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SEP 15 2022

9/11/22

SC Court of Appeals

Honorable Sean Toal,

I appeal to you for your help in this matter.

You gave the ruling on be resentenced on kidnapping if a life sentence was given.

Attached you'll see my petition that I submitted to the court, and I was denied.

Honorable Judge Colbertson stated: "I can not use ten minutes of information about you, and change your sentence." Also stated, "I don't have the power to change another judge sentence."

This is on the transcript of my hearing of my petition.

I've served ~~several~~ forty-one (41) years, and I have completed C-STAR program, AA, NA, Anger Management, Resolution for men and so many programs with excellence. I'm part of KāROS, JumpStart, and worship leader's position. I've worked with MEDCOM private sector here at Evans since May 2005. I don't have any write-ups, and I've received my GED and Associate Degree from Limestone College, a business degree.

I have support on the outside waiting for my release, but I told them I would like to go to JumpStart first and gradually re-enter society.

I had a psychological done and even he stated, "He can be released he won't commit a crime."

Honorable Toal, I've watched my wife and mother pass on while being here. I'm only asking for help because I would like to share with society what God has done for a person such as I. I like to have the chance to give back to society.

Your help in this matter is very appreciative, and I know my siblings would be happy also. I'm sixty-five, and my oldest sibling is eighty-three. I'm the youngest boy and Julie is the youngest. Please, help me to another chapter of life.

Sincerely, Daniel Hause

PS: I've appeared before the parole board twenty-eight (28) times, only to be denied for the things I cannot change, but what about what I can change and did so?

Daniel Gause #77753
Evans Correctional Inst. F-4-A
610 Highway #9 West
Bennettsville, S.C. 29512

May 1, 2022

Horry County Clerk of Court
Attn: General Session Clerk
1301 2nd Avenue
Conway, S.C. 29526

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SEP 14 2022
SC Court of Appeals


CC: Horry County Solicitor Jimmy Richardson

RE: Filing of petition for a re-sentencing hearing on 1981
kidnapping pursuant to an order per Honorable Jean Toal S.C. Code
16 – 3 – 910.

Dear Honorable Clerk,

Please find an original courts copy of my above referenced petition.
Please clock stamp and file and return a copy of the clock stamp for
my files. Thank you and God Bless.

Respectfully Submitted


Daniel Gause #77753

STATE OF SOUTH CAROLINA ^

IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY ^

FOR THE 15th JUDICIAL CIRCUIT

State of South Carolina, ^

Case #81 – GS -26 -1146

Respondent, ^
vs, ^

PETITION FOR A RE-SENTENCING

ON 1981 KIDNAPPING

Daniel Gause, #77753 ^

Pursuant of an Order per Honorable Jean
Toal S.C. Code ANN 16 – 3 – 910 up to
30 years

Defendant, ^

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SEP 14 2022

JURISDICTION

SC Court of Appeals

The Honorable Jean Toal, Chief Justice for South Carolina signed an Oder, stating that any Defendant doing a life sentence for kidnapping, can petition the sentencing Court in the Court of General Sessions to be Re-sentenced to (30) Thirty years for kidnapping where the law was changed Pursuant to S.C. Code ANN 16 – 3 – 910.

FACTS

The Defendant Daniel Gause, SCDC #77753, has done (41) Forty One years for a kidnapping charge from 1981, Pursuant to Honorable Jean Toal’s Order, the Defendant moves this court for a re-sentencing hearing, to time served (41) years and released from custody.

DISCUSSION

Pursuant to the S.C. Code ANN 16 – 3 – 910 the maximum sentence for kidnapping is (30) years and since the Defendant has served (41) years, he respectfully moves this court for a re-sentencing hearing and this petition be placed on the docket.

CONCLUSION

Defendant prays that the honorable court order a re-sentencing hearing, and sentence him to time served after he has done (41) years for kidnapping under the old law on kidnapping was a life sentence; now kidnapping is a maximum of (30) years pursuant to the law change S.C. code ANN 16 – 3 – 910.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Daniel Gause". The signature is written in black ink and is positioned above a solid horizontal line.

Daniel Gause #77753

Defendant Pro-sè

STATE OF SOUTH CAROLINA ^

In the Court of General Sessions
for the 15th Judicial Circuit

County of Horry ^

State of South Carolina, ^

Case #81-GS-1146

Respondent, ^

CERTIFICATE OF SERVICE

vs. ^

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Daniel Gause, #77753 ^

SEP 15 2022

Defendant, ^

SC Court of Appeals

I do certify that I have served the below named parties, by way of placing a

true and correct copy in the U. S. Postal Mail, postage prepaid, on

this 11 day of May, 2022, addressed as below:

1.) Horry County Solicitor's Office
ATTN: Jimmy Richardson, Solicitor's
1301 2nd Avenue
Conway, S.C. 29526

2.) Horry County
Clerk of Court
General Sessions
1301 2nd Avenue
Conway, S.C. 29526

3/ Daniel Gause
Daniel Gause

THE STATE OF SOUTH CAROLINA
[IN THE COURT OF APPEALS]

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SEP 15 2022

APPEAL FROM Horry County
Court of General Sessions

SC Court of Appeals

Benjamin Culbertson Circuit Court Judge

Case No. 81-GS-26-1146

The State, Respondent,

v.

Daniel Gause, #77753, Appellant.

NOTICE OF APPEAL

Daniel Gause, #77753, PRO-se appeals his conviction and sentence from Petition for a Resentencing on 1981 Kidnapping Pursuant to an Order per Honorable Jean Toal S.C. Code Ann § 16-3-910. [This Appeal is taken from the Order of the Honorable Judge Culbertson dated July 21, 2022, which that denial was an Abuse of Discretion as the General Sessions Court does have Jurisdiction to sentence Appellant to 30 years the legal max on Kidnapping. Appellant recieved verbal denial and this Appeal follows:

July 24, 2022

151 Daniel Gause
Daniel Gause, #77753, Pro-se

Daniel Gause, #77753
Evans Corp. Inst. F-4-B-
610 Hwy 9 West
Bennettsville, S.C. 29512

July 24, 2022

S.C. Court of Appeals
Attn: Honorable Jenny Abbott Kitchings
1520 Senate St.
Columbia, S.C. 29201

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SEP 15 2022
SC Court of Appeals

RE: Notice of Appeal filing Case# 81-ES-26-1146

Dear Honorable Kitchings,

Please find an Original Courts Copy of my Notice of Appeal in the above referenced case. Please clock-stamp and return to me a clocked copy for my files. By a copy of this I have also sent certificate of service & cover letter and notice of Appeal to all other parties. Thank you and God Bless.

Respectfully Submitted,
Daniel Gause
Daniel Gause, #77753
Pro-se

Verbatim Copy / File
Horry County Solicitor's Office
Horry County General Sessions Clerk 1. of 1.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM Horry County
Court of General Sessions

RECEIVED
SEP 15 2022
SC Court of Appeals

Benjamin Culbertson, Circuit Court Judge

Case No. 2022-001076

The State Respondent,
v.
Daniel Gause Appellant.

NOTICE OF APPEAL

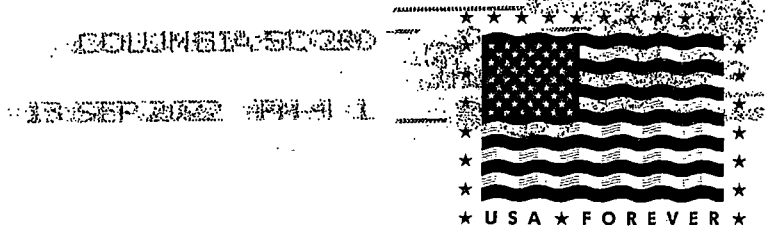
Daniel Gause appeals his Conviction and sentence/Resentencing in this case. The denial by Honorable Benjamin Culbertson on July 21, 2022. [This Appeal is taken from the Order of the Honorable Benjamin Culbertson, dated July 21, 2022, which denied appellants Motion for a Re-sentencing on New Kidnapping Statute of 30 yrs; Appellant recieved written notice of entry of this Order on August 3, 2022.

Other Counsel of Record:

S.C. Attorney General's Office
P.O. Box 11549
Columbia, S.C. 29211-1549

/s/ Daniel Gause, #77753
Evans Corr. Inst. F-4-A-193
610 Hwy 9 West
Bennettsville, S.C. 29512

Daniel Krause 77753
EVANS Cor. Inst. F4-A-193
610 Highway #9 West
Bennettsville, S.C 29512



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SC Court of Appeals

Honorable Jean Toal, Chief Justice
1220 Senate Street
Columbia, South Carolina 29201

29201-376999

