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The State of South Carolina Feb 21 2023

IN The Supreme Court S.C. SUPREME COURT

Appeal From Aiken County  
Court of Common Pleas

Case No. 2023-000114

Eric L. Spann ..... Appellant,

V.

State of South Carolina ..... Respondent.

Petitioner's Prose Supplement  
Explanation Pursuant To Rule  
243(c)

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Clifton Newman, Circuit  
Court Judge

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Eric L. Spann . . . . . Appellant,

V.

State of South Carolina . . . . . Respondent.  
Megan Harrigan Jameson, ESQ.

Supplement To Rule  
243(c) Explanation Re-  
quirement. Rule 15(a) S.C. R. Civ. P.

Supplemented Rule 243(c)  
Explanation Required

Appellant hereby supplements his original Rule 243(c) Explanation Required and add the following

"Argument"

Appellant Spann through his undersigned Attorney P. Andrew Anderson would further argue that "State v. Gentry" lawfully does not apply to his case; cause Gentry, was not the Standard of Review in reference of litigants who challenged the Courts jurisdiction and Subject Matter Jurisdiction at the time of his (Appellant's) "timely requested" preliminary hearing. Pursuant to Rule 2(a) & (b) SCR Crim P.

Additionally, the (10) day period for rule 2(a) also apply to rule 2(b) from the words alone.

## "Law Analysis"

Subject Matter Jurisdiction Legal  
Standard of Review Prior To  
State v. Gentry, 363 S.C. 93, 610 S.E.2d  
494 (March 07, 2005).

Thus, Appellant seeks the same relief as the Post-conviction Applicant received in "State v. Funderburk," 191 S.E.2d 520 (1972) 259 S.C. 256.

Appellant Spann allegation is the same as "Funderburk" and he (Appellant) is equally entitled to the same relief as Funderburk under the South Carolina constitution Article I § 3, Article I § 23, and the United States Constitutional Amendment 14. ["Due Process And Equal Protection of Law"] clauses. (Emphasis Added)!!

As a reminder, "State v. Funderburk," 191 S.E.2d 520, 259 S.C., South Carolina Rules 2(a) and (b), nor South Carolina code Annotated (2017)...

... Section 22-5-320 has been overruled on the books. "Emphasis Added"

## "Conclusion"

Appellant seeks the same relief as the Defendant in State v. Funderburk, 191 S.E.2d 520 (1972) and rely upon S.C. Const. Art I § 3 and the U.S. Const. Amend, 14.

"The prosecutor cannot abandon a state court rule or Right pursuant to the South Carolina Rules of Criminal Procedure, Rule 2 (a) & (b); Appellant's right to challenge the lack of DNA Evidence in Appellant's murder case at a Preliminary Hearing; ~~was~~ violated "Appellant's Due Process and Equal Protection clauses"!!!

February 13TH, 2023  
Date

S/ Eric C. Spann  
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(PRO SE)