

State of South Carolina In The Court  
Of Appeals

LEGAL MAIL

Appeal From Hart County

Honorable R. Fred Collins Jr. Circuit Court

Honorable William H. Neal Jr. Circuit Court

Honorable Bruce H. Wilton Appeal Court

Honorable John D. Beathes Appeal Court

Honorable Jerry A. Williams Appeal Court

Case Tracking # 2023-001271

Jamie Goss

Appellant

vs

The State

Respondent

Petition For Rehearing

**RECEIVED**

**Aug 02 2023**

SC Court of Appeals

Jamie Goss

Rayburn Courthouse In

let Office box 3039

Andrew, South Carolina

29936

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Florida 3902

Supremacy Clause Art. VI

Executive Order 12812

CARE Act 2020/2021

S.C. Const. Art. I section 15

Deportation Policy 21-1-20

Clery 24-21-920

S.C. Rules of Civil Procedure 540

S.C. Rules of Civil Procedure 540

Due Process Clause

S.C. Const. Art. I section 7

S.C. Const. Art. I section 23

USCA Const. Amend. XIV section 2

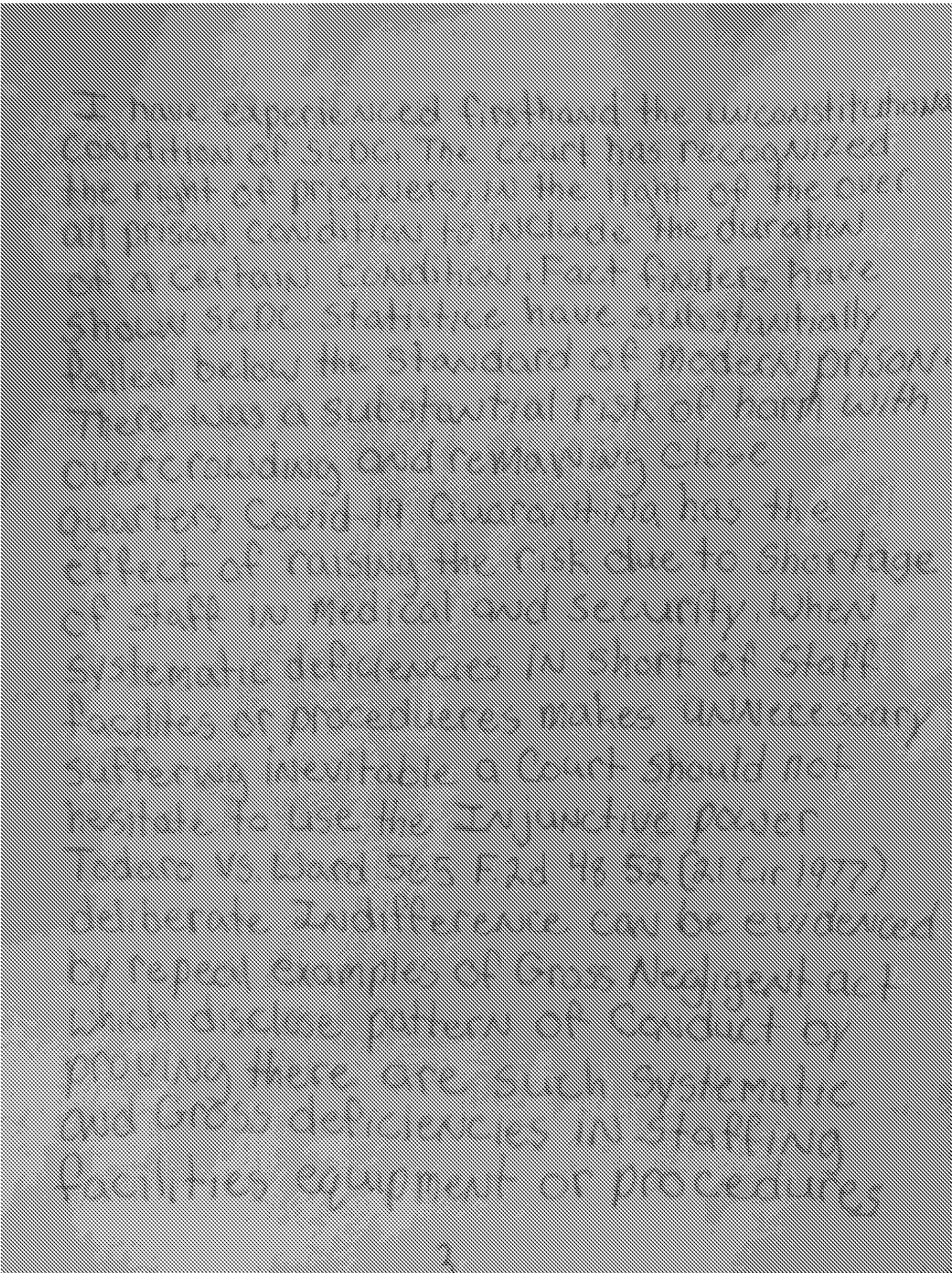
S.C. Const. Art. I section 3

14<sup>th</sup> Amendment

Equal Protection

## Petition For Rehearing Rule 33

The term Force Majeure shall include without limitation by the following: enumeration, act of God and public Enemy, the element fire accident break down, strikes differences with workman and any other industrial civil or public disturbance or any act or omission beyond the control of the party having the difficulty and any restriction or restraint imposed by law. I pray that this Court grant Petition for rehearing. I don't have control of the environment, that cause me problem with my court case. I have a major problem with court papers coming up missing. I'm still having problem with Covid-19 which is leading to P.D.S.D and everytime I received mail its five days late from the date, it file in court. My circumstance in S.C.D.C, do to short of staff and prison over-crowded causing me problems with my court case. For said reason rehearing should be granted.



2. How did the argument failed in proper form and venue?
3. Did court fail to acknowledge Covid 19 as a condition in the language of statute governing compassionate release in South Carolina?
4. Did appeal Judge err in failing to give petitioner leave de to overcrowding and short of staff in every department?
5. Did the appeal court judge err in failing to give petitioner bond according Gov Executive order 2021-23 State of emergency declaration?
6. Did the appeal court err in failing to use injunctive power over Covid 19 because S.C.D.C cannot follow CDC guidelines?
7. Did appeal Judge err in failing to release petitioner under extraordinary circumstances pertaining the CARE ACT?
8. Did Judge err in failing to apply Federal statutes where statutes did not exist?

and authorized in the South Carolina  
 Executive Order Act on March 23,  
 Emergency Board on Great Pandemics  
 F-3. Petition is accordance with the  
 language of CARE ACT section 16030A  
 for compassionate release. Accordingly  
 Branch 1, I argues the Supreme  
 clause give rise to the trust which  
 have been violated in accordance with  
 S.C. Constitution Article I, Section 5. The State  
 has raised their objection stating my  
 argument does not in the paper  
 venue to receive the relief he seek  
 the state also contend South Carolina  
 has a governing statute regarding  
 compassionate release. Although does  
 not acknowledge the Covid-19 pandemic  
 as the Care Act.

### Argument

The South Carolina Constitution gives  
 the judge of the Court discretionary  
 power to conduct the subject  
 matter and its constitutionality

long as Louisiana (2 Fed. Supp. 573 (Super. Ct. 1977))  
also Texas (Vol. 15 of ed. 1977)

Uninformed and uneducated citizen to answer  
In accordance with Article VI, Clause 2  
(The Supremacy Clause of the Constitution  
of the United States.) The Supremacy  
Clause law of the land takes priority  
over any conflicting state laws.  
Addressing a conflict of Interest  
In proceedings, show federal law  
made pursuant to it, an Improper  
Authority.

The first Conflicting law, South Carolina  
Civil Code Regulations for Covid-19 and  
Statutory provisions Extraordinary  
Circumstances element of Appellant's  
Motion pursuant to 18 USC 3592 AG  
amended by the CARE ACT,  
Compassionate Release Statute allows  
courts to reduce sentences for  
extraordinary and compelling reason  
These compelling reason are identified



The law, the procedural process of  
litigation and responsibility to a  
Just Federal Claim. The argument that  
they have no matter of petition  
creates a question of law eligible for  
review under the jurisdiction of the  
Court presiding over the case of Petition  
Argument

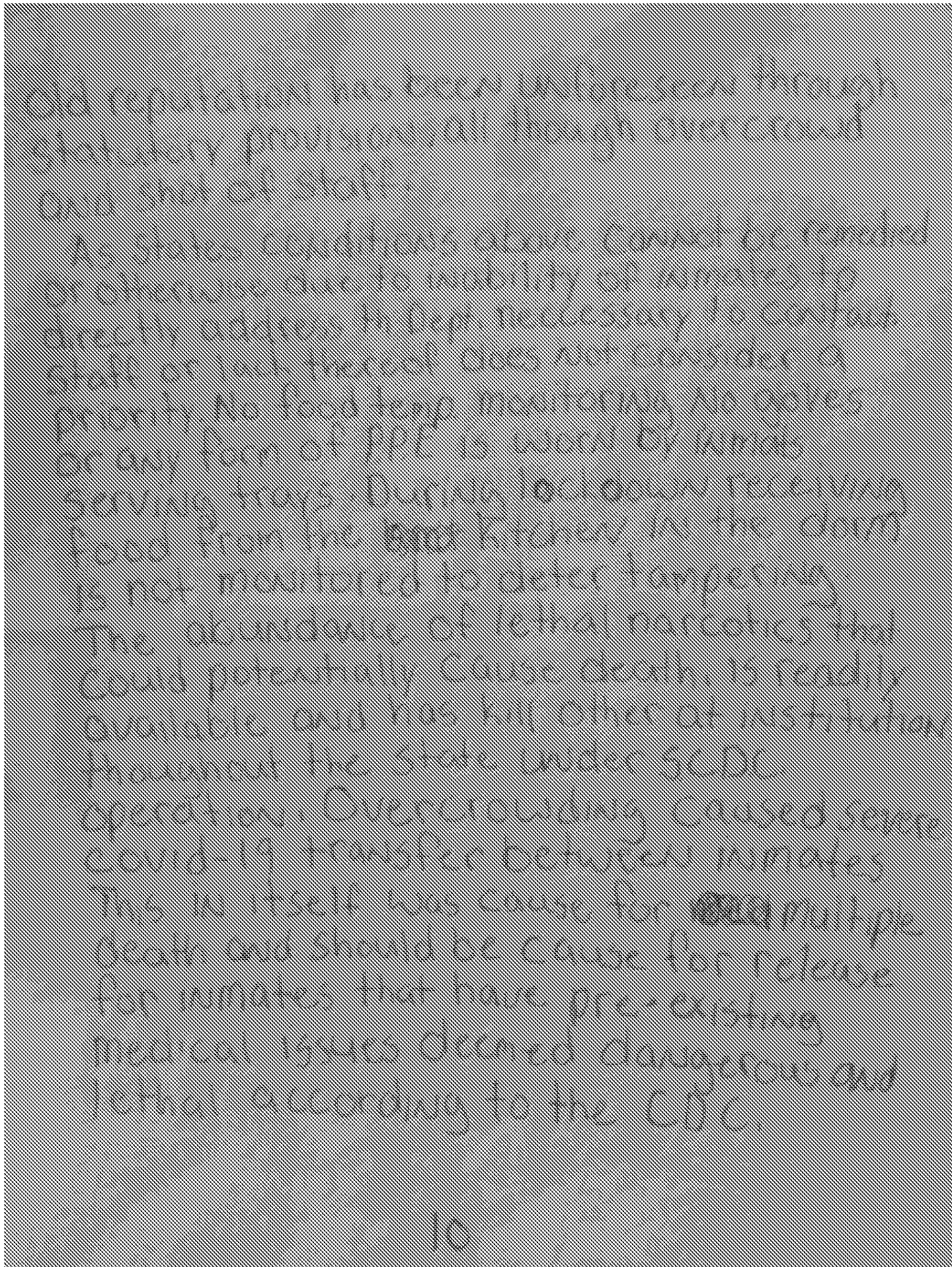
Except in matters governed by Federal  
Constitution or by Act of Congress the law  
to be applied in any case is the law  
of the State Erie RR Co V Tompkins 304  
US 64 78 58 (1938) and whether the law  
of the State shall be declared by  
legislature in a statute or by its highest  
court in a decision is not a matter  
of Federal concern. There is no Federal  
Common Law. Petitioner argues the  
Supremacy Clause provide the precept  
is compelled whether Congress Common  
is explicitly stated in the Statute  
language or implicitly custom in its  
structure. In this particular case

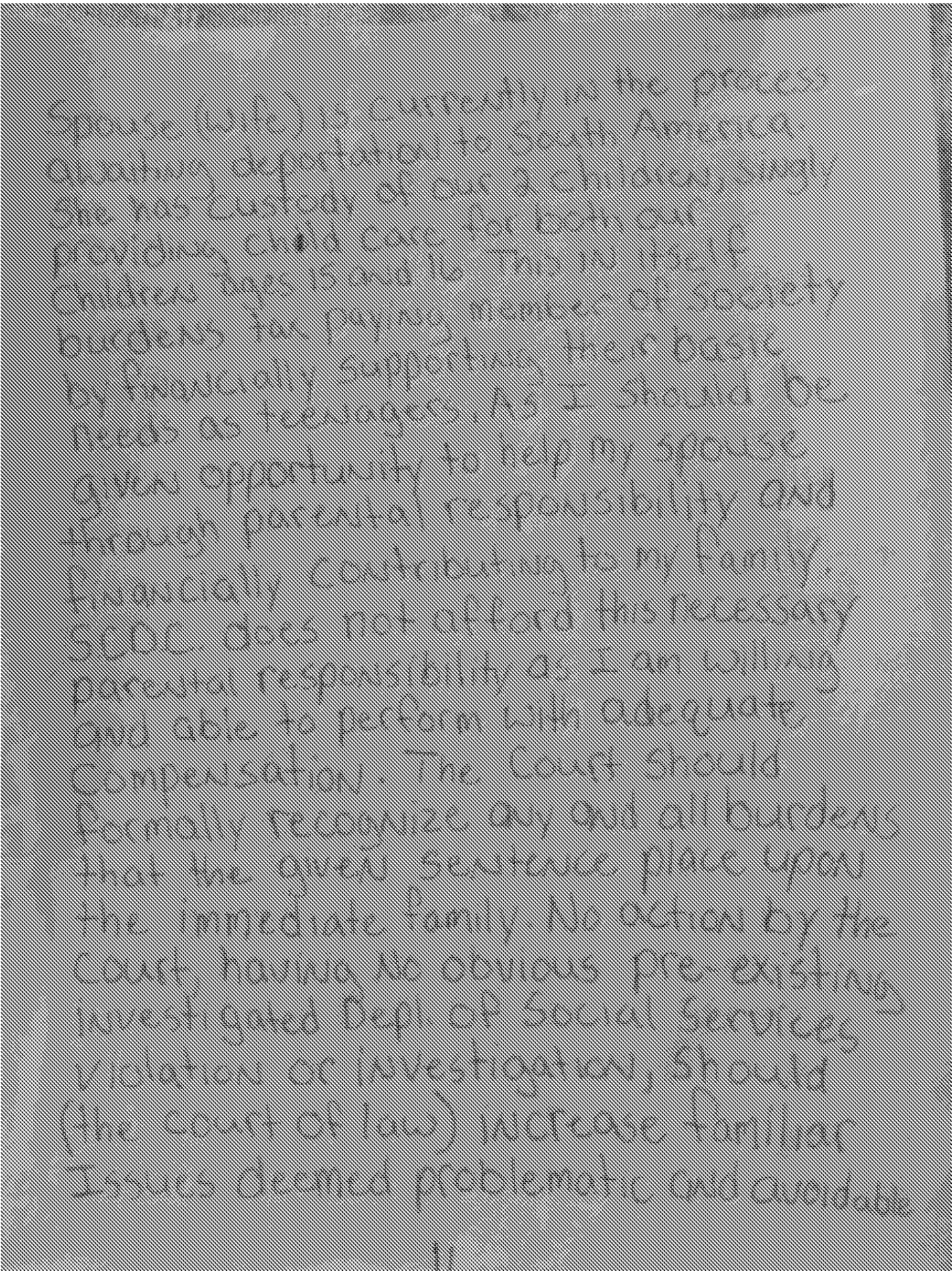
Petitioner raise the argument of the  
unconstitutionality of the operation of  
state not in ruling governing  
statutes that the DOC is operating  
under extraordinary circumstance  
which would be over crowded and  
understaffed during the Covid-19  
pandemic. At the very least the court  
have an obligation powered by the  
constitution to review claim of  
constitutional right of a person is  
infringed upon in accordance with  
understaff and overcrowded during  
the Covid-19 pandemic.

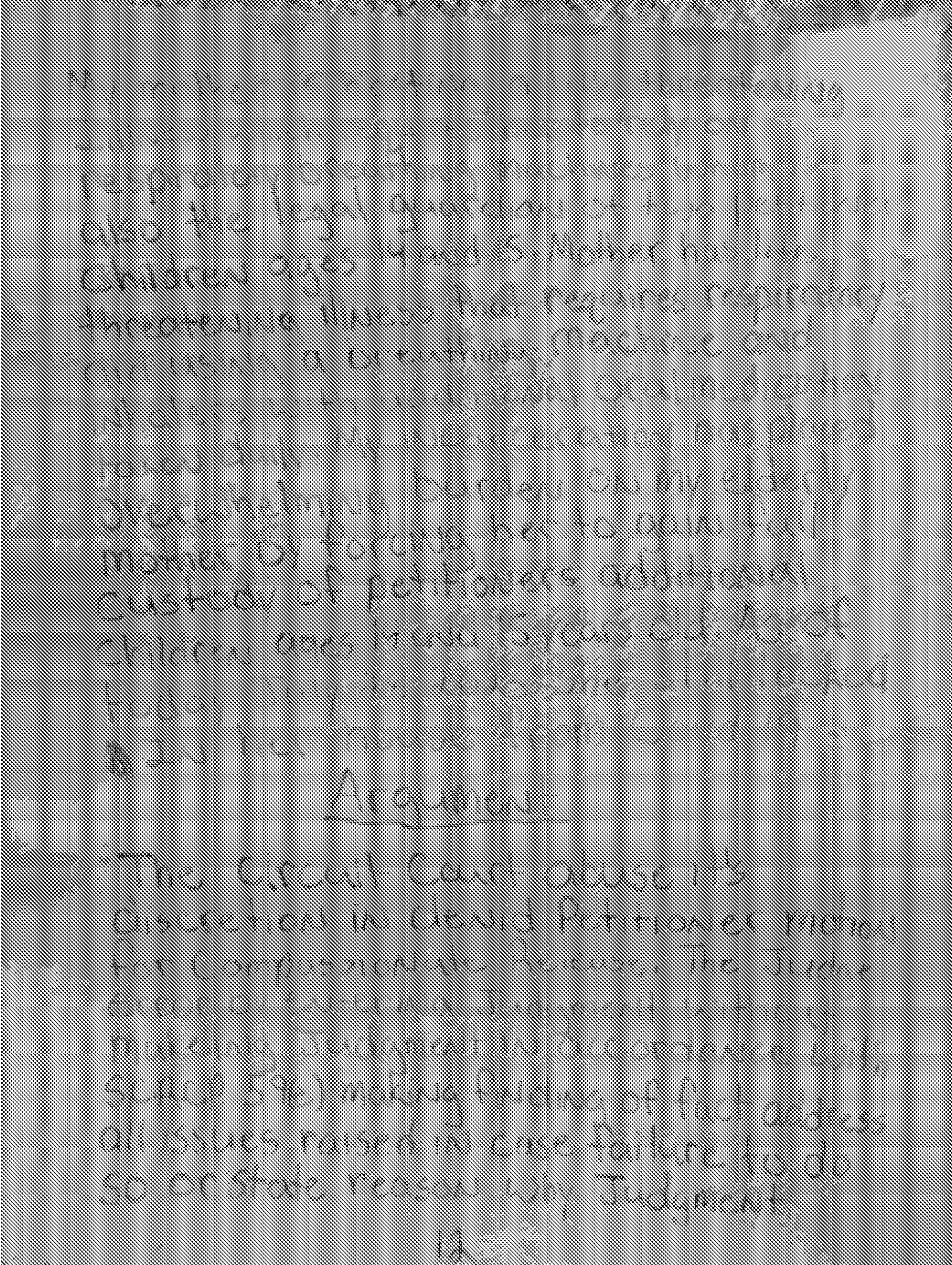
### Statement OF FACTS

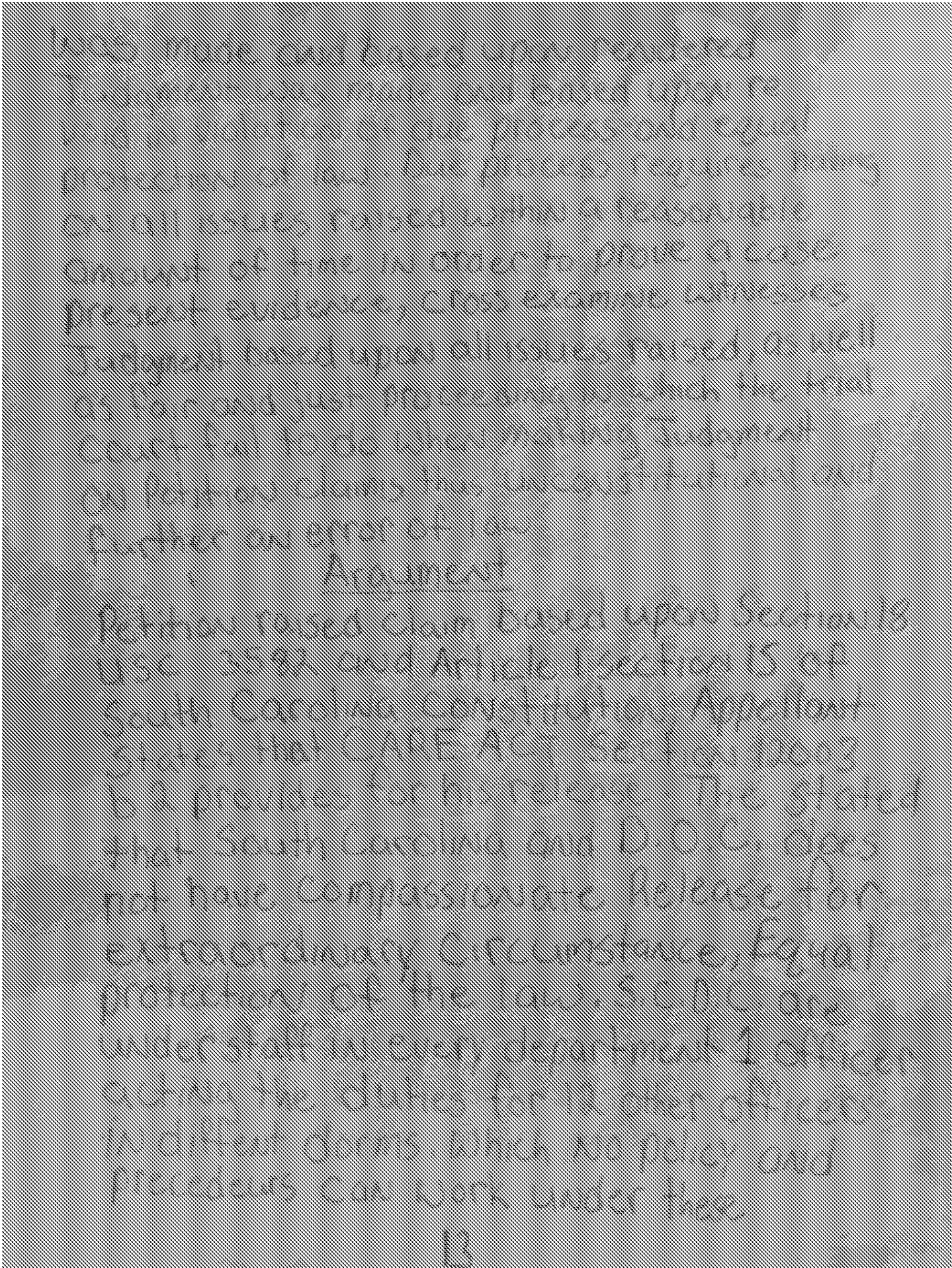
Petitioner File Pro Se Motion for  
Compassionate Release Under  
Extraordinary in the Jurisdiction of  
Henry County Court of Common Pleas  
Presiding Judge Honorable Ferrell  
Cottrill denied aforementioned motion  
consequently closing the case.  
Petitioner Appealed drafting Motion







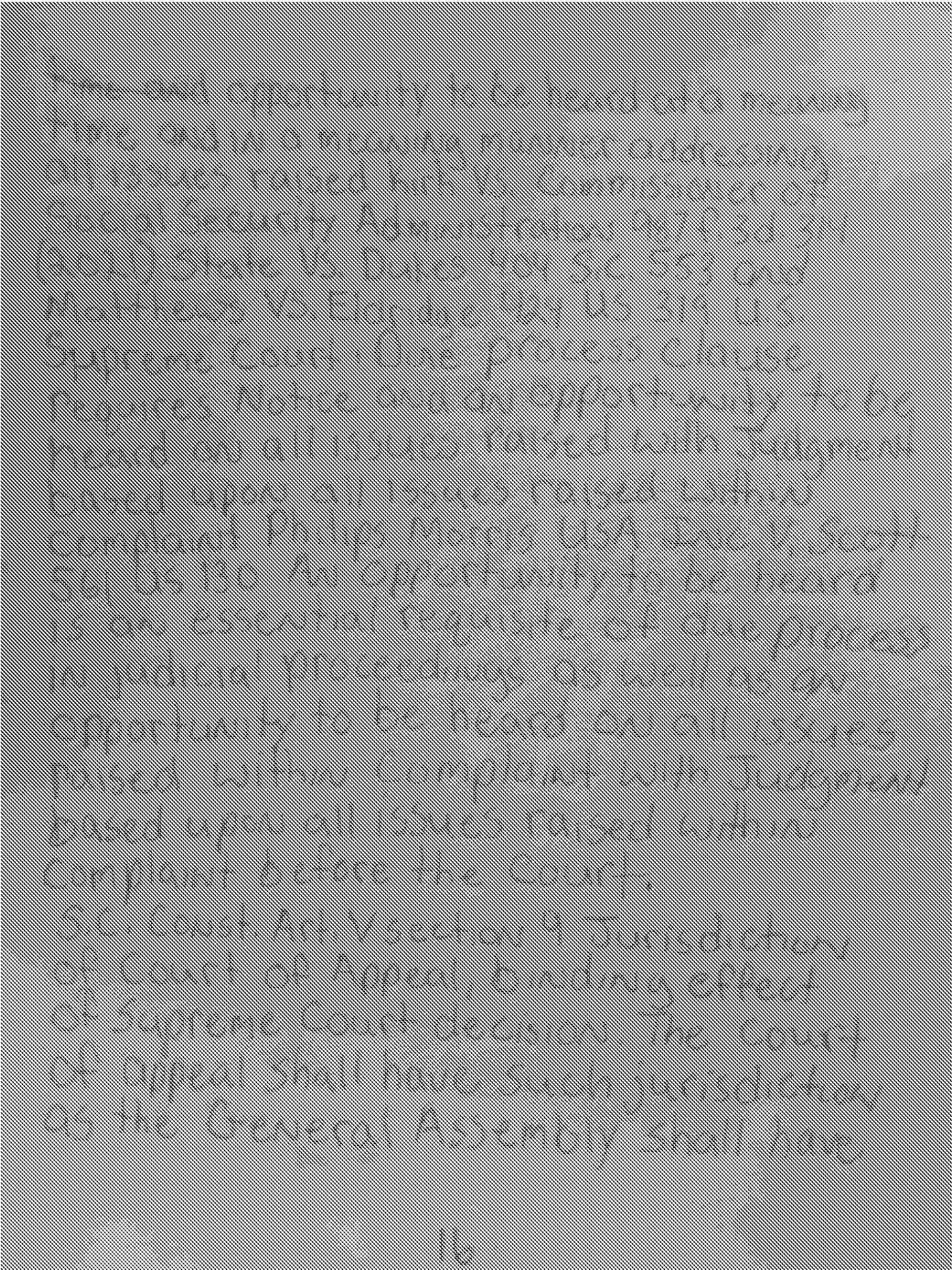


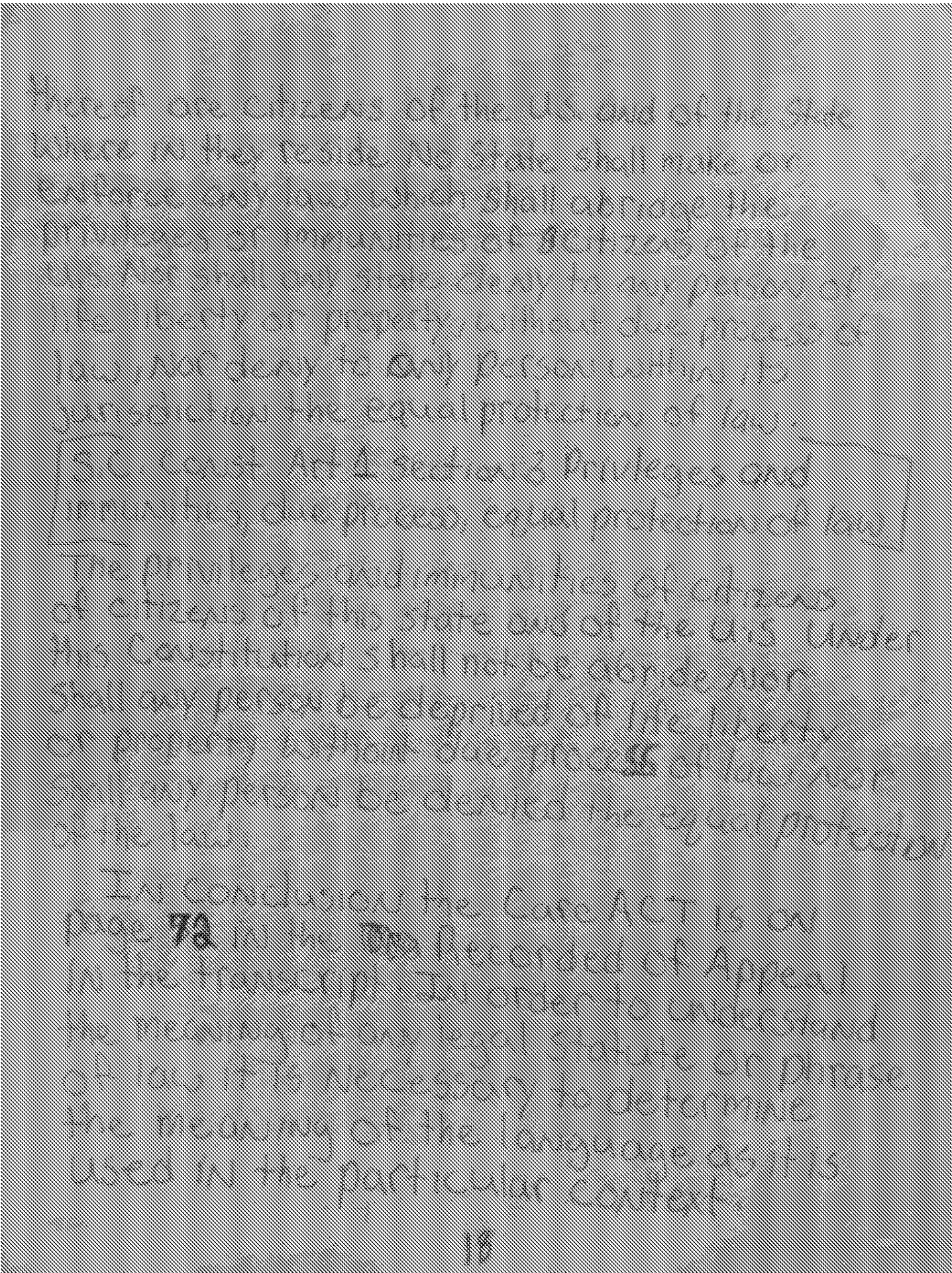


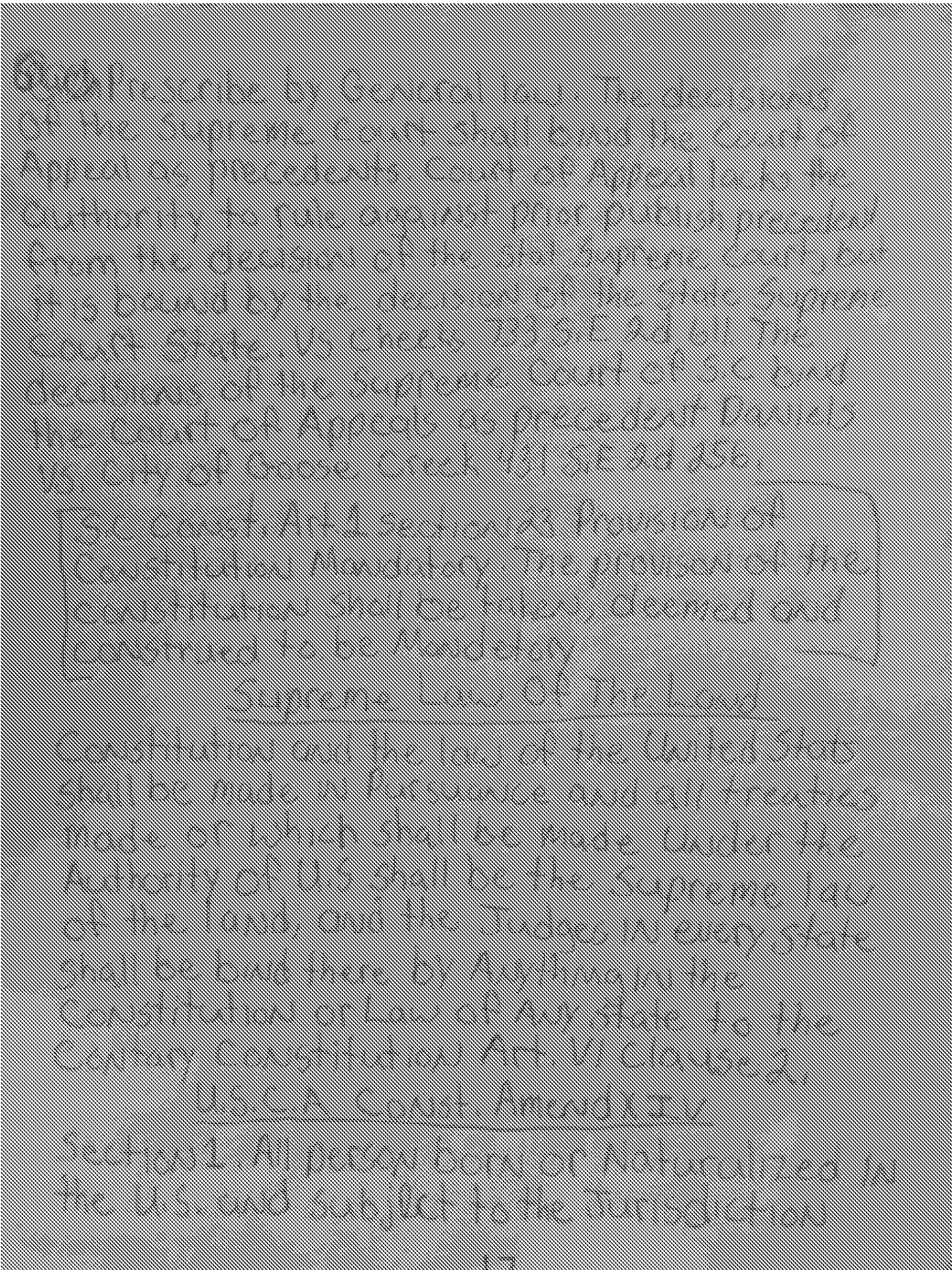
It prescribes different punishment or different  
degrees of punishment for the same crime  
committed under the same circumstances by  
persons similarly situated thus including  
compassionate release for the state where  
Covid 19 pandemic in which this under an  
Act of God has deprived many citizen of  
their life. Covid 19 not only effect free  
citizens but effect inmates as well for  
the state of S.C and D.C.P. to know this  
and not provide some kind of Compassion  
release for State Inmates is in fact an  
denial of equal protection of the law  
discrimination and Due Process violation.  
Dictionary states equal protection of  
the law the 14 amendment guarantee  
guarantee that the Government must treat  
a person or class of person the same  
as it treats other person or classes in  
like circumstances

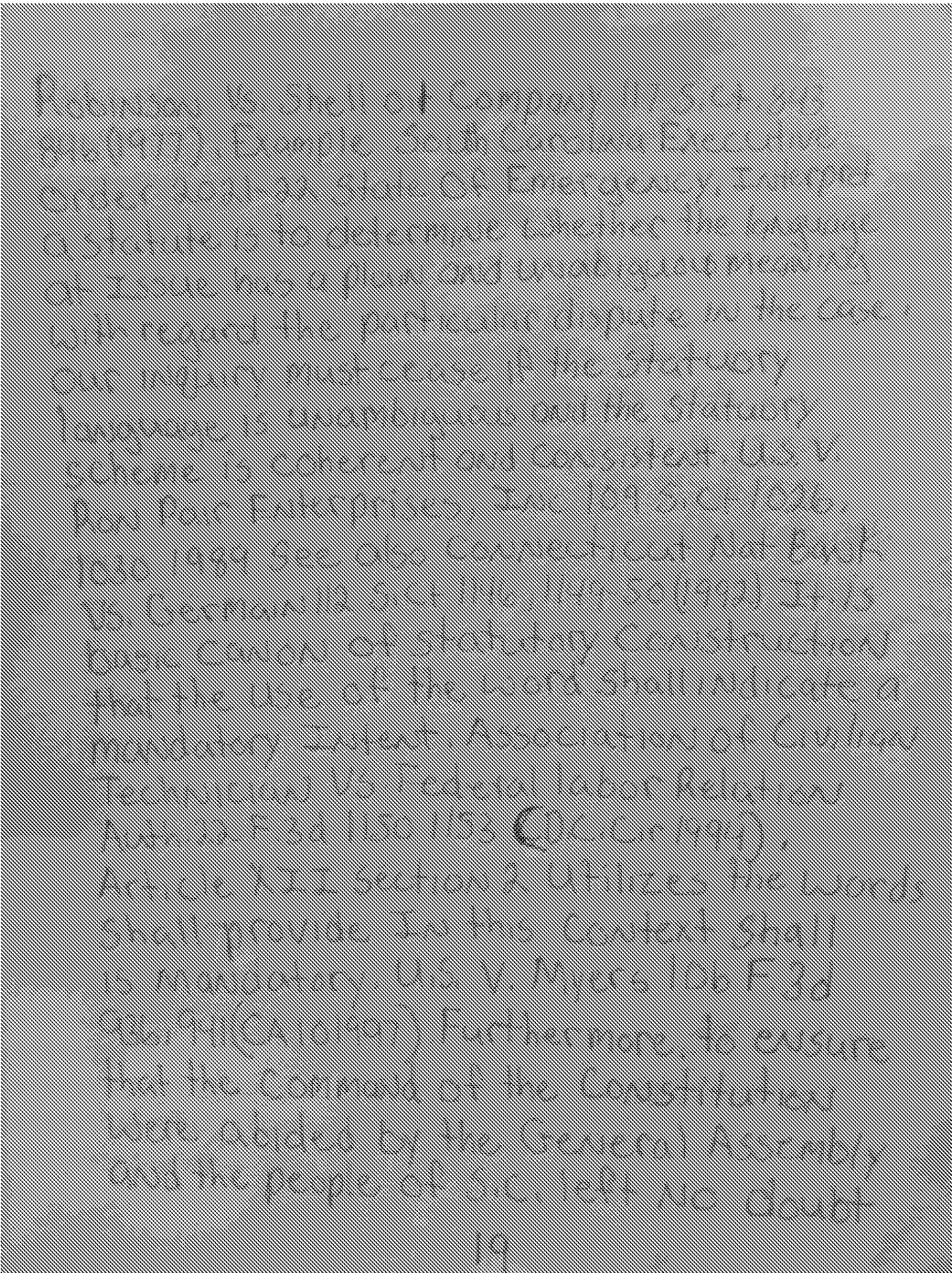
### Argument

The fundamental requirement of due process  
is the opportunity to be heard at a meaningful









The Supreme Court in *Arizona v. Gant*, 556 U.S. 437 (2009) found there is a conflict between a statute and the state constitution, the Constitution overrides the statute. *State v. Winter*, 2015 WL 1449156 (E.D. Va. 3/24/15).

The Constitutional prohibition cannot be avoided or evaded simply by the passage of more restrictive sentencing laws. That passage of any restrictive sentencing law that alters, delays or otherwise interferes with the command of the Court to release inmates that law is unconstitutional. Article 1, Section 2 is equivalent to California that way. Contract in which state prisoners have delivery and property interests have de honored. *Wagon v. Zimmerman*, 188 U.S. 458 (1903). See also *Key Mead Oil Co. v. Federal Nat'l Ins. Ass'n*, 355 U.S. 171 (1957). An administrative regulation is void so long as it is reasonably related

For the purpose of this Executive Order, the  
Honorable William C. C. State, following  
W of Court, 2023 SC 2123, SE 23  
10/11/23. However, although the regulation  
has the force of law they may not  
have the force of a  
Area of 000 to the term of a  
State, *Goodman v City of Columbia*  
2023 SC 453, SE 2d 534 (1995)  
Society of Prof'l Journalists v. State  
2023 SC 345, SE 2d 345 (1994). Hence any  
law passed by the legislature which  
deals or interferes with a person's  
penalization of any delegation of  
authority to any state agency which  
does the same is unconstitutional.  
This constitution itself is a mandate  
to the government from the people  
the Federal Constitution has on a  
different meaning when a state  
violates its own Constitution and  
the mandate of its people that  
would be truly Federalist in



STATE OF SOUTH CAROLINA  
COUNTY OF Horry

ORDER IN A CRIMINAL CASE  
WARRANTIN ARRESTIN

IN THE COURT OF GENERAL SESSIONS

INDICTMENTIN, DISCRETIONIN

State of South Carolina

JAMIE GOSS  
DEFENDANT(S)

NOTION FOR COMPASSIONATE RELEASE

This form order Assistant Gen. Sct. Clerk  
initiated by:

Attorney for:  State  Defendant  
or  
 Self-Represented Litigant

DISPOSITION TYPE

DECISION BY THE COURT AFTER HEARING. This action came to a hearing before the court. The  
issues have been heard and a decision rendered.  See below for additional information.

DECISION BY THE COURT AFTER STATUS CONFERENCE. This case came for a status  
conference before the court. The status of this case and pending issues in this case were discussed and a  
decision rendered.  See below for additional information.

MOTION:

GRANTED  DENIED  CONTINUED  WITHDRAWN

WITHDRAWN BY MOVING PARTY:

Signature of Moving Party

OTHER:

IT IS ORDERED AND ADJUDGED:  See Order of the Court below  See attached order  
 Formal Order to follow, to be prepared by:  State  Defendant  Other:

ORDER INFORMATION

This order  ends  does not end the case.

Additional information for the Clerk:

This is an improper venue for this motion as it is based  
on a Federal statute. However, the Hon. Judge Cochran  
heard the motion and denied it. Accordingly, this  
motion is denied.

*[Signature]*  
Court Clerk Judge

3157  
Judge Code

9/24  
Date

HE

SCCP Form 40 (2023)

Court Case No.

Judge Code

Page


This year  does not end the case. Additional information for the Clerk.

ORDER INFORMATION

IT IS ORDERED AND ADJUDGED:  See Order of the Court below.  See attached order.  From Order to follow to be prepared by:  State  Defendant  Other

OTHER

WITHDRAWN BY MOVING PARTY

DENIED  GRANTED  CONTINUED  WITHDRAWN

MOTION

See Order of the Court below.  See attached order.

DISMISS BY THE COURT AFTER STATUS CONFERENCE. This case came for a status conference before the court. The status of this case and pending issues in this case were discussed and a decision rendered.  See Order of the Court below.

DISMISS BY THE COURT AFTER HEARING. This motion came to a hearing before the court. The court has heard and a decision rendered.  See Order of the Court below.

DISPOSITION TITLE

This case ends ST 5th Case

See attached Order

Attorney for  State  Defendant

STATE OF SOUTH CAROLINA  
COUNTY OF Horry  
Horry County  
CLERK OF COURT  
JAMIE GOSS  
1000 W. MARKET ST.  
MYRTLE BEACH, SC 29577  
TEL: 843.339.2200  
FAX: 843.339.2201  
WWW.COURTSOUTHCAROLINA.GOV

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

Horry County

ORDER IN A CRIMINAL CASE

FILED

2023 AUG -9 AM 10:00

REBECCA ELVA  
CLERK OF COURT  
HORRY COUNTY, SC

# The South Carolina Court of Appeals

The State, Respondent

vs.  
Jamie Goss, Appellant

Appellate Case No. 2021-001371

-----  
**ORDER**  
-----

Appellant has filed a motion in "opposition" to Respondent's initial brief and designation of matter, which we construe as a motion to strike. After careful consideration, the motion is denied.

Respondent has filed a motion to strike the record on appeal filed by Appellant on April 17, 2021, and requires Appellant to file an amended record on appeal. After careful consideration, the motion is granted. Within thirty days of the date of this order, Appellant shall file an amended record on appeal that complies with the South Carolina Appellate Court Rules. See Rule 219(c), SCACR ("The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal.") & Rule 210(c)-(g), SCACR (providing the required content and format for the record on appeal).

  
\_\_\_\_\_  
FOR THE COURT

Columbia, South Carolina

**FILED**  
**Jun 09 2021**

26

# The South Carolina Court of Appeals

The State, Respondent,

v.

Jamie Goss, Appellant,


Appellate Case No. 2021-00127.

The Honorable R. Terrell Colgram, Jr.  
Henry County  
Trial Court Case No. 200678204785

## ORDER

Appellant has failed to verify and file the amended Record on Appeal, as required by Rule 210 of the South Carolina Appellate Court Rules, and as directed by the Court's order of June 4, 2023. Accordingly, this matter is dismissed. The remainder will be set as provided by Rule 210(d), SCACR.

FOR THE COURT

BY   
CLERK

Columbia, South Carolina

cc:

Jamie Goss, 80221825

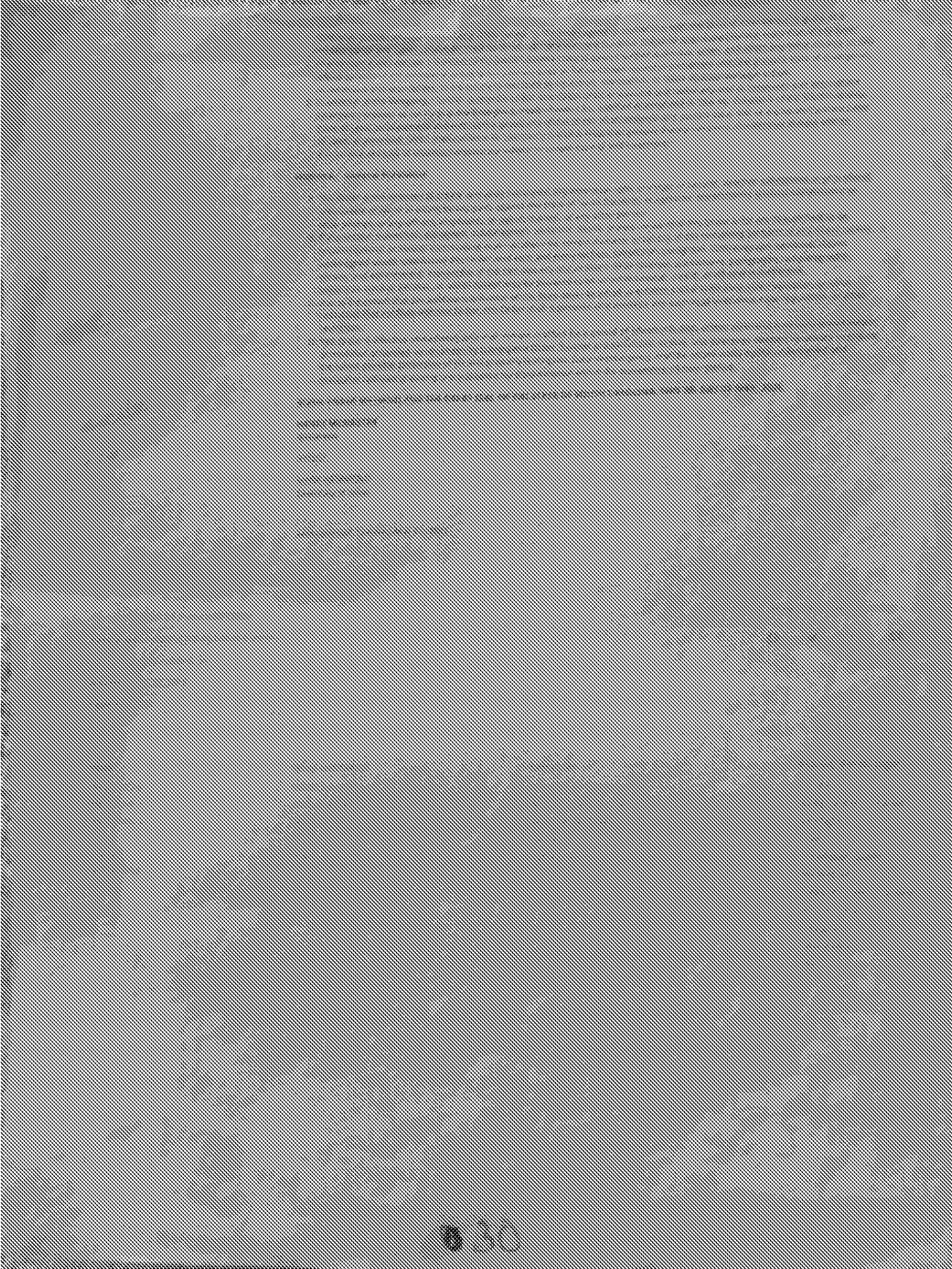
Alan McCreary Wilson, Esquire

William M. Ditch, Jr., Esquire

Bruce A. Richardson, II, Esquire

**FILED**  
**Jul 17 2023**





Conclusion

FILED  
MONTGOMERY COUNTY  
2023 MAR 12 P 3:27  
CLERK OF SUPERIOR COURT  
MONTGOMERY COUNTY, MD

Wherefore, the Defendant respectfully pray that this Honorable Court steady continue this motion and grant all relief that he may be entitled to under the Corporate Release Section 36 of U.S.C. 3582 (a)(1). If a hearing is needed, please Appoint Counsel S.C. Code 3-3-23.

  
Jamie Goss, Defendant

Case 3:23-24

STATE OF SOUTH CAROLINA  
COUNTY OF HENRY

JAMES GOSS, # 39582

Defendant,

vs.

STATE OF SOUTH CAROLINA,

Plaintiff.

IN THE CIRCUIT OF PROBATE AND ORPHAN COURT

Case No. 2023-01-0000

D.O.B. 11/11/61 DOB: \_\_\_\_\_

Presiding Judge Honorable Steven John

Direct Court Judge

**Motion for Compassionate  
Release for Extraordinary  
Reasons**

RECEIVED  
CLERK OF COURT  
HENRY COUNTY  
SOUTH CAROLINA  
AUG 2 2023

Came now Defendant Jamie Goss by \_\_\_\_\_ before this honorable court on a Motion for  
Compassionate Release for Extraordinary Reasons. This motion is written pursuant to 18 U.S.C.  
3162 (1)(A)(ii) and 3.C. Constitution Article 1 Section 15, United States of America v. [Name  
Redacted Defendant] March 4, 2013 2013-035401. This matter comes before Honorable  
Steven John Court Judge of Henry County Motion for Compassionate Release for Extraordinary  
Reasons pursuant to 18 U.S.C. 3162 (1)(A)(ii), in light of the COVID-19 Pandemic, and after the  
following recited, the Defendant respectfully show this Honorable Court the following:

- (1) Due to SC Department of Corrections' congested facilities and all other SCDC facilities  
mismanagement of staff, overcrowded inmate population, lack of clean air and heating supplies
- (2) She wife has a life threatening illness which require her to rely upon respiratory  
heating machines, and she has custody of my two (2) children age 14 and 15.
- (3) Myself is currently in custody of Immigration Detention Filing Department, she is in  
custody of my other two (2) Children age 13 and 16.



State of South Carolina  
County of York  
In The General Sessions Court

Jamie Goss  
Plaintiff

-vs-

State of South Carolina  
and one Sgt. Jeff Askin  
Defendant

Case no. 2023-03

K002194

indicated in 2006 ES

2023735

Filed by Judge  
M. Kelly Cooper

Motion to withdraw finding of  
guilt additional fact findings  
pursuant to S.C. Rules Civ. Proc. 59(c)  
and S.C. Rules Civ. Proc. 52(c) and Humbert  
v. State, 345 S.C. 332, 548 S.E.2d 962 (June 25, 2001)

Come now Defendant Jamie Goss, please, Before  
this Honorable Court on a Motion to alter or amend  
or make additional fact findings pursuant to  
S.C. Rules Civ. Proc. 59(c) and S.C. Rules Civ. Proc. 52(c)  
and Humbert v. State, 345 S.C. 332, 548 S.E.2d 962  
(June 25, 2001), and Mullax v. State, 375 S.C. 407,  
653 S.E.2d 266 (Nov 5, 2007) "Humbert or law and fact?"

The Defendant's Civil Rights being taken this  
Honorable Court the Defendant's

Claims raised to Defendant's  
Motion for compassionate release for Extra-  
ordinary Reasons are as follows:

(1) Due to S.C. Department of Correc-  
tions Highland Facility and on other S.C. DC  
Facilities being short of staff, over crowded  
inmate population, and lack of sufficient  
cleaning supplies.

(2) Defendant's wife has been threatened  
by various S.C. DC Facilities because they own  
a Respiratory Cleaning Machine, and she  
has custody of Defendant's two (2) children  
ages 14 and 15.

(3) Defendant's wife is currently in  
custody of South Carolina Department of  
Corrections, she is in custody of Defendant's  
other two children ages 15 and 16.

The above mentioned claims is supported  
by S.C. Established Law and the U.S. Consti-  
tution and South Carolina Constitution

The State Commission is authorized  
 under the Department of Public Safety  
 Code of "Subject to the" and the  
 Act, Sec 33. Under the  
 of South Carolina Commission.

The Defendant being the Attorney  
 of the Probate Court for the  
 they had full jurisdiction as  
 by South Carolina Rules of Civil Procedure  
 52(a) and 59(c). If this Court  
 amount to 1) Procedural Error 2) Error of  
 Law 3) Question of Law and Fact 4) 10-10-10  
 5) Abuse of Discretion

By not fully indicating the  
 on its merits to full review the  
 incomplete or being ripe for  
 review of a final order would  
 Defendant a right to an appeal as stated  
 in this of this State of South Carolina  
 S.C. Code 17-1-30 and S.C. Code 17-1-30 (year  
 of the case), and S.C. Appellate Court Rule 20, and  
 a fair opportunity to be fully heard S.C. Code  
 6) Defendant should also file to seek  
 leave of Court to amend the motion  
 and also request for this increase

I will sign this document this document  
for my self.

Conclusion

Subsequent to Defendant's Request  
Fully pray that this Honorable Court  
address this motion and that it  
rule on the merits of the case  
and also schedule additional hearings  
because since the filing of the Motion  
for Compassionate Release Defendant  
tested positive for COVID-19, which  
required that he be quarantined and  
admitted to a hospital for medical  
treatment. To expose himself to this  
serious pandemic will present a  
grave indifference analysis. Ford v. United States  
Rev. 1st Cir., 401 F.2d 1000, 1003 (1968)  
Edmo v. Corison, 2015 F.3d 757  
(Aug 23, 2015) 300 Fed Appx 1011, 1013 (10/1/15)

NOTE:

Signature:  
Jamie Goss

Notary Public  
By: [Signature] Subscribed  
Before Me on this day of August 2021.  
My Commission Expires 10-1-25

Court protect his rights and also a  
 few years ago on his behalf  
 concerning the inadvisable and unbecoming  
 policies of the court. Ronald Whitford  
 Sutton represented defendant on the  
 video hearing on the motion Mr. Hazen  
 has a known documented history of  
 professional misconduct and criminal violations  
 that resulted into one (1) suspension the  
 law of case 9th Circuit Court, In Re Hazen  
 355 S.C. 328 and In Re Hazen, 377 S.C. 583,  
 and In Re Hazen, 388 S.C. 583. The  
 fact that he has been reinstated to practice  
 law again here in the State of South  
 Carolina, S.C. CONST. ART. V SEC. 21, after his sus-  
 pension has been lifted there are many ways  
 Mr. Whitford could have been admitted to  
 practice whether he has a LL.M. or J.D. Degree  
 or not, ways such as to name a few (1)  
 non-attorney practitioner in U.S. Court  
 of Appeals for various Courts Rule 76,  
 and limited certificate to practice law  
 S.C. CONST. ART. V SEC. 21 and represent a business in  
 Magistrate Court S.C. CONST. ART. V SEC. 21  
 not questioning his credentials, however, the  
 not allowing him or any other way or im-  
 plying that it is okay.

Attorney of Justice

I Jamie Goss will be under pressure of you may that I am the Respondent in the above Enclosed Matter and I have this day of August 2023 sent a Motion to allow or amend of the additional fact findings pursuant to S.C. Rules of Proc. 57(c), and S.C. Rules of Proc. 57(d), and the Court in State, 345 S.C. 332, a copy of Motion has also been sent to the Respondent and SA [Name] and Attorney of Record [Name] in regard to whom was Court appointed to Represent Respondent. The copies was sent by way of [Method] with sufficient postage attached and paid.

Signature  
[Signature]  
Jamie Goss

August 19, 2023

Money Paid:  
Suzanne [Name] Subscribed  
Before me: [Name]  
This is Day of August 2023  
My Commission Expires: 12-1-20

ATTACHMENT TO MOTION FOR COMPASSIONATE RELEASE

IN THE COURT OF COMMON PLEAS

FOR THE

15th District of Columbia

STATE OF MARYLAND

Case No. \_\_\_\_\_

(write the number of your criminal case)

Jamie Goss

Write your full name here.

DOB: \_\_\_\_\_

SSN: \_\_\_\_\_

PROPOSED RELEASE PLAN

In Support of Motion for Sentence Reduction Under

g.c. code 27-28.4(b)

NOTICE

The public can access electronic court files. Federal Rule of Criminal Procedure 6(e) addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

If you provide information in this document that you believe should not be publicly available, you may request permission from the court to file the document under seal. If the request is granted, the document will be placed in the electronic court files but will not be available to the public.

Do you request that this document be filed under seal?

Yes

No

40

[Signature]

ATTACHMENT TO MOTION FOR PRELIMINARY RELEASE

B. Medical needs

Will you require ongoing medical care if you are released from prison?

Yes

No

Will you have access to health insurance if released?

Yes

No

If yes, provide the name of your insurance company and the last four digits of the policy number. If no, how do you plan to pay for your medical care?

I am considering Medicare

If not, are you willing to apply for government medical services? Medicaid

Yes

No

Do you have copies of your medical records documenting the conditions for which you are seeking release?

Yes

No

If yes, please include them with your motion. If no, where are the records located?

N/A

N/A

RECEIVED  
FEDERAL BUREAU OF INVESTIGATION  
U.S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION  
AUG 13 2023  
FBI

41

(8/23)

ATTACHMENT TO MOTION FOR COMPASSIONATE RELEASE

If yes, please provide address of the anticipated home or facility and the source of funding to pay for it.

\_\_\_\_\_  
\_\_\_\_\_  
MA  
MA

Are the people you are proposing to reside with aware of your medical needs?

Yes  
 No

Do you have other community support that can assist with your medical needs?

Yes  
 No

Provide their names, ages, and relationship to you. If the person is under 18 years old, please use their initials only.

\_\_\_\_\_  
\_\_\_\_\_  
MA  
MA

Will you have transportation to and from your medical appointments?

Yes  
 No

Describe method of transportation:

\_\_\_\_\_  
\_\_\_\_\_  
MA  
MA

FILED  
JUN 03 2023  
CLERK OF SUPERIOR COURT  
SOUTH CAROLINA  
COLUMBIA

ATTACHMENT TO MOTION FOR SENTENCE REDUCTION

In the Court of Common Pleas  
FOR THE  
15th County of Augustus

State of South Carolina

Case No. \_\_\_\_\_  
(write the number of your criminal case)

Jamie Goss 294385  
(write your full name here)

MEDICAL RECORDS AND ADDITIONAL MEDICAL INFORMATION TO  
In Support of Motion for Sentence Reduction Under § 17-3-50 (b)(2)

NOTICE

The public can access electronic court files. Federal Rule of Criminal Procedure 68.1 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, paper files with the court should not consist of individual's full social security number or full birth date; the full name of a person known to be a minor, or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

If you attach documents to this form that you believe should not be publicly available, you may request permission from the court to file those documents under seal. If the request is granted, the documents will be placed in the electronic court file but will not be available to the public.

Do you request that the attachments to this document be filed under seal?

- Yes
- No

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(9/18)

IN THE COURT OF COMMON PLEAS  
FOR THE  
1ST JUDICIAL CIRCUIT OF GEORGIA

STATE OF SOUTH CAROLINA

Case No. \_\_\_\_\_

(write the number of your original

complaint or case file)  
MOTION FOR SENTENCE  
REDUCTION UNDER S.C. Code

Jamie Goss 294385

(7-25-75 (67) 2nd Cir. Code  
(Chapmanville Release) 24-21-715

Write your full name here

(Please print name)

(Plaintiff/Defendant/Prosecutor) DOB: 11/15/1975 (S.C. Code) 24-21-715

NOTICE

The public can access electronic court files. Federal Rule of Criminal Procedure 6(e) addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include only the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Does this motion include a request that any documents attached to this motion be filed under seal? (Documents filed under seal are not available to the public.)

Yes

No

If you answered yes, please list the documents in section IV of this form.

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Have you personally submitted your request for compassionate release to the Warden of the institution where you are incarcerated?

- Yes, I submitted a request for compassionate release to the warden on 5-11-23
- No, I did not submit a request for compassionate release to the warden.

If no, explain why not:

\_\_\_\_\_  
 \_\_\_\_\_

Was your request denied by the Warden?

- Yes, my request was denied by the warden on (date) 7-6-23
- No, I did not receive a response yet.

RECEIVED  
 7-11-23  
 11:00 AM  
 45

### III. GROUNDS FOR RELEASE

Please use the checkboxes below to state the grounds for your request for compassionate release. Please select all grounds that apply to you. You may attach additional sheets if necessary to further describe the reasons supporting your motion. You may also attach any relevant exhibits. Exhibits may include medical records if your request is based on a medical condition, or a statement from a family member or sponsor.

A. Are you 70 years old or older? So. Code 17-25-45(b)

- Yes
- No

If you answered no, go to Section B below. You do not need to fill out Section A.

If you answered yes, you may be eligible for release under So. Code 17-25-45(b). If you meet two additional criteria, please answer the following questions so the Court can determine if you are eligible for release under this section of the statute.

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STATEMENT OF FACTS

(i) Petitioner filed Petition for Habeas Corpus under Extraordinary Circumstances in the jurisdiction of Harry County Court of Common Pleas, Presiding Judge, Honorable Benjamin Culbertson denied aforementioned motion, consequently closed the case. Petitioner appealed, drafting a motion to amend/corrigendum Petition under the provision of S.C. Rules of Civil Procedure 12(b)(1) and S.C. Rules of Civil Procedure 12(b)(2) and *Hammett v. State*, 145 S.C. 433, 54 S.E.2d 867 (June 25, 2001), and *Marlar v. State*, 175 S.C. 487, 11 S.E.2d 246 (June 9, 2001), "Question of Law and Fact", later denied by Honorable William E. Hoff.

(ii) Petitioner has served not less than 15 years from a 27 year sentence less the calculation of credits of good conduct. Petitioner has been incarcerated in various institutions within SCDC. SCDC has a public reputation for not meeting the state's burden of humane treatment, for reports not limited to; short of staff in each department both general, in security and mental health staff. This decade old reputation has been addressed through statutory provision, all through overcrowding.

(iii) Petitioner's mother is hosting a life threatening illness which requires her to rely on respiratory breathing machines, when it also the legal guardian of two of petitioner's children, ages 14 and 16.

(iv) Petitioner's wife is currently in custody of Immigration Detention facility deportation. She has custody of Petitioner's other two children, ages 13 and 16.

(v) Petitioner was incarcerated in SCDC for the 2019 Pandemic of Corona Virus. SCDC did not have protocol in the case of an event, circumstance or situation in managing Covid-19, clearly establishing the unforeseen element of Extraordinary Circumstance.

(vi) Petitioner is petitioning the Court to grant a superannua through bond or undertaking.

(vii) Petitioner is Pro Se and is limited to studies at the institution.

(B) GROUNDS FOR PETITION

Please explain below the basis for your request. If there is additional information regarding any of these issues that you would like the Court to consider but which is confidential, you may include that information on a separate page, attach the page to this motion, and to advise the Court to request that that attachment be sealed.

I've tested Positive for COVID-19, and have been diagnosed with this illness subsequent to my original Positive Pneumonia Complications Report and my status has been found I would have been treated under CDC, however, as a result of being in the US, is not still exposed to the illness since COVID-19, which I've tested Positive for.

FILED  
JUN 02 2023  
CLERK OF COURT  
JAMIE GOSS

IV. ATTACHMENTS AND REQUEST TO SEAL

Please list any documents you are attaching to this motion. A proposed release plan is included as an attachment. You are encouraged but not required to complete the proposed release plan. A cover page for the submission of medical records and additional medical information is also included as an attachment to this motion. Again, you are not required to provide medical records and additional medical information. For each document you are attaching to this motion, state whether you request that it be filed under seal because it includes confidential information. 3.C.Cak 19-25-45(E)(2)(d)

Document	Attached?	Request to seal?
Proposed Release Plan	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Additional medical information	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Request to Prision	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
Request to the Prision	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No



DECLARATION OF PUBLIC POLICY

"It shall be the policy of the State to... Department of Corrections... Department is with a number of... of a public prison system, and with the view of making the system self-sustaining and that some... of the law and... sentenced to a term in the State... shall have... treatment and be given... arrangement and training in the matter of reformation."

When a state imposes imprisonment for crime, it accepts the obligation to provide persons in its custody with a medical care system that meets minimal standards of adequacy.

Covid-19 created a pandemic that was addressed by legislative measures and as to policy or procedure was in effect for each... Supreme Law of the land recognized the natural tendencies of human nature, and powers that be.

Parties seeking to invoke a Force Majeure Clause is most likely to patch all language like "Acts of God" as the most likely language to cover Covid-19. Historically, Courts indeed defined "Acts of God" to encompass sickness. See e.g. *Barler v. Mallon*, 159 N.Y. 428, 17 (1901).

\* In context relative to petitioner, CDC has a statutory obligation to petitioner in regards to his health, safety and livelihood. Force Majeure identifies extraordinary circumstances in statutory language. In application to the matter at hand, Covid-19 has established extraordinary circumstances in regards to... The non-existence of any protocol in regards to... legal a... CDC...

In compliance with E.C. Code, Art. 12 § 2... I have physical damage, chronic... I've been... Fighting dental problems (tooth decay), Post-traumatic stress disorder, sleep apnea, etc.