

JERRY COVINGTON
242818
PETITIONER

V.

STATE OF SOUTH
CAROLINA
RESPONDENT

RECEIVED

JUN 01 2023

S.C. SUPREME COURT Notice of Intent
to Appeal Pursuant
to Rule 227 SCACR

PCRCASE# -
RE: 2023-CP-17-
00098

I do hereby come before the COURT with a
notice of appeal in the above case.

In the present
case, the state is stating, In the present
case, Applicant pled guilty on September 22,
2021. Accordingly, he had until September 23, 2022
to timely pursue post-conviction relief pursuant
to section 17-27-45(c). Applicant instituted this
current action on February 28, 2023, more than
exceeding the statutory time period.

In the interest of justice require the
appointment of counsel to assist petitioner in
pursuing his writ of certiorari. See 18 U.S.
C. § 3006(A)(2); see Hunter, 587 F.3d at 1310
(directing the appointment of counsel to assist
a mentally retarded petitioner in developing an

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S/ Jerry Covington
JERRY COVINGTON # 242818

equitable tolling claim.); Hall v. Florida, 572 U.S. 701 (2014) - intellectual disability. The petitioner has NOT understanding and falls under Title 63 if the proper examinations was conducted. The statute of limitations should be tolled and counsel appointed to assist petitioner.

2. The murder statute §16-3-10 and §16-3-20(a) there is a conflict in statutes when the §16-3-10 states life in prison sentencing and 16-3-20 states mandatory minimum sentence of 30 years imprisonment on those convicted of murder. The courts has no authority to convict nor sentence petitioner under neither of these unconstitutional statutes. see State v. Smith, 27928 (Nov. 20, 2019) reverse petitioner conviction and sentence for the above.

5-30-23

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JERRY COVINGTON #242818

NOTE: there is two numbers for PCR case in record on petitioner case. PCR case # - 2023-CP-17-00098 and 2022-CP-42-00098