

Donald Beatty, Jr.
S.C. Supreme Court
1200 Senate St.
Columbus 29001

12-11-22

Re: Ruenda Fishburne v. State. / Redress of Prohibit
2021-000386 Appellate Case No.

Honorable Judge Beatty,

I am writing to request that the court repeal
an order given in Appellate Case No. 2021-000386
where this court prohibits me from challenging my
2001 conviction. However, this ruling was based on
Rule 243(c). 243(c) only gives this court Jurisdiction
to prohibit me from Filing An Appeal From A
P.c.R. or A writ of certiorari.

Rule 243(c) does not give any court the
Authority or Jurisdiction to deny me my constitutional
Rights. And I have A First Amended Right to Petition
the Government for Redress. First Amendment states:
Congress shall make no law prohibiting the free
exercise thereof, or abridging the freedom of speech
or of the press; on the right of the people to peaceably to
assemble; AND TO PETITION THE GOVERNMENT FOR
A REDRESS OF GRIEVANCES.
Moreover, I have had A Rule 29b motion

For A new trial based on exculpatory "new evidence" since 2010. This 29b motion have been pending since 2010. And the court appointed Attorney David Mathews to represent me... which means this 2010-000386 order does not pertain to my pending motion for A new trial because it will be A fundamental miscarriage of Justice to ignore my 29b motion for 12 yrs, "which in itself violated my equal protection of laws 14th Amended Constitutional Rights." Because the State of S.C. never in its history held any prisoners 29b motion for A new trial for 12 yrs... There's never been A case in South Carolina's history where A 29b motion layed pending for 12 yrs, which is prejudicial... after 12 yrs pending my 29b motion then prohibits me from fighting my conviction. If my 29b motion was heard in 2010-2011 I would have been granted A new trial prior to the 29b prohibit... which is illegal to prohibit me from filing A challenge - Petition for Redress.

Plus, the prohibit is unconstitutional/according to the First Amendment of the U.S. Constitution. And the First Amendment is incorporated in the 14th Amendment. Therefore no state shall prohibit me from filing A Petition for Redress of Grievances.

I'm writing to request that you repeal this prohibit because my Attorney was concerned about it. My motion has already been pending 12 years in violation of my First Amended Constitutional Rights, and will

Require immediate release due to the abundance of newly discovered evidence. Judge Bonds appointed Attorney due to the fact that there's evidence discovered that was not disclosed at trial. Also, there's still evidence that's still being withheld that my Attorney is supposed to subpoena. Will you repeal this unconstitutional prohibit because my Attorney says I shall request that this court repeal its unconstitutional prohibit. Rule 243C has no jurisdiction in general sessions court. So ~~the~~ court has no authority to prohibit my 12 yr old asb.
Thanks in Advance

Ruendo Fishburne 27601
W.I. MA #207
P.O. Box 208
Ridgeville SC 29472

12-11-22

The Supreme Court of South Carolina

Ricardo Fishburne, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2021-000386

ORDER

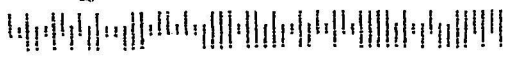
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COLLETON COUNTY
COMMON PLEAS COURT

By order dated May 14, 2021, Petitioner's notice of appeal from the denial of his fifth application for post-conviction relief (PCR) was dismissed for failure to file the explanation required by Rule 243(c), SCACR.

Petitioner has now filed a petition for rehearing indicating he did file a Rule 243(c) explanation. Because Petitioner's notice of appeal was mistakenly dismissed, we grant the petition for rehearing and consider Petitioner's Rule 243(c) explanation. After careful review of Petitioner's Rule 243(c) explanation, we find Petitioner has failed to show there is an arguable basis for asserting that the determination by the PCR court was improper. Accordingly, we dismiss the notice of appeal.

Because Petitioner failed to provide any reason why the Court should not do so, we prohibit Petitioner from filing any further collateral actions in the circuit court, including PCR actions and habeas corpus actions, as well as any motions relating to the previously filed collateral actions, challenging his 2001 convictions and sentences for first degree burglary (Indictment No. 2001-GS-15-417) and assault and battery with intent to kill (Indictment Nos. 2001-GS-15-415 and 2001-GS-15-416), or any motions in the underlying criminal case, including a motion pursuant to Rule 29, SCRCrimP, without first obtaining permission to do so from this Court.



p/

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Judge Donald Beatty
S.C. Supreme Court
1220 Senate St.
Columbia SC 29201