

The State Of South Carolina Court Of Appeals

The State Respondent,

Appellant Case No.

v

Jamie Goss Appellant,

2021-001271

Appeal from Horry County

Circuit Court Judge(s)

Ralph F. Cothran, JR

William H. Seals

RECEIVED

Sep 26 2022

SC Court of Appeals

Response to return to motion for emergency bond for extraordinary circumstances

Appellant responds, to address matters unclarified and questions of law to answer. In accordance with Article VI, Clause 2 (The Supremacy Laws of the Constitution of the United States). "... The Supreme Laws of the land take priority over any conflicting State Law." Addressing a conflict of interest unprecedented, allows federal laws made pursuant to it, in a proper authority.

The first conflicting law I'm questioning is the "Extraordinary Circumstances" element of appellant motion. Pursuant to 18 USC 3582.. As amended by the first step act, the compassionate release statute allows the court to reduce sentence for "Extraordinary and Compelling reasons". The COVID-19 pandemic, which some health experts, policy makers and many courts around the country recognize as especially dangerous in the confines of correctional.

Institutions, is a " Extraordinary and Compelling circumstances." These compelling reasons are identified and addressed in the South Carolina executive order 2021-22 state of emergency".

The executive order addresses the duties and responsibilities of any and all state agencies including, but not limited to; The Department of Corrections (DOC). Appellant argued the standard to meet for the (DOC) has not been met internally. Appellant contends the facts recorded by the (DOC), with evidence in

the form of affidavits and institution records. The question of the (DOC) ability to meet the burden of the executive order should be viewed in light most favorable to the facts.

In response to the executive order the (DOC) created a policy governing COVID-19. Upon creation, these policies create a statutory obligation to appellate, from the (DOC), due to over-crowding and shortage of staff this difficult burden has provided a state-wide calamity for the (DOC). There is a severe lack of medical and security staff, which are the two main components in administering COVID-19 protocols. appellant has first hand knowledge of the operation of institutions during COVID/Quarantine, and appellate argues here lies a substantial risk of harm to his health.

Unreasonable risk of harm:

- “Unwarranted exposure to the possibility of a negative consequence”
- “Unreasonable risk of great bodily injury or death means substantial probability of great bodily injury or death may occur.”
- “Unreasonable risk is the risk judged to be unacceptable in a certain context according to valid society moral concepts”
- “The quantum of risk that a reasonable person would be unwilling to take with the safety or welfare of care recipients.”

A separate question of law is whether the court of appeals should grant a bail/bond under extraordinary circumstances. Appellate has presented circumstances meeting, extraordinary circumstances are the question lives in the discussion of the court of appeal using the discretion it will look at; (1) probability of success on appeal; (2) nature of offense; (3) does he or she pose a threat to the community; (4) the likelihood appellate will forfeit bail; (5) character in circumstances of the individual; (6) the defendants, personal attitude towards society and governments.

Appellate has completed over 60% of his imprisonment sentence. Any legislation prior to the Covid pandemic was subject to amendment legislative intent must not be construed to deny. The rights of any class of the people specifying legislation interpretation opposing the bill for certain prison sentences cannot have included the extraordinary circumstances of COVID-19 while overcrowded and understaffed.

Appellate has established explaining work skills and academic presentation, accomplishing a "platinum credential" work keys signed by Governor Henry McMaster saying ready to work. In addition to completion of several character programs.

Appellate is a father and a character of persuasion in his community. When determining the character of the Appellate, the courts are asked to view the circumstances. Appellant has spent 16 years of his life imprisoned. During that time, he has tenured the role as a father to his four children. This is a character role that does not change. The likelihood of being a danger or risk of forfeit, are little to none in light of appellants position as a father. Appellate has also assumed the role of primary caretaker in the decision making of his terminally ill mother.

Appellate would also like to address Exhibit C of the states "Return", the personal protection equipment has not been allocated as reported , or mandated. This exhibit further explains the division of operations when in regards to the aforementioned standards for the (DOC).

Law | Analysis

(I) Article VI Clause 2 (Supremacy Clause)

(II) 18 U.S.C 3582

(III) South Carolina Executive Order 2021 S.C. "State Of Emergency"

(IV) Nicholas v. Patterson, 202 S.C. 352, ___,25 S.E.2d 155,156(1943)

(V) Title 24 S.C. Code Annotated 1976

(VI) Good Safe Act

(VII) Attachments proved good to society/ Affidavit

In Nichols v. Patterson, Nichols was afforded good conduct in the calculation of his sentence, where as appellate is under a conflicting provisions of 24-1-150, where it is specifically stating "Good Conduct" credits are not applicable toward "no parole" offenses, discriminating toward a class of people. This discrimination creates a liberty intrest toward appellants"s physical liberty. Without the incentive of good conduct credits, one has little reason to abide by guidelines and policies, yet Appellate has done so, and other accomplishments throughout his tenure as an inmate in the (DOC).

It is exactly this type of conflict of interest that creates extraordinary circumstances within its political subdivision, (DOC). Nichols was not denied a proper hearing on the merits of his bond. The Appellate courts ruled in his favor.

A proper hearing is warranted, as a matter of law accompanied by Good Faith Act.

Conclusion

Appellate asks the court to view the “motion for release” and supersedeas bond in an objective view, referencing the U.S. code when applicables to address questions of the law the state has not clarified. With the discretion belonging to the appeals court, the appellate further requests the court to clarify legislative intent during time of sentencing, up until the present.

There is an unprecedented string of events, attached to the provisions and statutes that are unconstitutional structured and the results are showing themselves in the (DOC).

PROOF OF SERVICE

I, Jamie Goss, certifies that I have served the respond to “ Return to motion” by depositing in U.S. Mail addressed to:

William M. Blich, Jr. SADAG
South Carolina Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211-1549

This 25th day of September, 2022

A handwritten signature in black ink that reads "Jamie Goss". The signature is written in a cursive, slightly slanted style.

Y.O.U.T.H. Proposal

O W S H E
U E E L
P

TO: Warden Bailey
From: Jamie Goss
Date: January 21, 2020
Subject: Class Proposal

Introduction: Today the prison system is full of young men who are trying to figure out who they are and why they ended up in where they are, which is in a South Carolina Department of Corrections. Many of these young men are right here in a dorm at RCI searching for an identity, some through drugs, gangs, but some through other inmates who have walked before them. Therefore, I'm requesting that you give me the opportunity to spend time teaching those who are willing to learn how to find their identity while serving their time here at RCI in the Georgetown B unit.

Goal: is to teach young men how to gain an identity as man, and to develop a better understanding of what's driving their lives (Good vs Bad). By helping these individuals gain a deep insight about the purpose of love, moral character, and good conduct in their daily lives, I believe that these young men will develop a healthy identity about who they are and who they're becoming in life.

Through sharing pictures of the benefits of living a life of loving family, friends, and other people this class will help the youth develop a better view of how to spend their time not only while they are here at RCI, but also how become productive in their communities after their release from prison.

In conclusion, this class will help the youth in Georgetown B develop strong character needed to overcome the destructive mind-sets, the temptation to do drugs, and the peer-pressure of joining a gang to find identity from their peers. But more importantly, it will help our youth develop a sense of purpose in helping not only themselves, but their families, friends, and elders through acts of love and respect.

S/ _____
LT. Bryant Unit Manager

S/ _____
Jamie Goss

APPROVED / DISAPPROVED

S/ _____
Warden Lavern Cohen

S/ _____
Associate Warden Aubrey Bailey

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
RIDGELAND CORRECTIONAL INSTITUTION
MEMORANDUM

To: Mr. Bailey, Associate Warden – Program Services
Thru: Inmate Representative Committee (IRC)
From: Jamie Goss, Georgetown Unit IRC Rep.
Dated: April 1st, 2022
SUBJECT: Special Job Skill / Special Programs

This Memorandum is being presented to you in regards in hope of enlisting your assistance in establishing a GENERAL PLAN creating a positive environment promoting opportunity and fostering educational programs, and for providing adequate recreational time outside of the cell.

Pursuant to SCDC POLICY 21.04, the IRC respectfully request that you either present a PLAN or allow the COMMITTEE to present a purposed PLAN the can be implemented on a trial basis.

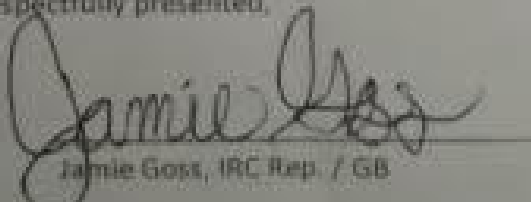
This request is of utmost importance for many reason(s), namely the consistent LOCKDOWN, LACK of RECREATION, and GENERAL FAILURE of the RIDGELAND ADMINISTRATION to promote positive change, which is necessary for growth and behavior adjustment.

Moreover, the present conditions warrant immediate change. (1) the working body are often worked without the benefit of time outside of cell for recreation, and are at times denied an opportunity to shower.

It is our sincere hope that a PLAN will be forth coming, and that plan shall at the very least provide for "ALL CELL DOORS" to be opened.

IT IS TIME!!!!

Respectfully presented,


Jamie Goss, IRC Rep. / GB

Cc: Warden Cohen
A/W Washington
Major Wiggins
Coach Brooks
File

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

RIDGELAND CORRECTIONAL INSTITUTION

MEMORANDUM/REQUEST

To: Mr. Bailey, A/W Programs Services
Thru: Inmate Representative Committee (IRC)
From: Jamie Goss, Georgetown Unit IRC Rep
Date: April 6, 2022

SUBJECT: Follow-up to Memorandum Dated April 1st, 2022

Dear Sir:

Your response to the above subject memorandum fails to consider and/or acknowledge that many of the agency policies have been made obsolete as a result of the "Lee Correctional Institution Riot" that increased the security parameters. The pre-riot policies are now inadequate and do not account for the needs of the inmate population.

I will not recite again the numerous reasons which support the necessity for leisure activities and time outside of cells. Admittedly, the institution is under-staffed, that fact has been constant for the past 15 years.

Furthermore, you indicated that it would not be wise to allow inmates to roam the unit and yard without supervision, as that would present safety issues. This again fails to account for the many assaults and murders that are taking place while LOCKED BEHIND CLOSED DOORS.

Your reply shows a lack of understanding and a disconnect from the inmates and their needs- this is an agency wide problem.

Control movement has been a part of the SCDC since 1996, we understand the need for inmate movement to be regulated; what we do not understand is the complete failure to provide an environment conducive to the fostering of inmate growth. The tier schedule was implemented as a result of the situation at Lee C.I., it has since become the general policy for activity at Ridgeland.

With all due respect, I ask you to consider "reality," meaning every day the inmate population and I are forced to eat our meals in a toilet.

Respectfully Submitted,

Jamie Goss, IRC Rep. / GB

Cc: Warden Cohen
A/W Washington
Major Wiggins
Coach Brooks

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
RIDGELAND CORRECTIONAL INSTITUTION
MEMORANDUM

TO: WARDEN COHEN,
ASSOCIATE WARDENS, Ms. WASHINGTON,
Mr. BAILEY, I.R.C SPONOR Ms. BROOKS

FROM: INSTITUTIONAL I.R.C. CHAIRPERSON

SUBJECT: RESULTS OF I.R.C ELECTION

DATE: 03/11/2022

THIS MEMORANDUM IS IN REFERENCE TO THE I.R.C ELECTION HELDED ON 12/15/2021, WHICH WAS CONDUCTED BY ASSOCIATE Ms. WASHINGTON IN THE ABSENCE OF WARDEN COHEN, WHO HAD GIVEN Ms. WASHINGTON THE PERMISSION TO ACT ON HIS BEHALF DURING THE PROCESS OF VETTING, AND CERTIFYING OF THE VOTES. THE RESULTS AS TO BE TRUE AND STATED, ARE THE FOLLOWING. INMATE JAMIE GOSS- CHAIRPERSON, INMATE DAVID JENKINS- VICE CHAIRPERSON, SERGIO MARSHALL- SECRETARY, INMATE KEVIN BROWN- TREASURER. WARDEN COHEN, IF POSSIBLE COULD YOU VERIFY THESE RESULTS WITH Ms. WASHINGTON, SO THAT THIS PANEL CAN MOVE FORWARD WITHOUT ANY FURTHER HESITATION. THANKS IN REGARD TO THIS MATTER.

RESPECTFULLY SUBMITTED


INMATE JAMIE GOSS

The South Carolina Ready to Work

PLATINUM CREDENTIAL

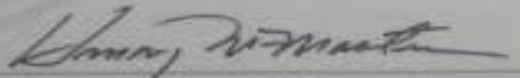
has been earned by

Jamie Goss

for demonstrating mastery of the academic and employability skills.

12/4/2020




Henry McMaster, Governor

I, Jamie Goss, stated the fact of the truth in this testimony that I've been incarcerated in a 24 hour medical institution in Ridgeland SC for the last 5 year. I Plead with the Doctor and nurses for help with my infection in my skin and me choking in my sleep. Response from nurse and doctor "Jamie we can't send you out because it's not an emergency". "We don't have the staff to watch you at sleep studies". Also I have a bad problem with cholesterol. The doctor at Libra told me I was going to wake up dead because of my cholesterol. Level of cholesterol One is 380, the other 250 also 150. Lost 17 teeth in prison and they are still falling out because they can't provide medical care. Extraordinary circumstance makes it hard to follow protocol when 1 to 2 officials working 8 dorms and please pull SCDC cameras to prove fact of testimony; To prove SCDC is understaffed we are going to pull all 911 responses from Ridgeland correctional. I don't know how much damage has been done to my body after COVID-19. I'm imposing Exhibit B & C from the State return for the following reason: They did not monitor my pulse nor check my temperature. The whole ventilation systems throughout the prison is terrible, there's no way of the air being recycled or any new air; they don't wear PPE protocol; I've never seen or wore a n95 mask during quarantine; All inmates have cloth mask; during quarantine doctors/nurse don't accept your appointment; staff members never wear mask. There is very poor hygiene and sanitation in the prison.

Reference:

<https://www.fmcsa.dot.gov/emergency/south-carolina-executive-order-2021-22-state-emergency>

Jamie Goss

September 16 2022

Thank you have a blessed day

I, Ivana Ixchel Valenzuela, stated the fact of truth with this statement. My father, Jamie Goss, is no harm to the community at all. His characteristics have changed to all positivity over the time he has been incarcerated because of programs he has been in. He has found a positive and religious path and he will be very beneficial to our family members and to our community. My dad has had alot of medical issues in the SCDOC. Dental, skin and his respiratory system. This has had a big effect on his circumstances and his family. SCDOC has done little to none to help him because of short staff and overcrowding .

Ivana Valenzuela,
September 25 2022,
Thank you have a blessed day

I, Pilar Valenzuela, stated the fact of truth with this statement. My husband Jamie Goss He is an individual who was bless to find God and live in God”s word and He motivate people in his environment to find God and he help others all the time, his health conditions are deteriorated in prison caused for his terrible nutrition he is overweight and he was diagnosed to be a prediabetic have cholesterol problems and being announce of future heart diseases because of this conditions.

He is a positive individual for this society and family members. He did transform his unfortunate destiny in a positive way. Even though he is incarcerated He has a better attitude and gratitude than others that are free in the outside world such to me is admirable. He works to motivate others there and also to his loved ones to have faith and to be happy. He doesn't give up to show others his faith and happiness in the lord. One of the reasons you reading this and the hold foundation of this petition he is making to the court is first his faith on the Lord and and the deeply desire to be with his family a desire based on pure love, he accept and recognize that is rules and laws for a reason and those reasons are the organization and public safety and well being of humanity. Thanks for you all time to read this simple paragraph and please give him a change he really won't disappoint you ,

Pilar Valenzuela

September 25 2022,

Thank you have a blessed day

I, Amaru Valenzuela stated the fact of truth with this statement, My Father Jamie Goss is a victim in SCDOC institution. I believe SCDOC has diagnosed my father with High cholesterol, over the years it's been worse it makes me sad that SCDOC doesn't get him the health attention he needs. I have high concern for his environment since the spread of covid-19 inmates only increase. I think about how my life could be with him home everyday hoping the day is today. He motivates me to have strong goals in life when we communicate. You can only understand how sad my family has been to hear his mental health is increasing the longer he is around these influenced inmates. He can only love us from his heart and from where he is. My father's voice is the strong truth. you must hear my message not once but until you understand. Thank you for giving me this opportunity.

Amaru Valenzuela
September 25th 2022