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MAR 10 2023

S.C. SUPREME COURT

March 6<sup>th</sup>, 2023  
The Supreme Court of South Carolina  
Patricia A. Howard, Clerk of Court  
PO Box 11330  
Columbia, SC 29211

RE: Order of Dismissal dated February 9<sup>th</sup>, 2023 Appellate Case No. 2022-001657

Dear Clerk,

I received the Order of Dismissal in the above cited case number on or about February 13<sup>th</sup>, 2023.

It is my strong belief due to the order and cited case law, statutory provisions, and United States as well as South Carolina Constitutional Law, that the courts order was and is improper.

The South Carolina Legislature makes and passes laws, and it is the defined duty of the court to carry out the laws. In my briefs, I argued mandatory case law, legislator intent, as well as constitutional law, which the court ignored. It is my belief that the decision is due to a prejudice by the court because of the highly powerful and political members who presided over indictment No. 95-65-44-0035. The Honorable Costa M. Plercones, Thomas E. Pope, and the Honorable Thomas A. Whits IV.

In 1908, the South Carolina Supreme Court in State V. Foster, held that the defendant was entitled to an evidentiary hearing when it was discovered that a seated juror had declared after trial to convict without respect to the evidence.

The Fourth Circuit Court of Appeals in Barnes V. Joyner, held that, Thacker, Circuit Judge, state post-conviction ~~convicts~~ failure to apply a presumption of prejudice and investigate defendants juror misconduct claim, which was based on external influence on the jury, was unreasonable application of clearly established federal law.

Myself ~~for~~ prior counsel was aware of this infraction until some 26 years later by the way of an affidavit a sworn to legal documents. The Courts, through the Constitutional provisions of the 6<sup>th</sup>, 13<sup>th</sup>, and 14<sup>th</sup> Amendments, was supposed to protect me as a criminal defendant from issue harmful elements, but yet, I am the one who has to suffer, like many other defendants seeking justice that has turned a blind eye and deaf ear towards my Constitutional and Statutory Rights that are guaranteed under "the Law". It would seem that the Scales of Justice are weighted to one side, as well as the Sword of Justice only cuts one way. The court stated that "Petitioner has failed to show there is an arguable basis for asserting his determination of the lower court was improper". But yet, subject matter jurisdiction is an issue that can be raised at any time, in any proceedings, the SC Supreme Court and the US Supreme Courts' own words.

South Carolina Supreme Courts Justice Kittredge filed this opinion for the benefit of the bench and bar to clarify the proper legal standard for claims involving juror misconduct. Applicant McCoy and the above stated case number and under the same structural standards involving successive applications involving juror misconduct.

However, the court in its order quotes the law different when it comes to this case. This is a denial of Equal Protection. But respectfully, I disagree with the courts order and decision. This case should be reversed and remanded for a new trial. Even in the Alex Murdaugh case, a complaint was filed against one of the jurors and the court removed the juror because the juror was found to be discussing the case before the submission to his jury. This protection was never given to this case and the conviction and sentence stands by order.

Respectfully Submitted

S/ Tony Moore

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Kershaw, SC 29067

CC: SC Office of the Attorney General

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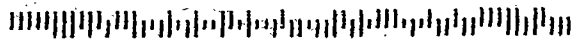
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