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Preface

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PREFACE

Having been in prison the last eleven years, I still wake up amazed at where I find myself. I never dreamed I would have been convicted at trial, never imagined the appellate courts would not have subsequently sprang into action to liberate me from confinement, and certainly could not have fathomed a decade of litigation resulting in more confusion than my journey began with. I look back on my run through the court system, on my refusal to accept a plea deal, on my first trial resulting in a deadlocked jury, and on my second trial resulting in my conviction, and I remember only thinking one thing during that whole time period: That I had nothing to worry about because (as I had seen on TV so many times) I was in a court of law where everybody had to tell the truth and I would be vigorously defended. Today, I can only shake my head and laugh at how costly being young and naïve has been.

When I first came to prison, I spent so much time in the law library that I was eventually given a job there. Working as an inmate law clerk in the South Carolina Department of Corrections, I quickly realized that prisoners' access to the courts was virtually nonexistent and that prisoners basically had to learn the law on their own to effectively traverse post-conviction procedures and give themselves any chance at relief. It was a scary realization, and it still is. Most people seem to think I am fairly intelligent, but even after years of studying law day and night, I still get so frustrated trying to understand a court's reasoning that I often just want to throw the law books against the wall or else burn them! And I understand the law a little; imagine what the average prisoner just coming off of the street has to go through.

I wrote this piece for many reasons. I wanted judges and lawyers to know the difficulties and challenges prisoners go through before a prisoner stands before them or consults with them. I wanted prisoners to have a one-stop manual to help them understand and navigate post-conviction practices and procedures in a way that does not require them to have a law degree. I wanted everyone to be confronted with the fact that the system is a mess, and a very routine one. And I suppose I wanted to make my time in prison count and be recognized for my work. Overall, though, I wrote this piece because somebody needed to write it and I felt like I could.

On that note, I want to say thanks to a couple of people. The students at the *South Carolina Law Review* this year are truly in a class of their own. Thomas Limehouse, Tiffany Johnson, and all of the students at the *South Carolina Law Review* get the biggest thank you. Without their unprecedented acceptance of my work and dedication to seeing it through, no one would even be reading this. Clifford Thompson, Frederick Hayzill, Russell Cain, and Felton Yawn: we spent many days and nights arguing law and I am thankful for their insightful perspective; Mekiel Mitchell, Brandon Pinkard, and Yakariel Judah for the focus their friendships have brought me and, of course, to my family for all of the times that I bugged them to look up legal matters that were completely foreign to them; also, Professors Patrick Flynn and John Blume for their dedication to

helping prisoners in general. To anybody I missed, please blame my mind and not my heart, and I got you in the next one. Guidance.

Demetrio L. Sears