

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

anderson anderson LLP
trial attorneys and counselors at law

March 30, 2023

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

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

Dear Eric:

I hope this letter finds you doing well at this time. I am enclosing the Order of the South Carolina Supreme Court dismissing our Notice of Appeal in the case. Unfortunately, this comes as no real surprise. I know you are disappointed and I still believe that you should have received a preliminary hearing in your case before making the decision to plead, but unfortunately it feels like our courts have gone a long way to gutting that process - starting with State v. Keenan declaring the code unconstitutional and continuing forward.

In any case, from my recent conversations with Appellate Defense, the determination by the Court to prohibit future filings seems to be the present normal in these multiple PCR cases. You are certainly not the only one this has happened to and it looks like this will become common to cut down on these proceedings going forward so the Court has less to deal with.

On another note, I have followed up on your request to try to get the security surveillance you wanted. I have had several conversations with the prison and S.C.D.C. general counsel about trying to get the footage. I did receive a confirmation that they have received my request and it is going up the chain for consideration. I have no final answer yet on that. I do not know whether or not they will give it to us.

You know we care about you and we are disappointed about this. But please remember - I told you from the start that this was probably not going to work. Please call the office and we can set up another phone appointment for us to talk.

Very truly yours,


P. Andrew Anderson

PAA/twm
cc: Order

anderson ^{LLP}
attorneys and counselors at law

211 York Street, NE
Aiken, South Carolina 29801

RECEIVED

APR 07 2023

LEE CI MAIL ROOM

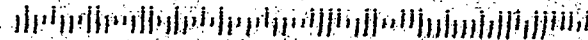
Eric L. Spann, Inmate # 00245840
Lee Correctional Institution/ F-7 /Cell #17
990 Wisacky Highway
Bishopville, South Carolina 29010

F7-68



FOREVER / USA

250103177E



The Supreme Court of South Carolina

Eric L. Spann, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2023-000114

ORDER

Petitioner filed a notice of appeal from the denial of his sixth application for post-conviction relief (PCR). Petitioner was asked to provide the explanation required by Rule 243(c), SCACR, and, in light of the number of PCR applications Petitioner has filed, he was also asked to provide any reasons why this Court should not impose restrictions on his filing of collateral actions challenging his 1997 guilty pleas to murder and assault and battery of a high and aggravated nature (ABHAN) and their respective sentences.

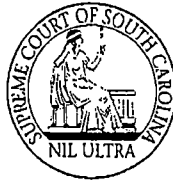
Petitioner has failed to show that there is an arguable basis for asserting the dismissal of his sixth PCR application was improper. Accordingly, we dismiss the notice of appeal pursuant to Rule 243(c), SCACR.

In addition, because Petitioner has not provided adequate reasons as to why this Court should not impose restrictions on his future filings, we hereby prohibit Petitioner from filing any further collateral actions in the circuit court, including PCR actions and habeas corpus actions, as well as any motions relating to the previously filed collateral actions, challenging his 1997 guilty pleas and sentences for murder and ABHAN, or any motions in the underlying criminal case, including a motion pursuant to Rule 29, SCRCrimP, without first obtaining permission to do so from this Court. The remittitur will be sent as provided by Rule 221(b), SCACR.

W. Beatty C.J.
John Pittcock J.
John Cannon J.
George Jones J.
D. Martin J.

Columbia, South Carolina
March 28, 2023

cc:
Paul Andrew Anderson, Esquire
Megan Harrigan Jameson, Esquire



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

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

THE STATE OF SOUTH CAROLINA
In The 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.

PROOF OF SERVICE

I certify that I have served the foregoing letter on the attorneys/parties hereinafter named, on the date indicated below via U.S. Mail:

VIA U.S. Mail

Megan Harrigan Jameson, Esquire
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549

Eric L. Spann #245840
Lee Correctional Institute F-7 Cell #17
990 Wisacky Highway
Bishopville, South Carolina 29010

February 20th, 2023.

/s/ P. Andrew Anderson
P. Andrew Anderson
ANDERSON & ANDERSON, LLP
211 York Street, NE
Aiken, South Carolina 29801
803.648.6000 - telephone
803.648-0888 - facsimile
Attorney for Appellant

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

anderson ^{and} anderson LLP

trial attorneys and counselors at law

February 6, 2023

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

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

p. andrew anderson

kristina m. anderson*

*Licensed in SC & GA

anderson ^{and} anderson LLP

trial attorneys and counselors at law

February 20, 2023

The Honorable Patricia A. Howard
Clerk of Court
Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

RE: Eric L. Spann v. State
Appellate Case No. 2023-000114
Lower Court Case No. 2019CP0203131

Dear Ms. Howard:

Please accept this as my Dennison letter in response to your letter of January 31, 2023, regarding the above-referenced matter. As instructed, I am sending this letter to Petitioner so that he may provide the Court with an explanation regarding the Court's consideration of prohibiting future filings by Mr. Spann without first obtaining permission from the Court. Counsel has nothing further to add to the explanation that Petitioner may provide.

As indicated in the Court's letter, I am advising Mr. Spann via service of this letter and the attached documentation that he has twenty (20) days from the date of this letter to submit any desired explanation and/or documentation to the Court addressing this Court's potential action prohibiting future filings.

With best regards, I am

Very truly yours,


P. Andrew Anderson

PAA/twm

Enclosures

cc: Eric L. Spann

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

anderson ^{PLC} anderson ^{LLP}

trial attorneys and counselors at law

February 22, 2023

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

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

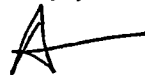
Dear Eric:

I hope this letter finds you well. This will update you as to where we are. Following the Court's January 24th letter regarding the request for a Rule 243(c) explanation, we filed your initial explanation and also the recent supplement that you provided. I copied you on both of those filings.

As we discussed on the telephone, I have sent the letter to the Court that was requested on the January 31st letter regarding future filings. You were copied on that letter as well. The letter was dated/sent on February 20, 2023. You now have 20 days from February 20th to provide the Court with any information or documentation you want the Court to look at related to the Court's consideration of prohibiting future filings. From my calculations, that gives you until Monday March 13, 2023, to provide the Court with anything you want them to consider on the issue.

Call with any questions.

Very truly yours,



P. Andrew Anderson

PAA/twm

p. andrew anderson

kristina m. anderson*

*Licensed in SC & GA

anderson ^{and} anderson LLP

trial attorneys and counselors at law

February 2, 2023

The Honorable Patricia A. Howard
Clerk of Court
Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

RE: Eric L. Spann v. State
Appellate Case No. 2023-000114
Lower Court Case No. 2019CP0203131

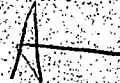
Dear Ms. Howard:

Please accept this as my Dennison letter in response to your letter of January 24, 2023, regarding the above-referenced matter. As directed by my client, I have filed the Notice of Appeal in this Matter. Counsel has further been asked by Petitioner to provide the Court with the attached pro se explanation pursuant to Rule 243(c). Petitioner previously prepared this document in anticipation of this request by the Court. Counsel has nothing further to add to the explanation.

As indicated in the Court's letter, I am advising Mr. Spann via service of this letter and the attached documentation that he has twenty (20) days from the date of this letter to submit anything further in supplement to this Court as to why the determination by the circuit court was improper.

With best regards, I am

Very truly yours,



P. Andrew Anderson

PAA/twm

Enclosures

cc: Eric L. Spann

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

RECEIVED

APR 19 2023

S.C. SUPREME COURT

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

The Supreme Court of S.C.
Clerk, Patricia A. Howard
Post office Box 11330
Columbia, SC 29211

RECEIVED

APR 19 2023

S.C. SUPREME COURT

March 6th, 2023
Date

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

Dear Clerk:

Please find enclosed Appellant's Pro Se response to your letter dated January 31, 2023. Also, enclosed is the letter sent to Appellant by his attorney Paul Andrew Anderson dated February 6, 2023, advising Appellant to submit his pro se response by March 10th, 2023.

Additionally, Appellant Spann claims that he has been hindered by the Aiken County clerk of court (Robert J. Harte) and now by the South Carolina Supreme Court, (Patricia A. Howard).

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APR 19 2023

S.C. SUPREME COURT

The State of South Carolina
In The 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 & b.

... 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, 2023), 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.B.

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

The State of South Carolina

RECEIVED

In The Supreme Court

APR 19 2023

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.

“ Proof of Service ”

I (Appellant) Eric L. Spann (Pro se) hereby submit this response as directed by my attorney and the clerk of the South Carolina Supreme Court (Patricia A. Howard). I do hereby certify that on the date indicated on the next page, I served a copy of the...
(5 of 6) E.L.S.

LEGAL MAIL ONLY

...document(s) indicated by first class mail
to the following Parties of record, to wit:

<u>Megan Harrigan Jameson, Esq.</u>	<u>Paul Andrew Anderson</u>
<u>SC Attorney General's Office</u>	<u>Anderson & Anderson</u>
<u>Post Office Box 11549</u>	<u>Attorneys At Law</u>
<u>Columbia, SC 29211</u>	<u>211 York St, Suite 2 N.E.</u>
<u>Attorney For Respondent</u>	<u>Aiken, SC 29801</u>
	<u>Appellant's Attorney</u>

S/Eric L. Spann

cc: S.C. Courts Administration
Eric L. Spann #245840
Attorney Paul Andrew Anderson

March 6, 2023
Date

6 OF 6 Pgs.

LEGAL MAIL ONLY

The State of South Carolina
IN The Supreme Court

RECEIVED

APR 19 2023

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 Pro Se Supplement
Explanation Pursuant To Rule
243(c)

RECEIVED

The State of South Carolina APR 19 2023

IN The Supreme Court 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.

Megan Harrigan Jameson, ESQ.

Supplement To Rule
243(c) Explanation Re-
quirement. Rule 15(a) SC.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) SCRIMP.

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's 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 (2012)...

... 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 L. Spann
Eric L. Spann #245840
LSS Corri. Inst / F-7 #68
990 Wisacky Highway
Bishopville, SC 29010
(PRO SE)

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

APR 19 2023

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Clifton Newman, Circuit Court Judge

Case No. 2023-000114

Eric L. Spann Appellant,

v.

State of South Carolina Respondent.

PROOF OF SERVICE

I certify that I have served the foregoing *Pro Se* Rule 243(c) Supplement on the attorneys/parties hereinafter named, on the date indicated below via U.S. Mail:

VIA U.S. Mail

Megan Harrigan Jameson, Esquire
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549

Eric L. Spann #245840
Lee Correctional Institute F-7 Cell #17
990 Wisacky Highway
Bishopville, South Carolina 29010

February 21st, 2023.

/s/ P. Andrew Anderson
P. Andrew Anderson
ANDERSON & ANDERSON, LLP
211 York Street, NE
Aiken, South Carolina 29801
803.648.6000 - telephone
803.648-0888 - facsimile
Attorney for Appellant