

**PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

United States District Court		District: 4 th CIRCUIT
Name (under which you were convicted): KARRIEM PROVET		Docket or Case No.: 2005-GS-23-3478, 2002-GS-23-4288
Place of Confinement : South Woods State Prison 215 South Burlington Road Bridgeton, New Jersey 08302		Prisoner No.: N.J. #OS01861691 / 1150978 S.C. #00323386
Petitioner (include the name under which you were convicted) KARRIEM PROVET		Respondent (authorized person having custody of petitioner) v. JOHN POWELL
The Attorney general of the State of: South Carolina		

PETITION

RECEIVED

JUN 01 2021

SC Court of Appeals

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

**GREENVILLE COUNTY COURT of COMMON PLEAS
305 EAST NORTH STREET
GREENVILLE, SOUTH CAROLINA 29601**

(b) Criminal docket or case number (if you know): **2005-GS-23-3478, and 2002-GS-23-4288**

2. (a) Date of the judgment of conviction (if you know): **August 8, 2007**

(b) Date of sentencing: **August 8, 2007**

3. Length of sentence: **25 years**

4. In this case, were you convicted on more than one count or of more than one crime? Yes No

5. Identify all crimes of which you were convicted and sentenced in this case:

DRUGS

TRAFFICKING IN COCAINE

RESISTING ARREST

6. (a) What was your plea? (Check one)

- (1) Not Guilty (3) Nolo contendere (no contest) :
 (2) Guilty (4) Insanity plea

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury Judge only

7. Did you testify at a pretrial hearing, trial, or post-trial hearing?

Yes No

8. Did you appeal from the judgment of conviction?

Yes No

9. If you did appeal, answer the following:

(a) Name of court: **COURT of APPEALS of SOUTH CAROLINA**

(b) Docket or case number (if you know):

(c) Result: **AFFIRMED THE TRIAL COURT DECISION**

(d) Date of result (if you know): **JANUARY 31, 2011**

(e) Citation to the case (if you know): **STATE v. PROVET, 391 S.C. 494, 706 S.E. 2d 513 (CT. App. 2011)**

(f) Grounds raised: **INEFFECTIVE ASSISTANCE OF COUNSEL**

1. **FAILED TO CHALLENGE AND OBJECT TO INITIAL TRAFFIC STOP**

2. **FAILED TO CHALLENGE AND OBJECT TO REASONABLE SUSPICION**

3. **FAILED TO CHALLENGE AND OBJECT TO OFFICER TESTIMONY**

ABOUT AIR FRESHENER

4. **FAILED TO CHALLENGE AND OBJECT THAT THE OFFICER LACKED**

PROBABLE CAUSE FOR THE SECOND DETENTION

5. **FAILED TO CHALLENGE AND OBJECT TO A "COPY OF A COPY" OF THE**

VEHICLE TRANSPORT VIDEO BEING PUT INTO EVIDENCE

6. **FAILED TO VIEW VEHICLE TRANSPORT VIDEO WITH THE APPLICANT**

7. **FAILED TO SUBPOENA RADIO TRANSMISSION TAPES AND CALL LOGS**

8. **FAILED TO CHALLENGE AND OBJECT TO THE RESISTING ARREST CHARGE**

9. **FAILED TO CHALLENGE THE K-9 CERTIFICATION**

10. **FAILED TO PROPERLY PREPARE FOR TRIAL**

11. **FAILED TO CHALLENGE AND INVESTIGATE WHY THE CASE WAS**

DISMISSED WITH LEAVE TO RESTORE

12. **FAILED TO CHALLENGE THE CHAIN OF CUSTODY**

13. **FAILED TO CHALLENGE AND OBJECT TO THE LENGTH OF TIME THE**

EVIDENCE WAS IN THE OFFICER'S CONTROL

14. **FAILED TO SUBPOENA THE EVIDENCE CUSTODIAN**

15. **PROCEDURAL DUE PROCESS**

16. **PROSECUTORIAL MISCONDUCT**

(g) Did you seek further review by a higher state court? Yes No

If yes, answer the following:

(1) Name of court: **SOUTH CAROLINA SUPREME COURT**

(2) Docket or case number (if you know):

(3) Result: **REMITTIUR WAS ISSUED AFFIRMING THE APPEALS COURT RULING**

- (4) Date of result (if you know): **AUGUST 30, 2013**
- (5) Citation to the case (if you know): **STATE v. PROVET, 405 S.C. 101, 747 S.E. 453 (2013)**
- (6) Grounds raised:
1. **FAILED TO CHALLENGE AND OBJECT TO INITIAL TRAFFIC STOP**
 2. **FAILED TO CHALLENGE AND OBJECT TO REASONABLE SUSPICION**
 3. **FAILED TO CHALLENGE AND OBJECT TO OFFICER TESTIMONY ABOUT AIR FRESHENER**
 4. **FAILED TO CHALLENGE AND OBJECT THAT THE OFFICER LACKED PROBABLE CAUSE FOR THE SECOND DETENTION**
 5. **FAILED TO CHALLENGE AND OBJECT TO A "COPY OF A COPY" OF THE VEHICLE TRANSPORT VIDEO BEING PUT INTO EVIDENCE**
 6. **FAILED TO VIEW VEHICLE TRANSPORT VIDEO WITH THE APPLICANT**
 7. **FAILED TO SUBPOENA RADIO TRANSMISSION TAPES AND CALL LOGS**
 8. **FAILED TO CHALLENGE AND OBJECT TO THE RESISTING ARREST CHARGE**
 9. **FAILED TO CHALLENGE THE K-9 CERTIFICATION**
 10. **FAILED TO PROPERLY PREPARE FOR TRIAL**
 11. **FAILED TO CHALLENGE AND INVESTIGATE WHY THE CASE WAS DISMISSED WITH LEAVE TO RESTORE**
 12. **FAILED TO CHALLENGE THE CHAIN OF CUSTODY**
 13. **FAILED TO CHALLENGE AND OBJECT TO THE LENGTH OF TIME THE EVIDENCE WAS IN THE OFFICER'S CONTROL**
 14. **FAILED TO SUBPOENA THE EVIDENCE CUSTODIAN**
 15. **PROCEDURAL DUE PROCESS**
 16. **PROSECUTORIAL MISCONDUCT**

(h) Did you file a petition for certiorari in the United States Supreme Court? Yes No

If yes, answer the following:

- (1) Docket or case number (if you know):
- (2) Result:
- (3) Date of result (if you know):
- (4) Citation to the case (if you know):

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? Yes No

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of court: **GREENVILLE COUNTY COURT of COMMON PLEAS**
- (2) Docket or case number (if you know): **2014-CP-23-04666**
- (3) Date of filing (if you know): **JULY 24, 2014**
- (4) Nature of the proceeding: **POST CONVICTION RELIEF**
- (5) Grounds raised: **INEFFECTIVE ASSISTANCE OF COUNSEL**
1. **FAILED TO CHALLENGE AND OBJECT TO INITIAL TRAFFIC STOP**
 2. **FAILED TO CHALLENGE AND OBJECT TO REASONABLE SUSPICION**
 3. **FAILED TO CHALLENGE AND OBJECT TO OFFICER TESTIMONY ABOUT AIR FRESHENER**
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 13. FAILED TO CHALLENGE AND OBJECT TO THE LENGTH OF TIME THE EVIDENCE WAS IN THE OFFICER'S CONTROL
 14. FAILED TO SUBPOENA THE EVIDENCE CUSTODIAN
 15. PROCEDURAL DUE PROCESS
 16. PROSECUTORIAL MISCONDUCT
- (6) Did you receive a hearing where evidence was given on your petition, application, or motion?
 Yes No
- (7) Result: **The PCR COURT DISMISSED PETITIONER'S PCR**
- (8) Date of result (if you know): **February 13, 2018**

(b) If you filed any second petition, application, or motion, give the same information:

- (1) Name of court: **GREENVILLE COUNTY COURT OF COMMON PLEAS**
 - (2) Docket or case number (if you know): **2014-CP-23-04666**
 - (3) Date of filing (if you know): **JULY 24, 2014**
 - (4) Nature of the proceeding: **POST CONVICTION RELIEF**
 - (5) Grounds raised:
 1. FAILED TO CHALLENGE AND OBJECT TO INITIAL TRAFFIC STOP
 2. FAILED TO CHALLENGE AND OBJECT TO REASONABLE SUSPICION
 3. FAILED TO CHALLENGE AND OBJECT TO OFFICER TESTIMONY ABOUT AIR FRESHENER
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 14. FAILED TO SUBPOENA THE EVIDENCE CUSTODIAN
 15. PROCEDURAL DUE PROCESS
 16. PROSECUTORIAL MISCONDUCT
- (6) Did you receive a hearing where evidence was given on your petition, application, or motion?
 Yes No
- (7) Result: **ORDER OF DISMISSAL**

(8) Date of result (if you know): **FEBRUARY 13, 2018**

(c) If you filed a third petition, application, or motion, give the same information: **N/A**

- (1) Name of court:
- (2) Docket or case number (if you know):
- (3) Date of filing (if you know):
- (4) Nature of the proceeding:
- (5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes No

(7) Result:

(8) Date of result (if you know):

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

- (1) First petition: Yes No
- (2) Second petition: Yes No
- (3) Third petition: Yes No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

N/A

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treatise of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: PETITIONER WAS CONVICTED ON BASIS OF EVIDENCE THAT RESULTED FROM UNCONSTITUTIONAL DETENTION WITHOUT PROBABLE CAUSE, AND OFFICER INTERROGATED PETITIONER WITHOUT COUNSEL IN VIOLATION OF DEFENDANT'S SIXTH AMENDMENT RIGHT TO COUNSEL AND FOURTH AMENDMENT RIGHT TO BE FREE FROM ILLEGAL SEARCH AND SEIZURE; COUNSEL WAS INEFFECTIVE FOR FAILING TO INVESTIGATE.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Counsel failed to investigate or argue during trial that the length of time for the traffic-stop was unreasonable and violated petitioner's 4th Amendment rights, or that the arrest was based on evidence that resulted from the detention of a vehicle and a person that was not supported by probable cause. Upon seeing the video footage for the first time during trial petitioner told counsel that the footage had been edited, though counsel failed to investigate this issue until after the trial, later acknowledging during PCR hearing that the time difference offered in testimony differed from that in the video.

The proof for that contention was in the Video and Audio Tapes of the stop as well as the Dispatch Radio Logs, which were never investigated by counsel until after trial. Such investigation would have revealed at the suppression hearing that the officer did unreasonably and measurably extended the traffic-stop in violation of petitioner's rights against illegal search and seizure, and right to be free from arrest or detention without probable cause. Officer Owens' interrogation was beyond the scope and purpose of the traffic stop. Attempt was made to subpoena the original video footage by the defense, but was denied because supposedly it was destroyed. Petitioner was denied the analysis of the original video because it was destroyed leaving only a copy of a copy even

though petitioner was in the middle of appeals further violating petitioner's due process and Fifth Amend. rights by an act of bad faith.

Officer Owens testified that Petitioner was not free to leave at any time prior to the search of his vehicle See Transcript pp. 61-62, 64-65, and Transcript pp. 164-165. Petitioner contends that verbal consent was never given which is why it is not audible on the video. It was at the point that Officer Aman entered his vehicle without his consent. Therefore consent cannot be considered voluntary because consent was never given to either officer. Officer Owens testimony is inconsistent with the video evidence presented by the state in measurably different ways: First, the actual time span of the traffic stop; Second, the time difference between when he actually requested Officer Aman to the scene and when he arrived; and Thirdly, the time required for the writing of the citation.

Counsel failed to inform the court that it was under the wrong premise when viewing the time and overall actions of the officer at the time of the arrest, and that the time defendant was actually detained was far greater than that offered to the court by the prosecution. This misstatement of fact by the prosecution amounted to prosecutorial misconduct because it allowed the court to operate under a false assumption that this was a simple traffic stop lasting only 10 minutes when in fact it lasted over an hour.

(b) If you did not exhaust your state remedies on Ground One, explain why:

(c) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a *post-conviction motion* or petition for habeas corpus in a state trial court? Yes No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: **Post Conviction Petition**

Name and location of the court where the motion or petition was filed:

GREENVILLE COUNTY COURT OF COMMON PLEAS

Docket or case number (if you know): **2014-CP-23-04666**

Date of the court's decision: **JULY 24, 2014**

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition? Yes No

(4) Did you appeal from the denial of your motion or petition? Yes No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? Yes No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: **SUPREME COURT OF SOUTH CAROLINA**

Docket or case number (if you know): **2018-000480**

Date of the court's decision: **MARCH 10, 2021**

Result (attach a copy of the court's opinion or order, if available): **PETITION DENIED**

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One:

GROUND TWO: PETITIONER'S COUNSEL WAS INEFFECTIVE IN FAILING TO CONDUCT A REASONABLE PRE-TRIAL INVESTIGATION IN VIOLATION OF SIXTH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL AND PCR COUNSEL WAS INEFFECTIVE FOR FAILING TO CORRECT TRIAL COUNSEL ERRORS OR TO ARGUE FACTS EDUCED AFTER TRIAL FURTHER VIOLATING PETITIONER'S SIXTH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts the specific facts that support your claim.):

During a traffic stop, an officer may request a driver's license and registration, order the individual to step out of the vehicle, run a check on license and registration, and issue a citation. However, any further detention for questioning is beyond the scope of the stop and therefore illegal unless the officer has a reasonable suspicion of a serious crime. Officer Owens testified that though he had no reasonable suspicion, petitioner was not going to be able to leave until the vehicle was searched, though he returned paperwork in an effort to make petitioner "feel" he was free to go. Trial and PCR counsel failed to make Officer Owens clarify why it was important to him to present this false persona to petitioner. Then, when petitioner said he was leaving after an hour of being detained Officer Owens drew his weapon saying "Stop or I'll shoot." This action confirmed petitioner's concern about the stop, the length of time it was taking to confirm what was known to be good paperwork, and the writing of a citation for a damaged brake light. What plaintiff feared from this stop was not being arrested but being exterminated just for being. What the video should have shown was that the stop lasted over an hour, the copy of a copy only showed approximately 10 minutes. But petitioner had given trial counsel a proffer of what should have been on the video thus the requirement for investigation from counsel.

Petitioner first saw the altered video at trial though counsel had been told by petitioner that the actual traffic stop took much longer than what would have been considered a reasonable time for a citation for a traffic stop. Petitioner informed counsel at the same time of the beating he endured as a part of the traffic stop, and asked counsel to pursue charges against the officer's for excessive force. Counsel failed to investigate petitioner's claims of brutality (though his appearance was obviously one of a person being beaten) or to even preview the video to see if the claims of excessive force and excessive detention could be substantiated from the video.

- (b) If you did not exhaust your state remedies on Ground Two, explain why:

PCR counsel believed that because the Sixth Amendment and Fourth Amendment was raised by trial counsel that none of these issues were necessary.

PCR counsel failed to acknowledge that these claims had not been properly presented by trial counsel.

- (c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes No

(2) If you did not raise this issue in your direct appeal, explain why?

PCR counsel was convinced until seeing the video that these claims were part of the record presented by trial counsel.

- (d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, (if available):

(3) Did you receive a hearing on your motion or petition? Yes No

(4) Did you appeal from the denial of your motion or petition? Yes No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? Yes No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, (if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two

GROUND THREE:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Three, explain why:

(c) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) Post Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes No

(2) If you answer to question (d)(1) IS "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, (if available):

(3) Did you receive a hearing on your motion or petition? Yes No

(4) Did you appeal from the denial of your motion or petition? Yes No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? Yes No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)95) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:

GROUND FOUR:

(a) **Supporting facts** (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Four, explain why:

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

Yes No

(4) Did you appeal from the denial of your motion or petition?

Yes No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? Yes No

If your answer is "No," state which grounds have not been so presented and give your reasons(s) for not presenting them:

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: N/A

(b) At arraignment and plea: N/A

(c) At trial: **WILLIAM B. LONG, Jr., Esq.**
P.O. BOX 10248
GREENVILLE, SOUTH CAROLINA 29603

(d) At sentencing: **WILLIAM B. LONG, Jr., Esq.**
P.O. BOX 10248
GREENVILLE, SOUTH CAROLINA 29603

(e) On appeal: **TRICIA A. BLANCHETTE, Esq.**
1116 BLANDING STREET
COLUMBIA, SOUTH CAROLINA 29201

(f) In any post-conviction proceeding:
WILLIAM G. YARBOROUGH, III, Esq.
308 WEST STONE AVENUE
GREENVILLE, SOUTH CAROLINA 29609

(g) On appeal from any ruling against you in a post-conviction proceeding:
WILLIAM G. YARBOROUGH, III, Esq.
308 WEST STONE AVENUE
GREENVILLE, SOUTH CAROLINA 29609

17. Do you have any future sentence to serve after you complete the sentence for judgment that you are challenging? Yes No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes No

18. **TIMELINESS OF PETITION:** If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. 2244(d) does not bar your petition.*

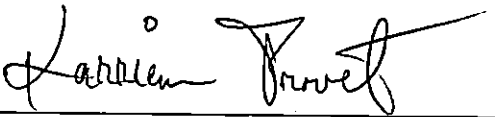
* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of:
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or of the laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief:

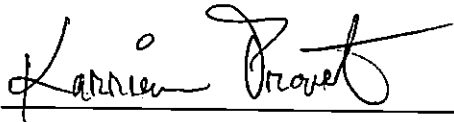
or any other relief to which petitioner may be entitled.



Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on MAY 26, 2021 (month, date, year).

Executed (signed) on MAY 26, 2021 (date).



Signature of Petitioner

I declare (certify, verify, or state) under penalty of perjury that I have been notified that I must include in this Petition all the grounds for relief from the conviction or sentence that I challenge, and that I must state the facts that supports each ground. I also understand that if I fail to set forth all the grounds in this petition, I may be barred from presenting additional grounds at a later date.

Executed (signed) on _____ (date)

Signature of Petitioner _____

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

Karriem Provet SBI#OS01861691; INM# 1150978
South Woods State Prison
215 So. Burlington Rd.
Bridgeton, New Jersey 08302

RECEIVED
JUN 01 2021
SC Court of Appeals

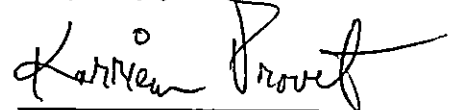
Clerk of the Court
U.S. District Court, District of South Carolina
Greenville Division
Clement F. Haynsworth Federal Bldg. & U. S. Courthouse
300 East Washington Street
Greenville, South Carolina 29601

Civil action no. _____

Dear Sir/Madam:

Relative to the above noted matter enclosed please find an original and one copy of a Notice of Appeal and Petitioner's Petition for Writ of Habeas Corpus. Please note that as indicated on the Notice of Appeal, both the District Judge and Opposing Counsel were served with copies of the Notice of Appeal.

Very truly yours,



Petitioner-Appellant, Pro-se

Dated: May 26, 2021

Encl.

Cc: /w/copy/encl:
Hon. U.S.D.J.
Mr.DeShawn Mitchell (Opposing Counsel), Esq.

Handwritten: SGT JESSIE BULLOCK, FAX # 4150975

SOUTH WOODS STATE PRISON
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COLUMBIA, SC 29910

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Lynn Fakin
Court Solutions Manager
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