

SOUTH CAROLINA COURT OF APPEAL

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January 19, 2021

SC Court of Appeals

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S.C. SUPREME COURT

CASE NO: 2012-CP-115-0363

RE: COMPLAINT AGAINST

P.C.R. COUNSEL

DEAR MR.

Good Morning. I'm filing this Complaint with your office as an Amendment to my Appeal Motion Against my P.C.R. Counsel of record Attorney Timothy L. Griffith for Ineffective Assistant of Counsel. For deliberately sabotaging the hearing held on December 30, 2019. And for failing to inform me in writing about the Assistant Attorney General Motion to RECONSIDER, ALTER OR AMEND her Application. Nor did Attorney Griffith make an attempt to set up a phone conference call to tell me that I had a schedule court date on December 30, 2019. However, I was completely in the dark and ambushed by my counsel of record, when he told me that I was here for the Assistant Attorney General Motion to ALTER OR AMEND her Application. Attorney Griffith failed to protect my one bite at the apple and my rights to a fair hearing on December 30, 2019.

Attorney Griffith violated my right to have a fair hearing by NOT having any of my case file history during that December 30, 2019 hearing to present a defense in my behalf. [SEE EXHIBIT (1)]

Attorney Griffith NEVER ENTERED ONE CASE LAW IN my defence during that hearing. IN VIOLATION OF RULE 1.1. COMPETENCE. Attorney Griffith waited until I walked into the court room and was seated before he informed me of the Assistant Attorney General's Motion to Alter or Amend. The Assistant Attorney General entered alleged evidence on the record for about Thirty Five (35) minutes. While Attorney Griffith said NO MORE than twelve (12) words to the court in my defense. INEFFECTIVE ASSISTANT OF P.C.R. COUNSEL. Attorney Griffith deliberately and intentionally sabotaged my defense during December 30, 2019 hearing. IN VIOLATION OF RULE 1.3. DILIGENCE [1] [2] and RULE 407 [1] [2] [4] and [6]

HOWEVER, THE COURT NEVER EVEN CONSIDERED THE LAW IN protecting my rights to the fact that my counsel of record NEVER PRESENTED a defense for me during that hearing. knowing that Mr. Griffith said nothing to the court in my defense that would remind the court that my six (6) Amendment right to counsel was violated during that trial, that I was forced to represent myself in on October 17, 2011. More importantly, The court granted me

Relief ON ONE(1) of my SIX(6) ISSUES
ON April 3, 2019. As it relates to NOT BEING
adequately advised of the dangers of proceed-
ing PRO-SE prior to my trial. However, if
Attorney Griffith had obtained my case file
history, he would have been able to put my
PROPOSE ORDER together for the court to
sign. But instead, allowed the Assistant
Attorney General to prepare that order with
LIES and fabrication. [see exhibit (2)]. Attorney
Griffith made NO attempt to prepare, or enter
a MEMORANDUM in my defense prior, or during
that December 30, 2019 hearing. The court then
DENIED me the ONE issue ON September 30,
2020. That he granted me ON April 3, 2019.
And I believe that it was do to Attorney
Griffith INEFFECTIVENESS and his deliberate
failure to present a real defense for me
during that December 30, 2019 hearing. THEN
Attorney Griffith prematurely put in my Appeal
motion to sabotage my case and my Appeal
which was then DENIED. Attorney Griffith EVEN
allowed the Assistant Attorney General to
put my PROPOSE ORDER together illegally,
because he did not have any of my case
file history paper work to prepare it himself,
which is a clear violation

HE THEN ALLOWED THE ASSISTANT ATTORNEY GENERAL TO PREPARE THE ORDER WITH LIES AND MANY FABRICATION FOR THE COURT'S SIGNATURE. IT'S NOW CLEAR TO ME, THAT ATTORNEY GRIFFITH HAS CONSPIRED AGAINST ME TO SABOTAGE MY CASE FROM THE VERY BEGINNING OF HIS REPRESENTATION OF MY CASE. THAT'S WHY HE HAS ALWAYS IGNORED ALL OF MY LETTERS TO HIM FOR INFORMATION. IN ADDITION TO THAT, ATTORNEY GRIFFITH HAS BEEN EXTREMELY DISRESPECTFUL AND UNPROFESSIONAL TOWARD MY SISTER LIZZ MCCOBB. BY HANGING UP HIS PHONE ON HER EVERY TIME THAT SHE WOULD CALL HIS OFFICE TO OBTAIN INFORMATION FOR ME CONCERNING MY CASE. ATTORNEY GRIFFITH ACTIONS TOWARDS MY CASE WERE INTENTIONALLY, KNOWINGLY AND NEGLIGENTLY, TO DEPRIVE ME OF A FAIR HEARING ON DECEMBER 30, 2019. ON DECEMBER 18, 2018 I RECEIVED A LETTER FROM MY PRIOR COUNSEL OF ATTORNEY LANCE BOZZER, WHO REPRESENTED ME ON JUNE 1, 2018 P.C.R. CASE. WHO STATED IN HIS LETTER, THAT HE HAS CHANGED JOBS AND WILL NOT BE DEFENDING MY CASE ANY LONGER. AND THAT MY NEW COUNSEL OF RECORD WILL BE APPOINTED. AND BECAUSE OF HIS CHANGE OF EMPLOYMENT AND OF THE NEW ASSISTANT ATTORNEY GENERAL APPOINTED TO MY CASE, THAT MY NEW COUNSEL OF RECORD WILL BE SENDING ME COPIES OF BOTH P.C.R. HEARING AND SANCTION HEARING TRANSCRIPTS.

IN which Attorney Griffith has completely ignored all of my letters requesting copies of my transcripts from the beginning of his representation, until the end. [SEE exhibit (3)]

I have also written Attorney Griffith several letters requesting him to file an Appeal in that sanction hearing that went in solicitor Kimberly Beer favor in November of 2019. But he completely ignored all of those letters as well. It's clear that my constitutional rights were violated because of counsel's deliberate neglect to prepare a defence for me to the best of his ability during that December 30, 2019 hearing, to Alter or Amend the states Application.

(1) Attorney Griffith performance fell well below an objective standard of reasonableness and
(2) The Applicant sustained prejudice as a result of counsel's deficient performance that prejudice my case. And there is a reasonable probability that but for counsel unprofessional error, the result of the proceeding would have been different. U.S. Const. Amend. 6.

It's clear that Attorney Timothy Griffith has violated the rules of professional conduct, that required an Attorney to abide by his clients decisions concerning objective of representation and act with diligence and promptness in representing a client promptly and inform client of any decision with respect to which client informed

CONSENT is required, reasonably consult with client about means by which clients objectives are to be accomplished, and to keep client reasonable informed about status of matter, to NOT REPRESENT client if representation involves CONCURRENT conflict of interest. However, it's clear that Attorney Griffith, did nothing to protect my rights on December 30, 2019 hearing to Alter or Amend the states Application. And his performance fell well below an objective standard of REASONABLENESS and COMPETENCE.

1. Attorney Griffith NEVER presented A MEMORANDUM in my defence prior to, or during December 30, 2019 hearing to Alter or Amend the Assistant Attorney General's Application.
2. Attorney Griffith, NEVER contacted me prior to the Assistant Attorney General motion to RECONSIDER, Alter or Amend her Application for that court hearing held on December 30, 2019.

3. Attorney Griffith has NEVER had any of my case file history paper work, from the very beginning of his representation. Nor did he have any of my case file history paper work in front of him during that December 30, 2014 hearing.

4. Attorney Griffith has NEVER investigated, consulted, or communicated any information to me concerning my case. And has repeatedly ignored all of my letters to him requesting information.

5. Attorney Griffith has refused to send me copies of my P.C.R. and sanction hearing transcripts. From JUNE 21, 2018. And JUNE 26, 2018. After I wrote several letters to him requesting that he do so.

6. Attorney Griffith representation of my case has been unprofessional, disrespectful, rude and overbearing. Who has NEVER provided me with competent representation. And has NEVER acted with reasonable, diligence and promptness in keeping me informed about the status of my case, EVER.

And I'm requesting that sanctions and penalties be applied after your office has investigated my claims.

I also have copies of letters to send as proof concerning my claim against Attorney Griffith ineffectiveness towards my case.

Please respond at your earliest convenience
Thank you

Mr. Levern McCrea

Mr. LEVERN McCREA
348291 Q4B-220
Perry Corr. Inst.
430 Oaklawn Road
Pulzer, S.C 29169
January 19, 2021

cc. Timothy L. Griffith
2338 Mount Vernon Dr.
Sumter, S.C 29154

MCCREH
P.O. BOX 8644
New Haven, CT 06531



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