

**THE STATE OF SOUTH CAROLINA
COURT OF APPEAL**

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Oct 10 2022

SC Court of Appeals

The State/Responded

V.

Jamie Goss Appellate

**Appellate Case No. 2021-00127
Appeal from South Carolina Court of Appeal
Chief Judge H. Bruce Williams**

“PETITION FOR REHEARING”

pursuant to rule 221(a) and 52(A), SCACR, Appellant Jamie Goss respectfully petitions this court for a rehearing in the above captioned matter after an order filed on September 26th, 2022, denying Appellant’s motion for “Emergency bond for Extraordinary Circumstances”. In support of his petition, Appellant respectfully alleges that this Court overlooked or Misapprehended the following arguments:

Issue I:

As to Issue I, this court error in concluding that Appellate is not entitled to compassionate release for extraordinary circumstances due to covid-19. South Carolina Department of Correctional (here in after SCDC) has shown failures to adequately prevent, address, and respond to COVID-19 pandemic. The substandard patterns or practices within SCDC, in which this court is aware of these Deficiencies. i.e. Overcrowding, short of staff including, but not limited to, Security, Medical, and Mental Health staff. Which are the 3 main components and administering the COVID-19 protocols.

Furthermore, SCDC response is lock down 24/7. Appellant's rights to be free from the threat of the COVID-19 pandemic under the Amendments to the Constitution of the United States are being overlooked by this court.

SCDC's responds to the pandemic as problematic to the morale and overall Mental Health of Appellant.

Issue II,

Fact finders have shown that SCDC has substantially Fallen below the ACA standard of a modern-day prison.

There is a substantial risk of harm with overcrowding and remaining in close quarters during this pandemic. quarantine has the effect of raising the risk due to a shortage of family in the medical and security division.

When systematic deficiencies in staffing facilities, or procedures make unnecessary suffering inevitable, a court should Not hesitate to use the injunctive power. *Todaro vs Ward*, S65 F2D 48, 52 (2 cir.1977) The overcrowding and understaffing within SCDC has exposed Appellant to a Constitutionally unacceptable substantial risk from the COVID-19 pandemic, and physical violence. SCDC have manifested " deliberate indifference" toward this risk. If this court overlooked or misapprehended this issue it to would have manifested further "deliberate indifference" toward risk.

Conclusion

Appellant respectfully requests this court rehear this matter for the significant points overlooked and/or misapprehended in rendering its order denying, appellant's motion for emergency bond for extraordinary circumstances.

Respectfully submitted by

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

Appellant Pro se

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PROOF OF SERVICE

I, Jamie Goss, certifies that I have served the respond to "PETITION FOR REHEARING" by depositing in U.S. Mail addressed to:

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

This 9th day of October, 2022

Jamie Goss