

THE SUPREME COURT OF SOUTH CAROLINA
APPEAL FROM RICHLAND COUNTY
Alison Renee Lee, Circuit Court Judge.

RECEIVED

Feb 22 2022

S.C. SUPREME COURT

Appellate Case No. 2022-000119
FEBRUARY 21, 2022

Darryl Fuller 325001 , Appellate
V.
South Carolina,

Yasmeen Ebbibi Klein, Esquire
Alison Renee Lee, Circuit Court Judge
Robert M. Dubek, Esquire, Respondents

supctfilings@sccourts.org

South Carolina, How long will you conceal the fact of the State Attorney's conspiring tampering with my Medical records illegally omitting my Psychosis, to convict me as a Sane United States Citizen?

I have been incarcerated for the past 16+ years in violation of my rights as a mentally disabled human being. [6th 14th 8th Amendments of US Constitution]

At the time of the alleged crime I was suffering from **Schizoaffective Disorder Bipolar Type**, and **Antisocial Personality Features**. Before my Trial I was Court ordered to undergo a Competency Evaluation, this Evaluation was never completed. Attorney LaNelle Cantey Durant, Esquire, while appointed as public defender on my case February 23, 2006-December 8, 2006, Durant Tampered with my Columbia Care

Center's Medical records removing mitigating records that would have gotten me civil commitment for the Alleged Murder/Abwik. **Records From Columbia Care Center were released to Durant and only 25% of the documents were forwarded to The Forensic Psychiatrist Lakshmi Narayan Pratap M.D. Physicians and Surgeons certificate #C52001, That also was convicted of Malpractice in Fresno California.**

[See Stipulated Settlement and Disciplinary Order," **Medical Board of California, Department of Consumer Affairs, Case No. 08-2010-211824 (Sept. 19, 2014).**],

<https://www.prisonlegalnews.org/news/2016/mar/1/former-california-jail-psychiatrist-placed-probation/>

<http://www2.mbc.ca.gov/BreezePDL/document.aspx?path=%5CDOCS%5C20181009%5CDMRAAAGL9%5C&did=AAAGL181009220701858.DID&licenseType=C&licenseNumber=52001%20>

Over the years I was given Psychotropic Medicine that affect my performance/capabilities to adequately file motions per se and the Attorneys that represented me at My first PCR, Patricia Blanchette, Esquire, Failed to Object to Gregory Collins, Esquire, testimony that clearly stated Competency was completed by Primary defense Attorney LaNelle Durant, And Failing to Request a Blair hearing at May 2009 Evidentiary hearing., See **State v. Blair 275 S.E. 529, 273 S.E. 2D 536 (1981), SC code Ann. Section 44-23-410 (1976). See Martinez v. Ryan - 566 U.S. 1, 132 S. Ct. 1309 (2012).**

In **Fuller v South Carolina 2008-CP-40-3627** South Carolina ordered Mental Evaluation that was conveyed April 3, 2009 via Counselor Ms. Carolyn H. Bynes at Lieber Prison. In that report Counselor endorsed “During the session it was evident that the inmate was experiencing audio/visual hallucinations, delusional thoughts and presented psychotic features. Doctor recommended that I be monitored for medication compliance in order to assist with management, that I should receive frequent psychiatric assessments to continually assess the effectiveness of psychiatric medicines and that I should receive individual and group therapy to minimize paranoia and delusional ideations, all that was not conducted before my first PCR May 2009. See **Fuller v. South Carolina 2008-CP-40-003627**; Transcript page 7 Lines 4-10 Attorney Blanchette requested to stop Evidentiary hearing for a 30 minute break. At that point a *Blair Hearing* was needed after Mental Breakdown.

On May 1st 2009 I requested that the courts release my mental health records and they never released them; **[See Exhibit Brady]**. February 24, 2020 the public defender office released the Attorney. LaNelle Durant, Esquire, and Gregory Collins, Esquire file that had all missing records that was needed, that I never obtained due to Fraudulent activity and ineffective assistance of counsel, making them After Discovered Evidence to me, proving that the Attorneys were conspiring to violate **18 U.S.C. Section 1519, SC code section 17-28-350, 17-27-45(b)&(c).**, This lack of evidence prevents me from having a complete bite at the apple, [See Gamble v. State 298 S.C. 176,178,379, S.E.2d 118,119, (1989)] This is why my Mental Disability Records were never released from Strom Thurmond Federal Building, Social security

administration sent letter to Gregory Collins to resubmit request to obtain records of my SSI for mental Deficiency. **Social Security Administration [Exhibit V]**, This is why Scdmh 'Columbia Area Mental Health' records were never obtained, and competency never completed in violation of My Due Process Rights as a Mental Health Patient; **[See Strickland v. Washington, 466 U.S. 668 (1984), Durham v. United States, 214 F.2d 862 (D.C. Cir. 1954), Drope v. Missouri, 420 U.S. 162 (1975); Hill v. Lockhart, 474 U.S. 52 (1985), The rules so formulated as M'Naghten's Case 1843 10 C & F 200[5], In United States constitutional law, a Due Process Clause is found in both the Fifth and Fourteenth Amendments to the United States Constitution, which prohibits arbitrary deprivation of "life, liberty, or property".**

Judge Alison Renee Lee Err in endorsing that Competency was Fully presented to PCR courts, when the document was never physically presented nor was it made an Exhibit. In My Motion to Amend, Judge Lee did not Address my additional arguments that have merit.

I ask the courts to Grant me this PCR to subpoena relevant Attorneys and Doctors so that this Competency Evaluation will be completed adequately without State Attorneys tampering with Exculpatory records. Subpoena Attorney LaNelle Cantey Durant, Dr. Lakshmi Narayan Pratap, Gregory Collins, Tiehema Brown, Louis Taylor, Patricia Blanchette, Esquire. I deserve a fair trial now that I've regained my Sanity, while the person's that put a gun in my hands while not in my state of mind are prosecuted with accessory before and after the fact.

In my case I was suffering from Diminished Capacity amongst people that were in their right state of mind that was never charged for Accessory before and after the fact Accomplice Liability. I just want a fair trial. This is not fair.

On February 8th I received a Final order of dismissal via Judge Lee. This Determination was improper because I did not receive a file from The Public Defender Office until February 28, 2020, subsequently I immediately filed a PCR on April 6, 2020. Because of ineffective assistance of Trial counsel and PCR Counsel I never inquired these records until The Public Defender Office released After Discovered Evidence of material facts not previously presented and heard that requires the vacation of my conviction in the interest of justice and that necessitates an Evidentiary Hearing pursuant to S.C. Code Ann. Section 17-27-45(b)&(c).

In my Federal Habeas Corpus Petition, 2011 WL 7416976 Fuller v. McCabe C/A No. 0:11-1139-RBH-PJG Dec. 9, 2011., South Carolina Released Dr. Pratap Lakshmi Narayan, M.D., Competency DMH Report provisionally adjudicating me malingering due to State Attorneys tampering with my Columbia Care Center's records. South Carolina failed to release Progress Notes that were attached to the DMH Report, this document showed that South Carolina ok'd Forensic Psychiatrist Evaluation without the Autopsy, and Necessary records in violation of my due process rights...

The South Carolina Department of Mental Health released this report May 21, 2021 via Adrian Dorrough. [See Exhibit A]

In the DMH Report Dr. Pratap Lakshmi Narayan MD requested that Attorney Gregory Collins, Esquire, obtain omitted Columbia Care Center's records to finalize the Forensic Evaluation. Attorney Gregory Collins failed his duty.

On my warrants and indictments I was charged with Murder and Assault with intent to kill, not Murder and Assault and Battery with Intent to kill.

In my Forensic Psychiatrist Evaluation Dr. Pratap questioned me about Murder and Assault & Battery with Intent to kill. Primary Defense Attorney LaNelle Cantey Durant, Esquire placed a false charge on McNaughton order. [See Exhibit Conspiracy page 4 paragraph 4.]

My 6th Amendment USCA was violated due to not being able to obtain witnesses in my favor to be subpoenaed to my PCR and have adequate assistance of counsel. My 14 amendment was violated due to being a Mentally Disabled Human Being and tried as a Sane individual without Competency completed. Overdosing me with medicine in SCDC so I can't properly fight my case.

In Fuller v. State 2008-cp-40-003627, transcript page 19 lines 12-20, Trial counsel testified that defendant had already been through the Just Care system where he was found rehabilitated and competent, This was clearly a lie.

Trial counsel error clearly prejudiced my right to the effective assistance of counsel

I would not have taken a 30 year plea. I would have insisted on completing competency evaluation, and going to trial. I would have been convicted of Voluntary manslaughter, Diminished

capacity at the time of offense laboring under Schizoaffective Disorder Bipolar Type and Antisocial Personality Features, unable to control impulsivity of psychosis while comprehending the wrongfulness of my actions incapable of self control result of. I lacked the ability to distinguish moral legal right from moral legal wrong or to recognize the wrongfulness of particular actions charged due to mental disease. [See Pate v Robinson, 389 US 375, 86 S.Ct. 836, 15L.Ed 2d 815(1966)]; In Pate v. Robinson, defense counsel conceded at trial that Robinson shot and killed his common-law wife, but counsel claimed that Robinson was insane at the time of the shooting and raised the issue of his competence to stand trial.

At May 2009 Evidentiary hearing I testified that I never seen any documents that adjudicated me Competent to stand trial, nor did I see any of the records that were released to me from The Public Defender Office, nor did I see the Progress Notes that was supposed to be attached to my DMH Report. Exhibit Brady clearly show that I requested these records in case there were records that I hadn't squired to properly defend myself at May 2009 Evidentiary hearing; Attorney Patricia A. Blanchette, Esquire knew these errors but did not address them to me she didn't go over Exhibit Travis and Exhibit Willie with me.

The letter Judge Lee was referring to in her Final order of Dismissal written by Attorney Blanchette, it clearly shows that she, 'Blanchette,' was 'trying' to tell the courts about these errors, clearly she didn't object to Attorney Gregory Brian Collins Perjury or address the errors, while I was suffering from Psychosis and oblivious.

My rights have been violated, I've never had a complete McNaughton Evaluation that was court ordered via The Late Honorable James Johnson. I did not get my Direct Appeal because Gregory Collins, Esquire, knew he was ineffective.

I am a mentally disabled man that received supplemental income from child to adult. I attended learning disability classes and was never accountable for my actions. This is against the South Carolina constitution and the SECTION 17-24-70. Sentencing of defendant found guilty but mentally ill, SECTION 17-24-70. Sentencing of defendant found guilty but mentally ill. Cognitive impairment, Diminished Capacity, all played a major role in this incident.

Please let me get a fair trial no matter if I get sentenced to life in prison.... I did not Murder anyone, I was not in my right state of mind, amongst person's that were, and this would've never happened had they admitted me into the hospital and not put gun and ammunition in my hands of a psychopath with a severe global assessment of functioning.

Because of Dr. Pratap malpractice I should also receive a new Forensic Evaluation.


