

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE SUPREME COURT

ANTHONY BROWN

RESPONDANT

V.

CASE# 2021-000564

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JUN 18 2021
S.C. SUPREME COURT

THE STATE

APPELLANT

Petitioner assert that he has a liberty intrest under the 14th amendment's protection of liberty and property. Procedural due process apply only to the deprivation of intrest, BOARD OF REGENT OF STATE COLLEGES V. ROTH 408 U.S. 564, 569.

The 14th amendment of the U.S Const. "States nor shall any state deprive any person of life, liberty, or property without due process of law.

S.C. Const. State Article 1 Section 3 ("No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws").

The liberty intrest at stake is the individual's freedom. The requirements of procedural due process, usually deemed to apply in contested cases or hearing which may affects an individuals property or liberty intrest, the opportunity to be heard at a meaningful time and in a meaningful way, the right to introduce evidence, the right to confront and cross-examine witnesses whose testimony is used to establish facts, and the right to meaningful judicial review.

Petitioner assert that [T]he case is not considered moot merely because sentence has been completed, and the court has the power to set aside an invalid conviction.

Petitioner assert that the result of his prior invalid conviction presist. The subsequent conviction carry a heavy pentalties.

The court has the power to setaside his prior conviction and that he should be afforded the opportunity to attempt to show that the prior conviction is invalid. U.S. v. Gernie 288 F.Supp 329, 332(D.C.S.N.Y. 1964)

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McDuffie v. State 276 S.C. 229, 277 S.E.2d 595 (Apr 22, 1981)
Here McDuffie filed a PCR in 1981 challenging his 1966 conviction for being invalid.
Petitioner again asserts he is suffering the result of his invalid prior conviction.
The State stated in their conditional order for dismissal that the applicant alleges he is being held in custody unlawfully, applicant only alleges that he is suffering the collateral consequences from his prior invalid conviction.
Al-Shabazz v. State 338 S.C. 354, 586 S.E.2d 124 (Aug 25, 2003)
The core purpose of the PCR ACT as set forth in S.C. Code 17-27-20(a) (1985). The Supreme Court of S.C. held that, aside from two non collateral matters specifically listed in the PCR ACT, PCR is a proper avenue of relief only when the applicant mounts a collateral attack challenging the validity of his conviction or sentence as authorized by section 17-27-20(A).
A typical PCR claim of ineffective assistance of counsel falls into this category because, if the applicant proves his case his conviction or sentence will be overturned.
Petitioner only asks the court for an order granting a PCR hearing to prove that the prior conviction in 1979 was invalid and could not be used for enhancement.
Petitioner is still suffering prejudice from his prior invalid conviction, Petitioner is serving a life without parole sentence at the present time because of that invalid conviction.
If the court grants this request the petitioner asks the court to appoint a PCR counsel if given a hearing.

respectfully

Anthony Brown
253806

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SCDC

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COMMISSARY

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