

FORM 5

STATE OF SOUTH CAROLINA)

County of Clarendon)

Michael Wilson Pearson 238921)
Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

CASE # 2024-CR-14-00261

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Broad River Correctional
2. Name and location of Court which imposed sentence Manning
3. Name(s) of co-defendant(s) (if any) Victor McCoy Weldon
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) First Degree Burglary
 - (b) Kidnapping

- (c) Arm Robbery
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) May 18 2012
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty ☒ _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Appellate Court
- ii. Supreme Court of South Carolina
- iii. Post Conviction Relief
- (b) the result in each such Court to which you appealed:
- i. Reversed at Appellate Court
- ii. Reaffirmed in Supreme Court
- iii. Denied in P.C.R. Court
- (c) the date of each such result:
- i. July 30 2014
- ii. March 23 2016
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Appellate case no. 2012-212430
- ii. Supreme Court Appellate case 2014-002741-22612
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Newly Discovered Evidence
- (b) _____
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Co-Defendant made a statement of my innocence
- (b) after my PCR
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? Yes
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? Yes
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? Yes
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. ineffective assistance of council
- ii. ineffective assistance of council
- iii. _____
- iv. ineffective assistance of council
- (b) the name and location of the Court in which each was filed:
- i. US federal courts of South Carolina
- ii. PCR
- iii. N/A
- iv. South Carolina Supreme Court

(c) the disposition thereof:

- i. Pending
- ii. Denied
- iii. N/A
- iv. Affirmed 3/23/2016

(d) the date of each such disposition:

- i. Pending
- ii.
- iii. N/A
- iv. 3/23/2016

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. Appellate Case 2012-212930
- ii. 2014-002741-22612
- iii.
- iv.

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. N/A
- ii. N/A
- iii. N/A

(b) the proceedings in which each ground was raised:

- i. N/A
- ii. N/A
- iii. N/A

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) Newly Discovered Evidence
(b) Evidence Not Available at PCR, Appeal,
(c) and trial

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? Yes
(b) your trial, if any? Yes
(c) your sentencing? Yes
(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
Yes

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:
i. Harry Devoe Turbeville S.C.
Katherine Hudgins Columbia S.C.
ii. Timothy Griffith Sumpter S.C.
iii. _____
(b) the proceedings at which each such attorney represented you:
i. Harry Devoe, Pretrial & trial
ii. Katherine Hudgins Appellate lawyer
iii. Timothy Griffith Post Conviction

19. State clearly the relief you seek in filing this application:

~~Appt~~ reduction of my sentence

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA)

County of Clarendon)

VERIFICATION

I, Michael Pearson, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Michael Pearson

SWORN to and subscribed before me this 3
day of June, 2024

Joe Helberg (L.S.)
Notary Public

My Commission Expires: 8/30/2026

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Michael Wilson Pearson, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Michael Pearson
Applicant

SWORN or affirmed to and subscribed before me this

29 day of May, 2024
[Signature]
Notary Public

My Commission Expires: 8/30/2024