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Appellate c/A NO:  
2013-000658

**RECEIVED**

April, 21<sup>st</sup>, 2013

APR 25 2013

To whom this  
may concern,

S.C. SUPREME COURT

I'm writing my reasons to why  
I feel the "PCR Judge" was  
improper.

I was denied my PCR because  
I was late filing my PCR. I  
had papers showing where I wrote  
the Appeals courts asking about the  
status of my Appeal. That proved I  
thought my Attorney Daniel Farnsworth  
filed one for me. The "PCR Judge"  
stated after finding out I didn't have  
an Appeal pending, I was still over a  
year late filing. The reason for me  
being another year late was because  
my mother passed away in March 2010.  
I know that is a personal reason. But,  
losing a Mother at my age, especially  
at the age of me just being 25, about  
to turn 26, was hard for me. I lost  
track of a lot of things that whole  
year. The "PCR Judge", I felt was

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Real cruel, he asked my lawyer, Mr. Head ~~what was~~ they supposed to do, ~~wait~~ wait until I got myself together?

No, I didn't feel like that at all. I didn't mean to be intentionally late.

Also, out of all the people being seen on a "PCR", that day got to take the stand & speak for there-self. I wasn't allowed, It seemed to me my Judge was already upset with me from the moment I come into the Court-room.

When I received my Ruling papers, from the "PCR hearing", The Judge said all other allegations raised in my application was not addressed. That we failed to present any evidence regarding such allegations. That I waived such allegations and failed to meet my burden of proof regarding them.

That's not a true statement, because there wasn't any time to present any other evidence, because the Judge denied us almost immeditory because I was late

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filing! And, I never got the chance to speak. So, I'm a little confused how he said I waived them, when I didn't even speak.

This is the reasons I believe my Judge for the "PCR", was improper.

Thank you, for your time.

Sincerely,  
Jeffery Elmore

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April, 21<sup>st</sup>, 2013

This letter is concerning about  
"What I believe should be reviewed  
in a Appeal."

When I was brought in for  
questioning in March, 2005, I cannot  
recall much at all about that day, or,  
even writing a statement. I believe my  
Rights were taken from me. Because, I  
believe I should have been drug tested,  
to see what I had been drugged with.  
I wasn't in no-condition to be questioned.

They wrote I believe in a newspaper  
article I was a 34 year old woman,  
when I was only a 20 year old girl.

There was suppressed evidence in  
my case. Mr. Head said I could not  
bring it up, because if I hadn't took  
a guilty plea, it would have been brought  
up. But, A lot of evidence I wasn't  
aware of until at my plea hearing, And,  
some I wasn't aware of until a friend  
of mine just got my paper-work at  
the clerk of court.

I knew my co-defendant had told a

(2)

man he was locked up with, that he committed this crime, and also the questions he was asking him. But, that was it, I never saw that paper and the the extent of that evidence proving my innocence. I wasn't aware to just lately that my co-defendant told this man he was locked up with everything he did, even told him he was trying to lay it all on me.

If I would have known all of this, I would not have pleaded guilty to a crime I did not commit. But, Mr. Farnsworth <sup>convinced</sup> ~~convinced~~ me, and my mother talking this plea, was the best thing to do.

There was evidence, where my co-defendant said he was gonna kill me & put me in a well, so I couldn't testify against him. He was also gonna kill us when he took us to a stake "at some point". It's only by the Grace of God I'm alive myself today.

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There is evidence where my co-defendant admitted to sending someone to kill the other witness

"Eddie elder's", So, it was only my word against his. He admitted to killing the only other person who

knew what really happened, and in that statement, Max Fricks, the man he admitted that to, he also

threatened to kill him for writing a statement on him, my co-defendant went around admitted the murder's

he committed, he threatened to commit more. Those things were never mentioned. They were mentioned at plea hearing. Not before.

What was out to do with a man like that. He "my co-defendant" had a record of hurting people

long before I knew him. When there is the history between my Aunt Tommy and my co-defendant,

I didn't introduce him to her, I met my co-defendant through my Aunt Tommy.

They knew each other. I only knew

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him three weeks.

There is so much I believe was left uninvestigated. There is so much proving my innocence, and that my own life was also endangered with my co-defendant.

I'm aware I pleaded guilty, but I was a 23 year old girl, that was scared, and I just didn't feel I had the help I needed at the time to fight for ~~to~~ to prove my innocence. I trusted Mr. Farnsworth. I believed at the young age I was, that he had my best interest at heart, I took the plea, because it was 0 to 20 years. And, I thought I would be going home. I was very ignorant to the laws, and, it wasn't being taught to me.

There was a time, when I got booked in, in 2005. That, my co-defendant saw a lady he knew from home, At the time this lady, I believe her name to be "Kizzy Briggman, OR Bridgeman", "It's been a long time now. Was lock-up status, but, for some reason

)) can't remember name,

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was in booking <sup>with</sup> us being there.  
My Co-defendant told her what he was  
being locked up for, and also told her I  
had nothing to do with it. I was unaware  
of this, as well, until she got out of  
lock-up, and come to the Pod I was  
in, she told me this, And also told me  
she would make a statement saying he  
told her that. I called Mr. Farnsworth  
and told him, but he never would come  
talk to the girl.

I just feel a lot of things was  
over-looked, or, just not mentioned, because  
the state had made there own case. And,  
half of what was said, or, done wasn't  
how it was, or, is.

Thank you, for your time in looking  
into this. Everything I have stated  
is written somewhere on paper. I  
<sup>or, statements,</sup>  
just pray someone would look deeper  
at this case. Because, I am innocent.  
My very own life was in danger,  
I was young, made wrong choices,  
that is what I did. Should have been

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more aware of the company I had around  
me! But when you're young, you tend to  
be trusting of everyone. But I learned  
the hard way, "there is evil people in  
the world, can't trust just anyone."

Sincerely,

Diffany Elmore

I hope you are well and happy. I  
miss you and hope you are doing  
well in school. I love you and  
miss you.

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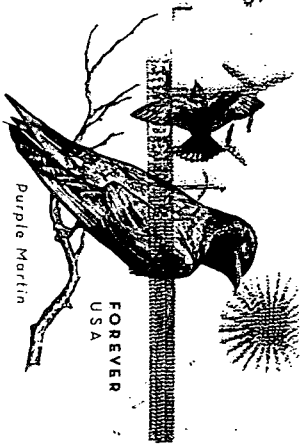
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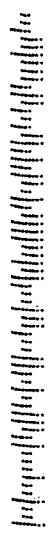
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Columbia, S.C. 29211

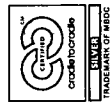
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