

RECEIVED

MAR 08 2023

S.C. SUPREME COURT

SC Supreme Court
Clerks Office, Patricia A. Howard
1231 Gervais Street
Columbia, SC 29201

March 6th, 2023
Date

RE: Eric L. Spann v. State
Appellant Case No.:

Dear Clerk:

Please file all of Appellant documents and send a filed copy to Appellant. If for some reason you cannot assist me in that regard; please provide me with a court rule or statute or case law stating the same.

Basically, had you not prolonged my case by putting me through the process of addressing your void / null letter / ORDER. then my case would of been before the judges pursuant to S.C. Code Ann. § 17-27-40. Please stop playing games with my case matter! I AM VERY Intelligent In Law!!

LEGAL MAIL ONLY

RECEIVED

The State of South Carolina MAR 08 2023

In The Supreme Court S.C. SUPREME COURT

Appeal From Aiken County Court of
Common Pleas

Clifton Newman, circuit court Judge

Case No.: 2023-000114

Eric L. Spann, Appellant,

v.

State of South Carolina, Respondent,

Appellant's Pro Se Response To
Supreme Court Clerk's (Patricia
A. Howard) unconstitutional letter/
ORDER

Appellant hereby submit this petition in
reference of the South Carolina Supreme...
1 of 6 *eb.*

... Clerk of Court letter/ORDER. Appellant received the letter/ORDER from his Attorney Paul Andrew Anderson on or about February 20, 2023. The clerk's letter/ORDER is dated January 31, 2023. (A copy is attached hereto).

"Facts"

The South Carolina Supreme Court clerk of court has issued a letter/ORDER dated January 31, 2023, advising Appellant that he must seek permission from this Honorable Court, to file any additional documents.

Appellant noticed after reviewing the letter/ORDER that none of the judges of the court signed off on the clerk's letter/ORDER. And that struck Appellant's mind as rather odd. This petition/Motion follows.

(2 of 6) ^{E.B.}

LEGAL MAIL ONLY

"Argument"
Law/Analysis

Appellant rely upon "Barnes v. State", (June 03, 2007), 433 S.C. 399, 859 S.E.2d 260. The clerks of Supreme Court and counties clerk of courts are not authorized by statute or any court rule to exercise any judicial power reserved for a judge. (Emphasis Added).

Therefore, the clerk (Patricia A. Howard) has committed Fraud and Misrepresentation by issuing such court order in the form of a letter when there is no statute or court rule authorizing the same. (Emphasis Added).

In Barnes, supra the South Carolina Supreme Court again warned clerks of courts to be mindful that their duty is solely ministerial. SEE Also, "Miller v. State," 377 S.C. 99, 102, 659 S.E.2d 492, 493 (2008).

(3 OF 6) E.L.

LEGAL MAIL ONLY

"Conclusion"

Appellant now contend the South Carolina Supreme Court clerk Patricia A. Howard has willfully, intentionally, and deceitfully discriminated against Appellant Eric L. Spann and has delayed his case matter by issuing Appellant's Attorney a Void (Nullity) letter/ORDER that has no force or effect of law. SEE, "Barnes v. State," (June 03, 2021) 433 S.C. 399, 859 S.E.2d 260.

"Appellant Hereby Move!!"

S/Eric L. Spann
Eric L. Spann, #245840
LEE Corr. Inst./F-7/B-68/
990 Wisacky Highway
Bishopville, SC 29010
PRO SE Appellant

March 6th, 2023
Date

(4 of 6) *ES*

LEGAL MAIL ONLY

p. andrew anderson
kristina m. anderson*
*Licensed in SC & GA

RECEIVED

MAR 02 2023

anderson and anderson LLP

S.C. SUPREME COURT
February 6, 2023

trial attorneys and counselors at law

Eric L. Spann, Inmate # 00245840
Lee Correctional Institution/ F-7 /Cell #17
990 Wisacky Highway
Bishopville, South Carolina 29010

"Exhibit-C"

RE: Eric L. Spann v. State
Appellate Case No.: 2023-000114

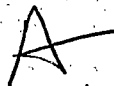
Dear Eric:

Hope things are going well on your end. This will follow my last letter of February 2nd, which responded to the Supreme Court's request for the 243c explanation. As you requested, we provided the Court with your previously prepared documents. We additionally requested another 20 days (through February 22nd) for you to submit any additional information you want the Court to consider related to the explanation. That information (if you submit anything further) would go to the Court by February 22nd.

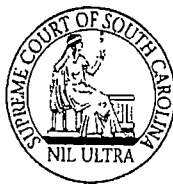
I am sending another letter that we received from the Court dated January 31, 2023, which indicates that the Court is considering prohibiting further filings on your behalf. I wanted you to be able to contemplate this letter. I will send a response to the Court similar to what was indicated in the prior filing and asking the Court to consider anything that you submit further on the issue of being able to continue filing. We will plan to submit the letter on February 20th and that will allow you 20 days after that to submit anything you want to be considered to the Supreme Court. I will copy you on the letter that we submit, but you should be prepared to send your information to the Court on the continued filings issue by about March 10th. Again that information would be sent directly to the Court.

We are in the process of scheduling another phone conference so that we can talk again about this newest issue. Call with any questions.

Very truly yours,


P. Andrew Anderson

PAA/twm
Enclosures



The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

January 31, 2023

Paul Andrew Anderson, Esquire
211 York St., NE
Suite 2
Aiken, SC 29801

"Exhibit-C"

Re: Eric L. Spann v. State
Appellate Case No. 2023-000114¹
Lower Court Case No. 2019CP0203131

Dear Counsel:

In a letter dated January 24, 2023, I requested the explanation required by Rule 243(c) of the South Carolina Appellate Court Rules (SCACR).

Since Mr. Spann has filed multiple post-conviction relief applications challenging the underlying criminal convictions, the Court, if it determines that an adequate explanation has not been provided under Rule 243(c), SCACR, may decide to prohibit Mr. Spann from filing a post-conviction relief application, habeas corpus action or any other action, motion or petition in the circuit court challenging the underlying convictions and sentences (including a motion under Rule 29 of the South Carolina Rules of Criminal Procedure) without first obtaining the permission of this Court to do so. If you believe that there is some reasons why such a prohibition should not be imposed on future filings by Mr. Spann in the circuit

¹ Please note that the Appellate Case Number for this case has been changed from 2022-001827 to 2023-000114.

court, those reasons should be provided to this Court within twenty (20) days of the date of this letter.

In the event you determine that you do not have a good faith reason as to why a prohibition on future filings should not be imposed, I would recommend that you advise this Court of this fact by letter, and that this letter advise Mr. Spann that he has twenty (20) days to provide this Court with any reasons he may have as to why he should not be prohibited from filing a post-conviction relief application, habeas corpus action or any other action, motion or petition in the circuit court challenging the underlying convictions and sentences (including a motion under Rule 29 of the South Carolina Rules of Criminal Procedure) without first obtaining the permission of this Court to do so. The letter filed with this Court should include a proof of service showing that a copy of the letter has been sent to the petitioner

Very truly yours,

Patricia A. Howard

CLERK

cc: Megan Harrigan Jameson, Esquire

"Exhibit-C"