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S.C. SUPREME COURT

Case no. 2019-000031

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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.

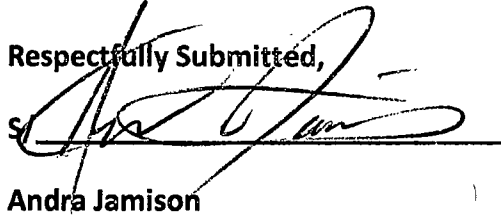
Based on such delay, Appellant here filed his **28 U.S.C. 2254**, in the district court for the district of South Carolina. Claiming several issues by a State prisoner for relief. To which is not proper rearguing here when a writ of mandamus is not a "cause of action". See **Plum Creek Development v.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

s/ **Andra Jamison**

Trenton Correctional Inst.

84 Greenhouse Rd

Trenton, S.C. 29847

Date 27th of Jan.2023

ANDRA JANISON # 337461
TRENTON CORRECTIONAL
84 GREENHOUSE RD.
TRENTON S.C. 29847

AUGUSTA GA 309

30 JAN 2023 PM 1 T

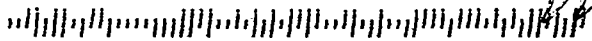


DANIEL E. SHEAROUSE CLERK OF COURT
THE SUPREME CT. OF SOUTH CAROLINA
P.O. Box 11330
Columbia S.C. 29211

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29211\$1330



LEGAL
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THE DEPARTMENT OF CORRECTIONS HAS NOT CENSORED
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ASSUME RESPONSIBILITY FOR ITS CONTENTS.

TRENTON CORRECTIONAL INSTITUTION



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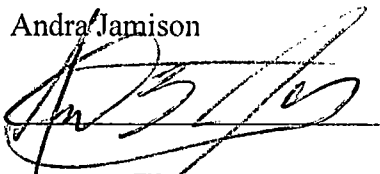
Dear honorable clerk:

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



DATE 27TH JAN. 2023

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S.C. SUPREME COURT

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.

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S.C. SUPREME COURT

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

Columbia, S.C. 29211

South Carolina Court of Appeals

Jenny Abbott Kitchings, Clerk

P.O. Box 11629

Columbia S.C. 29211

The Supreme Court of South Carolina

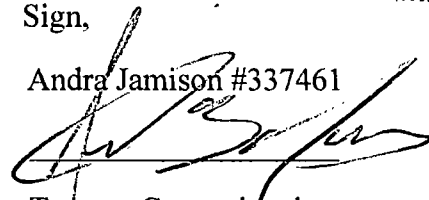
Daniel E, Shearouse Clerk Of Court

P.O. Box 11330

Columbia S.C. 29211

Sign,

Andra Jamison #337461



Trenton Correctional

84 Greenhouse Rd.

Trenton S.C. 29847

27th 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 27th day of January 2022:

Mailed to:

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

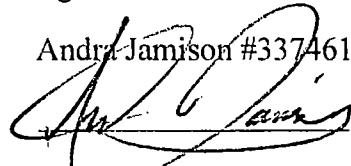
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The Supreme Court of South Carolina
Daniel E, Shearouse Clerk Of Court
P.O. Box 11330
Columbia S.C. 29211

Sign,

Andra Jamison #337461



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