidence, what could Be Brought up anyTime ~~by~~ before the courts

(5) I did not have the right Represent to prove my case, because I did not have the finance for the proper Represent and I please Request For a New hearing, where I could Bring New evidence to bring my case to the light where Back then I could not have, Because Lack of Source.

(6) There not even a ~~Transcript~~ Transcript on my P.C.R. hearing, and my ATTORNEY'S ~~was~~ Represented me on my motion Rule 29 (B) Request this Information, but was told it was destory, that would have told EVERYTHING

(18)

ape



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

ROSALYN FRIERSON
DIRECTOR

1015 SUMTER STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1800
FAX: (803) 734-0269

MEMORANDUM

TO: Karen E. Ambroziak
FROM: Desiree R. Allen / DR
RE: Status of request
DATE: December 7, 2011

I have enclosed a letter from Mr. John Smith who is requesting a transcript from proceeding heard by Honorable James R. Barber, III. Our records reflect that you were assigned to Judge Barber in Richland CPNJ/PCR during the day of August 31, 2011. Please determine if this proceeding was recorded by you and contact Mr. Smith to make arrangements for payment for preparation and delivery of the transcript. Kindly copy me on the correspondence. Thank you for your attention to this matter.

Mr. Smith you are also asking for a December 18, 2008 transcript in order for this office to help you please provide the following.

- 1) exact date of hearing;
- 2) county of hearing;
- 3) presiding judge;
- 4) exact name of case

Enclosure

cc: Mr. John Smith #246646
MCCI F-4 195-A
386 Redemption Way
McCormick, SC 29899

DISCOVERY CHECKLIST

2

WARRANT (S) ✓

TICKETS (S) _____

CASE SUMMARY _____

INCIDENT REPORT ✓ (6 pages)

SUPPLEMENTAL REPORT _____

INVESTIGATIVE REPORT _____

SEARCH WARRANT ✓ 4 pages

ARREST REPORT _____

BOOKING REPORT _____

INDICTMENTS _____

RAP SHEET ✓ 16 pages

DRIVING RECORD _____

DRUG ANALYSIS _____

CONSENT TO SEARCH _____

ADVICE OF RIGHTS ✓ 1 page KK PE

DEFENDANT'S STATEMENT _____

PHOTO LINE-UP _____

LIST OF PHYSICAL EVIDENCE _____

PHOTOGRAPHS _____

MEDICAL RECORDS ✓ 21 pages

STATEMENTS KK 9 pages

STATEMENTS PE 8 pages

STATEMENTS _____

STATEMENTS _____

STATEMENTS _____

STATEMENTS _____

STATEMENTS _____

STATEMENTS _____

BA SLIP _____

IMPLIED CONSENT _____

OTHER Dr. Olga C. Rosa follow-up report (1 page)

OTHER Dr. Olga C. Rosa Report (1 page)

OTHER _____

OTHER _____

JUN 20 2008
 Patricia Dennis

DEFENDANT John Smith WARRANT # K-333971

ASOL 102 PREPARED BY C Jones DATE 6/20/08

RECEIVING ATTORNEY Mary Lafave

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

246646

COUNTY OF RICHLAND

STATE

VS. John Julius Smith

INDICTMENT/CASE#:

2008-GS-40-04539

A/W#: K333971

Date of Offense: 3/1/2008-5/5/2008

S.C. Code §: 16-03-0095(A)

CDR Code #: 2766

New
May 24
20 yr max
No YOA or PTI

AKA:

Race: B

Sex: M

Age: 29

DOF 979

SS#: 000-00-0000

Address: 45 BLANCHELLE COURT

City, State, Zip: Columbia, SC 29203

DL#

SID#

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Infliction of Great Bodily Injury Upon a Child

in violation of § 16-03-0095(A) of the S.C. Code of Laws, bearing CDR Code # 2766

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS (CSC w/minor 1st or Lewd Act) §17-25-46

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, JS (defendant initial)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Heather Weiss
Solicitor

John Smith
Defendant

Kristina
Attorney for Defendant

72398
SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 18 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: _____
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied in the State Department of Corrections.
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

set by SCDPPPS

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.

Recipient: _____

*Fine:

§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)		\$
§90.11 TP (SCCJA Surcharge)	\$5	\$
TOTAL		\$

Angie McCulloch
Clerk of Court/ Deputy Clerk

Court Reporter: *K Reed*

PRESIDING JUDGE

Judge Code:

Sentence Date:

Howard P King
211017
Dec 18, 2008

INMATE RECORDS OFFICE
2008 FEB - 3 PM 11:49

The Supreme Court of South Carolina

John J. Smith, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-002705



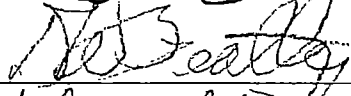
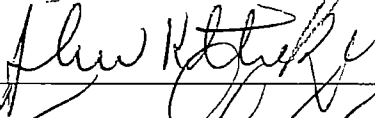
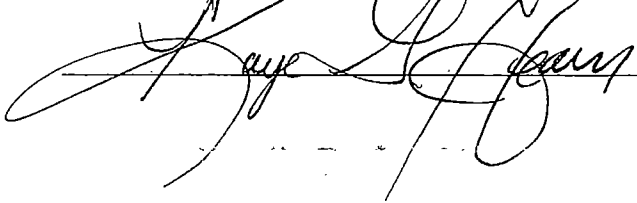
ORDER

Petitioner filed a motion for a new trial based on after discovered evidence with the Richland County Clerk of Court on August 7, 2012. As of the date of this order, petitioner has not received a hearing on the motion.

This Court received a petition for a writ of mandamus from petitioner on May 15, 2013, where petitioner argued his motion was not filed and had not been scheduled on the nonjury docket. After receiving a return from the Richland County Clerk of Court stating the motion had been filed and a letter from the Fifth Circuit Deputy Solicitor advising petitioner that the Solicitor's Office would endeavor to have the matter heard within the next ninety days, this Court issued an order on August 22, 2013 dismissing petitioner's writ of mandamus pursuant to *Key v. Currie*, 305 S.C. 115, 406 S.E.2d 356 (1991).

This matter is currently before the Court by letter from petitioner to the Clerk of Court dated December 13, 2013, where petitioner seeks to learn the status of his motion. The Richland County Clerk of Court provided a return explaining that petitioner has been appointed counsel, and the Solicitor's office and petitioner's counsel were scheduled to meet recently but were preempted by inclement weather. The return explained that the meeting would be rescheduled in the near future.

IT IS ORDERED that petitioner's motion for a new trial be heard within thirty days of the date of this order.


C.J.

J.

J.

J.

J.

Columbia, South Carolina

March 10, 2014

cc:

The Honorable Jeanette W. McBride

Elizabeth A. McLean, Esquire

Tynika Adams Claxton, Esquire

John Julius Smith, #246646

Daniel R. Goldberg, Esquire

**RICHLAND COUNTY PUBLIC DEFENDER
RICHLAND COUNTY JUDICIAL CENTER**

1701 MAIN STREET
POST OFFICE BOX 192
COLUMBIA, SC 29201

PHONE (803) 765-2592
FAX (803) 748-5018
TDD # (803) 748-4999

December 30, 2008

John Julius Smith, Inmate #: 246646
Kirkland Reception and Evaluation Center
4344 Broad River Road
Columbia, SC 29210

RE: State v. John Julius Smith
Court of Appeals Case Tracking Number: 2008111067

Dear Mr. Smith:

Enclosed please find a copy of a letter from the Court of Appeals dated December 23, 2008 and received in my office on December 29, 2008. I am forwarding this correspondence to you at the direction of the Court. I am also enclosing a copy of the Notice of Appeal, Statement of Basis for Appeal from a Guilty Plea, and Proof of Service. These documents are referred to as the "letter of December 22, 2008" in the Court of Appeals letter that I am providing to you.

I have been instructed to inform you that you have twenty (20) days from the date of my letter to you in which to provide the Court **in writing** of any arguable basis that there are issues preserved for appeal from your guilty plea. You must submit your issues preserved for appeal to the following address:

**South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211**

Because I am unsure of what has been made available to you at Kirkland, I have enclosed an envelope and paper to ensure you have the necessary materials to comply with the Court's request. The appellate courts are very strict in regard to filing matters in a timely fashion. Therefore, you should be careful to observe and comply with the time limits set forth by the Court.

Sincerely,



Kris Hines
Assistant Public Defender

Enclosures

Cc: South Carolina Court of Appeals
Chief Appellate Defender Joseph L. Savitz, III

The South Carolina Court of Appeals

The State, Respondent,

v.

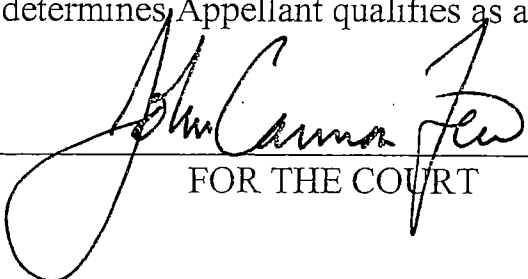
John Julius Smith, Appellant.

Appellate Case No. 2014-001366

ORDER

Appellant has appealed from the trial court's order denying Appellant's motion for a new trial based on after-discovered evidence. Appellant's counsel has filed a motion to be relieved as counsel, noting she was appointed below, and she does not typically handle appellate cases. We grant counsel's motion.

We acknowledge that our supreme court has held that a criminal defendant is not entitled to counsel in a post-trial motion for a new trial based upon after-discovered evidence. *State v. Clinkscales*, 318 S.C. 513, 458 S.E.2d 548 (1995). However, we note that the courts have the inherent power to appoint lawyers to serve where it appears reasonably necessary for the court to do justice. *See Ex Parte Brown*, 393 S.C. 214, 223, 711 S.E.2d 899, 904 (2011) (holding that courts have inherent power to appoint lawyers to serve subject to the lawyer's entitlement to just compensation when necessary to render justice). Because the issue raised to the circuit court relates to the child's medical records and our record reflects the trial court issued an order prohibiting the release of the child's medical records to Appellant, Appellant is unable to effectively proceed pro se and the appointment of counsel is necessary to render justice. Accordingly, due to the unique circumstances of this case, the South Carolina Office of Appellate Defense shall proceed as counsel on appeal if it determines Appellant qualifies as an indigent.


FOR THE COURT

Columbia, South Carolina

FILED
2/28/14

K333912

Name KEIRA V KING

Address (1) 45 BLANCHELLE CT

Address (2) _____

City/State/Zip COLUMBIA, SC 29203

F B 5 06 180

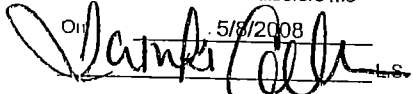
Sex Race Hgt Wgt

Description of Offense: UNLAWFUL CONDUCT TOWARDS A CHILD 20-7-50

SIDE, THE MOUTH. THE VICTIM ALSO HAD SEVERAL FRACTURES TO BOTH LEGS IN VARIOUS STAGES OF HEALING. THE VICTIM ALSO SUFFERED A SKULL FRACTURE WHICH WAS UNTREATED FOR ONE WEEK. THE DEF HAS PROVIDED A SWORN WRITTEN CONFESSION TO AVOIDING MEDICAL ATTENTION FOR THE CHILD FOR FEAR OF CRIMINAL PROSECUTION.

Sworn to and subscribed before me

On 5/8/2008



Signature of Issuing Judge

Judge Code: 403003

CITY OF COLUMBIA

MUNICIPAL COURT

PO BOX 644

COLUMBIA, SC 29202



Signature of Affiant: _____

Affiant's Address #1 JUSTICE SQUARE

COLUMBIA SC 29201

Affiant's Telephone 545-3500

Rule 29(B) motion on New Trial based on After Discovered Evidence

A motion for a New trials based on After-discovered evidence must be made within one (1) year after the date of actual discovery of evidence by the defendant or After the date when the evidence could have been ascertained by the exercise of Reasonable diligence. A motion for a new trial based on After discovered evidence may not be made while the case is on Appeal unless the Appellate court, upon motion. Leave of the Appellate courts is not required if no Appeal has been taken or if the Appeal has been finally decided in the Appellate Courts.

16-3-95(A) Infliction or allowing infliction of great Bodily injury upon a child.

(c) define → For purposes of this Section, great bodily injury means bodily injury which creates a substantial risk of death or which causes serious or permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

To prevail on a motion for a new trial based on After discovered evidence, a defendant must show (1) the evidence is such as will probably change the result if a new trial is granted; (2) the evidence has been discovered since the trial; (3) the evidence could not have been discovered prior to trial by exercise of due diligence; (4) the evidence is material; and (5) the evidence is not merely cumulative or impeaching.

The South Carolina Court of Appeals

The State,

Respondent,

v.

John Julius Smith,

Appellant.

The Honorable Howard P. King
Richland County
Trial Court Case No. 2008-GS-40-04539

REMITTITUR

2009 FEB -4 AM 9:19
C.P. & G.S.
M. McBRIDE
RICHLAND COUNTY
FILED

No Petition for Reinstatement having been filed in the above matter since issuance of this Court's Order dated January 16, 2009,

IT IS SO ORDERED that the above appeal be and hereby is remitted to the Clerk of Court for Richland County.

KAYE G. HEARN, CHIEF JUDGE

BY JF Barber
Clerk

Columbia, South Carolina

February 3, 2009

Original to: The Honorable Jeanette W. McBride

cc: Chief Appellate Defender Joseph L. Savitz, III
John Julius Smith, #246646
Kris Hines, Esquire
Assistant Deputy Attorney General Salley W. Elliott

DC

Al Simon

From: Ambroziak, Karen <kambroziak@sccourts.org>
Sent: Monday, March 20, 2017 10:56 AM
To: Al Simon
Subject: John Julius Smith

?Mr. Simon,

I am in receipt of your letter requesting a copy of John Julius Smith vs. State of South Carolina from August 31, 2011. Records are kept for a period of five years. These records were destroyed after the expiration of that time period and are no longer available.

Thank you.

Karen Ambroziak, RPR

Court Reporter for the Honorable Robert E. Hood ~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

(2)



The South Carolina Court of Appeals

JEANETTE F. BARBER
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 16, 2009

John Julius Smith, #246646
Kirkland Correctional Institution
4344 Broad River Road
Columbia, SC 29210

Re: The State v. Smith, John Julius

Dear Mr. Smith:

Enclosed is a copy of an Order of the Court in the above case. Be advised the Remittitur will be sent to the Clerk of Court for Richland County in accordance with the South Carolina Appellate Court Rules.

Very truly yours,

A handwritten signature in cursive script, appearing to read "JF Barber", is written over the typed name of the clerk.

CLERK

JFB/ab

cc: Chief Appellate Defender Joseph L. Savitz, III
Kris Hines, Esquire
Assistant Deputy Attorney General Salley W. Elliott
The Honorable Amy McCulloch

(12)

Page 1

BADY CARE

SCDSS Child and Family Assessment and Service Plan
Foster Care Family Centered Comprehensive Assessment and Case Plan

C. Child/Youth Assessment: [REDACTED] IS A BRIGHT HAPPY ACTIVE 14 MONTH OLD AFRICAN AMERICAN CHILD. SHE IS WALKING, PLAYING WITH TOYS, LOOKING AT T.V. AND EATING SOLID FOOD FROM THE TABLE WITH NO ASSISTANCE. [REDACTED] SPEAKS IN ONE AND TWO WORD SENTENCES. AT THIS PRESENT TIME THERE SEEMS [REDACTED] IS THRIVING ON TARGET FOR HER AGE. THERE ARE NO MEDICAL ISSUES PRESENT BUT DUE TO THE SERIOUS OF HER INJURIES SHE IS CLOSELY MONITORED BY HER DOCTOR.

Name of Child/ [REDACTED]
Information Compiled from Family and Other Sources. Discuss functioning in these areas and whether or not child or caregiver (birth family, foster parent or alternative caregiver) are successfully managing the identified issues.

SUBSTANCE USE: NO ISSUES

CRIMINAL BEHAVIOR: NO ISSUES

JUVENILE JUSTICE: NO ISSUES

MENTAL HEALTH/DEVELOPMENTAL ISSUES/PEER RELATIONSHIPS:
NO ISSUES

CHILD/YOUTH VULNERABILITY AND SELF PROTECTION: [REDACTED] IS 8 MONTHS OLD. SHE IS UNABLE TO PROTECT HERSELF.

EDUCATIONAL ISSUES COMPILED FROM FAMILY AND OTHER SOURCES: N/A

SCHOOL DISTRICT ENROLLED WHEN CHILD ENTERED CARE: N/A
NAME OF SCHOOL ATTENDED WHEN CHILD ENTERED CARE: N/A
CURRENT SCHOOL DISTRICT: N/A
NAME OF SCHOOL: N/A
CURRENT GRADE: N/A
HIGH SCHOOL PLAN (Diploma, Certificate, GED, Occupational Diploma, College): N/A
DISABILITY CATEGORY UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT:

MEDICAL ISSUES

**SCDSS Child and Family Assessment and Service Plan
Foster Care Family Centered Comprehensive Assessment and Case Plan**

Diagnosed Medical Condition: N/A
Physician/Provider: PHYLLIS POYNER, CHILDREN AND FAMILY HEALTH CENTER
Medication/Treatment/Follow up: N/A
Date and results of last physical exam: 04/13/09: GOOD
Date of last dental exam/ Results: 04/13/09: GOOD
Date of last vision exam/Results: 04/13/09: GOOD
Date of Hearing Screening/Results: 04/13/09: GOOD
For Children Under Five Assess the Following:
Is the child current with his/her immunizations? yes
Are Developmental milestones on target? yes
If no, please explain;
Date of referral to Baby Net, (Mandatory for children under age 3 involved in indicated report): 3/20/09
Results of referral (include any recommendations):
IF AN ISSUE IS IDENTIFIED AND YOU DO NOT RECOMMEND INTERVENTION PLEASE EXPLAIN:

Name of Child/Youth: [REDACTED]

Child/Youth Assessment

IF CHILD IS IN OUT OF HOME CARE, BASED ON FAMILY CONDITIONS OR IDENTIFIED SUPPORTS, IS THERE A WAY AN IN HOME SAFETY PLAN CAN BE PUT IN PLACE TO CONTROL THE SAFETY THREATS IDENTIFIED AND RETURN THE CHILDREN HOME? NO

SUBSTANCE USE - SERVICE/ACTION NECESSARY TO ACHIEVE BEHAVIORAL CHANGE: N/A
 PERSON RESPONSIBLE/TIME FRAME:
 PLANNED DATE OF REVIEW OF SERVICE(S) WITH FAMILY:
 DATE OF PROGRESS REVIEW:
 RESULTS OF PROGRESS REVIEW:
 IF CURRENT SERVICES ARE NOT EFFECTIVE - MODIFY PLAN (EXPLAIN):

CRIMINAL BEHAVIOR - SERVICE/ACTION NECESSARY TO ACHIEVE BEHAVIORAL CHANGE: N/A
 PERSON RESPONSIBLE/TIME FRAME:
 PLANNED DATE OF REVIEW OF SERVICE(S) WITH FAMILY:
 DATE OF PROGRESS REVIEW:
 RESULTS OF PROGRESS REVIEW:
 IF CURRENT SERVICES ARE NOT EFFECTIVE - MODIFY PLAN (EXPLAIN):

JUVENILE JUSTICE - N/A
 PERSON RESPONSIBLE/TIME FRAME:
 PLANNED DATE OF REVIEW OF SERVICE(S) WITH FAMILY:
 DATE OF PROGRESS REVIEW:
 RESULTS OF PROGRESS REVIEW:

Parent's/Caregiver's Initials *YK*
 DSS Form 30231: CFASP - Foster Care
 05/01/2008

January 18, 2019

Dear Judge,

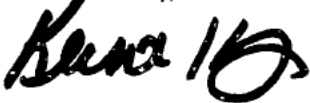
Mr. John J. Smith has been incarcerated for 10 years for the injuries done to our daughter, [REDACTED]. Back in 2008, [REDACTED] suffered from burns on her arm, and a possible hair line fracture. We are in 2019. [REDACTED] is doing great in school, Making A/B Average every quarter/semester. Each teacher she has had, have informed me that she is a great student, and very smart. Teachers also have said she can pick up math concepts quickly, quicker than other students in her class. She has report cards to prove it. With this being said, [REDACTED] has grown up to be a great person with no mental disabilities or retardation due to the injuries that were evident in 2008.

I finally found the courage to speak to John Smith after 10 years, January 2019, due to the severity of the situation. I have also grown and learned to forgive. Things do not happen for no reason, they happen to teach you something. John has expressed great remorse for his actions, he showed genuine regret not merely for the criminal liabilities but for the wrong to which he contributed. John has confided in me that he had a sincere understanding that his actions were immoral and wrong. In our many conversations about his troubles, he has never once tried to defend, minimize, or explain away his activities. Nor did he ever try to shift moral blame on others. John knew he was above such behavior and was, and remains ashamed that he had fallen so far below his own standards for himself.

John is a man that cares deeply for his children and family. I truly believe his wrongful actions represent an aberration that he will never repeat. I cannot debate with you the legitimacy of the charges given to him, but John Smith knows the consequences for his actions and has dealt with the consequences for quite some time. John Smith knows the ways he can better himself to be the best individual/parent he can be. He learned from his bad decisions, which made him move to finally become a Level 1.

Please take this letter into consideration for an early release for John Smith. His children really need him active in their lives. If you are in need of more information, please do not hesitate to contact me at (803) [REDACTED]

Sincerely,



Keira King

COFFEY, CHANDLER, KENT & MCKENZIE, P.A.

Attorneys At Law

Post Office Box 1292
South Carolina 29102-1292
Telephone (803) 435-8847

Page 5

WILLIAM C. COFFEY, JR.
RAY E. CHANDLER
SHAUN C. KENT
STEVEN S. MCKENZIE
JOSEPH K. COFFEY
TARA A. LEAPHART

FACSIMILE
(803) 435-8915

E-MAIL
lawfirm@coffeychandlerkent.com

March 22, 2010

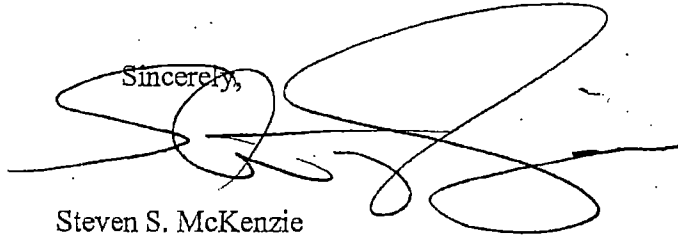
Richland County Clerk of Court
P.O. Box 192
Columbia, South Carolina 29202

Re: John Julius Smith vs. State of South Carolina (Post Conviction Relief)

Dear Madam Clerk:

Please find enclosed the original for filing in your office the PCR application of John Julius Smith.

Sincerely,



Steven S. McKenzie

enclosures

P.S. Please note my
representation for the file

GA

COFFEY, CHANDLER, KENT & MCKENZIE, P.A.

Attorneys At Law

WILLIAM C. COFFEY, JR.
RAY E. CHANDLER
SHAUN C. KENT
STEVEN S. MCKENZIE

Est. 1970

JOSEPH K. COFFEY
TARA A. LEAPHART
SCOTT L. ROBINSON
BLAIR C. JENNINGS
LAUREN L. FELDER

December 6, 2011

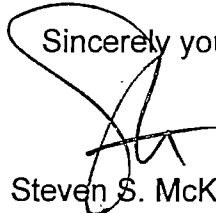
John Smith
246646
MCCI F-4 195-A
386 Redemption Way
McCormick, SC 29899

Re: PCR Case No: 10-CP-402105
John Smith vs. South Carolina

Dear Mr. Smith:

Pursuant to your request enclosed herewith please find a copy of your Discovery.

Sincerely yours,



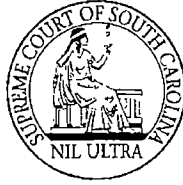
Steven S. McKenzie

SSM:gpb
enc.

Manning Office
2 North Brooks Street
Post Office Box 1292
Manning, South Carolina 29102-1292
Telephone (803) 435-8847
Facsimile (803) 435-8915

Charleston Office
4969 Centre Pointe Drive Suite 102
North Charleston, SC 29418
Post Office Box 40459
North Charleston, SC 29423-0459
Telephone (843) 745-4542
Facsimile (843) 745-4545

Email: lawfirm@cckmlaw.com



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
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1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

November 23, 2020

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S.C. SUPREME COURT

John J. Smith, 246646
Livesay Pre-Release
PO Box 580
Una SC 29378

Re: John J. Smith v. State
Appellate Case No. 2020-001502

Dear Petitioner:

This Court has received the notice of appeal in the above post-conviction relief action. Since the order of the circuit court determined that this action is barred as being successive and/or as being untimely under the statute of limitations, Rule 243(c) of the South Carolina Appellate Court Rules requires you to provide a written explanation as to why this determination was improper. This explanation must contain sufficient facts, argument and citation to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper. The failure to make a sufficient showing may result in the dismissal of this matter.

Please provide the explanation required by Rule 243(c) within twenty (20) days of the date of this letter.

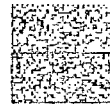
John J. Smith #246646

Livesay Corr Inst. 3-20-B

P.O. Box 580

UNA, S.C 29378

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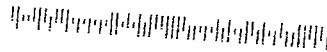
The Supreme COURT of SOUTH-CAROLINA

Daniel E. Shearouse (clerk of COURT)

POST OFFICE Box 11330

COLUMBIA, SOUTH-CAROLINA

29211



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MAIL ROOM

"THE DEPARTMENT OF CORRECTIONS HAS NOT
CENSORED NOR INSPECTED THIS ITEM.
THEREFORE, THE DEPARTMENT DOES NOT
ASSUME RESPONSIBILITY FOR ITS WRITTEN
CONTENTS."

WARDEN, LIVESAY CORRECTIONAL INSTITUTION
SC DEPARTMENT OF CORRECTIONS