

STATE of South Carolina  
IN THE SUPREME COURT

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CERTIORARI TO BEAUFORT COUNTY  
CARMEN T. MULLEN, CIRCUIT JUDGE

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S.C. SUPREME COURT

ADRIAN A. ALLEN

PETITIONER

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STATE of South Carolina

RESPONDENT

APPELLATE Case No. 2012-212608

PRO-SE PETITION FOR WRIT OF CERTIORARI

ADRIAN A ALLEN

APPELLANT

LIEBER CORRECTIONAL INSTITUTION

P.O. BOX 265

RIODEVILLE, S.C. 29472

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PRESENTED ISSUE

Was Counsel ineffective for failing to object to the Court's failure to notify the petitioner of scheduled Blair hearing and provide the petitioner with a copy of the report?

## STATEMENT T

On December 16, 2004, petitioner was indicted in Beaufort County for murder and a related weapons charge. App. 301-304. On July 18-19, 2005, petitioner was tried before the Honorable Jackson V. Gregory and a jury. App. 1. Gene Hood represented petitioner and Steve Knight represented the state. App. 1. The jury convicted petitioner on both counts. App. 160, 1.14-161, 1.2. Petitioner's appeal was dismissed on September 10, 2008. State v. Allen, no. 2008-UP-526 (Ct. App. September 10, 2008).

On January 28, 2010, petitioner filed a PCR application. App. 180-186. On June 23, 2011, petitioner moved to amend his PCR application. App. 198-240. On April 3, 2012, a hearing was held before the Hon. Carmen T. Muller. App. 241. Duthio Lee represented petitioner. App. 241. Robert Corney represented the state. App. 241. On May 31, 2012 Judge Muller denied petitioner's application. App. 273-82. On June 22, 2012, petitioner filed a rule 59(c) motion. App. 283. On July 2, 2012, Judge Muller issued an amended order of dismissal. App. 287. This petition follows.

## ARGUMENT

was Counsel ineffective for failing to object to the Court's failure to notify the petitioner of scheduled Blair hearing and provide the petitioner with a copy of the report.

## RELEVANT FACTS

Prior to trial the petitioner was never notified of scheduled Blair hearing nor provided with psychiatric report

## DISCUSSION

In *State v. Blair* 273 S.E.2d, 536 the Court held: upon receiving the report of the designated examiners the Court shall set a date and notify the person and his Counsel of a hearing on the issue of his fitness to stand trial. the person shall be entitled to be present at such hearing and to be represented by Counsel,

## Conclusion

for the above stated reason the Court should vacate the conviction,

Sidwai Ali

PROOF OF SERVICE

I Adrain An Alled Affirm that A true and complete Copy of Petition for writ of Certiorari pro se Brief has been served this 24th day of April 2013 by depositing the same by u.s. mail first class postage pre-paid delivery to: South Carolina Attorney General P.O. Box 11549 Columbia, S.C. 29211

Adrain Alled

CERTIFICATION OF SERVICE

The undersigned hereby certify that original petition for writ of certiorari pro-se Brief has been filed this 24th day of April 2013 by depositing the same by u.s. mail first class postage prepaid delivery to:

S.C. Supreme Court P.O. Box 11330 Columbia, S.C. 29211

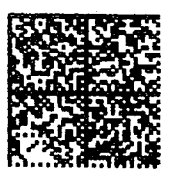
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ADRIAN ALLEN #2244358  
L. E. I. DATED D-276  
P.O. Box 205  
RIDGEMOUNT, S.C. 29472

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