

EDDIE DEAN DOGAN, JR. #256596
TYGER RIVER CORRECTIONAL INSTITUTION
UNIT-2-B-126, LOWER YARD
200 PRISON ROAD
ENDREE, SOUTH CAROLINA, 29335

RECEIVED

MAY 09 2022

SC Court of Appeals

MAY 5th, 2022

ATTN: CHIEF JUDGE
S.C. COURT OF APPEALS
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA, 29211

SUBJECT: §17-3-10.
IN RE: EDDIE DEAN DOGAN, JR.; DNA APPLICATION FOR CASE F-654895

DEAR HONORABLE CHIEF JUDGE "JUSTICE"

THIS IS IN REFERENCE TO A LOWER COURT JUDGE RULING, HONORABLE GRACE GILCHRIST-KNIE, RESPONSE, TO MY CASE, DATED DECEMBER 1, 2021, WHICH IS ATTACHED TO THIS LETTER OF NOTICE OF CONSIDERATION, I'M IN DIRE NEED OF A LAWYER OR COUNSEL TO REPRESENT MY INTEREST, PURSUANT TO § 17-3-10, WHICH STATES;

ANY PERSON ENTITLED TO COUNSEL UNDER THE CONSTITUTION OF THE UNITED STATES SHALL BE SO ADVISED AND IF IT IS DETERMINED THAT THE PERSON IS FINANCIALLY UNABLE TO RETAIN COUNSEL THEN COUNSEL SHALL BE PROVIDED UPON ORDER OF THE APPROPRIATE JUDGE, ...

NOW ACCORDING TO §17-23-60, WHICH STATES CLEARLY; EVERY PERSON ACCUSED SHALL, AT HIS TRIAL, TO BE ALLOWED TO BE HEARD BY COUNSEL, MAY DEFEND HIMSELF AND SHALL HAVE A RIGHT TO PRODUCE WITNESSES AND PROOFS IN HIS FAVOR, AND TO MEET THE WITNESSES PRODUCED AGAINST HIM FACE TO FACE,

THE REASON FOR THIS REQUEST FOR A COUNSEL ASSISTANCE IS BASED ON AN INTEREST THAT HAS NOT BEEN ATTENDED TO, THAT REQUIRES A LEGAL MINE IN THE

"SCIENTIFIC COMMUNITY DNA" RELYING ON
SMITH v. STATE, 412 S.C. 472, 772 S.E.2d 286 (Ct. App. 2015)
REEVES v. STATE 782 S.E.2d 747, 752 (S.C. 2015)

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§17-28-60, COUNSEL FOR INDIGENT APPLICANT.

IF THE APPLICANT IS UNABLE TO PAY COURT COSTS, AND EXPENSES OF COUNSEL, THESE COSTS AND EXPENSES SHALL BE MADE AVAILABLE TO THE APPLICANT IN AMOUNTS AND TO THE EXTENT PROVIDED PURSUANT TO SECTION 17-27-60. THE APPLICANT MUST REQUEST COUNSEL AT THE TIME HE FILES HIS APPLICATION. THE COURT MUST APPOINT COUNSEL FOR AN INDIGENT APPLICANT AFTER THE COURT HAS DETERMINED THAT THE APPLICATION IS SUFFICIENT TO PROCEED TO A HEARING BUT PRIOR TO THE ACTUAL HEARING. IF COUNSEL HAS BEEN APPOINTED FOR THE APPLICANT IN AN ONGOING POST-CONVICTION RELIEF PROCEEDING, THEN THE COUNSEL APPOINTED IN THE POST-CONVICTION RELIEF PROCEEDING SHALL ALSO SERVE AS COUNSEL FOR PURPOSES OF THIS ARTICLE.

I, THE APPLICANT OF THIS REQUEST RELY ON THE LANGUAGE SET-OUT IN ABOVE JURISPRUDENCE AND RESPECTFULLY ASK THAT THE CHIEF OF COURT ENFORCE THIS REQUEST ON APPLICANTS BEHALF SINCE HONORABLE GRACE GILCHRIST KNIE, HAS PROVIDED ME WITH AN HEARING, AND HAS STATED "I SUGGEST YOU CONTACT YOUR ATTORNEY DIRECTLY, LETTER DATED FEBRUARY 28, 2022" CITING, GIDEON V. WAZNWRZGHT, 372 U.S. 335, 83 S.Ct. 792 ^{quoting} REEVES V. STATE, 782 S.E.2d 747, 752 (S.C. 2015), SIXTH AMENDMENT RIGHT TO COUNSEL GUARANTEED TO ALL.

§17-28-80, PRESERVATION OF TEST REPORTS.

FOR ANY PHYSICAL EVIDENCE OR BIOLOGICAL MATERIAL PREVIOUSLY, SUBJECTED TO DNA TESTING WHETHER BY THE APPLICANT OR THE SOLICITOR OR ATTORNEY GENERAL, AS APPLICABLE, THE COURT SHALL ORDER THE PRODUCTION OF ALL WRITTEN REPORTS AND LABORATORY REPORTS PREPARED IN CONNECTION WITH THE DNA TESTING, INCLUDING THE UNDERLYING DATA AND LABORATORY NOTES.

APPLICANTS THEORY OF SIXTH AMENDMENT

DUE PROCESS VIOLATION(S) (1) NO PROBABLE CAUSE HEARING OF ARREST, F-654895

APPLICANT WILL SHOW WITH DIFFERENT TRANSCRIPT PROCEEDINGS THE DENIAL OF COUNSEL ASSISTANCE STARTING WITH COURT APPOINTED COUNSEL IN 1999 MARCH, [1-2] DONALD A. THOMPSON, (2) CT. APP. WANDA HAIL NOW WANDA CARTER, 2000, FIRST PCR 2003, COURT APPOINTED COUNSEL ROBERT HOLLAND, THE SENDING OF RULE 5, FROM DONALD A. THOMPSON DATED SEPT. 6, 2005 NOT 1998 OR 1999 HEARING, SECOND PCR NEWLY DISCOVERED DNA EVIDENCE TEST RESULT REPORT EVIDENTIARY HEARING 2007, COURT APPOINTED COUNSEL REGINALD FOSTER, FOUND IN FAVOR, ORDER OF J. MARK HAYES JUDGE CASE NO. 2007-CP-42-2758, 2017 DNA FORENSIC APPLICATION FILED DENIED FOR 7 YEAR LIMITATION THAT DID NOT APPLY TO ME JUDGE CITED WRONG CITING IN STATUTE FOR HEARING, NOW AN HONORABLE JUDGE MS. GRACE GILCHRIST KNIE HAS PROVIDED ME WITH AN AVENUE FOR AN HEARING BASED ON THE F-654895, PROBABLE CAUSE AND DNA ISSUE DATED 12/1/2021.



State of South Carolina
The Circuit Court of the Seventh Judicial Circuit

Grace Gilchrist Knie
Judge

180 Magnolia Street
Spartanburg, SC 29306
Phone: (864) 596-2285
Fax: (864) 562-4234
gkniej@sccourts.org

December 1, 2021

The Honorable Michael D. Morin
Public Defender Seventh Judicial Circuit
366 North Church Street
~~Lower Level, Suite 3000~~
Spartanburg, SC 29303

In Re: Eddie Dean Dogan DNA Application for case F6-54895

Dear Mr. Morin:

Mr. Dogan has made an application for DNA testing pursuant to the Access to Justice Post-Conviction DNA Testing Act, SC Code Ann 17-28-10 through 17-28-360. Mr. Dogan is unrepresented therefore I wish to have a representative from your office appointed to represent his interests. Apparently, Mr. Dogan has filed this request as part of a renewed PCR Petition. However, based upon my review of the statute, it is my opinion that this matter should be placed on a General Sessions Motion's Roster as opposed to the civil PCR docket. I am copying Solicitor Barnette with this correspondence. I further understand, pursuant to SC Code Ann 17-28-110 governing "Consent to Testing"; that a hearing would not be necessary if there is consent between the parties. Please advise as to your position.

Sincerely,

Grace Gilchrist Knie

GGK/kt

CC:
Eddie Dean Dogan
256596/Unit 11-B120
200 Prison Rd.
Enoree, SC 29335

~~Solicitor~~ ~~Danny J. Barnette~~,
Solicitor Seventh Judicial Circuit
180 Magnolia Street, 3rd Floor
Spartanburg, SC 29306

Ms. Alaina Freeman
Deputy Clerk of Court- General Sessions Motions Division
180 Magnolia Street
Spartanburg, SC 29306



State of South Carolina
The Circuit Court of the Seventh Judicial Circuit

Grace Gilchrist Knie
Judge

180 Magnolia Street
Spartanburg, SC 29306
Phone: (864) 596-2285
Fax: (864) 562-4234
gkniej@sccourts.org

To: Eddie Dean Dogan, Jr. #256596
Tyger River Correctional Institution, Unit-11-120-B-Upperyard
200 Prison Rd.
Enoree, SC 29335

From: Grace G. Knie

Date: February 28, 2022

I have received your letter on February 25, 2022. The applicable response is checked below.

_____ It is improper for a judge to receive such a communication outside of court and off the record regarding a case. Therefore, I have disregarded your letter and am returning it to you. Please do not attempt to communicate with me other than in court, on the record and with notice to all parties concerned.

_____ This court no longer has jurisdiction over your case. More than ten (10) days have passed since your sentence date.

_____ SCDC has the exclusive authority to compute sentences, including credit for time served. Therefore, you must follow the SCDC grievance procedure if you disagree with their calculations.

I suggest you contact your attorney directly.

_____ I suggest you contact the Probation Office.

_____ I suggest you contact the Solicitor's Office.

_____ Your Motion must be filed with the Clerk's Office, therefore I am returning the same to you.

PURSUANT TO DNA TESTING TO THE ACCESS TO JUSTICE POST-CONVICTION DNA TESTING ACT, S.C. CODE ANN. 17-28-10 THROUGH 17-28-366, AND S.C. CODE ANN. 17-28-110, GOVERNING "CONSENT TO TESTING", AND HAS SENT ANOTHER DOCUMENT IN LETTER FORM DATED FEBRUARY 28, 2022, SUGGESTING I CONTACT AN ATTORNEY.

CONCLUSION

WITHOUT YOUR HELP UNJUSTICE WILL CONTINUE TO DANGER MY LIFE, BY DENYING ME DUE PROCESS OF LAW TO BE TREATED THE SAME RATHER RICH OR POOR, I'M STILL A UNITED STATES CITIZEN LIVING IN SPARTANBURG, S.C. THE EVIDENCE DO NOT SUPPORT THE CONVICTION OF A THIRTY YEAR SENTENCE. NEXT YEAR 2023 I WOULD HAVE COMPLETED A TERM OF 25 YEARS FOR A CRIME THAT I NEVER DID, AND TILL THIS DAY I STILL CLAIM MY INNOCENCE. PLEASE HELP ME BY EITHER PROVIDING ME WITH A COUNSEL TO REPRESENT MY INTEREST OR HAVE THE COURTS TO ISSUE ME ONE AND STOP DELAYING JUSTICE.

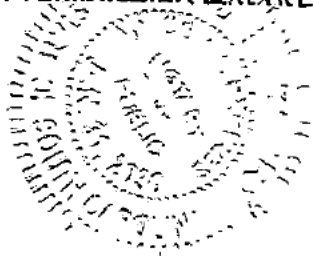
EDDIE DEAN DOGAN, JR. 256596

VERIFICATION / Proof of service
PS. 10.08.CS.23
467 SCREEN, Prac.

I Eddie Dean Dogan, Jr. HEREBY SWARE BY THE CONSTITUTION that has been invested in my care claim that I have served a true COPY of this REQUEST for An Counsel Based on the 6th Amendment RIGHT to assistance FROM the COURT of APPEALS AT P.O. BOX 11629, COLUMBIA, SC 29911, AND TWO LETTER DOCUMENTS FROM JUDGE MS. GRACE G. KWIE, SENDING THROUGH TYGER RIVER MAIL ROOM PURSUANT TO PS 10.08.CS.23,

si Eddie Dean Dogan, Jr.
EDDIE DEAN DOGAN JR 256596
TYGER RIVER CORRECTIONAL INSTITUTION
UNIT 2-B-126 LOWER YARD
200 PRISON ROAD
ENOREE, SOUTH CAROLINA 29335

Sworn to and subscribed before me
THIS 5th DAY of MAY 2022
David E. Berry (C.S.)
notary public for SCDC & STATE
MY COMMISSION EXPIRE 1-31-20



EDDIE DEAN DUGAN, JR. #D56546
TYGER RIVER CORRECTIONAL INSTITUTION
UNIT 2 B-126 Lower Yard
200 PRISON ROAD
ENDLEE, SOUTH CAROLINA 29335

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MAY 09 2022

SC Court of Appeals

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29211

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