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THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Honorable Jennifer B. McCoy
Chief Administrative Judge

S.C. SUPREME COURT

Appellate Case No. 2021-000493
Lower Court Case No. 2018CP1004542

Marcus Bowman, # 235986.....Appellant

v.

State of South Carolina.....Respondent

243(c) EXPLANATION

Pursuant to 243(c), SCACR, the appellant would like to show unto this Court that he never had, "one bite at the apple." See Odom v. State, 523 S.E.2d 753 (S C 1999); Gamble v. State, 379 S.E.2d 118, 119 (1989). In a postconviction relief proceeding, the applicant bears the burden of establishing that he is entitled to relief. Suber v. State 640 S.E.2d 884 (S.C. 2007). The appellant wanted not go forward with the issues that, he had raised. Because most of the issues that he raised, he ought to and they amount to ineffective assistance of counsel. Appx p. 652, lines 17-20. and on line 24-25 the appellant corrected and said, they not amount to a constitutional violation of ineffective assistance of trial counsel. The Appellant went on on said, "And I would like that I be granted a new hearing because the issues don't-I can't even go forward, Your Honor because if you look them to ---The last paragraph appellant explains, As far as him, you know, altering it to where it didn't amount to ineffective assistance of counsel. I would request that the Court at least grant me a new PCR hearing and new counsel to represent me because Land versus State, okay, I'll read as far as counsel-counsel change and alter all my- counsel changed and altered. Altering amounted to a violation of the code of conduct and violates 17-27-90, causing the unsuccessful petition. causing counsel-because counsel failed to properly raise the issues. Appx p. 653, lines 19-25. The continuing complaint about counsel as

the court issued an Order of Withdrawal. An Order of Withdrawal was made and the Honorable Jackson v. Gregory signed the Order. About seven months later a hearing was conducted at Beaufort County Courthouse. The Plaintiff Bowman said, "That's why I wanted my other issues and claims raised and I would ask, the Court that you grant me a new PCR hearing and new counsel where as I can have them properly raised. The Court denied his request. Both of the orders are defective, the order of withdrawal does not address what happened in court and the Order of Dismissal does not state a finding of fact or conclusion of law. On December 10, 2003 applicant filed a second post conviction application, and on January 20, 2005 a hearing was held before the honorable deadra jefferson, presiding, she found the petition was untimely and successive and it did not meet the standard for new discovered evidence. Order p. 7 of 15.

The Applicant has not had one bite at the apple, and in his present pro-se petition he alleges:

1. Ineffective assistance of counsel for his failure to file motion or object to the Great Seal not being affixed to 1996, act 317, which applicant was sentenced under;
2. ineffective assistance of counsel for his failure to object or filed motion on the fact the court did not charge criminal intent to the jury which is an element of murder,
3. Ineffective assistance of counsel for not objecting or file motions that the judge did not

asked the defendant if he had anything to say before he passed sentenced.

The court dismissed these allegation and an appeal was filed which brings me to this motion for an explanation pursuant to rule 243(c).

In the Order of Dismissal the court never ruled on all his issues and never stated the phrase "ALL THE ISSUES" .

The PCR court is required to make specific finding of fact, and state expressly its conclusion of law, relating to each issue presented S.C. Code §17-27-80 (1976). The Attorney General lack authority to demand review of a Jackson v. Denno, hearing after the Applicant withdraw his claims, but applicant request a new counsel and the fact he wanted his issues raised but the Judge refused and refused "one bite a the apple." In a motion for 59(e), SCRPC, the second paragraph he mentioned the Order refuse to address all the issues raised, and with that in mine, applicant now raises three issues: Ineffective assistance of counsel for failure to object or file motions on the fact the court did not charge criminal intent to the jury which is an element of murder, and ineffective assistance of counsel for not objecting or file motion that the judge did not asked the defendant if he had anything to say before he passed sentenced,

*Fishburne v Stat, 832 S.E.2d 584 (S.C. 2019).

and ineffective assistance of counsel for his failure to file motion or object to the Great Seal of the State not being affixed to the 1996 Act 317, which applicant was sentenced under. It a wonder why the Judge did not want to appoint new counsel because he would have seen the reversible error the judge made and the appellate counsel would have had to addressed these issues.s

CONCLUSION

WHEREFORE, applicant prays this court would him a post conviction hearing.

Dated

June 15, 2021

Marcus Bowman Jr.