

Case no. 2019-000031

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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FEB 01 2023  
SC Court of Appeals

**Petition for Issuance of Writ of Mandamus, Rule 65, S.C.R.C.P.**

In re: Andra Jamison,

This matter is being brought humbly and respectfully, to the attention of this Honorable Court for the State of South Carolina, to request entitled relief consistent with a normal appeal from the denial of a PCR case. To which had remained pending since at least October 2019.

Based on such delay, Appellant here filed his **28 U.S.C. 2254**, in the district court for the district of South Carolina. Claiming several issues by a State prisoner for relief. To which is not proper rearguing here when a writ of mandamus is not a "cause of action". See **Plum Creek Development v. City of Conway, 334 S.C. 30, 512 S.E.2d 106 (S.C. 1999)**.

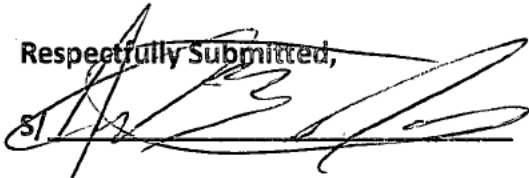
Here, the only remedy Appellant is seeking is to finalize his appeal from the PCR Court. In order to allow the Federal Court to address the merits of his 2254 application. The District Court's Opinion and Order, agreed with its Magistrate's Report and Recommendation, that such dismissal was "without Prejudice", because the state court appeal remains unresolved. See **Jamison v Warden Peeples, 9:22-CV-00300-HMH (11/17/2022)**.

In *Dozy v. Cady*, 430 F2d 42 (7th Cir); and *Lowe v. Duckworth*, 663 F2d 42 (7th Cir): these and other Courts have determined even a 17- month delay is both unreasonable and inordinate on the appellate level. *Harris v. Chapman*, 15 F3d 1538 (10th Cir. 1994).

Because the district court determined the pendency of the state court judgement to be fatal, as a jurisdictional prerequisite. It is therefore in the interest of justice that such final decision of Appellant's Appeal in a PCR case be rendered, and the case effectively finalized.

**WHEREFORE, Appellant respectfully prays for the relief in the appeal. Or alternatively, finalize the appeal for which Appellant can re-file his 2254 in Federal Court. And any further relied this Honorable Supreme Court, for South Carolina, deems just and proper.**

Respectfully Submitted,



**Andra Jamison**

Trenton Correctional Inst.

84 Greenhouse Rd

Trenton, S.C. 29847

Date 27<sup>th</sup> of Jan.2023

**CERTIFICATE OF SERVICE**

This is to certify that I Andra Jamison #337461 did serve a copy of **Petition for Issuance of Writ of Mandamus, Rule 65, S.C.R.C.P.** to the parties listed below on this 27<sup>th</sup> day of January 2022:

Mailed to:

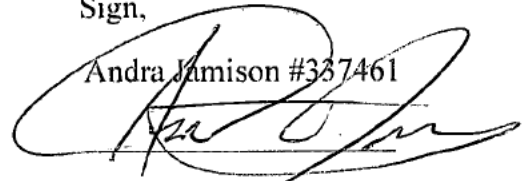
Adam Ruffin, Scott Leverett  
Appellate Defender  
P.O. Box 11589  
Columbia, S.C. 29211

Melody Brown  
Tommy Evans Jr.  
Office of Attorney General  
P.O. Box 11549  
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South Carolina Court of Appeals  
Jenny Abbott Kitchings, Clerk  
P.O. Box 11629  
Columbia S.C. 29211

The Supreme Court of South Carolina  
Daniel E, Shearouse Clerk Of Court  
P.O. Box 11330  
Columbia S.C. 29211

Sign,

Andra Jamison #337461  


Trenton Correctional  
84 Greenhouse Rd.  
Trenton S.C. 29847

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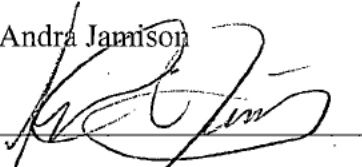
Dear honorable clerk:

Case no. : 2019-000031

Please send me a clocked stamped copy of the **Petition for Issuance of Writ of Mandamus, Rule 65, S.C.R.C.P.** I have included an extra copy and prepaid envelope for your convenience.

Thank you,

Andra Jamison



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DATE 27<sup>TH</sup> JAN. 2023

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**SC Court of Appeals**

Dear: ADAM RUFFIN/ SCOTT LEVERETT

Case no. : 2019-000031

Please send a copy of the included Cover Page, and three page **Petition for Issuance of Writ of Mandamus, Rule 65, S.C.R.C.P.** to the necessary parties involved in this case to include the parties listed below. I have included a copy for your convenience.

Adam Ruffin, Scott Leverett  
Appellate Defender  
P.O. Box 11589  
Columbia, S.C. 29211

Melody Brown  
Tommy Evans Jr.  
Office of Attorney General  
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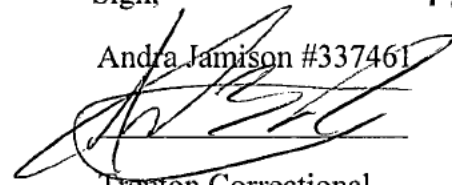
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**SC Court of Appeals**

Sign,

Andra Jamison #337461



Trenton Correctional

84 Greenhouse Rd.

Trenton S.C. 29847

27<sup>th</sup> JAN. 2023

ANDRA Jamison # 337461  
TRENTON CORRECTIONAL  
84 GREENHOUSE RD  
TRENTON SC 29847



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JENNY ABBOTT KITCHINGS  
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